SENATE—*Monday, July 8, 1991*

The Senate met at 3:30 p.m. and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

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

Let us pray:

Blessed is the nation whose God is the Lord * * *. Psalm 33:12.

God of our fathers, it is not for nothing that the official motto we print on our coins is, "In God We Trust." It was not without reason that George Washington said in his first inaugural address, "* * * It would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the counsels of nations, and whose providential aides can supply every human defect * * *."

God of our fathers, restore to our leadership that living faith. Make Your presence, Your power, Your wisdom felt in this place this week. With less than 5 months—100 working days—left in the 1st session of the 102d Congress, grant that Your servants will find a way to eliminate trivia, avoid legislative gridlock, and finish the session with productivity and achievement in which all may take great satisfaction and pride.

Lead us, Lord, in the way of truth and justice. To the glory of God and the blessing of the Nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 8, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB 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.

SCHEDULE

Mr. MITCHELL. Mr. President, this afternoon, following the time reserved for the two leaders, there will be a period for the transaction of morning business not to extend beyond 4 p.m., during which Senators may speak for up to 5 minutes each.

At 4 p.m., when the Senate resumes consideration of S. 1241, the crime bill, Senator RUDMAN will be recognized to offer an amendment relating to police, on which there will be a 1-hour time limitation. At the conclusion of that hour, Senator BIDEN will be recognized to move to table the Rudman amendment. The vote on Senator BIDEN's motion to table the Rudman amendment will occur at 7 p.m. this evening. Once Senator BIDEN moves to table the Rudman amendment, that amendment will be laid aside and Senator BINGAMAN will be recognized to offer an amendment relating to literacy in State prisons with no time limit on that amendment and with relevant second-degree amendments in order.

Mr. President, I want to repeat what I stated publicly prior to the recent July 4 recess and with respect to which I wrote to every Senator, that is the Senate will now be in session on Tuesday, Wednesday, and Thursday evenings with votes occurring at any time during the evening. There will be votes on Mondays, not prior to 5 p.m., however. That is, stated another way, there will be votes on Mondays after 5 p.m. and there will be votes on Fridays up until 3 p.m. I urge Senators to plan their schedules accordingly.

THE 150TH ANNIVERSARY OF THE SENATE PRESS GALLERY

Mr. MITCHELL. Mr. President, and I say to Members of the Senate, today we mark the 150th anniversary of the U.S. Senate Press Gallery. On July 8, 1841, the Senate voted to establish the first Reporters' Gallery. On that day, the first front row of the gallery immediately above the Presiding Officer's rostrum in the Old Senate Chamber was set aside for the press. Then only 10 small desks were reserved for the reporters from the local Washington papers and for a few letter writers or correspondents from newspapers outside of Washington.

Prior to the establishment of the gallery, the Senate operated without any press gallery. In fact, for its first 5 years, the Senate had no galleries for the press or the public. Press were later admitted to all legislative sessions—first to fend for themselves in the public galleries, then with floor privileges for only handful of reporters from the Washington papers. In 1839, when regional reporters petitioned for the same access as local reporters, Senators rejected these demands. One Senator, John Niles of Connecticut, who was a newspaper publisher himself, referred to the correspondents as "miserable scribblers" who earn "a miserable subsistence from their vile and dirty misrepresentations of the proceeding here."

In 1841, the Senate provided the press with a separate gallery and in 1859, when the Senate moved to this Chamber, the Senate provided the press with a larger Press Gallery, with its own lobby and telegraph facilities. The Senate designated a superintendent to oversee the operations of the Press Gallery, and since 1884 the journalists themselves have elected a Standing Committee of Correspondents to grant accreditation and set other rules governing the gallery.

Today, the Press Gallery has grown to four press galleries to accommodate the needs of the daily press, radio, and television correspondents, periodical press, and news photographers. The Senate Press Gallery today is ably run by Bob Peterson and his staff, and the Standing Committee of Correspondents is headed by Mike Waldman of Newsday.

The Press Galleries are now a permanent fixture of the U.S. Senate. Sometimes members of the media can be seen hanging over the gallery desks trying to get a glimpse of the rollcall tally or attempting to read the lips of Senators telling tales in the well. No matter what the hour or the issue, the press is here to monitor and report to the American people our words and deeds. Our form of democracy could not function without a free press to watch over the legislative and other branches of Government. Therefore, I know I speak for all Senators when I say that we salute all the members of the press and the staff of the Press Galleries on the occasion of the 150th anniversary of the Senate Press Gallery. The bill will be placed on the calendar.

The Senator from Utah [Mr. HATCH] is recognized for 5 minutes.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, for not to extend beyond the hour of 4 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

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

MEASURE READ FOR SECOND TIME—H.R. 1

The ACTING PRESIDENT pro tempore. The clerk will read for the second time from the calendar, under bills and joint resolutions read the first time, H.R. 1.

The legislative clerk read as follows:

A bill (H.R. 1) to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes.

Mr. MITCHELL. Mr. President, I object to further proceedings with respect to the consideration of H.R. 1.

The ACTING PRESIDENT pro tempore. Objection is noted.

INDEPENDENCE OF THE JUDICIARY

Mr. HATCH. Mr. President, special interest groups seeking to impose litmus tests on judicial nominees as a precondition of their confirmation threaten to destroy the independence of the Federal judiciary. The single-minded, rule-or-ruin desire to assure preordained votes on particular issues is an assault on the role of the judiciary as a coequal branch of our tripartite central government. The drive by special interest advocacy groups to achieve short-term political gain by blocking a nominee they believe will disagree with them on a particular issue or set of issues will do long-term—and perhaps permanent—damage to the judiciary as an institution.

The independence of the Federal judiciary is equally important to all Americans. This is not a liberal or conservative issue. Liberals and conservatives should be equally troubled by any threat to judicial independence. Regardless of one's views on affirmative action, church-state relations, the first amendment, or abortion, the Senate should not be party to efforts to diminish the independence of the judiciary for the sake of assuring that particular cases or issues are decided in a manner satisfactory to some or most Members of the Senate.

Americans expect that each Federal judge and each Supreme Court Justice will fairly assess the merits of every case as the judge or Justice sees them.

Americans do not want judges deciding cases based on express or implied commitments to the President, the Senate, or individual Senators. Americans do not want judges deciding cases based on what some special interest advocacy group will think about the decision.

NOMINATION OF CLARENCE THOMAS

Mr. HATCH. Mr. President, I have a great deal of respect for Barbara Reynolds, inquiry editor of USA Today. She is certainly entitled to express whatever views she has on Judge Clarence Thomas—indeed, she has grudgingly urged his confirmation. But I am shocked and dismayed by many of the comments she made regarding Judge Thomas, whom I have known for over 10 years, and about his wife. Her July 5, 1991, column is laced with innuendoes and inappropriate personal attacks. I want to respond to some of them. Judge Thomas is constrained to be silent until his confirmation hearings and cannot readily respond. But I would like to do so on my own, as his friend.

She said that Judge Thomas "strikes me as a man who would get a note from his boss before singing 'we shall overcome.'" Anyone who knows Judge Thomas knows he is very much his own man. He is fiercely independent.

Next, it is claimed that Judge Thomas, while Chairman of the EEOC "spent much of his time stalling age, sex, and racial discrimination cases." In fact, the EEOC, under his chairmanship, brought to the courts an impressive number of those cases, rising from 195 in fiscal year 1983 to a record 599 in fiscal year 1989. A May 17, 1987, editorial of the Washington Post, no shill for Reagan civil rights policies, entitled "The EEOC Is Thriving," praised "the quiet but persistent leadership of Chairman Clarence Thomas * * *."

He did not oppose reverse discrimination. He has asserted that our Nation's civil rights laws should be equally applicable to everyone, regardless of race, color, or creed.

Next, Ms. Reynolds says about Judge Thomas, "if he is influenced by his wife, a white conservative who lobbied against comparable pay for women, he will be antiwomen's issues." Now, Mr. President, let us ponder that one for a moment, because it packs an impressive number of innunendoes into 23 words. Why should we consider whether this particular nominee will be influenced by his wife in his role as Justice? Did anyone ask white male nominees whether they would be influenced by their wives? Is it relevant that his wife is "white" or that she is a conservative? Does it matter that she lobbied against so-called comparable worth, a so-called theory of pay discrimination that has been thoroughly discredited by economists and virtually all courts considering it? Opposing comparable worth is not antiwomen; it is common sense. Congress has declined to enact legislation calling for a comparable worth study of the Federal work force in three consecutive Congresses. Why would anyone drag Mrs. Thomas into this? And, incidentally, as chairman of the EEOC, Judge Thomas had concluded all on his own that comparable worth is not a cognizable discrimination theory under title VII of the 1964 Civil Rights Act.

Finally, in endorsing his nomination, Ms. Reynolds says, "* * * if Hugo Black, who once was a member of the KKK could become a distinguished liberal justice, there is hope that a Negro can turn black. Maybe Thomas, who would have lifetime employment as a Justice, could find his soul."

Mr. President, this is ugly business. If I had not read it with my own eyes, I would not have believed she could say that about Clarence Thomas. This vile slur suggests that if a black American does not think like the traditional civil rights leadership, he or she is not really black. This is political correctness at its worst.

What really bothers some people about this nomination is that it highlights highly respectable views held by some black Americans who do not march in lockstep with what is usually called the traditional civil rights leadership. Mr. President, regardless of whether one is sympathetic to the views of Judge Thomas and other black Americans who agree with him, this kind of ad hominem, anti-intellectual attack diminishes the debate. This kind of effort to enforce political correctness is grossly unfair.

I hope the debate over this nomination does not continue to sink to this level.

Mr. President, I have known Clarence Thomas now for around 10 years. I have to tell you he is a very intelligent person. He is a masterful human being. He is fiercely independent. He has worked his way up the hard way. He came from abject poverty. He knows the sting of discrimination. He knows what it is like to go to segregated schools. He has been through all of that, but he happens to be a little different in philosophy from those who are on the far left. By the way, he happens to be a little different from those who are on the far right, too.

He is not an extremist. He is somebody who I expect to be a centrist on the Court, and I think we will all be proud of him, regardless of our race, our creed, our sex, or our national origin. He is the type of person that I think the best aspects of America produce.

Clarence Thomas is a fine fellow. He is a very, very bright man. He has done a very good job in all three branches of Government and in State government as well. He has had a wide variety of experience for his 43 years. I think we ought to be very proud that somebody could come from the poverty, lack of opportunity, and the deprivation he has, to now be nominated by the President of the United States to the Supreme Court of the United States of America. I know that he will serve well.

I would prefer that we keep the debate on higher levels because I really believe, yes, you can criticize Clarence Thomas for one view or another. But, overall, you are going to find a very fine man here who will be a terrific Justice on the Supreme Court.

Mr. President, I look forward to the confirmation proceedings, and I hope that they go well for Judge Thomas. He is a worthy nominee.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Idaho [Mr. CRAIG].

NOMINATION OF CLARENCE THOMAS

Mr. CRAIG. Mr. President, let me associate myself with the remarks of my colleague from Utah as they relate to the nomination of Judge Thomas to the U.S. Supreme Court. I am going to watch this man with great fascination over the course of the next several months as the issues that will build around him begin to take root.

I hope that we can vacate the processes that have begun to appear in this body when we would choose to play what I call item politics with the appointment of an individual when we should be looking at his or her scholarship that they will bring to the judicial arm of our Government, as has been historically the case with the Senate, and so I welcome the remarks of my colleague from Utah and wish to associate myself with them.

THE CRIME BILL

Mr. CRAIG. Mr. President, I would like to begin again to discuss, as we will now for the balance of several days of this week, S. 1241, or the crime bill that we concluded with prior to the July 4 recess.

Some of my colleagues have suggested on this floor that any crime bill is better than no crime bill at all.

Our President has spoken loudly in behalf of the need for adjustments in the criminal justice code of this country—that amendments were clearly necessary—and set forth early this year with the proposal and has since that time correctly on occasion jabbed us appropriately on the backside for failing to respond in a timely fashion as we began in the weeks prior to the July 4 recess.

So let me for a short time bring up to date what we have done. We have passed habeas corpus reforms that will make sure justice is done once a criminal is in jail. However, we failed to pass exclusionary rule reforms to help the police and the courts put criminals in jail.

Mr. President, we passed tough criminal penalties that will help deter gun-related crimes. However, we have created a whole new range of victimless paperwork violations to burden law-abiding gun owners and distract law enforcement officials from the real business of fighting crime.

We have passed capital punishment reforms to strike at big-business drug operators and murderers in the District of Columbia. However, we have created new obstacles to make it harder for law-abiding citizens to obtain firearms to protect themselves, their families, and their property.

I do not agree at all times with our President, but I watched as this administration presented to the Congress his version of an anticrime package that was carefully crafted with targeted reforms designed to help—not to hinder—law enforcement. I would suggest to you that is not what the Senate is about at this moment.

We will be taking up additional amendments starting this afternoon, but none will touch the items that I have already mentioned. That would lead me to wonder, as I think the public should wonder at this moment, how much poison are we expected to swallow, Mr. President, in order that we obtain for our public a few drops of the medicine, the reform that is necessary? I believe that is the question at this time.

I yield the remainder of my time.

MAUREEN ORTH IN VANITY FAIR

Mr. MOYNIHAN. Mr. President, sometimes a Yankee can find out more than a British subject. As proof, I cite Maureen Orth's absorbing piece about a recent Prime Minister in this month's issue of Vanity Fair. Fleet Street could do no better; indeed, not half so well. The former Queen's first minister reveals things in this piece that all of my colleagues will benefit from reading.

Mr. President, I ask that the text of Maureen Orth's insightful article be entered in the RECORD.

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

MAGGIE'S BIG PROBLEM

For Margaret Thatcher, it was a throwback to the glory days. Here she was in the White House private quarters, reveling in a lavish dinner party in her honor, basking in the golden glow of twenty-four-inch tapers, gazing out over the perfect pink and fuchsia roses floating in crystal bowls, the centerpieces on six tables for ten. Only hours earlier, in the East Room of the White House, George Bush had awarded her the Presidential Medal of Freedom, America's highest civilian honor. He had praised "the greengrocer's daughter who shaped a nation to her will," and concluded, "Prime Minister, there will always be an England, but there can never be another Margaret Thatcher." She had raced from the exquisite high up to "the Queen's Bedroom" to change into a long black pleated skirt and brilliant red-and-black brocade jacket for cocktails. And now America's most powerful leaders were getting up to pay her homage. It was as if the colonies had not yet heard the news of her unceremonious sacking as prime minister last November by the members of her own Conservative Party. Barbara Bush rose to toast the new baronet, Sir Denis Thatcher. "They broke the mold when they made you, Denis. . . . As the Spouse of a powerful leader, you do it better than anyone."

Sir Denis graciously thanked his hosts and quoted Mark Antony "upon entering Cleopatra's bedroom: I did not come here to talk."

The evening was, quite simply, divine. Former secretary of state George Shultz gave the former prime minister advice on agents for her memoirs; she confessed to being overwhelmed "by my paper." Her entrepreneurial and controversial son, Mark, let it be known to that other feisty entrepreneur seated next to him, the flame-haired Georgette Mosbacher, that he had made millions in the home-burglar-alarm business. Mark's blonde Texas wife, Diane, startled some with what appeared to be a try at a British accent. But no matter. Margaret Thatcher was in the inner sanctum of power, surrounded by old chums from summits and Star Wars, there only to administer her massive doses of adulation. Naturally, the lady who had ruled Britain for the last eleven and a half years gave as good as she got, extolling America as "a can-do, will-do society," and she heaped praise upon early Americans as model social Darwinists for freedom: "self-selected . . . there were no subsidies here."

Then suddenly the spell was broken. One of the heroes of the day, Secretary of Defense Dick Cheney, the unflappable hand that urged boldness in launching and guiding Desert Storm, actually uttered the unspoken name: John Major. It was inadvertent yet totally appropriate to invoke the leader of our greatest Gulf ally, but how could he? So what if the new prime minister was Mrs. Thatcher's handpicked choice? She gave no indication of distress, of course, but that mention jolted more than few to focus on the ghastly fate that had befallen her only a few months before. Remarked one guest, "It was as if he had spilled something dirty on the tablecloth."

Even when life was beautiful now it was cruel. Exceedingly so. As usual, Mrs. Thatcher's son, Mark, was part of the problem. Now, while acting as her personal manager as she planned a new career in international relations, he was facing a fire storm of criticism from her friends and former advisers that would erupt before long in a *Sunday Times* of London headline: "MARK IS WRECKING YOUR LIFE."

To add insult to injury, while Margaret Thatcher was polishing off her chocolate mint souffle with President Bush, and peering across the roses to British golfer Nick Faldo, and even at the very moment when the president was saying that "she defined the essence of the United Kingdom," one of the safest Conservative seats in Britain—Ribble Valley—was going down to defeat in a striking by-election upset. And it was all being blamed on Margaret Thatcher and her legacy, the hated poll tax.

Let the longest-serving British prime minister in this century eat cake in America. At home Margaret Thatcher was eating crow.

"The pattern of my life was fractured," Mrs. Thatcher said the next day in the residence of the British ambassador, referring to her surprise resignation and removal from office. Dressed in a crisp, spring suit and her ubiquitous pearls, she plumped all the pillows on the sofa in the decorous drawing room, then sat down and balanced a porcelain teacup in the palm of her graceful hand. She chose her words carefully: "It's like throwing a pane of glass with a complicated map upon it on the floor," she said, "and all habits and thoughts and actions that went with it and the staff that went with it. . . . You threw it on the floor and it shattered." And the pieces? Margaret Thatcher's eyes blazed. "You couldn't pick up those pieces."

As though the answer to what had happened might be found amid the debris, Thatcher began to recite her daily and seasonal rhythms as prime minister. Mondays, "we went down to the House of Commons for preparations for questions at two o'clock," she said. "Questions at the House were on Tuesdays and Thursday, so on Mondays and Wednesdays we saw foreign statesmen. There were a certain number of overseas events—the economic summit, two European councils. All of this structure happened; you geared your clothes buying to external visits and your conferences. You geared your hair to when you were in the House etc., and then you had a certain amount of entertaining. In June there was the Trooping of the Color, a whole range of engagements throughout the year which became the pattern of my life." All gone after nearly twelve years, on ninety-six hours' notice. She paused. "Sometimes I say, "Which day is it?" I never said that at NO. 10."

"She is like a great athlete suddenly confined to a wheelchair," says Christine Wall, the Conservative Party press officer who was on loan to Mrs. Thatcher for her U.S. trip.

"She wants worrisome problems, she wants to make decisions, she wants to tell you what to do and to save you from yourself," says another insider. "Now she answers her own phone sometimes. What a comedown that is—like Napoleon having to saddle his own horse."

"In a sense she hasn't come to yet from the concussion—everything was so brutal and sudden," adds Sir Peregrine Worsthorne, a Thatcher loyalist who edits the right-wing Sunday Telegraph editorial page. "She's pretty shell-shocked still. The Iron Lady has a very emotional side. People underestimated the extent to which she was shattered by this." The day after Mrs. Thatcher lost a Conservative Party leadership battle and decided to resign in the interest of party unity, Worsthorne got a call from Thatcher's press secretary, Bernard Ingham: "The prime minister would like to say good-bye." Arriving at 10 Downing Street, Worsthorne was stunned by what he found. "I went round thinking there'd be a long queue of people waiting to say farewell. I found myself alone. I expected to stay fifteen minutes, which would be quite normal. After an hour, I ran out of conversation. She was very short of people." On the way out Worsthorne ran into Thatcher's journalist daughter, Carol. "She had a basket on her arm from the supermarket, 'bringing Mummy's supplies' of cold chicken or something for dinner. It was very disorienting."

The day before, Thatcher had made her astounding farewell speech in the House of Commons, which even those who consider her a dire enemy regarded as an extraordinary display of political bravura. "She had had that high and had gone off of that," says Worsthorne. "She had time on her hands. Voila. The lassitude of impotence had begun."

Tory Party leadership transitions are known to be less than genteel, but this ouster seemed a classic illustration of the axiom that she who lives by the sword shall die by it. Here was a prime minister known for her prodigious recall, who routinely exhausted her aides with her energy, who every night, no matter the hour, relished "doing her boxes"—locked red boxes filled with confidential papers from every ministry delivered by dispatch riders who would roar through town to deposit them on her doorstep at 10 Downing Street. Here was a phenomenal woman who was devoid of hobbies or interests off the world stage, who once said that taking vacations tends to cause colds. "She wanted us to be like the Japanese," grumbles one political observer. Here was a leader who, by hijacking the Conservative Party and bending it to her will, had bestowed upon England "Thatcherism." And if you were not with her in the dismantling of the welfare state and the charge toward privatization, you were mushy, a "wet." Anyone who couldn't keep up or who displeased her was ruthlessly sacrificed. "In the United States, she has this reputation as a chaste, saintly figure," says Andrew Stephen, Washington bureau chief of the London *Observer*. "In fact she's knifed every Cabinet minister she's every had in the back. That's how she survived eleven years."

One of her favorite instruments of torture was Ingham, her powerful press secretary, who would leak to the reporters on the Parliament "Lobby" that certain unsuspecting ministers were in trouble. This penchant for denigration earned him the sobriquet "the Yorkshire Rasputin" from one of the ministers, John Biffen. Biffen, himself later axed, would add, "He was the sewer, rather than the sewage."

But now it was Mrs. Thatcher who was instantaneously, irrevocably out. "She thought she was unassailable," says Thatcherite columnist Frank Johnson. "It was hubris. She was brought down by the fault of her virtues—her enormous bravery in battling the most powerful opponent of all, the European Community."

Others take a less charitable view: "She'd become slightly potty by the end and lost touch with reality," says one observer. Thatcher's opposition to a united Europe, and the poll tax—the hated straight levy per head that replaced property taxes to finance local government—certainly helped make her hugely unpopular; in April 1990 her approval rating was 23 percent, the lowest for a prime minister in memory. By November she was stuck at just 26 percent. Many in her own Tory Party were, as Mrs. Thatcher puts it, "running scared," convinced she would cause them to lose the next election. When the votes were counted in a challenge to her leadership of the party by her ex-defense minister Michael Heseltine, she had a clear majority. But under the convoluted Tory leadership formula, she would have had to submit to a second ballot. Rather than do so she stepped down.

"I have never been defeated" by the people, she said no fewer than five times during our interview. "I've never been defeated in an election. I have never been defeated in a vote of confidence in the Parliament, so I don't know what that would be like." This last was spoken as if she were flicking an imaginary crumb off her bodice. Moreover, Margaret Thatcher refuses to concede that the poll tax was even an error, and declares that she would have won a fourth election had The People decided. "We had gone through difficult times before. You don't run scared about by-elections midterm."

"So if the people had judged your overall record you would have won?"

"Yes. That's right. But had I gone on we would have had a fairly open split party, and it would not have been easy to get some things done."

"I'd still be there if I had my choice," she said at another point. "I did not have my choice, so I decided to do the best thing for my party for the future. . . . And I knew I'd still have a good bit of influence."

But what about the unceremonious way she was pushed out, forced to pack up and vacate No. 10 as well as Chequers, the prime minister's weekend retreat, on just four days' notice?

"I will suggest that no future prime minister has to do that, because prime ministers have a dignity as ex-prime ministers by virtue of their prime-ministerial office," she intoned with Monty Pythonish zeal.

Still, there was little humor in her predicament. For months after leaving office, Mrs. Thatcher seemed uncharacteristically frozen in indecision. Her friends tried to cheer her up with a luncheon at David Frost's, a weekend at the grand manor house of trade-and-industry minister Lord Hesketh, a party at millionaire novelist Jeffrey Archer's with a cake baked in the shape of the Order of Merit. Even John Major was said to be concerned; when he came to Washington for talks with President Bush before the Gulf War began, he told her American friends, "Be sure to look up Maggie—she's down." Those who made the trip found her worried about money: somehow Denis's comfortable retirement and her son's reputed millions weren't going to be enough. Had the leader who had slashed benefits throughout her three terms become too dependent on the perquisites of the state? By American standards, ex-prime ministers don't get much: an annual pension of roughly $45,000. As long as Thatcher kept her seat in the House of Commons, she was also entitled to her M.P.'s salary of $37,000, one constituency secretary, a small basement office, and a $19,000 cost-of-living allowance. Then, just before Easter, acting on complaints about her financial straits, John Major delivered a golden egg to the woman the London *Times* had dubbed "the high priestess of self-help"—an additional $53,000 a year to all ex-prime ministers, effective immediately. "It's very welcome and I'm extremely grateful" was Mrs. Thatcher's comment.

Yet the thing she wanted most they couldn't give her—her power back. Sir Charles Powell, the foreign-affairs private secretary, continued to brief her twice a week until he left government last March. But, after that, one of the best-informed creatures in the universe was reduced to calling government agencies for reports "the moment they are available to the press."

And no wonder she was so distraught about the whole mess. First, there were 65,000 letters to answer—65,000 that poured in from all over the world in the weeks after her resignation. But she had no real staff, only a borrowed office and a few volunteers who showed up to answer the phone. Then there were her living arrangements—her Georgian manse manqué, on a golf course behind an iron gate in the village of Dulwich, about a half-hour southeast of central London in light traffic, was too far away. She had to find a more convenient pied-à-terre. (Henry Ford II's widow solved this problem, lending her an apartment in Eaton Square.) Invitations to speak poured in, but who could sort through them? How much should she charge? Literary agents were desperate to deliver bids worth millions for a quick kiss-and-tell. Could she sell them on her notion of a serious historical examination of her era? How should she position herself? If she were to comment on current affairs, would it look as though she were meddling in John Major's government? How would she raise the money to maintain herself as a world stateswoman? Should she take a job? Now that she was out, would she still suffer the indignity of having Denis's business affairs questioned and investigated by the press? Since he was now a baronet, might she care to be known as Lady

Thatcher? Or should she give up her seat in the Commons, move on to the House of Lords, and take the title of Countess of Grantham, the little town in north-central England where she grew up? How would she stay in touch? Where should she go for lunch? Who'd do the shopping? Who was in charge here? Oh, could Maggie tell them, could she?

As it happened, she could. Mrs. Thatcher announced at length that she wanted to create "the Thatcher Foundation," devoted to education and research with a focus on "freedom" and Eastern Europe. Characteristically, she would prefer creating her own project to taking a post. The United Nations, mentioned in the press as a possibility, was out of the question: "My views are far too strongly held for that. Her Methodist roots would make her abhor sulking and wasting time in self-pity, but they would also act as a brake on "the commercialization of statecraft." "We're very mindful of Reagan's bitter Japanese experience," says Christine Wall of the scandal the former president created when it was discovered he and Nancy had accepted $2 million from a Japanese media company for appearances there.

The next step was to assemble her legions of powerful friends to help launch her again. The powerful friends eagerly offered their help and then waited. And waited.

"She could have put together a blue-ribbon panel of British businesspeople who would have helped her organize her office, get a staff, and get it all done," says Charles Price, former U.S. ambassador to the United Kingdom. "There were plenty of dynamic people around to help." Not only did Thatcher not accept her wealthy friends' offers of contacts and staff, she never got back to them. Several suspect they know the reason. "She has put all her affairs in the hands of her son, Mark Thatcher," says a British tycoon, "and a lot of people don't like Mark Thatcher; he's very stubborn and thinks he knows everything. We know he's wrong, but who the hell is going to mix in? Everyone is scared to death to confront her about it."

"Some people have tried to do so," according to Price, "first questioning the wisdom of a foundation and then of having family members involved. It kind of goes into thin air."

"If she fades out, his stature diminishes, and he has no sensitivity professionally or personally," says a former aide. "Nobody advising her day-to-day has the expertise to help her—it's an enormous waste. She needs a manager very badly." It never occurred to anyone, for example, to computerize the 65,000 names from the letters of condolence as a mailing list of potential donors for the Thatcher Foundation.

One story making the rounds in London recently was that Mark Thatcher enjoys referring to President Bush as "George." But all his adult life he has given those who know him the impression he is very much in a hurry to make it big and more than willing to trade off his mother's name to do so. "He's for use," says a powerful member of the Texas establishment. "The word is, if you want to use him you can use him." Mark himself once said, "I suppose I was the slowest learner in the family, the last to realize that because of Mum's success everyone would have their eyes that much closer on me, their expectations that much higher." Today if you want to get to Mrs. Thatcher, one way or the other you must go through Mark. He is her adored child, the light of her life. But to most of those outside the family who are close to Mrs. Thatcher, he is known as "that dreadful son."

"The son is a fly in the ointment," agrees famed literary agent Irving Lazar. Lazar said he offered to advise Mrs. Thatcher on her memoirs "even if I wasn't the agent," but never got to meet her. "The son thinks he can be the agent," Lazar says. "He's decided he knows all about publishing, and he's an amateur. He overestimates the value of the book, and what's worse, when he had the chance to strike he didn't."

After a dose of arrogance and delaying tactics, a number of U.S. publishers are already cooling to the book. A group of prominent agents were invited to London to meet Mrs. Thatcher, but were told that in order to qualify they would first have to fill out an elaborate questionnaire regarding their qualifications. Then, just before they were due to leave, the trip was abruptly canceled.

"We are not dashing into the memoirs," says Mrs. Thatcher briskly. "We're making quite certain the memoirs will be a vigorous intellectual historical record of what we did and what happened."

"What she doesn't realize," counters Lazar, "is that there's a hot moment when you can get a lot of money. When publishers have time to reflect that Americans don't understand the basic system of politics in Britain, she won't get as much. She turned Britain around and made it far more influential in the world. She won the hearts of the world. But what's happening now is that a lot of her glamour is being dissipated."

Apparently, the foundation is not much farther along than the memoirs. It must not be viewed as any sort of clearinghouse for her political ideas, lest the British Charity Commission, which is very strict in these matters, rule against giving it tax-exempt status. Nonetheless, the foundation has already hit a snag in England with those who worry that raising money for it would siphon off funds from the coffers of the Conservative Party just when it will need them to mount another election campaign. On the American side Charles Price raises the same questions, saying Mrs. Thatcher's foundation will be direct competition with "a number of think tanks."

"We've got to raise in excess of $20 million," says Lord McAlpine, the head of the board of trustees, who dismisses such doubts. "I was treasurer of the Conservative Party for sixteen years. The last thing I want to do is anything that will harm the party's chances." Mark Thatcher has told rich Texans he hopes to raise "$20 million a year for the next five years" for the foundation, although no one can recall being asked to make a donation.

While she waits for her new life to take shape, Mrs. Thatcher, who has avoided the back benches of the House of Commons, still makes her regular rounds in Finchley, the modest district north of London filled with the elderly, people she has known and represented since 1959, a safe haven that will not be easy to give up if she moves on to the House of Lords as expected. Her small staff in Finchley tries vainly to keep her schedule full. "If she has a program of three things to do for the day, she's noticeably looking for other things to do," says her Finchley representative, Mike Love. "The one lesson you learn in writing a program for her is that you *never* put on it 'free time' or the word 'rest.'"

Mrs. Thatcher admits that several months is not enough time to rebuild a life, but in true Thatcherite fashion she is gamely making the attempt: "You have to create a new pane of glass—we are building up new habits." One of those habits—and the best way to keep the glamour alive, of course—is to travel to the United States, where the money and adulation that are so lacking at home are plentiful. America and Maggie Thatcher is the story of milk and honey meeting iron and silk. Certainly at the $2,500-a-plate March of the Glittering Mummies that was Ronald Reagan's eightieth-birthday party in Beverly Hills last February, Mrs. Thatcher was the superstar—even when it was difficult to see who came through the metal detector first, Ricardo Montalban or Cesar Romero, Phyllis or Barry Diller, Dinah Shore or Ed Meese, Rupert Murdoch or Eva Gabor, and, dead last, Elizabeth Taylor, all cleavage and curls with her latest thirtyish escort in tow. Not to mention Thatcher's holding hands with Nancy Reagan herself, the photo ops with Merv Griffin and Dan Quayle, listening to Liza Minnelli sing "New York, New York" to a bunch of people who despise New York, and watching Ronald Reagan lean over to blow out his candles and get frosting smeared all over his tux—well, it certainly beat getting slagged off by Neil Kinnock. And Mrs. Thatcher, sparkling in gold brocade and black velvet, did get the longest standing ovation of the night. That ought to be worth something in future donations to the Thatcher Foundation.

But the next morning the world, and her diminished status in it, intruded rudely. What was supposed to have been a carefree breakfast with the vice president in Century City became a full-scale news conference when word arrived that terrorists had fired three mortar rounds at the British Cabinet meeting being held at 10 Downing Street. Mrs. Thatcher, dressed in a navy suit with brass buttons that looked like a military uniform, was ready with a statement, handwritten on a scrap of paper. She then found herself in the ludicrously unnatural position of ceding control of the event to Dan Quayle and watching him grope with reporters' questions. There were moments when she actually rocked up on her toes, clenched her fists, and bit her lip as if to silence herself. Finally, a question that implied British and American imperialism was the cause of anti-American sentiment in the Gulf pushed her over the edge. When she was next asked to give her views, she blasted, "I think all comment should be directed to criticism of Saddam Hussein, who started a brutal war on the second of August and has been prosecuting it ever since." She glared at the offending reporter. "Criticism should be directed towards him, not those who are standing against aggression."

Once again, she had flattened the opposition. Is that why Americans love her so? Is that why, on Capitol Hill, when tourists see her they break into spontaneous applause? "I don't know, but I'm eternally grateful they do," she says. It certainly didn't hurt that she was always so breathtakingly well informed, the cerebral half of the heralded Thatcher-Reagan alliance. Reagan might be able to get away with watching The Sound of Music on TV the night before an economic summit instead of reading his briefing book, but Mrs. Thatcher never could nor would.

Margaret Thatcher's relationship with Ronald Reagan was a cornerstone of eighties geopolitics and a great comfort to them both. Today, out of power, both are symbols of the ear of brash acquisitiveness, yet Americans sensed in her the toughness and command of facts that the Gipper was often seen to lack. If Ronald Reagan acted on political instinct, Margaret Thatcher was able to provide the intellectual rationale. "We

shared the same views and were fighting to get them accepted," she says. "Don't forget, we had to fight to get them accepted."

"Reagan was particularly appreciative of having Thatcher in his corner during his early ventures onto the world stage, when his inner confidence may not quite have matched his fortress of convictions," writes Lou Cannon in his definitive new political biography, *President Reagan: The Role of a Lifetime*. "She was quite good at reinforcing him when he needed it, and made a point of giving him credit for something he hadn't said," agrees former national-security adviser Robert McFarlane. "She was truly conscious of his limitations, but she adored his constancy—they both understood the power that derives from constancy." Margaret Thatcher was also masterful at having her way with the President. "I wouldn't say she exploited him," says McFarlane, "but she knew how to play upon his lack of knowledge and is chivalrous nature. To be in a room with her really *stirrrrrs* you," McFarlane adds. "She is a performer, an overwhelming presence. I couldn't be around her without just feeling . . . passion is the wrong word, I guess. She could move men and she knew it. Oh yes!"

Denis Thatcher had a more succinct explanation: "With Ronald Reagan," he told an American friend, "it takes a while for the penny to drop." Yet even when they knew they were being had, the Yanks couldn't seem to get enough of her. Both Charles Price and Robert McFarlane remember the Christmastime visit in 1983 when Margaret Thatcher was flying to Washington from the Far East. After landing at Hickam Air Force Base near Pearl Harbor in the middle of the night, she announced she wanted to visit the battle site. Of course, said the meet-and-greets, they'd get her a car. "That won't be necessary she replied, fishing a flashlight out of her purse and setting off on foot.

Hours later, at Camp David, she had Star Wars on her mind. "Her real purpose was to rein Reagan in before he did serious damage to the alliance—the Europeans were very alarmed by S.D.I.," says McFarlane. "She and two aides sat across the table from the whole array of the top people in the administration," says Price. "'Look here Ron,' she said. 'I think we may face considerable turmoil in the alliance. . . . I think you should make a statement today.'" Mrs. Thatcher dived into her handbag once again. "I brought one." With minor tinkerings, says McFarlane, this was the communiqué that was issued shortly afterward.

She and George Bush were old friends by the time, years later, the president presented Margaret Thatcher with "the Handbag Award" Thatcher with "the Handbag Award" at a State Department lunch. There is no doubt she always wanted Bush to go all the way. Richard Fisher, a Dallas investment banker who befriended Denis and Mark Thatcher in the mid-1980s and had been for a time an aide to Treasury Secretary Michael Blumenthal in the Carter administration, has several private lunches and dinners with the prime minister during that election cycle. She once delivered to him a blistering lecture on the importance of loyalty. "You cannot succeed in politics unless you are loyal to those who got you there," he remembers her saying. "This is George's greatest attribute—he has been loyal to Ron." She had sized up Dukakis quickly. "This Dukakis fellow is a lightweight, an absolute lightweight," she said, "a lightweight with delusions of grandeur. This is a dangerous combination."

A few months later when Fisher saw her again, on the eve of the Republican convention, Margaret Thatcher was most concerned about whom George Bush would choose as running mate. "I would like to see him pick Colin Powell," Mrs. Thatcher said of the general who had yet to become chairman of the Joint Chiefs. "It would be a bold and high risk. I wish George would do something of this nature and just say, 'Right, I'll make it work.'"

But by the time George Bush assumed office in January of 1989, Margaret Thatcher had, in the words of a senior American official present at the meetings between the two, "lost the ability to listen." She lectured Deputy Secretary of State Lawrence Eagleburger for twenty minutes at a time "and didn't even seem to hear his answers." At a meeting in Colorado in 1989, when Bush tried to engage her in a political bull session, she answered him "as if she were turning on a cassette tape." She was asked to try to relax and she did somewhat, eventually, but by then the Americans, while ever respecting her intellect, generally considered her "difficult and imperial." ("She always talks too much when she's nervous," explains a friend.) Nevertheless, Margaret Thatcher is widely viewed to have bolstered George Bush's resolve to send troops to the Gulf, since the two of them happened to be in Aspen together when Saddam Hussein invaded Kuwait, and she was also in the Oval Office when Cheney called to tell the president that King Fahd would allow American troops on Saudi Arabian soil.

At the Medal of Freedom ceremony, Bush himself alluded to Thatcher's help on that score and her lack of self-doubt. He remembered telephoning her early on in the Gulf crisis to say that he was planning to allow a single Iraqi vessel through the naval blockade the allies had imposed. She "agreed with the decision, but then added these words of caution—words that guided me through the Gulf crisis. Words I'll never forget as long as I'm alive," said the president. "'Remember, George,' she said, 'this is no time to go wobbly.'"

When she herself was thrown off-balance, Margaret Thatcher turned to the person she has always trusted most in the world, her husband. After the first unsuccessful vote for party leadership was taken last November, Mrs. Thatcher, in Paris for a summit on European security, said she would run on the second ballot. Once home, however, she discussed her plight with Denis. "He said he thought it would be better if I did not stand again," she says. "It relieved my mind in a way because that was the decision I came to." Actually, says a friend, Denis had told him two years earlier that "he'd had it—the best thing about being prime minister was going to Chequers."

"If you want any help, you ask for it at home. If you've got any problems, you take them home. That's what family life is about." Mrs. Thatcher sat up straight and stressed every consonant. "It is the home always to be there—always certain that you can find there, no matter what happens, affection and loyalty. . . . Home is where you come to when you have nothing better to do.

"Denis is absolutely marvelous," she went on. "We are a very close-knit family." In addition to the Thatchers' thirty-seven-year-old twins, Mark and Carol, there's Mark's congenial wife, Diane—a former Kappa Kappa Gamma at Southern Methodist University and the daughter of a car dealer—and their two-year-old son. Carol, a freelance writer and, friends say, the one with the sense of humor, has stayed in the background, while her mother has put Mark in charge of everything and found solace with the affable Sir Denis. Now seventy-six, he is "the mainstay of my life," says Mrs. Thatcher, and, according to Lord Hesketh, "the bedrock on which the whole cathedral sits."

"She is this extraordinary combination of world-historic figure and common-garden housewife," says her former staffer and *National Review* editor John O'Sullivan. "She could change in a second flat from being Queen Victoria, Queen Elizabeth, Attila the Hun, or Genghis Khan to being a 1950s wife," agrees one of her former ministers. Three years ago after the Trooping of the Color on the Queen's birthday, Richard Fisher remembers, he went to the private quarters at No. 10 to find "Margaret Thatcher down on her hands and knees packing her own bag, and there's Denis mixing a salad with his hands in the pantry." Lord McAlpine says, "The dynamic of their relationship is simple: it's just love, true affection, romance—they love each other. He's enormously protective of her."

When asked to speak in personal terms about Denis, however, Mrs. Thatcher fielded the question with English reserve. "Denis is on several boards, which he is extremely conscientious about—all the board papers are thoroughly analyzed before he ever goes to board meetings. He's run the family business. He knows what it's like when you are committing your own money. . . . He's a crack accountant and he also always has been mad keen on certain sports and living up to certain standards in those sports." Golf, she said, which Sir Denis plays with left-handed women's clubs, is his favorite. "He's very, very pro golf," she said in her best instructional tone, "because when it comes to playing professional golf, the standards of the golf are some of the highest standards in sports. There are *no* histrionics."

Denis has been celebrated in British pop culture through the play *Anyone for Denis?*, in which he is "mad keen" on golf chiefly for the libations of the nineteenth hole, and in the hilarious "Dear Bill" letters in *Private Eye*, in which an old buffer never far from gin meltdown partakes in and reports on a daffy right-wing world.

In fact, such a cover of buffoonery serves him well. Denis Thatcher is far right in his views—he has always been an avid advocate of trade with South Africa and has called the BBC "a viper's nest" of "outrageous bloody pinkos." (A female dinner partner remembers him referring to Indians as "Wogs.") "He played the fall man and he was ridiculed," says Fisher. "That was fine—that was his role." But during his wife's tenure, Denis, like his son, also had the propriety of several of his business dealings questioned.

For many years Denis was a consultant for a building group called I.D.C.—he spent six to seven days a month working for the group, which is involved in civil engineering. His most controversial intervention on the firm's behalf came to light when his letter to the government's secretary of state for Wales—about delays in building permits on an I.D.C. project—was published in the British press in 1981. The message from Denis Thatcher, on 10 Downing Street notepaper, prompted the secretary to scrawl to his staff in the margin. "The explanation had better be good and quick."

Also in 1981, Denis and Mark Thatcher got embroiled in a controversial building contract in Oman, Mrs. Thatcher was making an official visit there during the same time that

a British construction company, Cementation International, was bidding on a billion-dollar university complex. Mark, who was working as a consultant for Cementation, showed up as well. Mrs. Thatcher lobbied on behalf of the company, and after it won the contract, Mark reaped a sizable fee. For his part, Denis Thatcher was chairman of a company that had a 50 percent interest in a bid to subcontract to Cementation. After The Observer broke the story in 1984, Mrs. Thatcher and her government were criticized in Parliament for the striking conflict of interest. Later The Sunday Times revealed that Denis was a co-signatory on the bank account in which Mark's fee was deposited.

These days, Denis, who spends one week out of four in the U.S., is in business with some heavily investigated characters. One of his major ventures—he serves as deputy chairman—is with Attwoods, a British waste-management concern. Municipal garbage contracts and landfills in high-growth areas like Florida are a lucrative business, and a substantial portion of Attwoods' profit comes from an American subsidiary, Industrial Waste Services in Miami. When Attwoods acquired I.W.S. in 1984, it was owned by Jack R. Casagrande and Ralph Velocci and some of their relatives; as part of the sale, these relatives received Attwoods stock, and Casagrande and Velocci have joined Denis Thatcher on the Attwoods board. Casagrande and Velocci come from three generations involved in the garbage trade in New Jersey and New York, where another company Casagrande has an interest in was charged with price-fixing and illegal property-rights schemes. A 1986 report from Maurice Hinchey, chairman of the New York State Assembly Environmental Conservation Committee, stated that organized crime is "a dominating presence" in the state's garbage industry.

"One of the great advantages for I.W.S. was to be subsumed under a British corporation which had the luster of the Thatcher name," says Alan Block, a professor at Pennsylvania State University and the author of a book on organized crime's ties to the waste industry. F.B.I. reports refer to I.W.S.'s business dealings with convicted mob associate Mel Cooper, now serving twenty-five years in prison for racketeering. Cooper ran a garbage-equipment leasing operation in New York that was alleged to be a front for loan-sharking operations connected to the Gambino, Genovese, and Colombo crime families.

In 1986, I.W.S. was convicted in Florida of conspiracy in a criminal anti-trust case and fined $375,000. Also that year, Casagrande and Velocci were investigated, but not indicted, in an alleged bribe of the mayor of Opa-Locka, Florida, for that city's garbage contract. In 1987, a civil suit was brought against I.W.S. and Casagrande and several other defendants for allegedly defrauding Marion County, Florida, in a garbage-conversion scheme. Casagrande was also charged with grand theft and conspiracy. Earlier this year, I.W.S. and Casagrande were part of a $2.3 million out-of-court settlement.

While Margaret Thatcher was prime minister, unofficial Downing Street and Attwoods sources would reportedly dismiss any news accounts of the company's activities by asking the rhetorical question "Do you think British intelligence would allow Denis Thatcher to take a job that could be linked to the Mafia?" Hinchey claims that Scotland Yard, at least, did inquire about Attwoods and I.W.S. "I've seen documents from British authorities," he says. "They knew about these things and were frustrated about it." Yet British authorities apparently did not contact others who could have aided them. Says Robert Waters, at the time an assistant state attorney in Florida's Organized Crime and Public Corruption Unit, "I was the one conducting the bribery investigation, and nobody from the British government ever contacted me or any of my detectives."

By all accounts, Denis has never questioned his own authority. "In his own house he would have the last word," says Lord McAlpine. "It is a conventional relationship." But the paradox exists that, despite his being an apparent male chauvinist, it was Denis's money, gotten from the family chemical-and-paint business (he once wrote a book called *Accounting and Costing in the Paint Industry*), that allowed his wife to pursue a political career. "He has always seemed dazzled by—and devoted to—her," says Lord Gowrie, Thatcher's minister of the arts, who is now chairman of Sotheby's U.K. But Denis, though fiercely protective of his wife, has also injected a note of reality. Gowrie recalls an after-dinner speech she once made at the Imperial War Museum in the flush of victory after the Falklands War. Afterward she asked, "Dear, was I too long?" "Bit," he replied.

If Denis has successfully deflected criticism of his business transgressions, his son has not been as fortunate. In fact, almost nobody has a very kind word for Mark Thatcher. "Mark gets a bit of a bum rap," says John O'Sullivan, the National Review editor. "He doesn't have immense charm. He's not winning." Indeed. He's the son who mixes with international arms traders; the wheeler-dealer, suddenly wealthy son who travels with a butler and; last fall, bought a $3.5 million London town house with up-to-the-minute heavy security; the inept son who got lost in the desert for six days on the Paris-to-Dakar rally when he wanted to be a racecar driver, causing his mother her first public tears (and prompting former German chancellor Helmut Schmidt to comment privately, "It's the first time I ever realized she was a woman"); the arrogant son who got his mother in hot water over the Oman deal and who has more recently clumsily hinted that certain people haven't done enough to support the foundation she wants to set up; the boorish son who used to pull out a walkie-talkie in the middle of dinner parties to talk to his bodyguards; the snobbish son who told the cultivated billionaire Walter Annenberg that he was setting his table with the wrong glasses for red wine and that his golf course was "Mickey Mouse."

"He's not the brightest guy in the world," says columnist Nigel Dempster, "and clearly what he's done smells a little." That son. "I think Mark is extremely bright and loyal to his mother," says Richard Fisher, a Mark defender. "I think he realizes that great people can serve and then be forgotten and their offspring amount to nothing. The Churchills basically live in poverty by Texas standards. He will take good care of his mother." Recently when Fisher hosted eighteen for dinner in Mrs. Thatcher's honor in Dallas, he toasted her "as a wife and mother first, then as the greatest prime minister since Churchill." "Richard," she replied, "you have finally got your priorities right."

"I see something else," Fisher continues. "I think she's a loving mother, and, if anything, there is a sense of loss that in her career she didn't spend enough time with her children. I wouldn't call it guilt, but she works very hard to love her two kids."

When asked directly about Mark's role in her life today, Mrs. Thatcher was not at all pleased. "He is helping make some of the arrangements, and he is a very, very good businessman. He's a born businessman, as indeed my husband was. He built up his own business and he managed to sell part of his interest in it." When pressed about just what sort of business he was in, she reluctantly answered. "It's a big concern for security—the best possible kind of home-security systems." Asked about his qualifications to handle her affairs now, she lost her patience. "Look, my children are not children anymore," she said. "They know about life. I find he is one of the most businesslike people I deal with. You want something done, he does it quickly—there's no 'Oh, well, I'll do it tomorrow.'"

Despite the perception of many loyalists that the foundation is a "nonstarter," McAlpine confidently predicts "we'll be quite active by the end of the summer." Mrs. Thatcher herself says, "The foundation has to operate in Britain, America, and in Japan. There are people the world over who think the way we do."

Apparently so. The day after she received the Medal of Freedom, Thatcher was introduced by Federal Reserve Board Chairman Alan Greenspan to members of five right-wing think tanks at the posh Four Seasons Hotel in Washington. She delivered (gratis) a rousing forty-five minutes address on Europe and advocated the economic equivalent of NATO. Imagine crossing the TelePrompTer technique of Reagan with her brains—for these thirsty hard-liners her words went down like vintage champagne. Anyone who had thought she might modify her views on opposing a common European currency or a European Superstate as a result of her downfall would have been deeply disappointed. "Utopian aspirations," she informed her rapt audience of right-wing stars, "have never made for a stable polity."

Her next stop, Dallas, seemed more of a favor to Mark, who made sure she was wined and dined by the civic elite. At one dinner, she took issue with the C.E.O. of *The Dallas Morning News*, who, in a discussion about social inequities, dared to mention the notion of a class structure. "Any reference to class distinctions is a Marxist concept," Mrs. Thatcher told him. Although she was now able to command a cool $60,000 per speech—$20,000 more than Henry Kissinger gets—she made yet another speech for free to a room full of wowed million- and billionaires. During the question-and-answer period following, she referred to the special relationship between Britain and the United States: if it ever faltered, she promised in jest, "I may come back."

Finally, though, it was the plight of the Kurds that led Mrs. Thatcher to abandon her stance of official reticence. "The people need help, and they need it now," she admonished on April 3, while President Bush was on vacation in Florida and John Major was glimpsed at a soccer match. "It is not a question of standing on legal niceties. . . . Supposing they were your children, wouldn't you want to help?" Major's announcement of emergency aid to the Kurds followed three hours later, but his aides angrily rejected the suggestion that Mrs. Thatcher was in any way responsible. "It is time some of the elderly loose cannons on the deck were pitched overboard and shut up," one senior minister reportedly snapped.

A week later, when she returned to New York to open the newly remodeled British Airways terminal at J.F.K. airport, Mrs.

Thatcher also dropped by the United Nations and had a "very lively ding-dong" about the Kurds and the Gulf with Javier Pérez de Céllar and other U.N. heavies.

"She's invigorated, in very good form," says John O'Sullivan, but "she wishes she were in office." And yet, he says, "when she was in power there were always constraints—she couldn't develop a positive agenda. With the reception she received from that Washington speech, she realized she could be this new world figure—a female Kissinger," he enthuses. "There are still remnants of official caution, but I could see her shaking it off. In another six months she'll be unrecognizable. She'll get more outspoken."

That's just what many Conservatives in Britain fear most. Already Major's government has begun to dismantle the poll tax and increase child benefits. That old consensus is rearing its equitable head. For Margaret Thatcher that's roughly the equivalent of making Jesse Jackson the head of the Ku Klux Klan. Already, it is said, she has taken to calling Major's government "the B team."

Reports are now circulating that, in addition to a visit with Gorbachev in May, she will make a triumphant appearance—as a sort of Britannia-on-a-chariot symbol—at next year's Republican convention. "There's no shortage of people who would love to entertain her," says her close friend and former minister Cecil Parkinson. "But that's not a career, is it?"

"She's going through a period of enormous boredom." says Lord Hesketh. Nevertheless, royalists like Hesketh maintain, one must never count Margaret Thatcher out. "She was destroyed by the poll tax and her views on Europe. The chattering classes—the media, the dons, the Pinters—they all hate her, they loathe her. They are unable to have serious thoughts about what she's done, what she's achieved. They're absolutely blinded by their hatred. Because they don't like her they say she's gone. Exit, stage right. That's a great advantage to her."

"If she aspires to be an influence in British politics, and I think she does," says Robert McFarlane, "there is a need for a pause. If she'll just tap her foot for a while, they'll come her way. They'll realize what a giant she is."

"My role now is to go round the world saying, propounding, what I believe in, and to help those reaching out to democracy," Mrs. Thatcher declares. In the U.S., she's already got millions on her side. Deep in Orange County, the denizens are still talking about the penetrating speech they recently heard from her. "After all," said one matron, "she is the most powerful woman who ever lived."

For Margaret Thatcher, at least there'll always be an America.

REMEMBERING JOHN FRANKE: A LIFETIME DEDICATED TO PUBLIC SERVICE

Mr. DOLE. Mr. President, as U.S. Senators, we often have the opportunity to rise to offer kind words or good news about the outstanding people of our State. Today, however, I rise to pay respect to a man who will be missed by all in Kansas. John Franke, Jr. passed away July 3, 1991. John dedicated his life to making a difference for his community, his State and his country. He brought a special brand of enthusiasm and dedication to his work.

John and his wife, Midge, were some of my earliest supporters, and I will never forget their loyalty and friendship. They were always there when I needed them. When I first ran for the U.S. Senate in 1968, they opened up their home and their hearts to help, introducing me to their friends and to Johnson County.

John started his career in local government in Merriam, KS. He first served on the Merriam City Council from 1965–70 and was then elected mayor in 1971–72. He served as a Johnson County Commissioner from 1973–81.

In 1981, John was appointed regional director of the Environmental Protection Agency for Region VII in Kansas City. He and Midge moved to Washington, DC, where he was appointed Deputy Assistant Secretary for Administration for the U.S. Department of Agriculture in 1982 and subsequently as an Assistant Secretary from 1983–89.

Franks was appointed in 1989 by President Bush as Director of the Federal Quality Institute. He also served as Vice Chairman of the President's Council on Management Improvement and as Chairman of its Government Operations Committee.

Though John came to Washington, DC, he kept strong roots in Kansas. No one loved Kansas more than John Franke.

He will especially be remembered by his family, his wife, Midge, his three sons, Michael, John, and Robert, his father John Franke, Sr., and a host of friends and colleagues throughout the Nation.

REGARDING VOTES ON THE CRIME BILL ON MONDAY, JULY 8

• Mr. MURKOWSKI. Mr. President, I regret to inform my colleagues that I will be unable to participate in votes occurring in the Senate on Monday July 8, 1991. My absence is necessitated because I will be with the Secretary of Energy, Adm. James D. Watkins, in my State of Alaska.

Secretary Watkins is traveling in Alaska, at my invitation, to meet with community, business and State government leaders, and to view firsthand the oil exploration and production initiatives that form the cornerstone of the President's national energy strategy. In addition, the Secretary's trip offers Alaskans the opportunity to discuss with the Secretary the many issues of national importance that are currently pending before the Department of Energy.

Mr. President, let the record reflect that had I been present I would have voted nay on the Biden motion to table the Rudman amendment to the crime bill.•

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,305th day that Terry Anderson has been held captive in Lebanon.

THE CLARENCE THOMAS NOMINATION

Mr. DANFORTH. Mr. President, 1 week ago today, while attending a meeting with the mayor and the city council in St. Joseph, MO, I received word that there was a phone call from the President in Kennebunkport. By the time I got to the phone I was told that the President had already started the press conference, at which he announced that Judge Clarence Thomas of the U.S. Court of Appeals for the District of Columbia was going to be nominated to be a Justice on the Supreme Court of the United States. I can say that very seldom in my life has a more exciting event happened to me. It was a tremendous personal thrill to get this word from the administration because my own experience with Clarence Thomas goes back some 17 years.

Seventeen years ago, when Judge Thomas was a third-year law student at Yale law school, I interviewed him for a job in my office when I was attorney general of Missouri. I remember being very impressed with him at that time and I did offer him a job in the attorney general's office. He accepted the job offer and he came to Jefferson City and he worked with me for 2 years or so.

Then, after I came to the Senate in the late 1970's, once again I asked Clarence Thomas to come to work for me and he came to Washington. At that time he had been a member of the legal staff at Monsanto Co., headquartered in St. Louis. He left his job in the private sector and he came to work for me here in Washington as a legislative assistant.

So I have twice been in the position of employing Clarence Thomas. Twice in two different capacities he has worked for me. And I have kept track of him ever since. I have seen him several times every year. I have had a number of opportunities to speak with him and find out what is going on in his life in the various important jobs he has had since he left my employment back around 1980 or 1981 or so.

I know Clarence Thomas very well, and because of my personal knowledge of him, I was particularly excited—thrilled, really—to receive word from the President that Clarence Thomas would be nominated to the Supreme Court of the United States.

Mr. President, I think Clarence Thomas brings to the Supreme Court a very valuable perspective. I know there has been a lot of comment that maybe this is some quota program on the part of the President. I cannot put myself in the mind of President Bush but I can say this: That I believe that in the Supreme Court of the United States it is

important for the Justices to represent a breadth of experience. I do not think that in the Supreme Court we want simply breathing brains, disembodied minds who, in computer-like fashion, apply the precedents to a particular case.

A Justice's reading of the law is bound to be read through the perspective, the glasses of a lifetime of experience and Clarence Thomas' experience in life is unusual, particularly in the Supreme Court. A person who was raised in poverty, a person who did not know indoor plumbing until he was 7 years old, a person raised by his grandparents who were illiterate, who was taught the value of hard work, who was put through the Catholic schools in Savannah, GA, and eventually on to Holy Cross and then Yale Law School.

Clarence Thomas is the best Clarence Thomas that he can possibly be. He has made the most of what he was given in life. And I think that that is a valuable perspective to bring to the Supreme Court of the United States.

Many people have speculated as to what kind of justice Judge Thomas would be. Many people have indicated that in the confirmation proceedings they plan to try to find out how he would vote on this issue or that. President Bush has stated that he did not ask Judge Thomas to predetermine how he would hold in any particular case. And I think that it would be improper to do so. I think that it is improper to try to have a marked Justice on the Supreme Court of the United States.

But I can say from having known this man for 17 years, that if anyone thinks that Clarence Thomas is absolutely predictable, if anyone thinks that Clarence Thomas is a predetermined vote on any particular issue, that individual does not know Clarence Thomas. The President said at Kennebunkport, ME, that Clarence Thomas is fiercely independent. He is one of the most independent people I have ever known. He calls them as he sees them, and that was certainly true when he worked for me, both in the attorney general's office and here in my Senate office in Washington.

He was never a person who would be pigeonholed into any particular category, and I believe that on the Supreme Court of the United States, he would be that kind of Justice. He would call them as he sees them. His issues would not be predetermined. He would not attempt to shove his own political philosophy into any particular case which he was deciding. But he would be a person who would view the law through the window of his own time experience. He is a person and would be a Justice who would have great empathy for the ordinary person. In many ways, Mr. President, Clarence Thomas is the people's nominee for the Supreme Court of the United States.

I have told Judge Thomas that I would do absolutely everything I can to try to assure his confirmation by the Senate, and I plan to do that, and maybe the best thing I can do is maintain a low visibility. I do not know. Whatever it takes I will do for Clarence Thomas. I believe in this person as a human being, I believe in the excellence of his ability, and I believe he would make a splendid member of the Supreme Court.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. AKAKA). Morning business is closed.

VIOLENT CRIME CONTROL ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1241. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1241) to control and reduce violent crime.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire [Mr. RUDMAN] is recognized to offer an amendment relative to police, on which there shall be 1 hour of debate, equally divided in the usual form.

The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, let me state what I believe to be the parliamentary situation. It is my understanding that there will be 1 hour equally divided between the distinguished chairman of the committee, Senator BIDEN, and myself. At the conclusion of that, there will be a motion to table. Then the amendment will be laid aside, and other business will take place. At 7 p.m. this evening there will be a vote on the Biden motion to table the Rudman amendment.

Do I state that corectly?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 516

(Purpose: To provide authorizations to local law enforcement personnel to combat drugs and crime)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. RUDMAN] proposes an amendment numbered 516.

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

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

The amendment is as follows:

On page 8, after line 22, insert the following:

"SEC. 104. GRANTS FOR STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—Congress finds that—

(1) State and local police officers are on the front lines of the war against drug-related and other violent crimes;

(2) State and local police officers are directly knowledgeable of the particular problems of crime in their districts, and of the way to best address these problems; and

(3) the most effective way to combat drug-related and other violent crime in the streets is to increase the number of law enforcement personnel operating at the state and local levels of government.

(b) GRANTS.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, is authorized to make grants to State and local law enforcement agencies for the purpose of combatting drug-related and other violent crimes. Such grants must be used to supplement and not supplant existing resources. Grants may be awarded only for direct personnel costs associated with employing law enforcement officers.

(c) ALLOCATION.—Of the total amounts appropriated for this section, there shall be allocated to each State and local unit of government an amount which bears the same proportion to the total amount appropriated as the the amount of enforcement officers employed in such state or local unit of government as of June 1, 1991, bears to the total number of law enforcement officers employed in the United States as of June 1, 1991.

(d) DEFINITIONS.—For the purpose of this section—

(1) the term "law enforcement agency" means any agency of the District of Columbia, any of the several states, or unit of general local government, including a county, township, city or political subdivision thereof, which employs law enforcement officers, and has as its primary mission law enforcement; and

(2) the term "law enforcement officer" mean any officer of the District of Columbia, any of the several states, or unit of general local government, including a county, township, city or political subdivision thereof, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a state, or a unit of general local government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,206,500,000 for fiscal year 1992 and such sums as are necessary for fiscal year 1993, 1994, and 1995 to carry out this section."

On page 78, strike lines 1 through 24.

On page 86, strike line 3 and all that follows through page 114, line 10.

On page 122, strike line 3 and all that follows through page 124, line 13.

On page 158, strike line 20 and all that follows through page 167, line 8.

On page 168, strike line 18 and all that follows through page 175, line 11.

On page 178, strike lines 10 through 23.

On page 180, strike lines 5 through 15.

On page 182, strike line 1 and all that follows through page 185, line 4.

On page 187, strike line 1 and all that follows through page 192, line 12.

On page 210, strike line 12 and all that follows through page 220, line 12.

Mr. RUDMAN. Mr. President, I ask unanimous consent that Senator COCHRAN of Mississippi be added as a cosponsor of this amendment.

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

Mr. RUDMAN. Mr. President, this amendment is really philosophical in nature. I want to say to my friend from Delaware that he and I disagree on very little in this bill. I commend the Senator from Delaware, Senator THURMOND, Senator HATCH, and others, for the remarkable work they have done to fashion this bill. Let me also say that I think that much of the President's bill deserves our strong support.

However, I have listened for the last several years, both on this floor and in the Appropriations Committee, about the need to fight crime. And over the last 10 years I have either served as chairman or ranking member, with Senator HOLLINGS of South Carolina, of the State, Justice, Commerce Subcommittee of the Senate Appropriations Committee. Over those years, with strong support on both sides of the aisle, and certainly with the strong support of the chairman and the ranking member of the Senate Judiciary Committee, we have done a very adequate job in funding Federal law enforcement.

As a matter of fact, the increase in appropriations to the U.S. Department of Justice over that period has been phenomenal. In many ways, in terms of percentages, it compares to what we have done in the area of defense. This is appropriate. Let me point out that this year straight law enforcement funding at the Federal level is $5.36 billion. That is a great deal of money.

The chairman of the committee and many members of the Judiciary Committee, in fashioning this legislation that is before us, decided to add incrementally to those programs and beyond that to create some new initiatives which are strongly supported by many Members of the Senate.

It is important to note, however, that those are Federal initiatives. A good example of that is found on page 122 of the pending bill which is title X, Federal Law Enforcement Agencies. Section 1002 of the bill reads as follows:

There is authorized to be appropriated for fiscal year 1992, $345,500,000 (which shall be in addition to any other appropriations) to be allocated as follows:

That, of course, is not true with all of the appropriations in here because some of them are in fact new initiatives, but in many cases they are essentially substantial add ons.

Now I take a different view. I want to make the point that crime in America is inversely proportional to the number of police we have on the streets. The more policemen, the less crime. The less policemen, the more crime.

As a matter of fact, to take a perfectly absurd example, I am confident that if you put a policeman on every street corner of the city of Washington the murder, rape, drug dealing, aggravated assault, and armed robbery that we read about every morning in the paper would substantially decrease. This is proven by every experiment in this country. When I served as attorney general of my State a number of years ago, one of the things we found was that when we targeted an area and increased police activity in that particular area, the crime in that area decreased.

What are we doing with this crime bill? We are essentially buttressing Federal law enforcement, and I am all for that. I think that is important. But we have limited resources to allocate.

This is not a very complicated amendment. It is a pretty basic amendment. What it does is take most of the money that has been carefully crafted within this bill for Federal law enforcement and, to be fair, in some cases for State and local law enforcement initiatives—with the two exceptions—transfers it on a per cop basis to local, State, and county law enforcement agencies across this country.

Let me for the record—although I know the Senator from Delaware is aware of it, because I have discussed this with him—mention the two areas that are not struck by this amendment. The first one is $1 billion for State antidrug grants. This is actually a $100 million increase over the current authorization of $900 million. We do not strike that in this amendment because it is an ongoing and successful program.

The second provision we did not strike—because I thought it would be frankly, irresponsible in terms of all the debate we have had in this Chamber about gun control—is the amount designated for the Brady bill for States to create computerized criminal history record systems. We did not strike that provision.

But in fact we did wipe out everything else. So that everybody knows what we are talking about, let me briefly tell you what we took out. We took out $75 million for counterterrorism; $400 million for the police corps proposal, which I strongly support. It is a scholarship program for young people going into law enforcement. It is an excellent program. I support it. It is important. But not as important as fighting crime directly.

We took out the $345 million for addons to Federal law enforcement agencies, FBI, DEA, and so forth; $700 million for regional prisons; $150 million for boot camps; $100 million for antigang grants; $76 million for rural crime and drug control; $300 million for drug emergency areas; and $45 million for reorganizing the criminal division of Justice. We took all of that out.

That is not to say, Mr. President, that I do not think that many of those sums are wisely spent. I am saying we are involved in a war on street crime. That is what we are really talking about. When you talk to Americans, whether in Washington, DC, or Wilmington, DE, or Manchester, NH, you talk about crime, they are talking about murder, aggravated assault, robbery, rape, and drug dealing.

My amendment goes to the heart of that problem. If you want to do something about that, then you put more police on the street and more detectives solving crime.

What we have done here in the pending bill is essentially a lot of things which I put in the area of "not preventative." In fact they are therapeutic in a sense. They are after the fact. I want to start eliminating crime in the streets.

I am sure the Senator from Delaware joins me in that, but the philosophy here is different. I want to do it directly and locally.

How do we do it? We do it very simply. In 1989 there were roughly 496,000 local police in this country; local, State, county police, 496,000. Their average salary, entry level, by the way, was $16,800 going up to $19,000 for a senior patrol officer, up to $22,000 for a sergeant, and a chief averaged between $26,000 and $29,000 a year in America. Those are not large sums of money considering their responsibilities.

In 1988, the last year that figures are truly accurate, we spent about $25 billion for local, State, and county police protection.

Now what does this amendment do? This amendment takes the strength of every police department in America as of June 1, 1991, and says to that department you will get a pro rata share of this pot of money which is now being put in this amendment in order to supplement your police; not for administration, not for equipment, not for supervisory activities, not for computers, and not for radio equipment. This is for hiring more police.

In other words if the city of Manchester, NH, had 100 policemen on its payroll on June 1, under this program, it would receive about a 9-percent increase, or 9 additional officers. For a city like New York, that has maybe 10,000 policemen, it might mean an additional 800 or 900, and so forth and so on.

The Presiding Officer is from Hawaii. I do not know what the size of the Honolulu department is, but I daresay they would love to have an increase in strength paid for with Federal dollars. So that is what this amendment does.

It is not very complicated. It does it in in a grant program carefully administered by Justice. It should have very little overhead involved. It is a question of each department across America certifying to the Justice Department as to how many officers they have—who are what I call line officers, detectives, street policemen, supervisors in the field—and adding to that figure. That is pretty much all there is to this amendment. But philosophically, there is a great deal more to it.

Let me just yield at this moment to anybody else who wishes to speak by closing initially on this thought: Very few Americans feel safe in the streets of major cities today. In fact, Mr. President, very few Americans in suburban areas feel terribly secure in the streets in America today. Crime is a national scandal.

Yes, we can have special grants for drug programs and more prisons and more boot camps, but if we want to attack this in the way that we carried out the operation called Desert Storm, you do it with massive force.

The great controversy here, people may recall, was when General Schwarzkopf told the President if the President wanted him to carry out that action, he did not need 25,000 troops; he needed 500,000. And he was asked why. His answer was, if we are going to do it quickly and effectively and completely, we need overwhelming manpower. What the police of America need today is overwhelming manpower to get out in the streets and attack crime directly.

Let me conclude by saying that I do not criticize what the committee and what the chairman have in their bill. Many of the provisions are good programs. That money is needed. But given a choice between buttressing Federal law enforcement and putting the money directly out in the cities and towns of America to fight crime directly, I think this is a better choice of resources today.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, will the distinguished Senator yield to me a few minutes on his amendment?

Mr. RUDMAN. How much time would my friend from Mississippi like?

Mr. COCHRAN. Five minutes.

Mr. RUDMAN. I yield the Senator from Mississippi 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. COCHRAN. Mr. President I thank the distinguished Senator from New Hampshire for yielding to me, and I congratulate him on his initiative in offering this amendment. I am pleased to be a cosponsor.

Just last month, and only a few miles from this Capitol, a man walked up to a U.S. Navy commander who was waiting for a bus in a Pentagon parking lot and, without warning, fired several shots with a .22 caliber pistol, fatally wounding the Navy commander.

Part of the tragedy here, Mr. President, is that this kind of violent crime is happening too frequently in the cities of this country. Far too often, we read or hear of random or unprovoked acts of violence against innocent victims. The end result is that we are all victims or potential victims. Americans in every city in our Nation are afraid of what might happen if they happen to be in the wrong place at the wrong time.

This month, in New York City, a 30-year-old woman was attacked while she was walking her dog. Her attacker, a homeless drifter with a history of violence and mental instability, attacked her with a carving knife, and then, according to witnesses, walked away very nonchalantly, leaving her to die.

In Memphis, TN, a man was shot while walking with his wife in a city park. Three assailants had approached him with a gun and demanded the keys to his car. When the couple started to run away, they were both shot. He died from a gunshot wound in the chest. She is recovering from a leg wound.

In my home State of Mississippi, a man who ran a soup kitchen was shot to death after he approached a homeless man who had been seen with a gun and asked him to leave. The man with a gun had a reputation for bizarre behavior. In this instance, he started to walk away, then all of the sudden he turned and he started shooting.

Mr. President, there are no simple solutions to the problem of random or unprovoked violence, or to violent crime in general. We cannot ensure that acts like these will never occur again. But what we can do is help put more police on the streets. Police deter and prevent crime. They also make sure that violent criminals are apprehended in a timely manner before they can commit new crimes. Putting more police on the street is a proven and effective means by which we can fight the menace of violent crime, and the amendment proposed by the distinguished Senator from New Hampshire, [Mr. RUDMAN] would help do exactly that.

This amendment would put more funds into the hands of the State and local authorities to increase the number of officers on duty on the streets, as they did in the city of Charleston, SC. In Charleston, police chief Reuben Greenberg has created an elite unit of foot patrolmen. Crime in Charleston has been reduced by 42 percent.

A similar program has been undertaken in Mobile, AL. Within 5 months after adopting the plan, Mobile's serious crime fell by 18 percent.

Mr. President, a similar plan involving a new city police/vice narcotics unit is now in place in Meridian, MS. This unit will aggressively go after street-level drug violations that are occurring in the city. By this means, the city hopes to decrease the broad range of criminal activity that is associated with the drug trade. But they need money to keep it going.

Countless other cities need help. They need more officers on the streets, and this amendment will help do that. I hope the Senate will approve it.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I compliment the Senator from New Hampshire on his concern for the needs of local law enforcement. As he knows, in his other responsibility on the Appropriations Committee, this has been a bit of an ongoing battle with the last two administrations.

There is a consensus that has been reached by this President and the last President, this Attorney General and the last several Attorneys General, that we should leave basically to the States the things that are State responsibilities.

The President is fond of pointing out that 94 or 95 or 96 percent of all the crime in America is committed within local jurisdictions, beyond the jurisdiction of the Federal Government, and then whether it is his national drug strategy or his crime bill, he then sends up strategies that reflect that allocation of financial responsibility as well.

So the Senator from New Hampshire and I are in agreement, and the Senator from Mississippi, on the need for increased aid to local law enforcement from the Federal level, Federal aid for local law enforcement.

In our drug strategy, which is not before us at the moment, the national drug strategy, we call for doubling the aid to State and local police from $450 million in 1990 to $900 million in 1991. And the grant for juvenile justice, which President Reagan continually attempted to eliminate also goes directly to police.

And now there is a requirement, a call for all of the State and local aid to go directly to police. With the help and leadership of the Senator from New Hampshire, we have, notwithstanding the cries of, if not "foul," that it is unnecessary to drastically increase the aid to State and local police, as we do here in the amendment before us.

In the proposal sent up by the Justice Department for the appropriations for the Department of Justice, they call for a cut in aid to State and local from $686 million to roughly $606 million.

Once again the Senator from New Hampshire and I are on the same wavelength. Once again, which happens occasionally, he has taken a higher wave, or a lower wave, or slightly different wave than the Senator from Delaware.

Let me suggest at the outset, as has been our intention from the outset of this newfound debate on crime and drugs, which really began in earnest in about 1985, there has been a massive increase. The Senator from New Hampshire, along with the Senator from Delaware and others, has constantly pushed for more State and local aid.

But in this case I think my friend from New Hampshire has taken a point that on its face is logical and sound. There is no question that the more police there are on the street—to use his analogy, if there were a police person on every street corner—crime would go down. I have no doubt that that is true. As a matter of fact, I have pointed out

constantly to the Attorney General that, over the last 10 years in the 15 largest cities in America, the police forces have increased only 1 percent. In some cities they have smaller police forces today than they had 10 and 15 years ago. That is not because they have gone out and purchased toys. That is not because they have gone out and purchased equipment or because of administrative costs. It is because budgets have been cut or they have been unable to keep up with inflation.

So there is a correlation. But I believe the Senator from New Hampshire takes it to an extreme, an extreme that results in a perversion of the very thing he is intending to do. Let us say, for example, we asked local police officers in towns the size of Manchester, NH, which I have visited on a number of occasions, or Wilmington, DE, or Tupelo, or any other city of comparable size, whether or not they would want the size of their police force doubled or they would like to see the FBI crack the 100 identifiable drug cartels, drug gangs, drug organizations in this country. And that is what the Director of the FBI said to us. He said they have identified 100 of these gangs that deal cross-country, cross-border—across State borders. If we said to them we can wipe out all those gangs, those Mafia-type organizations, or we will triple your police force, I think there is not a one who would not say, take care of getting rid of the drugs for me.

If we said to them: Tell you what, I will make you a deal. There are roughly two-thirds of the States in the Nation which are under Federal court order for prison overcrowding. We have constant testimony in our Judiciary Committee from the major police organizations pointing out that they arrest, convict, send to jail, and then have released from jail immediately or shortly thereafter but long before the sentence is served, dangerous felons into the street because there is no prison space. What space is there is so overcrowded that the Federal court said it violates the eighth amendment, so you must release them.

I suspect if you said to the police department in Wilmington, DE, we can expand the size of the prison population, the facilities to house prisoners twofold or double your police force, it would be a close call. If we said expand it twofold or increase your police force 50 percent, it would not even be close, because what they want is these recidivists off the street.

As the Senator from South Carolina has pointed out repeatedly, we have a relatively small number of very violent people committing an incredibly large number of crimes. The Senator from Pennsylvania [Mr. SPECTER] has made it one of his great concerns to deal with violent repeat offenders.

I suspect if you said to a number of cities in South Carolina, or in Delaware, or in New Hampshire, rural communities: Look, we can double your police force from one to two, or from two to four, or from three to six, or we can get into this area of your State two new DEA agents and we can train you at Glynco, down in Georgia, and there will be additional FBI people in your State to deal with the drug problem, I will bet everybody but the chief—because all chiefs want to have more people working for them—everybody but the chief would say train me. Get me the expert help. Because crime in rural America is increasing. Based on a report the majority staff released from the Judiciary Committee, crime in rural America is increasing at a faster rate than it is in urban America. And almost all the violence attendant with the concerns of the Senator from New Hampshire and the Senators from Delaware, South Carolina, Mississippi, and Utah, and all of us on this floor, is directly related to drugs.

Mr. President, I would like to do both. I wish we had enough money to say we are going to keep all the programs the police say they badly want in this legislation. I might add I am not speaking about the Senator from South Carolina. But the President did not think we needed any of these programs. The President's crime bill contained none of this, none of what the Senator from New Hampshire is suggesting, none of what it effects in the Biden bill that is before the Senate. We all agree in a bipartisan way that we have to do more to deal with this problem other than change habeas corpus, which we have; increase the death penalty, which we have; deal with the exclusionary rule. Other than those things we have to do something. And that is what this debate is about.

Let us be very clear about what this amendment does. As the Senator from New Hampshire pointed out, the amendment of the Senator wipes out every anticrime initiative in this bill, every single one, and replaces them with a single new program.

Before I talk about this new program that Senator RUDMAN proposes to insert in lieu of our crime bill, let me say a few words about the proposals the Senator's amendments would remove, and they include: The addition of new prisons for drug offenders, wiped out. There will be no money left for that. The Baucus-Pryor plan to fight crime in rural America, wiped out; the boot camp program, which my friend from New Hampshire himself supports, supported by Senators COATS and LEVIN, Senator BOREN, Senator BENTSEN, all modeled after amendments they have offered; the Sasser-Specter-Graham police corps plan to upgrade and attract additional personnel into the police forces; added FBI, DEA, and Customs agents requested by our Federal law enforcement officers and the Director of the FBI; the Drug Emergency Areas Act sponsored by a bipartisan coalition of 20 Senators and an antigang plan developed by Senator KOHL and myself.

Under the Rudman amendment, they will all be wiped out; all of these proposals so carefully developed in hearings and meetings over the past 2 years, coauthored or cosponsored or supported by almost 70 Members of this Senate, and they will all be gone.

It would not be bad for them all to go if the underlying thesis of the Senator's proposal was as accurate as he believes it to be. What does the Senator from New Hampshire propose instead of the police corps, instead of a rural crime program, instead of prisons or boot camps? He proposes a single program to add more police officers, and this is the important part, to add more police officers in the areas that already have the largest number of police.

That is right, sending more police to places that already have the most police. There is no discretion left to the Governors to decide where the need is the greatest; no discretion is left to the Attorney General to decide where the Federal Government can help the most. I am sure there are places in the Presiding Officer's State and the States of my colleagues on the floor who are listening where they have a relatively large police force or a modest police force, and for a whole range of reasons crime is not as serious in that particular area as it is in another area of the State with a similar police force and similar size.

I need not tell the Presiding Officer from Hawaii about ice. He is the one who brought it to the attention of the U.S. Senate. What happened with ice, the new form of methamphetamine? It attacked certain key areas of his islands, not every place equally, and police and efforts by the DEA and the FBI were targeted to deal with the most significant areas affected by this new dreaded form of addiction.

Under this legislation the Governor would have no discretion, no discretion to the local police officers and officials to decide what anticrime programs work best in their communities. No, Senator RUDMAN has a single plan with a single initiative, and that is its appeal, quite frankly, its simplicity: Put more cops on the streets, on the streets that already have the most cops.

I have been here a long time, and I have had Senators come up to me and say, as the ranking Member and as Chair of this committee, that our rural areas are in trouble. "We only have a handful of cops out there, Joe, can you help?" Our small towns are now being overwhelmed by big city gangs. That is why my friend from Montana became so involved in the rural crime initiative. He found out that those gangs that were cooking the new forms of methamphetamine that are used were coming from California, Southern Cali-

fornia and motorcycles in large numbers, camping out in rural parts of his State and making up this new drug and distributing it from there. They said, we need help.

Our local police chiefs say they want drug education programs in our schools or treatment centers to get addicts off the streets. I do not know how many police officers have come to us and said that the drug problem will not be solved by police alone. These are the tough, hard women and men who risk and give their lives, who come before our committee and say, "Hey, we cannot do it no matter how many police you give us unless there is also drug education in the schools, drug treatment programs, prisons to house these people, programs within the prisons," and so on and so forth.

I have not had anyone, though, come up to me in my years in the Senate and in this capacity and say, "Joe, what we really need is to send more police to the cities that have the most police already." And yet that is what the Senator's amendment does, instead of doing any of the things that I discussed earlier.

If that is a war on crime, the Senator's proposal is to send reinforcements to the place where our troops are already the largest. That does not make the most sense to me.

He made an analogy, and I think it is important, to the Persian Gulf war. He said that Schwarzkopf said, "Mr. President, if you want me to do the job, do not send me 200,000 troops; send me half a million." But I wonder what General Schwarzkopf would have said if the President said, "I will tell you what I'm going to do. You want those extra 225,000 troops. We cannot afford the Stealth aircraft to come with it. We cannot afford to have that high technology equipment every American saw on their television screens." I wonder what Schwarzkopf would have said had he been presented with a budget dilemma that we are presented with.

I should reiterate at the outset, I would like to do every single thing the Senator from New Hampshire wants and everything that is in this bill. We need them both. We need them both, and I have said publicly, I found, to my political detriment, I am prepared to do both at the expense of every other program in Government, including education, which I have strongly supported, including the military, including every other program. But I have learned I am in a distinct minority in that regard.

So what would have happened if Schwarzkopf had been told, OK, general, you've got your 500,000 troops, but you do not have the aircraft, you have half the number of aircraft you now have, you do not have the Stealth aircraft, you do not have the various missiles that we have used and, by the way, you are not going to be able to be in a position to have the program that got so many phenomenal, rave reviews, the program that allowed the interception of Scud missiles as they came in.

Here is your choice, General. Instead of the $250,000 that I was prepared to give you, I will give you $300,000 and all that equipment or $500,000 and none of that equipment, because that is the more appropriate analogy here. We should give the police all the equipment and help the Senator from Delaware is arguing for and for what the Senator from New Hampshire is arguing. But instead, having battled with this for years, the Senator from Delaware tried his best—it does not mean I am right—along with some 70 other Senators to come up with a balance, an appropriate balance where we significantly increased the number of police available to local police departments, the so-called Bryan grants, and gave them additional things, all of which they say they need badly.

So, Mr. President, what we have is a balance, a balance that in this Senator's view is badly shaken, is destroyed if you take out the 10 or 20 pieces that make up this balance and say now it will all go to local police. Keep in mind how this goes, Mr. President. What will happen—and the Senator from New Hampshire has been very straightforward about this—if you have a police force of 10,000, 5,000—and some cities have police forces of 5,000—or a police force of 4 in a small town, you will have distributed on a prorated basis—not per capita basis, in terms of population, but in terms of the existing police agents that are out there now—I am trying to remember how many police officers there are in the country. I think there are roughly 5,200,000 policy officers. And so what you will have distributed is all the money, all the effort, everything in this legislation based upon the number of police officers that exist at this moment.

There are parts of Philadelphia, PA, that are inundated, inundated, by organized crime and drug cartels. They are drug disaster areas, not unlike disaster areas in the wake of a hurricane. There are rural areas of my State and other States that are drug disaster areas. They need the ability of the Governor and the local enforcement people to target additional help to those areas based upon a planning model that relates to the problem. This ignores that.

I would be happy with this amendment if the Senator said, I tell you what, we are going to take all the money in this legislation, pick the 10 or 12 worst crime areas in America and give them all of those police. But this is so diffuse it is a little bit like what we have done with the President's programs. He goes out there, spreads it out so thin, without any targeted effort to it, and that if you are going to add New York—New York City has how many police officers? I should know this—25,000 police officers. Now, under this amendment, I do not know how many new police officers they will get. They will get some new police officers, but it is not going to double their force. It is not going to increase it by 50 percent, 25 percent, 10 percent. I do not know what the number is, but relatively speaking it is going to be small. So the impact the Senator wants I respectfully suggest will not be felt. What we decided when we were putting together this legislation was that we would get a much bigger bang for the buck by seeing to it that we gather up in 10 regional prisons the worst drug offenders and put them all in one spot, diminishing the call on the local prison system.

We would go into those rural areas that are badly hit now and give them what they need most, expertise in how to deal with drug cartels and gangs, with additional DEA agents, with additional training and with some additional police officers. But before we toss this entire authorization into a single pot, talk to your local cops, police chiefs, and mayors. Some say they want more foot soldiers, like Senator RUDMAN proposes, but others say they want more prisons, others want boot camps, drug treatment centers to pack away youthful drug offenders. Others want boys clubs and girls clubs that keep kids out of trouble.

But I have never had anyone say to me: "Joe, what we really need is to send more police to the cities that have the most police already." And yet, that is what the Senator's amendment does—instead of doing any of the things that I have discussed earlier.

If this is a war on crime, the Senator's proposal is to send reinforcements to the place where our troops are largest in number. That makes little sense to me.

The Senator from New Hampshire says that the initiatives we have in the bill will not work, and that instead we should just increase the number of police on the streets. That sounds well and good, but think about it for a second.

Once Senator RUDMAN's new cops arrest all of these criminals, where will they be put? Senator RUDMAN wipes out the jails and boot camps proposed in this bill.

Once these new cops catch drug offenders, what then? Senator RUDMAN's amendment wipes out the emergency aid to all local areas—big and small—for dealing with the drug crisis.

And when these new cops encounter an international drug ring, or a national organized crime gang, who do they call for help? Senator RUDMAN's amendment wipes out the additional FBI agents that Director Sessions says he needs to crack down on these large trafficking groups.

Help for local law enforcement? Sure. We are all for that.

This bill raises the authorization for the Byrne grants to local law enforcement to a record level, and Senator RUDMAN's amendment acknowledges the importance of this by leaving that authorization alone.

But before we toss the entire authorization into a single pot, talk to your local cops, police chiefs, and mayors. Some say they want more "foot soldiers," like Senator RUDMAN proposes. But others say that they want more prisons.

Others want boot camps and drug treatment centers to pack away youthful drug offenders.

Others want boys clubs and girls clubs to keep kids out of trouble. Others want special help for rural areas. Others want more help or training from the Feds.

Senator RUDMAN's amendment leaves open one—and only one—of these options.

And again, it is the option of sending in more street police to the places that already have the most police in the first place.

So I say to my colleagues: If you are concerned about places that have a large number of police officers already, vote for Senator RUDMAN's amendment.

But if you want to help the places that are short on police—

If you want to fight rural crime;

If you want to see more Federal law agents tracking down the biggest and worst traffickers;

If you want more prisons, more boot camps;

If you want aid for the areas hardest hit by drug use; and

If you want a police corps;

Then vote against the amendment of the Senator from New Hampshire.

Maybe these programs are not all perfect. But Senator RUDMAN's amendment goes far beyond throwing out the baby with the bath water—it blows up the bathtub, too.

I want to compliment my friend from New Hampshire for his relentless efforts to do something about crime, and I respectfully suggest, though, if we could do it all, it would be useful, but to trade off what is in the bill for what the Senator proposes I think would have a very damaging impact on our ability to do what we hope to do. I yield the floor.

Mr. RUDMAN. Mr. President, with the hour as early as it is, if the chairman of the committee would like additional time beyond the agreement, I do not have any problem with that.

Mr. BIDEN. Mr. President, as usual the Senator from New Hampshire is incredibly gracious, but I seek no more time and I am ready to proceed as ordered.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. RUDMAN. Mr. President, I yield 3 minutes to the distinguished ranking member of the committee, Senator THURMOND, or if he needs more than 3 minutes, that will be fine.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I rise in support of my colleague from New Hampshire's amendment. Senator RUDMAN proposes to take the increased authorizations contained in the Biden bill and use that money to hire additional local law enforcement officers. For the record, I support many of these proposals contained in the Biden bill in principle. I agree with Senator BIDEN that more money should be spent on Federal law enforcement. However, Senator RUDMAN has recognized that Congress can get more "bang for the buck." The amendment focuses money, which would have been spread over several programs under the Biden bill, on hiring more police officers. The Rudman amendment will put more police on the street which will directly impact upon the crime problem.

I should note that we are bound by a budget agreement which the Senate voted to support last fall. The additional money Senator BIDEN proposes may simply be unavailable. In fact, as part of last year's Crime Control Act, Congress made promises to law enforcement for fiscal year 1991—$300 million in increased authorizations for Federal law enforcement over and above what was appropriated. Although fiscal year 1991 began in November, none of this additional money has been appropriated. In fact, the Senate recently passed the fiscal year 1992 budget which cut the Department of Justice's budget by 11 percent. The House Appropriations Committee recently cut over a half a billion dollars out of the Department's appropriations bill.

In summary, I support creation of one system which will make money available to State and local law enforcement so they can hire more police officers. Many of the additional spending proposals in the Biden bill are good ideas and I support them. Yet, it is unlikely these proposals will be funded. Instead, the Rudman amendment focuses upon the need for more police which will reduce crime in our Nation.

For these reasons, I will oppose the motion to table the Rudman amendment.

Mr. RUDMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes 4 seconds.

Mr. RUDMAN. I do not believe I will use all of that. I want to respond briefly to some of the comments by the distinguished chairman of the Judiciary Committee.

Let me first point out that I am delighted—I do not say this with any sarcasm, but with more of a sense of irony—that we are finally debating the crime bill and how to stamp out crime.

With all due respect, I have been very much involved in the debate of the exclusionary rule, habeas corpus, and, yes, the death penalty. But the fact is that although these are very interesting issues—and they are very important issues with the possible exception of the deterrence of the death penalty which has not been proven to anyone's satisfaction—I support that penalty but nonetheless other than that possibility nothing so far we have talked about is directly pertinent to stamping out crime in the streets.

Let me just say to my friend from Delaware that I have a fundamental disagreement with this administration and the prior administration. I say that as a Republican who has supported both of those Presidents. The fact is that I totally disagree with the advice they are getting that somehow the Federal Government does not have an obligation to do more for local law enforcement.

I know that the Senator from South Carolina shares that view. He has stated it on a number of occasions. But as a matter of fact we have had great difficulty with this administration and the prior administration on this point. The Senator from Delaware is quite correct.

But let me take this now a step further and say to my friend from Delaware that I am not letting any cats out of the bag to tell him that the State, Justice, Commerce Subcommittee is marking up its appropriations for the Justice Department among others tomorrow. It might interest him to know that without these figures being binding because Senator HOLLINGS and I of course will meet with the committee tomorrow—we are talking about around a 17-percent increase over last year for the FBI, about a 7-percent increase for the DEA, and a whopping 19-percent increase for prisons.

The point I am making is that when you talk about increasing agencies by those percentages over current levels, we are talking about a great deal of money. It is not as if we are underfunding Federal law enforcement. That is the point I want to make.

Let me just point out that this year law enforcement will spend a total of $30 billion—$25 billion local and State, country, and about $5 billion Federal. The Federal Government spends 17½ percent of that money. Yet only 8 percent of the prisoners in this country are Federal prisoners; the States spend 83 percent of the money on 93 percent of the prisoners. The statistics are very compelling.

I agree with almost everything the Senator from Delaware said with the exception of one thing. When he talked about the fact that more policemen go to those areas that have more police, that is true—but that is because there is more crime in those areas. Obviously, New York City needs more than

Wilmington. Wilmington probably needs more than Manchester, NH; Charleston, SC, probably needs more than Concord, NH. It depends on the population. The figures on crime track those populations very closely.

The Senator asked a question. I will give him the answer. This amendment will give you about a 9-percent increase of police in the street.

By the way, I am sure the Senator misspoke. There are approximately 500,000 sworn law enforcement officers in America today. The Senator said 5 million. I think he meant 500,000.

Mr. BIDEN. I thank the Senator. I meant to say slightly over half million.

Mr. RUDMAN. If we had 5 million, we will not even be discussing the crime bill.

Mr. BIDEN. That is exactly right.

Mr. RUDMAN. Let me conclude, unless anyone else wants to speak on this amendment, and if the Senator wants to speak against the amendment, I have some time left and I will be happy to yield to anybody who wants to speak.

Let me simply say this, Mr. President. This is a matter of choices. Everything that the Senator from Delaware has said about what is in his bill I agree with. They are sound programs. I support many of them. He has done a magnificent job in outlining some things that the Federal Government can do, and do more of.

But in light of what we are doing for Federal law enforcement, I am choosing to help the local police across this country increase the number of police officers on the streets. We are not dealing with highfalutin ideas or the exclusionary rule, and habeas corpus, and all of these other things that we lawyers love to talk about. We are talking aobut murder, rape, robbery, and aggravated assault, and the average American being absolutely intimidated to walk in his city or her city.

Thus, Mr. President, I simply submit to the Senate that although I do support what is in this bill, I have made a choice. I have said in this day of scarce resources let us put more money into local, county, and State law enforcement and let us see whether or not the kinds of examples that the Senator from Mississippi spoke of in Charleston, SC, and other places in this country, where more police put in special task forces to attack street crime—whether or not that will do more good than building more Federal prisons, and giving the DEA and the FBI more money than they already have. That is my contention.

Senator BIDEN and I do not have a disagreement fundamentally on how we attack crime. We simply are picking different places to put today's resources. I would join him if we could do both. The fact is when the committee meets tomorrow, we will consider increasing the FBI by about 17 percent, 19 percent for prisons, and other increases across the board—I think we are doing a good job for Federal law enforcement.

I want do something for local, State and county law enforcement agencies. That is a fundamental difference of opinion as to how to allocate resources, not as to the problem generally.

I thank my friend for the excellent quality of the debate. Unless somebody else wishes to speak, I am going to yield back the remainder of my time.

The PRESIDING OFFICER (Mr. LIEBERMAN). The time on the amendment has been yielded.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

Mr. BIDEN. I am not proceeding on the specific legislation. I have been informed that we are to proceed to another amendment immediately after this but that Senator is unable to be on the floor for another 15 minutes. I seek not to drag it out anymore but this Senator wishes to proceed, and we would not be inappropriate to ask for an additonal 15 minutes equally divided. I am not seeking that. I want you to know that.

Mr. RUDMAN. If the Senator will yield to me for a question or a comment——

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senator from New Hampshire and I be able to proceed for an additonal 5 minutes equally divided.

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

Mr. RUDMAN. I say to the distinguished chairman of the committee I really do not have anything else to say. I believe we have debated it fully and fairly. It is a clear issue, I believe. The people understand it. So I really do not have any need for additional time.

My understanding was the Senator from Delaware was going to move to table and ask for the yeas and nays, and once that was achieved then it would be laid aside. Then I presume the Senate would go into a quorum call until the next amendment is presented.

Mr. BIDEN. Mr. President, that is exactly correct. I was just checking to see if the Senator wanted more time. He is correct. We do not have a disagreement about the needs. We are trying to determine how best to allocate scarce resources for what we both believe—I know I believe, and I do not want to speak for my friend from New Hampshire: I think he believes as well—is the single, most serious domestic problem we have; violent crime in America.

• Mr. BURNS. Mr. President, I rise to explain the positioning of my vote on the Rudman amendment to S. 1241, the crime bill at 7 p.m. this evening. I was scheduled to arrive in Washington, DC, at 4:42 p.m. on Northwest flight 706 from Great Falls, MT, connecting with flight 1026 in Minneapolis. Unfortunately, flight 706 developed mechanical trouble and was unable to depart the airport. The best alternate flight left Great Falls at 2 p.m. and thus delayed my arrival into Washington until 9:20 p.m. after the 7 p.m. vote.

I therefore asked that I be positioned in opposition to Senator BIDEN's motion to table the amendment by Senator RUDMAN.

I thank the Chair.•

Mr. BAUCUS. Mr. President, the amendment of the distinguished Senator from New Hampshire [Mr. RUDMAN] would do great harm to the cause of reducing rural drug use. I must, therefore, vigorously oppose it.

As I have said repeatedly, rural areas are not immune to the drug problems facing this country. The plague of drugs has moved from the back alleys of big cities to the main streets of small towns. In fact, the latest crime figures show that violent crimes linked to drugs have increased faster in Montana than anywhere else in the country.

In 1989, Montana experienced a 23-percent increase in violent crime—a much greater increase than in either Los Angeles or New York.

The weeds planted by drug dealers could turn the fields and plains of our rural States into jungles of crime and violence.

The Senator from New Hampshire's amendment would delete funding for drug enforcement in rural areas and transfer it to general police operations. But in so doing, it will stifle the progress that drug agents in rural America have been making in recent months.

For instance, in the past several weeks, the Southwest Montana Drug Task Force has arrested over 40 suspects involved in illegal drug trafficking, including cocaine, marijuana, and LSD. If the Senator from New Hampshire's amendment is successful, there is a good chance that this recent sting operation will be the drug task force's last.

Requests for further funding of this task force already have been denied by financially strapped county authorities. The Rural Crime and Drug Control Act, which is a part of this crime bill, would keep the drug task force, and others like it, in business. However, if this amendment is adopted, it would strip rural areas of one of their most effective antidrug tools.

The Senator from New Hampshire's amendment would also eliminate funds for drug treatment and prevention. We know from experience that winning the war on drugs requires an attack on three fronts: enforcement, treatment, and prevention. This amendment ignores the lessons of the past by neglecting the treatment and prevention

programs needed to reduce the demand for drugs.

Finally, this amendment is unfair to most States. Under the amendment's funding formula, 34 States, including Montana, lose money. The biggest States, such as California and New York, stand to receive 25 percent of this Nation's drug enforcement dollars, with one-third of that going to the big cities.

The Rural Crime and Drug Control Act is fair, balanced, and an integral part of the national drug strategy. It will help reduce drug use and drug-related violent crime in rural areas.

By taking away the necessary funding for these efforts, this amendment will let the escalating violent crime rates in rural States go even higher. Rural America will no longer have fields of dreams but nightmares of crime and drugs.

Mr. President, I urge all my colleagues to stand with me, and the other sponsors of the rural drug provisions—Senators BIDEN, PRYOR, and HARKIN—and defeat this amendment.

Mr. BIDEN. Mr. President, I will in just a few seconds move to table, and ask for the yeas and nays. But I hope my colleagues will see that there is a better way to help local police. We help them. We add additional local police in the Biden legislation, but we also add other additional help rather than all just local police.

If there is nothing further to say on the part of my colleague from New Hampshire, I move to table the Rudman amendment, and 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. BIDEN. 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. SPECTER. 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. SPECTER. Mr. President, since the succeeding Senator who, it has been announced, will offer an amendment is not yet on the floor, I ask unanimous consent that I might proceed for 5 minutes as in morning business.

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

LAWSUIT REGARDING THE PHILADELPHIA NAVAL SHIPYARD

Mr. SPECTER. Mr. President, I have sought the floor to acquaint my colleagues with an important lawsuit which has been filed this afternoon relating to the base-closure proceedings and involves the Philadelphia Navy Yard, where a number of Members of Congress, including Senator WOFFORD, Senator BRADLEY, Senator LAUTENBERG, Governor Casey of the Commonwealth of Pennsylvania, State Attorney General of Pennsylvania Ernest Preate, Represenative CURT WELDON, Representative THOMAS FOGLIETTA, Representative ROBERT ANDREWS, Representative LAWRENCE COUGHLIN, the city of Philadelphia, representatives of the International Federation of Professional and Technical Engineers, and representatives of the Metal Trades Council, Local 687 Machinists, have filed suit against the Department of the Navy and Department of Defense and the Base Closing Commission because of the violations of the Base Closure Act.

In this litigation filed in the United States District Court for the Eastern District of Pennsylvania, a declaratory judgment is sought to declare invalid the proceedings of the Base Closing Commission because of specific violations of the Base Closing Act. For one, Mr. President, there is set forth in the facts a chronology which reveals the refusal of the Department of the Navy to turn over to Members of Congress material documents, including memoranda from Admiral Heckman and Admiral Claman, supporting the retention of the Philadelphia Navy Yard, although downsizing it; action by the Department of Navy, through the Under Secretary of the Navy Howard, to urge Admiral Heckman not to testify before the Base Closure Commission; the failure of the justification provided by the Department of the Navy to meet the standards required by the base closure statute; the part played by the General Accounting Office, specifically under the base closure law, to submit its findings, which the General Accounting Office did in May of this year, saying that although the Department of Defense complied with the statute as to the Army closures and the Air Force closures, the Department of Navy had not complied with the requirements. In their findings there were specific references made to the Philadelphia Navy Yard.

Mr. President, I suggest that this is a very important litigation.

The distinguished Philadelphia law firm of Dilworth, Paxson, Kalish & Kauffman has undertaken the representation pro bono—that is without charge—because of the very important issues involved.

This is not only a matter of enormous economic importance to the Delaware Valley region, but it is of grave national importance to issues of national security, where the Philadelphia Navy Yard has historically played a very vital role for national defense. In the gulf war it was clear that air power was a significant factor in our victory there and that the carriers played a significant role in supporting air power, and that the Philadelphia Navy Yard was significant for its servicing of many of those carriers. So that underlying this issue are vital concerns of national security, in addition to what is obviously important for the economy of the Delaware Valley region.

The gravamen of this litigation, Mr. President, goes not only to process but to actual suppression of key evidence which, if it had been available for the hearings in Washington on May 22, and in Philadelphia on May 24, would have led to a contrary conclusion—that is, the retention of the Philadelphia Navy Yard.

Although the documents are lengthy, I ask unanimous consent, Mr. President, that the complaint for declaratory judgment and the memorandum of law in support of the request for declaratory judgment be printed in full in the RECORD.

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

[In the U.S. District Court for the Eastern District of Pennsylvania]

SEN. ARLEN SPECTER, SEN. HARRIS WOFFORD, SEN. BILL BRADLEY, SEN. FRANK R. LAUTENBERG, GOVERNOR ROBERT P. CASEY, COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA ATTORNEY GENERAL ERNEST D. PREATE, JR., REP. CURT WELDON, REP. THOMAS FOGLIETTA, REP. ROBERT ANDREWS, REP. R. LAWRENCE COUGHLIN, CITY OF PHILADELPHIA, HOWARD J. LANDRY, AND INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 3, AND WILLIAM F. REIL AND METAL TRADES COUNCIL, LOCAL 687 MACHINISTS, PLAINTIFFS, *v.* H. LAWRENCE GARRETT III, SECRETARY OF THE NAVY, RICHARD CHENEY, SECRETARY OF DEFENSE, THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION AND ITS MEMBERS JAMES A. COURTER, WILLIAM L. BALL III, HOWARD H. CALLAWAY, DUANE H. CASSIDY, ARTHUR LEVITT, JR., JAMES C. SMITH II, AND ROBERT D. STUART, JR., DEFENDANTS

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiffs Sen. Arlen Specter, Sen. Harris Wofford, Sen. Bill Bradley, Sen, Frank R. Lautenberg, Governor Robert P. Casey, the Commonwealth of Pennsylvania, Pennsylvania Attorney General Ernest D. Preate, Jr., Rep. Curt Weldon, Rep. Thomas Foglietta, Rep. Robert E. Andrews, Rep. R. Lawrence Coughlin, the City of Philadelphia, Howard J. Landry, International Federation of Professional and Technical Engineers, Local 3, William F. Reil and Metal Trades Council, Local 687 Machinists allege as follows:

INTRODUCTION

1. A declaratory judgment is necessary to prevent the imminent and unlawful closing of the Philadelphia Naval Shipyard (also referred to as the "Shipyard"), the largest employer in the Philadelphia area. The actions taken by the government officials responsible for ensuring an independent, equal, lawful and fair process for closing and realigning military installations under the Defense Base Closure and Realignment Act of 1990 (the "Base Closure Act"), Public Law 101-510, Title XXIX, §§2901-2910 (November 5, 1990), have violated the Base Closure Act and the

procedures and regulations promulgated thereunder in *at least 18 separate and material respects.*

2. The plaintiffs respectfully request a declaratory judgment that the Secretary of Defense, the Secretary of Navy and the Base Closure and Realignment Commission's actions are fundamentally inconsistent with the Base Closure Act and other applicable law and are therefore void.

3. Immediate declaratory relief is necessary because the defendants' unlawful conduct has resulted in the Shipyard being placed on a list of military installations slated for closure. If the requested relief is not granted, the plaintiffs will be immediately and irreparably injured.

PLAINTIFFS

4. Plaintiff United States Senator Arlen Specter is a citizen of the Commonwealth of Pennsylvania with his residence in Philadelphia County, Pennsylvania, and an office at Room 9400, Green Federal Building, 6th and Arch Streets, Philadelphia, Pennsylvania.

5. Plaintiff United States Senator Harris Wofford is a citizen of the Commonwealth of Pennsylvania with his residence in Montgomery County, Pennsylvania, and an office at Room 9456, Green Federal Building, 6th and Arch Streets, Philadelphia, Pennsylvania.

6. Plaintiff United States Senator Bill Bradley is a citizen of the State of New Jersey with his residence in Morris County, New Jersey, and an office at Union-1605, Vauxhall Road, Union, New Jersey.

7. Plaintiff United States Senator Frank R. Lautenberg is a citizen of the State of New Jersey with his residence in Secaucus, New Jersey, and an office at Gateway I, Newark, New Jersey.

8. Plaintiff Governor Robert P. Casey is a citizen of the Commonwealth of Pennsylvania with his residence in Lackawanna County, Pennsylvania, and an office at Room 229, Main Capitol, Harrisburg, Pennsylvania.

9. Plaintiff the Commonwealth of Pennsylvania is a State of the United States.

10. Plaintiff Pennsylvania Attorney General Ernest D. Preate, Jr. is a citizen of the Commonwealth of Pennsylvania with his residence in Lackawanna County, Pennsylvania, and an office at 16th Floor, Strawberry Square, Harrisburg, Pennsylvania. Plaintiff Preate sues individually and as Attorney General of the Commonwealth of Pennsylvania.

11. Plaintiff United States Representative Curt Weldon is a citizen of the Commonwealth of Pennsylvania with his residence in Delaware County, Pennsylvania, and an office at 1554 Garrett Road, Upper Darby, Pennsylvania.

12. Plaintiff United States Representative Thomas Foglietta is a citizen of the Commonwealth of Pennsylvania with his residence in Philadelphia County, Pennsylvania, and an office at Room 10402, Green Federal Building, 6th and Arch Streets, Philadelphia, Pennsylvania.

13. Plaintiff United States Representative Robert E. Andrews is a citizen of the State of New Jersey with his residence in Camden County, New Jersey, and an office at 16 Somerdale Square, Somerdale, New Jersey 08083.

14. Plaintiff United States Representative R. Lawrence Coughlin is a citizen of the Commonwealth of Pennsylvania with his residence in Montgomery County, Pennsylvania, and an office in Norristown, Pennsylvania.

15. Plaintiff the City of Philadelphia is a municipality of the Commonwealth of Pennsylvania.

16. Plaintiff Howard J. Landry is the President of the International Federation of Professional and Technical Engineers, Local 3, and is a citizen of the State of New Jersey with his residence in Cherry Hill, New Jersey. Landry has been employed since 1972 by the Shipyard and has over twenty-seven years of federal service employment. Landry is a member of the class of employees whose jobs will be eliminated if the Shipyard is closed in accordance with the July 1, 1991 recommendation of the Defense Base Closure and Realignment Commission.

17. Plaintiff International Federation of Professional and Technical Engineers ("IFPTE"), Local 3, is the exclusive bargaining representative for virtually all General Schedule ("GS") employees of the Shipyard. IFPTE Local 3 has its principal place of business at the Shipyard, Philadelphia, Pennsylvania. IFPTE represents over 1,300 employees of the Shipyard. These employees are employed in GS grades 3 through 12 and work as engineers, technicians and clerical staff, predominantly holding positions in all phases of the repair, overhaul and maintenance of Navy vessels. Nearly all of these employees will lose their jobs if the Shipyard is closed in accordance with the July 1, 1991 recommendation of the Defense Base Closure and Realignment Commission.

18. Plaintiff William F. Reil, the President of the Metal Trades Council, Local 687 Machinists, is a citizen of the Commonwealth of Pennsylvania with his residence in Philadelphia, Pennsylvania. Reil has been employed since 1953 by the Shipyard. Reil is a member of the class of employees whose jobs will be eliminated if the Shipyard is closed in accordance with the July 1, 1991 recommendation of the Defense Base Closure and Realignment Commission.

19. Plaintiff Metal Trades Council, Local 687 Machinists ("MTC"), is the exclusive bargaining representative for all blue collar workers at the Shipyard. MTC represents over 8,000 employees of the Shipyard and Naval Station. Nearly all of these employees will lose their jobs if the Shipyard is closed in accordance with the July 1, 1991 recommendation of the Defense Base Closure and Realignment Commission.

DEFENDANTS

20. Defendant H. Lawrence Garrett, III is the Secretary of the Navy and maintains his principal office at the Department of the Navy, the Pentagon, Washington, D.C. Defendant Garrett is sued in his official capacity as Secretary of Navy.

21. Defendant Richard Cheney is the Secretary of Defense and maintains his principal office at the Department of Defense, The Pentagon, Washington, D.C. Defendant Cheney is sued in his official capacity as Secretary of Defense.

22. Defendant The Defense Base Closure and Realignment Commission (the "Commission") is the agency of the United States charged with ensuring an independent, equal, lawful and fair process for closing and realigning military installations.

23. Defendant James A. Courter is Chairman of the Commission and is sued in his official capacity.

24. Defendant William L. Ball, III is a member of the Commission and is sued in his official capacity.

25. Defendant Howard H. Callaway is a member of the Commission and is sued in his official capacity.

26. Defendant Gen. Duane H. Cassidy, USAF (Ret.) is a member of the Commission and is sued in his official capacity.

27. Defendant Arthur Levitt Jr. is a member of the Commission and is sued in his official capacity.

28. Defendant James C. Smith, II, P.E. is a member of the Commission and is sued in his official capacity.

29. Defendant Robert D. Stuart, Jr. is a member of the Commission and is sued in his official capacity.

JURISDICTION AND VENUE

30. This Court has jurisdiction over the subject matter of this lawsuit pursuant to: (a) the Declaratory Judgment Act, 28 U.S.C. §§2201 and 2202; (b) 28 U.S.C. §§1331, 1337, 1346 and 1361; (c) the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, Title XXIX, §§2901-2910 (November 5, 1990); and (d) the Administrative Procedure Act, 5 U.S.C. §§701 *et seq.*

31. Venue is proper in this Court pursuant to 28 U.S.C. §1391.

STATEMENT OF FACTS

A. The Philadelphia Naval Shipyard

32. Founded in 1801, the Philadelphia Naval Shipyard is a major industrial complex consisting of extensive and large drydocks, piers, production shops, equipment and other assets valued at almost 3 billion dollars. The Philadelphia Naval Station services the Shipyard.

33. Operations at the Shipyard involve at least 47,000 jobs in the Philadelphia area (31,000 direct and indirect positions, 7,000 additional ship-associated personnel and 9,100 direct and indirect positions associated with the Philadelphia Naval Station).

34. There are eight Naval Shipyards in the United States: Puget Sound, Norfolk, Philadelphia, Mare Island, Charleston, Pearl Harbor, Portsmouth and Long Beach.

35. Almost 15% of the total repair and modernization work performed by all eight Naval Shipyards is accomplished at the Philadelphia Shipyard.

36. In addition to performing work on large amphibious ships and other large vessels, the Philadelphia Shipyard's physical assets and experienced work force make it the premier facility for work on the Navy's non-nuclear aircraft carriers and highly sophisticated and complex cruisers and destroyers.

37. The Shipyard excels in the Service Life Extension Program ("SLEP"), which extends the life of non-nuclear carriers in the Naval fleet by 15-30 years at a cost of about $1 billion or less per carrier.

38. Philadelphia is the only Naval Shipyard performing SLEP work.

39. In the 1991 Defense Appropriation Act, the Congress has required a $405 million CV-SLEP on the aircraft carrier U.S.S. Kennedy to be performed at the Shipyard. The CV-SLEP is not scheduled to be completed until mid-1996.

40. From 1980 through the present, Philadelphia has led all eight Naval Shipyards in efficiency and cost-effectiveness, due largely to the excellence of its highly skilled work force.

41. Contrary to the statements of the Navy, not a penny will be saved by the closure of the Shipyard.

42. Philadelphia is one of only two Naval Shipyards operating in the black with positive net operating results in the last two years.

43. The Shipyard differs from most other governmental agencies because it operates as a private business and it not funded directly from the defense budget. Personnel payrolls, building maintenance and nearly all other overhead and operating expenses are paid for by selling Shipyard services to

customers in a highly competitive environment.

44. Unlike most other governmental agencies, the Shipyard does not receive annual appropriations in support of operations. Rather, it generates its revenues by charging customers for work performed.

45. If the Shipyard is closed, the work performed there will ultimately be performed at greater cost to the Navy.

B. Enactment of the 1990 Defense Base Closure and Realignment Act

46. On May 3, 1988, then Secretary of Defense, Frank Carlucci, chartered the Defense Secretary's Commission on Base Realignment and Closure to evaluate and recommend a reduction in the military installations located in the United States.

47. In October 1988, Congress passed and the President signed Public Law 100–526, the Defense Authorization Amendment and Base Closure and Realignment Act.

48. The 1988 Commission on Base Realignment and Closure recommended that 86 bases be closed and 59 bases be realigned or partially closed. These recommendations were strongly criticized by members of Congress and the public.

49. Congressional critics contended that the 1988 base closure and realignment recommendation process had not been sufficiently open to public scrutiny.

50. Congressional critics also charged that faulty data had been used to reach the 1988 final closure recommendations.

51. Congress believes that the General Accounting Office ("GAO") should have reviewed the data considered by the 1988 Commission on Base Realignment and Closure.

52. On January 29, 1990, Secretary of Defense Cheney announced a proposal to close 36 bases in the United States, including the Shipyard.

53. In connection with that proposal, the Vice Chief of Naval Operations conducted a study to justify the proposed closure. This study concluded that the Shipyard should not be closed.

54. On November 5, 1990, to redress the criticisms raised by the 1988 base closure process, the President signed into law the Base Closure Act.

55. The Base Closure Act:

(a) Expressly stated that its "purpose" was "to provide a *fair process* that will result in the timely closure and realignment of military installations" [10 U.S.C. §2901(b) (emphasis supplied)];

(b) Required that all meetings of the Commission "be open to the public," except where classified information was being discussed [10 U.S.C. §2902(e)(2)(A)];

(c) Mandated the development and application of "final criteria" for making the closure and realignment determinations [10 U.S.C. §2903(b)(2)(A) and (c)];

(d) Mandated the creation of a six year force-structure plan for the Armed Forces for making the closure and realignment determinations [10 U.S.C. §2903(a) and (c)];

(e) Required the Secretary of Defense to consider all military installations "equally" for closure or realignment [10 U.S.C. §2903(c)(3)];

(f) Required the Secretary of Defense to transmit to the Commission "a summary of the selection process that resulted in the recommendation for [closure or realignment] of each installation, including a justification for each recommendation [10 U.S.C. §2903(c)(2)]; and

(g) Required the Secretary of Defense to transmit to the GAO "all information used by the Department in making its recommendations to the Commission for closures and realignments," and required the GAO (i) to assist the Commission in its review and analysis of the recommendations made by the Secretary and (ii) to transmit to the Commission and to Congress "a report containing a detailed analysis of the Secretary's recommendations and selection process" 45 days *before* the Commission's report was to be transmitted to the President [10 U.S.C. §§2903(c)(4), 2903(d)(5)(A) and 2903(d)(5)(B)].

C. The Oversight role of Congress under the Base Closure Act

56. The April 1991 Base Closure and Realignment Report of the Department of Defense ("DOD") acknowledges the significant oversight role retained by Congress with respect to military installation closures and realignments:

"(a) Authority to disapprove by law the Secretary's final criteria;

"(b) Receipt of the Secretary of Defense's force structure plan;

"(c) Receipt of the Secretary's recommended closures and realignments;

"(d) The role of the General Accounting Office; and

"(e) The requirement that the Commission's proceedings, information, and deliberations be open, on request, to designated members of Congress."

D. The evaluative and oversight role of the General Accounting Office under the Base Closure Act

57. During the 1988 base closure process, Congress belatedly called upon the GAO to examine the 1988 commission's methodology, findings and recommendations.

58. Congress ensured an integral and timely role for the GAO during the 1991 base closure process.

59. The Secretary's April 1991 Base Closure and Realignment Report to the Commission described the GAO's essential role:

"Public Law 101–510 provided for the General Accounting Office (GAO) to *monitor* the activities, *while they occur*, of the Military Departments, the Defense Agencies and the Department of Defense in selecting bases for closure or realignment under the Act.

"The GAO is required to provide the Commission *and the Congress* with a detailed analysis of the Secretary of Defense's recommendations and selection process. The GAO report, due by May 15, 1991, is also intended to describe how the DOD selection process was conducted and whether it met the requirements of the Act. In addition, the GAO is required to assist the Commission, if requested, with its review and analysis of the Secretary's recommendations." (Emphasis supplied.)

60. Purporting to comply with Congressional mandates, the Commission stated at p. 1–5 of its July 1, 1991 Base Closure and Realignment Report to the President that the "GAO has been an integral part of the process."

E. The 1991 Defense Base Closure Commission

61. The Base Closure Act provides for an eight member Commission to conduct an independent, equal, lawful and fair process for closing and realigning military installations.

62. To ensure the independence of the Commission, the Base Closure Act requires that the President nominate commissioners only after consulting with the speaker of the House of Representatives concerning the appointment of two members, the majority leader of the Senate concerning two members, the minority leader of the House of Representatives concerning the appointment of one member and the minority leader of the Senate concerning the appointment of one member.

63. The President nominated former New Jersey Congressman James A. Courter as Chairman of the Commission and the following seven as members of the Commission: William L. Ball III, former Secretary of the Navy; Howard H. (Bo) Callaway, former Secretary of the Army; Duane H. Cassidy, former commander-in-chief of the United States Transportation Command of the Military Airlift Command; Arthur Levitt, Jr., chairman of the board of Levitt Media Company; James C. Smith II, P.E., formerly a member of the Secretary of Defense's 1988 Base Closure Commission; Robert D. Stuart, Jr., former chairman of the board of the Quaker Oats Company; and Alexander Trowbridge, former Secretary of Commerce.

64. These nominations were confirmed by the Senate.

65. On May 17, 1991, Alexander Trowbridge resigned from the Commission because of a conflict of interest arising out of his ownership of a majority of stock in certain companies that had significant Pentagon contracts.

66. Section 2902 of the Base Closure Act requires that all vacancies be filled in the same manner as the original appointment.

67. In accordance with Congress' oversight role under the Base Closure Act, Alexander Trowbridge had been nominated by the President after consultation with Speaker Foley.

68. In violation of the Base Closure Act, Trowbridge's vacancy was never filled.

69. The Commission established four procedures for gathering evidence to review the DOD's base closure proposals: (a) 15 public hearings in Washington, D.C. to receive information from the DOD, legislators and other experts; (b) 14 regional and site hearings to obtain public comment; (c) site visits by the Commissioners of the major facilities proposed for closure; and (d) review by the Commission's staff of the Armed Services' processes and data.

70. Under the Base Closure Act, the Commission was required to submit its Report to the President by July 1, 1991, setting forth its findings, conclusions and recommendations for closures and realignments inside the United States.

F. The Department of Defense base closure criteria for process

71. The Base Closure Act directs the Secretary of Defense to: (1) develop selection criteria for making recommendations for the closure of military installations and to finalize such criteria after public comment; (2) provide to Congress (with the Department of Defense's budget request for fiscal year 1992) a six-year, force-structure plan for the Armed Forces; (3) submit to the Commission by April 15, 1991 a list of military installations recommended for closure or realignment "*on the basis of the force-structure plan and the final criteria*" [10 U.S.C. §2903(c)(1) (emphasis supplied)]; and (4) make available to the Commission, the GAO and Congress "*all information* used by the Department in making its recommendations to the Commission for closures and realignments" [10 U.S.C. §2903(c)(4) (emphasis supplied)].

72. As part the objective process for determining whether to close a military installation, the Base Closure Act required the Secretary of Defense to establish selection criteria to be used in making a closure recommendation.

73. In developing these criteria, the Secretary was required to publish proposed cri-

teria in the Federal Register and solicit public comments.

74. The DOD published eight proposed criteria and requested comments on November 30, 1990.

75. The proposed criteria closely mirrored the criteria established for the 1988 Defense Secretary's Commission on Base Realignment and Closure. The only notable differences were that priority consideration was given to military value criteria and payback was no longer limited to six years.

76. As a result of numerous public concerns raised about the criteria's broad nature and the need for objective measures or factors for the criteria, on December 10, 1990, the DOD issued a memorandum setting forth "policy guidance" and "record keeping" requirements to the Military Departments as follows:

"The recommendations in the studies must be based on the final base closure and realignment selection criteria established under that Section [2903 of the Act]; and

"The studies must consider *all* military installations inside the United States * * * *on an equal footing* * * *"

DOD components shall keep:

"Descriptions of how base closure and realignment selections were made, and how they met the final selection criteria;

"Data, information and analysis considered in making base closure and realignment selections; and

"Documentation for each recommendation to the Secretary of Defense to close or realign a military installation under the Act." (Emphasis supplied.)

77. On February 13, 1991, the DOD issued a memorandum setting forth "internal control" guidance to the Military Departments requiring implementation of an "internal control plan" which "at a minimum" was to include:

"Uniform guidance defining data requirements and sources for each category of base,

"Systems for verifying accuracy of data,

"Documentation justifying any changes made to data submissions, and

"Procedures to check the accuracy of the analysis made from the data provided."

78. The February 13, 1991 DOD Memorandum also provided the following procedures for evaluating base closures and realignments: (a) if there was no excess capacity in a certain category, the bases in that category were exempted from closure; (b) if there was excess capacity and a base was recommended for closure or realignment, the Department's analysis must have considered all military bases within that category and any cross-categories; and (c) military bases could only be excluded from further review if they were militarily/geographically unique or mission essential such that no other base could substitute for them.

79. On February 15, 1991, the DOD published in the *Federal Register* eight proposed final criteria to govern the base closure and realignment process.

80. The first four criteria concerned "military value," and were to receive preference:

"(1) Current and future mission requirements and the impact of operational readiness of the Department of Defense's total force.

"(2) The availability and condition of land, facilities and associated air space at both the existing and potential receiving locations.

"(3) The ability to accommodate contingency, mobilization, and future total force requirements at both the existing and potential receiving locations.

"(4) The cost and manpower implications."

The fifth criteria concerned "return on investment":

"(5) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of closure or realignment, for the savings to exceed the costs."

The final three criteria involved "impacts":

"(6) The economic impact on local communities.

"(7) The ability of both the existing and potential receiving communities' infrastructures to support forces, missions, and personnel.

"(8) The environmental impact."

81. The proposed criteria were subject to Congressional review between February 15, 1991 and March 15, 1991. The criteria became final on March 15, 1991.

G. The necessity for the Navy to develop and implement an internal control plan

82. The February 13, 1991 DOD Memorandum also required each Military Department to develop and implement an "internal control plan" to ensure the accuracy of data collection and analyses. At a minimum, the internal control plan was required to include (1) uniform guidance defining data requirements and sources for each category of base, (2) systems for verifying accuracy of data, (3) documentation justifying any changes made to data submissions, and (4) procedures to check the accuracy of the analyses made from the data provided.

83. The Navy failed to implement an "internal control plan" that ensured the accuracy of its data collection and analysis. The Navy did not prepare minutes of its deliberations on closures and realignments.

H. The Navy's pre-determination to close the Philadelphia Naval Shipyard

84. On December 10, 1990, the DOD issued the exclusive procedures which the Military Departments were to follow in making defense base closure and realignment recommendations.

85. In accordance with the Base Closure Act, the procedures required that all military installations be considered *equally*, "without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department of Defense."

86. In blatant contravention of the express language of the Base Closure Act, its own internal procedures and clear Congressional intent to establish an objective and fair process, the Navy used a completely arbitrary, subjective process designed to justify a predetermined conclusion to close the Shipyard.

87. Documents that were withheld by the Navy until after the close of the Commission's public hearings established that, as early as December 19, 1990—prior to the DOD's establishment of a force structure plan or final criteria for evaluating base closures—the Secretary of the Navy had already decided to close the Shipyard.

88. *On December 19, 1990,* Admiral Peter Heckman, then Commander of the Naval Sea Systems Command, wrote a memorandum to the Chief of Naval Operations urging the Navy's reconsideration of its decision to close the Shipyard:

"While I realize that the *Secretary has been briefed and has concurred with the proposal to mothball Philadelphia Naval Shipyard,* I strongly recommend that *this decision* be reconsidered. It is more prudent to downsize Philadelphia Naval Shipyard . . .

"Further, I recommend that the drawdown of Philadelphia Naval Shipyard to an SRF size shipyard not be done until FY 95, as the shipyard is required to support scheduled workload until that time." (Emphasis supplied.)

89. Although Admiral Heckman was responsible for oversight of all Naval Shipyards, the Navy refused to allow him to become a part of the base closure process.

90. Admiral Heckman retired from the Navy on or about May 1, 1991. After his retirement, Admiral Heckman was instructed by the Assistant Secretary of the Navy, Donald Howard, that he was *not* to testify before the Commission at the public hearings on the Philadelphia Naval Shipyard.

91. The Navy predetermination to close the Philadelphia Naval Shipyard is confirmed by its treatment of other Naval Shipyards during the base closure process.

92. Navy guidelines expressly prohibited non-emergency capital upgrades of any military installations on the 1990 Base Closure List during the 1991 base closure process.

93. Nevertheless, on February 4, 1991—one day prior to the commencement of the Navy's force structure review process—the Chief Naval Officer requested $1.05 million to upgrade for nuclear certification a shipyard that was clearly subject to the base closure process: Long Beach Naval Shipyard.

94. Long Beach is the only shipyard other than Philadelphia that does not have a nuclear certification.

95. The Navy's decision to upgrade Long Beach not only violated its own guidelines but clearly establishes a predisposition by the Navy to close the Philadelphia Navy Shipyard.

I. The Navy Base Structure Committee's blatant disregard for its own evaluation results

96. In December 1990, the Secretary of the Navy established a six-member Base Structure Committee ("BSC") to conduct a base structure review and to determine the Navy's closure and realignment candidates.

97. The BSC was charged with reviewing all installations inside the United States *equally*, "without regard to whether the installation was previously considered for closure or realignment."

98. By applying their admittedly subjective judgment, the BSC candidly admitted that it arrived at base closure decisions that "differed from the assessments one might make using the raw empirical data."

99. The BSC initially categorized all facilities according to function—e.g., Naval Air Stations, Naval Shipyards—to determine which categories possessed significant excess capacity.

100. The Navy then applied the eight selection criteria in two phases by assigning color codes to military bases in categories with excess capacity.

101. Phase I of the BSC's analysis required a consideration of the first four military criteria. After Phase I was completed, the Navy excluded those bases which it determined "were distinguished by virtue of their operational value," *i.e.*, those that it gave an overall "green" rating under the first four military criteria.

102. Under the Navy's rating system, a "green" rating received one point, a "yellow" rating received two points, and a "red" rating (favoring closure) received three points.

103. The Navy's color-coded/point approach resulted in the following total point allocations to each of the eight Naval Shipyards in the United States:

Shipyard	*Points*
Puget Sound, WA	4
Norfolk, VA	5

Shipyard	Points
Philadelphia, PA	6
Charleston, SC	6
Mare Island, CA	6
Pearl Harbor, HI	6
Portsmouth, ME	6
Long Beach, CA	7

104. Puget Sound received a "green" rating for each of the first four military criteria and was therefore excluded from further closure consideration.

105. In accordance with the BSC base closure criteria, the seven remaining Naval Shipyards should have been evaluated under the remaining four non-military criteria set forth in Phase II.

106. Using the BSC's own rating system, the Philadelphia Naval Shipyard should have been treated the same as Charleston, Mare Island, Pearl Harbor and Portsmouth and better than Long Beach.

107. Ignoring its own rating system and in blatant disregard of the statutory mandate that all bases be considered "equally," the Navy—for no apparent reason and without any supporting documentation or analysis—gave overall "green" ratings to three *undeserving* shipyards: Mare Island, which just like Philadelphia Naval Shipyard, received two "yellow" and two "green" ratings; Norfolk, which received three "green" and one "yellow" ratings; and Pearl Harbor, which received one "red" and three "green" ratings.

108. The BSC then arbitrarily, unilaterally and without reference to any one of the eight DOD criteria excluded all of the six nuclear-capable shipyards from any further review without providing any documentation or analysis to justify a drydock need for nuclear ships as compared with conventional carriers.

109. This process left only Long Beach (which is one of *two* California shipyards) and Philadelphia for further review.

110. To circumvent the fact that Long Beach scored poorly in three of the four military criteria and overall had the worst rating of all eight Naval Shipyards, the BSC then excluded Long Beach from further consideration contending that *one* of the drydocks at that shipyard could be used "to handle West Coast aircraft carriers (including CVN emergency work)." [Navy Report, Tab C, p. 10].

111. By this egregious process of elimination, the BSC was left with *only one yard* to consider for closure under the remaining four criteria, the Philadelphia Naval Shipyard. The BSC then performed a perfunctory application of the second four non-military criteria with respect to the Philadelphia Naval Shipyard to ensure its closure.

J. The Navy's force structure plan

112. The Base Closure Act required the Navy to create a force-structure plan based on the Navy's inventory of its fleet and projections of work necessary to upgrade and maintain its fleet during a six year fiscal period. Base closure recommendations and decisions were to be based on this plan, pursuant to Section 2903(a) and (c) of the Base Closure Act.

113. The Navy's force structure plan and conclusions regarding the Navy's drydock needs fall far short of the statutory requirements. The plan fails to provide the requisite specificity necessary to determine how many large drydocks, such as those at the Shipyard, the Navy will need from 1992 through 1997, including the number and types of ships that will remain in the fleet and the number of anticipated repairs, overhaulds and refuelings required on those ships during the relevant time period.

114. In fact, the Navy's own April 1991 Report contradicts the conclusion that any of the Naval Shipyards should be closed.

115. The Navy's Reports stated that the Navy is currently fully utilizing its drydocks "in excess of 100%." The Report also stated that the number of large amphibious ships is increasing and for 1994 and 1997 there will be insufficient naval drydocks to handle large carriers. [Navy Report, Tab C, p. 2]

116. In its Report, the Navy also determined that shipyard workloads would be virtually unaffected:

"While the Navy fleet in general is downsizing by 19%, *the types of ships worked on by the Naval Shipyards is downsizing by only 1%, and in some cases is increasing (large Amphibious and AEGIS ships).* Thus, the need for certain facilities to accomplish this work is *not* diminished."—[Navy Report, Tab C, p. 2 (emphasis added)].

117. A March 1991 memorandum from Admiral Claman, Commander Naval Sea Systems Command, to the Chief of Naval Operations confirmed that the Navy's utilization of shipyards for large amphibious ships and other large vessels would be between 84.2% and 106.9% for fiscal years 1992 through 1997.

118. Since the Navy requires that Shipyards reserve 30% of their space for emergency repairs, it is clear that Shipyards, such as the Philadelphia Naval Shipyard, servicing large amphibious ships and other large vessels will have no "excess" capacity during the relevant six year period and should have been excluded from further review under the base closure process.

119. The Navy's failure to prepare and follow an adequate force structure plan substantially prejudiced Naval Shipyards, such as the Philadelphia Naval Shipyard, since Philadelphia has: (a) three of the Navy's five East Cost drydocks that are capable of handling large amphibious ships and other large vessels; and (b) two of only three East Coast drydocks capable of handling carriers.

120. A March 15, 1991 memo from Admiral Heckman to the Chief of Naval Operations recognized that "retention of a credible repair capability at Philadelphia for naval ships home ported in the Northeast area is the most cost effective solution." Admiral Heckman concluded that:

"[T]he workload distribution for naval shipyard in the 90's supports full operations at Philadelphia, through mid FY 95. As previously briefed, executing a realignment of Philadelphia Naval Shipyard in FY 93 will cause significant perturbations to carrier overhauling yard assignment and could result in an East Coast CV overhauling on the West Coast."

121. Despite express requests for the foregoing information by interested members of Congress, the Navy deliberately withheld the Claman and Heckman memoranda from the GAO, the Commission, Congress and the public until after the close of the public hearings.

122. The BSC submitted its recommendations, including its proposal to close the Philadelphia Naval Shipyard, to the Secretary of the Navy.

123. The Secretary of the Navy submitted BSC's nominated bases for closure and realignment to the Secretary of Defense.

124. On April 12, 1991, Secretary Cheney issued the DOD's Base Closure Report. The Report adopted the Navy's proposals and recommended 43 base closures, including the Philadelphia Naval Shipyard.

K. The May 16, 1991 General Accounting Office report

125. The Base Closure Act provides for the GAO to monitor the activities of the Military Departments, the Defense Agencies and the Department of Defense in selecting bases for closure or realignment under the Act.

126. The GAO was required (a) to assist the Commission in its review and analysis of the Secretary of Defense's closure recommendations and (b) to provide the Commission and the Congress with a detailed analysis of the Secretary of Defense's recommendations and selection process. The GAO Report was also intended to describe how the DOD selection process was conducted and whether it met the requirements of the Act.

127. Despite the clear mandates of the Base Closure Act and the DOD's internal guidelines and regulations, the Navy failed to provide the GAO with sufficient documentation to support either its base closure process or its recommendations for closure.

128. The GAO's independent Report, entitled *Observations on the Analyses Supporting Proposed Closures and Realignments*, was issued on May 16, 1991, in accordance with the statutory mandate of the Base Closure Act. A copy of the relevant text of the GAO report is annexed hereto as Exhibit A.

129. The GAO Report found that the Army and Air Force could document their use of the force-structure plan and the military value criteria. Therefore, the GAO concluded that the base closure recommendations made by the Army and Air Force were "adequately supported."

130. In stark contrast, the GAO concluded that the Navy's recommendations and processes were entirely inadequate.

131. The GAO Report concluded that the Navy did not offer sufficient documentation to prove whether or not its process followed the force structure and selection criteria, thereby preventing the GAO from evaluating the Navy's specific recommendations for closure:

"We were unable to conduct an extensive review of the process the Navy used to recommend bases for closure or realignment, because the Navy did not adequately document its decision-making process or the results of its deliberations. In addition, the Navy did not establish an internal control plan to ensure the validity and accuracy of information used in its assessment as required by OSD.

"Due to the limited documentation of its process, we also could not assess the reasonableness of the Navy's recommendations for closures."—[GAO Report at p. 46].

132. In addition to the lack of adequate documentation, and the absence of any internal control plan, the GAO determined that it could not evaluate the Navy's "methodology" for reviewing air stations, shipyards, or labs. [GAO Report at pp. 46–48].

133. Significantly, the GAO Report stated that, on May 7, 1991, the Navy's BSC informed the GAO that the BSC had ignored the data prepared by its working groups because of the BSC's view that "much of the data were biased in favor of keeping bases open and were inadequate for an objective assessment of the Navy's basing needs." According to the BSC, it therefore relied on informal briefings and meetings, many of which were in closed executive sessions. [GAO Report at p. 46].

134. The GAO Report identified three additional deficiencies in the Navy's process for determining base closures: (1) insufficient justification to support "the basis for the [BSC's] military value ratings for Navy installations"; (2) the implementation and use of an inconsistent color coding system to rate military bases; and (3) the Navy's failure to assign responsibility for developing

and implementing an internal control plan to ensure the accuracy of information used by the Navy in its base structure reviews. [GAO Report at p. 48].

135. The GAO also discovered that, despite DOD guidance to the contrary, the Navy used budget data which did not use 1991 dollars as its baseline.

136. The GAO discovered inconsistencies in the Navy's service costs, savings estimates, payback calculations and recovery of closure costs. The GAO report concluded that the result of these inconsistencies was an overstatement of estimated annual savings and a shortening of the payback period for several closures.

137. The GAO Report also identified inconsistencies within the BSC's internal rating process, including the fact that the BSC had given identical ratings to two naval bases (Mare Island and Philadelphia Naval Shipyard) on each of the first four military selection criteria, but—without any discernable justification—had arbitrarily assigned an overall rating of green to one (Mare Island) and yellow to the other (Philadelphia Naval Shipyard). [GAO Report at p. 48].

138. Similarly, the BSC had assigned identical ratings to five naval bases but did not treat such bases equally. Again, the Philadelphia Naval Shipyard was not excluded from the closure process although four other naval shipyards which received identical ratings were excluded from further review.

139. The GAO Report concluded that, since the BSC "did not document these differences," the GAO "could not determine the rationale for its final decisions" and "could not comment on the Committee's closure and realignment recommendations based on the process." [GAO Report at p. 48].

140. In sum, the GAO Report found that the Navy and its BSC:

(a) Had not treated all bases equally, as required by the Base Closure Act;

(b) Had not complied with the Secretary of Defense's first four military selection criteria, as required by the Base Closure Act;

(c) Had not complied with the Secretary of Defense's "record keeping" and "internal controls" requirements; and

(d) Had prevented the GAO from performing its statutory mandate of reviewing and analyzing the recommendations for Naval base closures made by the Secretary of Defense and transmitting to Congress and the Commission a report containing a detailed analysis of the Secretary of Defense's recommendations for Naval base closures and the Navy selection process.

L. Public Hearings

141. The Base Closure Act established the 1991 Defense Base Closure and Realignment Commission to ensure that "the [base closure] process is open." [Report to President, p. 1–5].

142. The Base Closure Act therefore requires the Commission to conduct its proceedings in public and open its records and deliberations to public scrutiny.

143. The Commission expressly invited and received public testimony in Washington, D.C. from members of Congress.

144. By letter dated April 23, 1991, the Commission established five pages of procedures to govern Congressional testimony at the Commission's hearings. The Commission's procedures provided that:

"All members of Congress have the opportunity to testify before the Commission in Washington D.C. Members of Congress will have the opportunity to make introductory comments at regional hearings. However, their formal oral testimony and comments for the record should be presented at the Washington, D.C. hearing."

145. The Commission's official procedures also provided that the "recommended deadline for receipt of written material is May 20 to ensure that the Commission has adequate time to review all written documentation."

146. In accordance with the Base Closure Act, the Commission scheduled and held 28 hearings across the United States.

147. Congressional testimony on the Philadelphia Naval Shipyard was scheduled in Washington, D.C. for May 22, 1991. The regional hearing regarding the Philadelphia Naval Shipyard was scheduled for May 24, 1991.

148. In violation of the Base Closure Act and other applicable law, additional documentation was thereafter provided to the Commission that was not subject to GAO analysis or public comment and debate.

149. In blatant violation of the Base Closure Act, closed meetings with the Navy's BSC were held by the Commission on May 24, 1991 *after* the public hearings were completed.

150. Moreover, on May 24, 1991—*after* the close of the public hearings—the Commission requested that the Navy's BSC provide it with additional information to "try to resolve missing gaps in the information provided."

151. Thereafter, the Navy's BSC provided additional documents and information to the Commission, including COBRA analyses, data underlying the color coding ratings, data regarding the VCNO study and other information regarding Navy closure recommendations, without affording interested members of Congress or the public a meaningful opportunity to comment on such information at a public hearing.

152. Despite repeated demands by members of Congress for a public hearing on the additional information supplied by the Navy, the Commission refused to allow any public debate.

M. The July 1, 1991 Commission report to the President

153. On July 1, 1991, the Commission submitted its recommendations for the closure or realignment of U.S. military installations to the President.

154. In its July 1, 1991 Report to the President, the Commission stated:

"The Navy presented a special challenge to the Commission. Its selection process was more subjective and less documented than that of either the Army or the Air Force. To determine whether the Navy complied with the law, the Commission's staff held a series of meetings with members of the Navy's Base Structure Commission and other high ranking naval officers . . ."

These individuals responded to questions and supplied information to the Commission.

155. The Commission findings with respect to the Philadelphia Naval Shipyard were as follows:

"The Commission found that the overall public shipyard workload is falling significantly because of force reductions and budget limitations. The projected workload in nuclear shipyards during the 1990s was found to limit the potential for closing any nuclear shipyard until the late 1990s.

"The largest portion of Philadelphia's recent workload has been CV–SLEP, which the Navy desires to terminate. However, Congress has passed legislation that requires a CV–SLEP at Philadelphia. The Commission found that this CV–SLEP should be completed in mid-1996, about a year before the required closure date.

"Workload is available that could be diverted from public and private East Coast shipyards to Philadelphia to bring its activity up to levels that justify keeping it open. However, this would limit the Navy's ability to meet its target of putting 30 percent of its repair work in private yards . . .

"The Commission found that the combination of carrier-capable drydocks at Norfolk Naval Shipyard, *Newport News Shipbuilding*, and the mothballed drydocks at Philadelphia provide capacity for unplanned requirements.

156. The Commission exceeded its statutory authority in making base closure recommendations by considering the availability of privately-owned shipyards, such as Newport News, to provide emergency service for the Navy's fleet.

157. Consideration of private facilities as part of a force-structure plan to provide emergency service for the Navy's fleet is impermissible under the Base Closure Act and departs from long standing Navy strategic and operational requirements.

158. The Navy was fully aware of the need to keep the Philadelphia Naval Shipyard open, but withheld such information from the GAO, the Commission and the public. The March 1991 Admiral Claman memorandum to the Chief of Naval Operations clearly recognized that:

"Closure of Philadelphia Naval Shipyard, without retention of the large carrier capable dry docks creates a shortfall in dry dock capability for emergent dockings of aircraft carriers . . . Without the dry docks available at Philadelphia, the only other dock capable of taking an emergent carrier docking is at Newport News Shipbuilding (NNSB). Exhibit C–7 illustrates this situation graphically. This dock is privately owned and its docking schedule is not controlled by the Navy. The cost to have NNSB provide a dedicated dock under contract is considered prohibitive."

159. The Commission adopted the BSC's conclusion that the Shipyard should be closed based upon projected workload trends. However, the Navy's force structure plan lacked sufficient detail for the Commission to evaluate the Secretary's recommendations.

160. The law requires the President to approve or disapprove the Commission's recommendations by July 15, 1991. If approved, the report will be sent to Congress. Unless Congress enacts a joint resolution disapproving the Commission's proposals within 45 legislative days (or prior to when Congress adjourns for the session), the Secretary must begin to close or realign those installations listed in the report.

161. In fact, the Navy failed to produce, and the Commission failed to obtain, detailed information about projected Naval Shipyard workloads.

162. The Navy failed to engage in a fair and objective process and did not treat all military installations equally in recommending the closure of the Shipyard.

163. The Navy deviated substantially from the force structure plan and base closure criteria in recommending the closure of the Shipyard.

164. The Navy failed to base its decision on each of the final selection criteria and failed to apply each of the eight criteria equally, fairly and objectively.

165. The Navy failed to provide *all* information used in making its base closure recommendations to the GAO and members of Congress and failed to consider all available information concerning the Shipyard, especially information which would have pre-

vented the BSC from recommending its closure.

166. The Commission's adoption of the DOD's recommended base closures and realignments also violated the procedural and substantive safeguards set forth in the Base Closure Act wth respect to other military installations, including its recommendations to close the Philadelphia Naval Station and the realignment and elimination of the Warminster Naval Air Development Center and the U.S. Army Corps of Engineers division and district management headquarters located in the Commonwealth of Pennsylvania .

167. The foregoing actions of the defendants are in bad faith, arbitrary, capricious and in violation of the law.

N. Irreparable injury

168. The foregoing conduct of defendants will cause plaintiffs to suffer immediate and irreparable harm.

169. According to the Navy's December 1990 Final Environmental Impact Statement for Base Closure/Realignment of the Philadelphia Naval Shipyard ("FEIS"), the direct economic consequence of the proposed closure of the Philadelphia Naval Shipyards includes a reduction in present Navy employment in the Philadelphia region by 88 percent, which represents eliminating directly almost 15,000 employment positions and indirectly causing the loss of an additional 7,384 jobs in the Philadelphia area.

170. The FEIS stated that the proposed closure would add an estimated 16,856 workers to the unemployment rolls (a 17.4 percent increase) and increase unemployment in the geographical region from 3.8 percent (in 1989) to 4.5 percent of the work force.

171. The FEIS also stated that "many employees of Philadelphia Naval Shipyard would experience difficulty reentering the labor force without considerable retraining."

172. According to the FEIS, direct income and expenditures that would be withdrawn from the Philadelphia region as a result of the proposed closure would total $536.9 million.

173. An Economic Impact Report prepared by the Pennsylvania Economy League ("PEL") and submitted to the Naval Facilities Engineering Command on October 17, 1990 by the Commonwealth of Pennsylvania and the State of New Jersey concluded that closing the Philadelphia Naval Shipyard would have a much greater impact on the economy of Philadelphia and the entire tri-state region than that set forth in the FEIS since the Shipyard is the largest employer in the Philadelphia area.

174. Economic activity connected with the Philadelphia Naval Shipyard accounts for for $2.1 billion in gross product in the Philadelphia metropolitan statistical area. This represents 1.45 percent of the region's total economic activity.

175. The PEL's Economic Impact Report concluded that the unemployment rate would jump 25 percent from 5.8 to 7.6 percent in the Philadelphia region, that the region would suffer a loss of $915 million in wage and salary income and retail sales would decline $382.8 million.

176. Plaintiffs do not have an adequate remedy at law.

177. There is presently an actual controversy between the parties, within the meaning of the Declaratory Judgment Act, 28 U.S.C. §§2201-2202.

COUNT I—ALL PLAINTIFFS V. THE SECRETARY OF DEFENSE AND THE SECRETARY OF THE NAVY

178. Plaintiffs incorporate herein by reference paragraphs 1 through 177 above, as if fully set forth herein.

179. The Secretary of Defense, by and through his agent the Secretary of the Navy, adopted the list of closure and realignment recommendations made by the Navy's BSC in violation of the procedural and substantive safeguards and requirements set forth in the Base Closure Act, in that:

a. They failed to make available to the Commission, the GAO and Congress all information which was used by the Navy in making its recommendations to the Commission, in violation of Section 2903(c)(4) of the Base Closure Act;

b. They failed to provide the GAO with the data necessary for the GAO to perform its statutorily mandated duty to assist the Commission in its review and analysis of the recommendations for base closures made by the Navy and the Secretary of Defense, in violation of Section 2903(d)(5)(A) of the Base Closure Act;

c. They failed to provide the GAO with the data necessary for the GAO to perform its statutorily mandated duty to prepare and transmit to Congress and the Commission a detailed review and analysis of the Navy's and the Secretary of Defense's recommendations for Naval base Closures and the procedures employed by the Navy and the Secretary of Defense in arriving at such recommendations, in violation of Section 2903(d)(5)(B) of the Base Closure Act;

d. They failed to publish in the Federal Register and transmit to the congressional defense committees and to the Commission a summary of the selection process that resulted in the recommendation for closure for each installation, together with a justification for each recommendation, in violation of Sections 2903(c) (1) and (2) of the Base Closure Act;

e. They failed to consider all Naval installations inside the United States equally, without regard to whether the installations has been previously considered or proposed for closure or realignment, in violation of Section 2903(c)(3) of the Base Closure Act;

f. They failed to apply the eight final criteria adopted by DOD equally to all Naval installations in making their recommendations for Navy base closures, in violation of Section 2903(c)(1) of the Base Closure Act;

g. They utilized criteria which were not published and adopted in accordance with Section 2903 of the Base Closure Act;

h. They failed to implement record keeping and internal controls promulgated by DOD in order to insure an accurate and fair decision-making process, in violation of the Base Closure Act; and

i. They failed to adopt a force structure plan for the Navy in compliance with Section 2903(a) of the Base Closure Act and failed to base their base closure recommendations on a force structure plan which complied with the Base Closure Act.

180. The Secretary of the Navy's and the Secretary of Defense's actions were arbitrary and capricious, not in conformity with law and will inflict substantial irreparable harm on the plaintiffs for which there is no adequate remedy at law.

Wherefore, plaintiffs respectfully request that this Court:

a. Find and declare that the list of Naval closure and realignment proposals provided by the Secretary of the Navy and the Secretary of Defense to the Commission on April 12, 1991 was developed in a manner inconsistent with the requirements of the Base Closure Act and is therefore void;

b. Find and declare that the Secretary of the Navy's and the Secretary of Defense's adoption of the list of closure and realignment recommendations, findings and conclusions made by the Navy's BSC was arbitrary and capricious, and otherwise not in conformity with law;

c. Pursuant to 5 U.S.C. §706(2), hold unlawful and void that portion of the list of closure and realignment proposals, findings and conclusions which were submitted by the Secretary of the Navy;

d. Enjoin the Secretary of Defense from taking any action based upon the list of closure and realignment proposals submitted by the Secretary of the Navy; and

e. Grant such other and further relief as this Court deems just and equitable.

COUNT II—ALL PLAINTIFFS V. THE BASE CLOSURE COMMISSION

181. Plaintiffs incorporate herein by reference paragraphs 1 through 180 above, as if fully set forth herein.

182. The Commission, in reviewing and makings its recommendations regarding the base closures submitted by the Secretary of the Navy, violated the procedural and substantive safeguards and requirements set forth in the Base Closure Act, in that:

a. It based its decision on a significant amount of substantive information supplied by the Navy which was not evaluated or even made available to the GAO or to Congress, in violation of the Base Closure Act;

b. It failed to ensure that the GAO performed its statutorily mandated duty of assisting the Commission in its review and analysis of the recommendations for base closures made by the Navy and the Secretary of Defense, in violation of Section 2903(d)(5)(A) of the Base Closure Act;

c. It failed to ensure that the GAO performed its statutorily mandated duty of preparing and transmitting to Congress and the Commission a report containing a detailed review and analysis of the Navy's and the Secretary of Defense's recommendations for Naval base closures and the procedures employed by the Navy and the Secretary of Defense in arriving at such recommendations, in violation of Section 2903(d)(5)(B) of the Base Closure Act;

d. It decided to adopt the list of closure and realignment recommendations made by the Navy's BSC even though the GAO had found that the Navy and its BSC: (i) had not treated all bases equally, as required by the Base Closure Act; (ii) had not complied with the Secretary of Defense's first four military selection criteria, as required by the Base Closure Act; and (iii) had not complied with the Secretary of Defense's "record keeping" and "internal controls" requirements;

e. It failed to hold public hearings, in violation of section 2903(d)(1) of the Base Closure Act, because it did not include certain pivotal information regarding the Navy's recommendations and selection process in the record until after the close of the public hearings;

f. It failed to consider all Naval installations inside the United States equally, without regard to whether the installations had been previously considered or proposed for closure or realignment, in violation of Section 2903(c)(3) of the Base Closure Act;

g. It failed to apply the eight final criteria adopted by DOD equally to all Naval installations in making its recommendations for Navy base closures, in violation of Section 2903(c)(1) of the Base Closure Act;

h. It utilized criteria which were not published and adopted in accordance with Section 2903 of the Base Closure Act; and

i. It exceeded its statutory authority in making Naval base closure recommendations by considering privately-owned shipyards.

183. The Commission's actions were arbitrary and capricious, not in conformity with law and will inflict substantial irreparable harm on the plaintiffs for which there is no adequate remedy at law.

WHEREFORE. plaintiffs respectfully request that this Court:

a. Find and declare that the Navy's list of closure and realignment recommendations, submitted by the Commission to the President on July 1, 1991, was adopted by the Commission in violation of the Base Closure Act and is therefore void;

b. Find and declare that the Commission's adoption of the list of closure and realignment recommendations, findings and conclusions made by the Navy's BSC was arbitrary and capricious, and otherwise not in conformity with law;

c. Pursuant to 5 U.S.C. §706(2), hold unlawful and void that portion of the list of closure and realignment recommendations, findings and conclusions which were submitted by the Secretary of the Navy and adopted by the Commission;

d. Enjoin the Secretary of Defense from taking any action based upon the list of closure and realignment recommendations made by the Commission; and

e. Grant such other and further relief as this Court deems just and equitable.

COUNT III—LANDRY, REIL, IFPTE AND MTC V. ALL DEFENDANTS

184. Plaintiffs incorporate herein by reference paragraphs 1 through 183 above, as if fully set forth herein.

185. The defendants' actions constitute a violation of the plaintiffs' rights to Due Process as guaranteed under the Fifth Amendment of the United States Constitution.

186. The Base Closure Act expressly entitles the plaintiffs to a "fair process" by which it will be decided which military installations should be closed. Additionally, the Base Closure Act entitles the plaintiffs to have the Philadelphia Naval Shipyard remain open and in operation unless and until it is determined, in accordance with the Base Closure Act, that the closure of the Shipyard is warranted.

187. The defendants' disregard of the procedures set forth in the Base Closure Act, as more fully described in Counts I and II of this Complaint, impermissibly interfered with the rights which were granted to the plaintiffs under the Base Closure Act, and constitute violations of the Due Process Clause of the United States Constitution.

Wherefore, plaintiffs respectfully request that this Court:

a. Find and declare that defendents' actions in developing, adopting, and concurring in the Navy's list of closure and realignment recommendations provided by the Commission to the President on July 1, 1991 violated the plaintiffs' rights guaranteed by the Due Process Clause of the United States Constitution;

b. Pursuant to 5 U.S.C. §706(2), hold unlawful and void that portion of the list of closure and realignment proposals, findings and conclusions which were submitted by the Secretary of the Navy and adopted to the Commission;

c. Enjoin the Secretary of Defense from taking any action based upon the list of closure and realignment proposals submitted by the Secretary of the Navy and the Secretary of Defense and made by the Commission; and

d. Grant such other the further relief as this Court deems just and equitable.

Bruce W. Kauffman, I.D. No. 04466; David H. Pittinsky, I.D. No 04552; Camille J. Wolf I.D. No. 47307; Patrick T. Davish; I.D. No. 50400, John V. O'Hara; I.D. No. 57681, Mark A. Nation; I.D. No. 59150, Dilworth, Paxson, Kalish & Kauffman; and Sen. Arlen Specter; Attorneys for Plaintiffs.

Dated: July 8, 1991.

[U.S. General Accounting Office Report to the Congress and the Chairman, Defense Base Closure and Realignment Commission]

MILITARY BASES: OBSERVATIONS ON THE ANALYSES SUPPORTING PROPOSED CLOSURES AND REALIGNMENTS, MAY 1991

EXECUTIVE SUMMARY

Purpose

The Department of Defense (DOD) spends billions of dollars annually operating its military bases in the United States. Events taking place throughout the world and within the United States have caused a reevaluation of our military strategy, and U.S. forces are to be significantly reduced. DOD and the Congress both recognize that with a reduced force structure there is a need to close and realign military installations.

The Defense Base Closure and Realignment Act of 1990 (P.L. 101-510) established a new process for DOD base closure and realignment actions within the United States. The act established an independent Defense Base Closure and Realignment Commission and specified procedures that the President, DOD, GAO, and the Commission must follow, through 1995, in order for bases to be closed or realigned.

This report responds to the act's requirement that GAO provide the Congress and the Commission, by May 15, 1991, an analysis of the Secretary of Defense's April 12, 1991, recommendations of bases for closure and realignment and the selection process used. GAO also received numerous letters, requests, and materials in connection with this review from congressmen, state and local government officials, and private citizens; however, due to the lack of time available to respond to each of the issues raised, GAO has submitted the materials to the Commission for its use.

Background

In 1988, the Secretary of Defense chartered the Commission on Base Realignment and Closure to review military installations within the United States for realignment and closure. Later that year the Commission recommended that 145 installations be closed or realigned. The Secretary of Defense and the Congress accepted all the Commission's recommendations.

The Secretary of Defense unilaterally recommended additional closures and realignments on January 29, 1990, as a result of the shrinking defense budget. The Congress subsequently passed the Defense Base Closure and Realignment Act of 1990, which halted any closure actions based on the January 29, 1990, list and required all installations in the United States to be compared equally against (1) criteria to be developed by DOD and (2) the future years' Force Structure Plan (fiscal years 1992 to 1997).

The final eight criteria against which the April 12, 1991, list of proposed military installation closures and realignments was to be measured included four related to the military value of the installations and four others that addressed the number of years needed to recover the costs of closure and realignment; the economic impact on communities; the ability of both the existing and potential receiving communities; infrastructure to support forces, missions, and personnel; and the environmental impact. DOD guidance provided to the services directed that they give priority to the four criteria that addressed the military value of installations.

Results in brief

GAO agrees that a reduced military force structure requires that military installations be closed and realigned. The DOD process, when properly implemented, allows for a reduction in the U.S. military base structure by emphasizing the military value of the installations. Indeed, DOD successfully nominated 43 bases for closure and 28 for realignment. This represents a significant start in the process to propose bases for closure and realignment every other year for the next 6 years.

The Army and the Air Force can document the use of DOD's Force Structure Plan and the four military value criteria in the selection process. GAO found some inconsistencies in the way they developed military value rankings for quantifiable attributes used to compare similar installations; however, GAO believes those inconsistencies were not significant. GAO considers the closure and realignment recommendations made by the Army and the Air Force to be adequately supported.

Although the Navy had insufficient documentation to support its efforts, which precluded GAO from evaluating the Navy's process, this does not mean that Navy bases should not be closed. However, since the Navy did not document the rationale for its decisions, GAO was unable to analyze its specific closure and realignment recommendations. As an alternative means of evaluating the Navy's recommendations, GAO looked at ship berthing capacity in comparison to the Force Structure Plan. After analyzing capacity data, GAO found that the Navy will have significant excess berthing capacity if only the recommended facilities are closed. GAO found that changes have occurred in the strategic homeporting concept, which when combined with excess available pier space for berthing ships, supports the recommendation for fewer Navy bases.

Although recognizing that differences exist in the composition and functions of each service's bases, GAO is concerned that DOD's guidance allowed estimating processes and cost factors used by the services to vary. GAO analyzed the sensitivity of years to recover closing costs (the projected payback period) for each closure or realignment to 50 percent and 100 percent increases in one-time costs. The analysis showed that the payback period for many of the recommendations did not substantially increase. There are several recommended closure and realignment actions, however, where the payback is sensitive to one-time costs.

PRINCIPAL FINDINGS

The Army's process and recommendations

The Army established the Total Army Basing Study group in 1990 to develop a total Army basing strategy and then tasked it to recommend potential closures and realignments. The Army used a two-phased approach to evaluate potential bases for closure or realignment that was designed to treat all bases equally. In phase I, it categorized all its installations by major mission categories and evaluated their military value in quantitative terms. The Army Audit Agency was involved in the process to review and verify data collected for the quantitative analysis. In phase II, the Army used the Force Structure Plan, the phase I results,

and the major commands' future plans. It also considered (1) the economic payback for possible alternatives and (2) the socioeconomic and environmental impacts on the communities involved in the final proposed closures.

Because the Army's process was well documented, which enabled GAO to evaluate the process, and the Army Audit Agency provided a check in the process, GAO believes that the resulting recommendations were well supported.

The Air Force's process and recommendations

The Air Force process was designed to treat all bases equally, and the selections were based on DOD's criteria and the Force Structure Plan. The process emphasized the first four criteria, which address military value. Also, the judgments of the Secretary of the Air Force and individual members of the Air Force Base Closure Executive Group, which was supported by a working group, were a part of the process.

The Air Force initially identified all Air Force-owned property within the United States and then excluded 35 active components bases from the process after doing a (1) capacity analysis and (2) mission-essential analysis. The 51 remaining active component bases were then rated on the basis of approximately 80 subelements for DOD's eight criteria. The Air Force also considered Reserve Component bases for potential closure or realignment using a slightly different process. As a result of these assessments, the Secretary of the Air Force then recommended closing 14 bases and realigning 1 base. GAO's analysis focused on the data supporting the closure or realignment decisions. Generally, GAO found that the rationale was adequately supported by documentation.

The Navy's process and recommendations

Due to inadequate documentation of the process used by the Navy, GAO was unable to independently evaluate the relative military value of the bases considered. Further, the Navy did not establish required internal controls to ensure the accuracy of the data used.

According to the Navy, it established a Base Structure Committee to conduct its closure process. The Committee decided that the input it received from its working group was biased in favor of keeping bases open. Thus, the Committee based its recommendations on information provided during meetings with various Navy and Marine Corps headquarters officials and representatives from various field organizations.

GAO's review of the Navy's ship berthing capacity studies found that there would be significant excess space beyond what the Committee calculated, even if the bases recommended for closure were included.

COBRA model used in cost savings estimates

The revised Cost of Base Realignment Actions (COBRA) model addresses a full range of factors for estimating the costs, savings, and payback period related to closure and realignment actions. GAO found cases where the services used inaccurate data in the model. GAO also found that the cost estimating process ignored the cost of Medicare to the federal government. However, overall, GAO believes that the recommendations made for base closings and realignments offer an opportunity for substantial savings.

DOD did not ensure cost comparability

Without DOD oversight of the COBRA cost estimating process, each service approached common problems in different ways. Although DOD called for submission of cost estimates expressed in fiscal year 1991 dollars, the services used budget data for other than 1991 dollars as their basedlines for estimating costs and savings. Service costs and savings estimates, as well as payback calculations, did not consistently rely on fiscal year 1991 input data. These errors could reduce estimated annual savings and lengthen the payback period for several closures.

Recommendations

GAO recommends that the Secretary of Defense:

Require the Secretary of the Navy to submit to the Defense Base Closure and Realignment Commission specific details on the manner in which its Base Structure Committee compared based to develop closure and realignment recommendations and ensure the use of consistent procedures and practices among the services in future base closure and realignment reviews.

GAO also recommends that the Chairman, Defense Base Closure and Realignment Commission:

Consider, in evaluating the Navy requirement for bases, the impact of excess space for ship berths on base requirements and

Consider for all the services the effects of incorrect cost and savings estimates on all proposed base closures and realignments, using the results of GAO's sensitivity analysis.

CHAPTER 4.—THE NAVY'S BASE CLOSURE AND REALIGNMENT PROCESS AND ASSOCIATED RECOMMENDATIONS

We were unable to conduct an extensive review of the process the Navy used to recommend bases for closure or realignment, because the Navy did not adequately document its decision-making process or the results of its deliberations. In addition, the Navy did not establish an internal control plan to ensure the validity and accuracy of information used on its assessment as required by OSD.

Due to the limited documentation of its process, we also could not assess the reasonableness of the Navy's recommendations for closures. However, we reviewed and recalculated the Navy's ship berthing capacity analysis and found that excess capacity would remain, even with the closure of recommended bases.

THE NAVY'S PROCESS AS DESCRIBED BY NAVY OFFICIALS

The Navy's Base Structure Committee, which was charged with making base closure and realignment recommendations, began its review of the Navy's basing structure in late January 1991. However, the Committee did not fully explain its process to us until May 7, 1991, when it informed us that after review of data prepared by its working group, the Base Structure Committee decided that much of the data were biased in favor of keeping bases open and were inadequate for an objective assessment of the Navy's basing needs. Its review, therefore, emphasized a series of briefings and meetings attended by Committee members, Navy and Marine Corps headquarters officials, and representatives of field activities. According to Committee members, decisions made during the process were sometimes made in the presence of everyone in the meetings and were clear to everyone in attendance. In other cases, the decisions were made by the Committee in closed executive sessions. Bases on this review, the Committee proposed closure and realignment actions to the Secretary of the Navy on March 21, 1991.

We reviewed the charts that were used in the presentations to the Committee. These charts were generally in outline form. Our review of this information showed that presentations were organized by 23 Navy and 6 Marine Corps categories representing the various Navy functions and missions. For example, the category "naval stations" included bases that have deep water harbors and piers and serve as home bases for Navy surface ships and aircraft carriers. The category "naval air stations" included bases that have runways and hangars and serve as home bases for aircraft. Other categories included submarine bases, shipyards, aviation depots, supply centers/depots, Marine Corps bases, Marine Corps air stations, reserve centers, and RDE&E activities.

The Base Structure Committee told us that a capacity analysis was then discussed for each functional category, which compared the 1977 force structure facility requirements against the existing inventory. Critical factors were identified for each category and served as units of measure for capacity. For example, pier space was used as the primary unit of measure for naval stations, and airfield apron and hangar space were used for naval air stations.

Of the eight categories of bases the Committee retained for further closure and realignment analysis, four were retained because the Base Structure Committee identified potential excess capacity: (1) naval stations, (2) naval air stations, (3) shipyards and (4) Marine Corps air stations. Two other categories—the training and construction battalion centers categories—were retained for further analysis, because they showed potential excess capacity in segments of the overall categories. The medical category was also retained because of the link between medical facilities and major installations that were being evaluated for closure or realignment. Finally, the RDT&E category was retained for analysis based on a mandated requirement to reduce personnel by 20 percent.

A military value rating was then assigned by the Base Structure Committee to each base in all the categories being analyzed except for the medical category.[1] Committee members told us that they rated each installation using the first four DOD selection criteria, which addressed military value, and then they independently assigned each installation an overall color-coded rating.

Bases receiving an overall green rating were excluded from further study, according to Committee members. For example, in the naval stations category the base receiving an overall green were Coronado, Guam, Ingleside, Little Creek, Mayport, Mobile, New York (Staten Island), Norfolk, Pascagoula, Pearl Harbor, Puget Sound/Everett, and San Diego. The Committee continued to evaluate bases that were given an oveall rating of yellow or red. Additional bases were excluded from further review because of their unique assets, geographic location, strategic importance, or operational value, leaving 19 bases and the RDT&E category to be evaluated for closure.

Committee members told us they then performed a "quick estimate" cost-benefit analysis of each of the remaining bases to determine the feasibility of closing them. After making its final decisions, a full COBRA analysis for those closure candidates was conducted. Local economic and environ-

[1]Three hospitals were reviewed because three installations with hospitals were being considered for closure: Orlando Naval Training Center, Whidbey Island Naval Air Station, and Long Beach Naval Station.

mental impact analyses were also done for the closure candidates.

The Committee proposed closing 11 bases and 10 RDT&E facilities. It also recommended that 1 base and 16 RDT&E facilities be realigned. In addition, three hospitals were proposed to be closed as a result of the Committee's decisions.

GAO'S VIEWS ON THE NAVY'S PROCESS

In addition to the limitations placed on our review by the lack of adequate documentation, we identified three problems with the Navy's process. First, due to the lack of supporting documentation, we could not determine the basis for the Committee's military value ratings for Navy installations. In late March, we received selected data given to the Committee by its Working Group. This information was provided to us, but we were not advised unitl May 7, 1991, that the Committee had decided that much of this data were biased in favor of keeping bases open. In mid-April, the Base Structure Committee provided us with four additional volumes of material that consisted primarily of briefing charts that were basically outlines of matters and data to be discussed, without any explanation or supporting data. Also, Committee members said they did not prepare minutes of their deliberations.

Second, we identified apparent inconsistencies within the Committee's internal rating process. For example, the Committee had given identical ratings to two naval stations on each of the first four DOD selection criteria but had assigned an overall rating of green to one and yellow to the other. Similarly, the Committee had assigned identical ratings to six naval air stations for the first four DOD selection criteria. Four bases were assigned an overall rating of yellow and two an overall rating of green. These inconsistencies are significant because any base given an overall rating of green, based on the first four DOD selection criteria, was excluded from further closure or realignment consideration. In explanation, Committee members stated that "not all yellows are equal" and "not all greens are equal." Since the Committee did not document these differences, we could not determine the rationale for its final decisions.

Lastly, although required by OSD policy guidance to develop and implement an internal control plan for its base structure reviews, the Navy did not assign responsibility for developing and implementing such a plan.

GAO'S VIEWS ON THE CLOSURE AND REALIGNMENT RECOMMENDATIONS

Because the Committee did not document the rationale for its decisions, we could not comment on the Committee's closure and realignment recommendations based on the process. As an alternative, we looked at ship berthing capacity of naval stations in comparison to the Force Structure Plan because naval stations are a major category of the Navy's facilities. Also, we have conducted prior work and have ongoing work related to homeporting needs. Data obtained from the Navy's Assistant Chief of Naval Operations (Surface Warfare) showed that the most appropriate indicator for naval station requirements is ship berthing capacity. An analysis of the capacity data showed the Navy will have excess capacity remaining if only the four recommended naval stations are closed.

The Navy's capacity analysis indicates an inventory of 257.6 thousand feet of berthing (KFB) at naval stations and a requirement of 174.2 KFB, leaving an excess of 83.4 KFB. This excess represents the capacity at naval stations worldwide and also includes some inadequate berthing space. In addition, 14.5 KFB of berthing space is available at facilities other than naval stations.

When we subtracted the 75.2 KFB identified with space associated with (1) overseas facilities, (2) recommended closures, and (3) inadequate berthing facilities, 22.7 KFB of excess berthing capacity remains (see table 4.1).

[In the U.S. District Court for the Eastern District of Pennsylvania]

SEN. ARLEN SPECTER, SEN. HARRIS WOFFORD, SEN. BILL BRADLEY, SEN. FRANK R. LAUTENBERG, GOVERNOR ROBERT P. CASEY, COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA ATTORNEY GENERAL ERNEST D. PREATE, JR., REP. CURT WELDON, REP. THOMAS FOGLIETTA, REP. ROBERT ANDREWS, REP. R. LAWRENCE COUGHLIN, CITY OF PHILADELPHIA, HOWARD J. LANDRY, AND INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 3, AND WILLIAM F. REIL AND METAL TRADES COUNCIL, LOCAL 687 MACHINISTS, PLAINTIFFS, *v.* H. LAWRENCE GARRETT, III, SECRETARY OF NAVY, RICHARD CHENEY, SECRETARY OF DEFENSE, THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION AND ITS MEMBERS JAMES A. COURTER, WILLIAM L. BALL, III, HOWARD H. CALLAWAY, DUANE H. CASSIDY, ARTHUR LEVITT, JR., JAMES C. SMITH, II, AND ROBERT D. STUART, JR., DEFENDANTS

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' REQUEST FOR DECLARATORY RELIEF

Plaintiffs United States Senator Arlen Specter, United States Senator Harris Wofford, United States Senator Bill Bradley, United States Senator Frank R. Lautenberg, Governor Robert P. Casey, Commonwealth of Pennsylvania, Pennsylvania Attorney General Ernest D. Preate, Jr., United States Representatives Curt Weldon, Thomas Foglietta, Robert Andrews and R. Lawrence Coughlin, City of Philadelphia, Howard J. Landry, International Federation of Professional and Technical Engineers, Local 3, William F. Reil and Metal Trades Council Local 687 Machinists hereby respectfully submit, by their undersigned counsel, this Memorandum of Law in Support of the Complaint for Declaratory Judgment filed contemporaneously herewith.

I. INTRODUCTION

By their Complaint, plaintiffs seek a declaratory judgment to prevent the unlawful closing of the Philadelphia Naval Shipyard (also referred to as the "Shipyard"), the Philadelphia area's largest employer. The actions taken by defendants with regard to the Shipyard have violated the express mandates of the Defense Base Closure and Realignment Act of 1990 (the "Base Closure Act"), Public Law 101-510, Title XXIX, §§2901-2910 (November 5, 1990), and thus precluded an independent, equal and fair process for closing and realigning military installations. In particular, defendants have failed to follow numerous express statutorily prescribed procedural and substantive safeguards. Defendants' actions have substantially prejudiced the interests of plaintiffs herein and are subject to immediate judicial review.

II. STATEMENT OF FACTS

A full exposition of the facts underlying this matter is contained in the Complaint, which is incorporated herein by reference.

III. ARGUMENT

A. The actions of defendants taken pursuant to the Base Closure Act are subject to judicial review

It is axiomatic that "judicial review of a final agency action by an aggrieved person will not be cut off unless there is persuasive reason to believe that such was the purpose of Congress." *Abbott Laboratories* v. *Gardner*, 387 U.S. 136, 140 (1967); *National Treasury Employees Union* v. *United States Merit System*, 743 F.2d 895, 906 (D.C. Cir. 1984); *see also Society Hill Civic Association* v. *Harris*, 632 F.2d 1045, 1055 (3d Cir. 1980).[1] In recognition of this principle, the Administrative Procedure Act, 5 U.S.C. §§701 *et seq.* ("APA"), establishes a strong presumption of reviewability. *See, e.g., Kirby* v. *United States Department of Housing & Urban Development*, 675 F.2d 60, 67 (3d Cir. 1982) ("The Supreme Court has made it clear that there is a strong presumption that agency action is reviewable.").

The Supreme Court further elaborated on this theme in *Abbott Labs*, holding that the APA's "generous review provisions must be given a hospitable interpretation," and that "only upon a showing of clear and convincing evidence of a contrary legislative intent should the courts restrict access to judicial review." 387 U.S. at 141 (citations omitted); *see also Citizens to Preserve Overton Park, Inc.* v. *Volpe*, 401 U.S. 402 (1971); *Society Hill Civic Association*, 632 F.2d at 1055. Section 702 of the APA thus provides:

"A person suffering legal wrong because of an agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof."

5 U.S.C. §702. This broad grant of the right to judicial review is limited only "to the extent that statutes preclude judicial review" or "agency action is committed to agency discretion by law." 5 U.S.C. §701(a). Both of these exceptions are to be read exceedingly narrowly, and neither has any applicability to the instant action. *See Heckler* v. *Chaney*, 470 U.S. 821, 829 (1984); *State of Florida, Dept. of Business Regulation* v. *United States Dept. of Interior*, 768 F.2d 1248, 1255 (11th Cir. 1985).

The first exception "requires explicit statutory language precluding review," which is plainly absent from the Base Closure Act. *See California Human Development Corp.* v. *Brock*, 762 F.2d 1044, 1048 n. 28 (D.C. Cir. 1985). The second exception is likewise inapplicable, as it is strictly limited to those "rare instances where statutes are drawn in such broad terms that in a given case there is no law to apply." *Overton Park, supra*, 401 U.S. at 410 (quoting legislative history of the APA); *Society Hill Civic Assoc.*, 632 F.2d at 1045. Given the elaborate procedural and substantive safeguards established by the Base Closure Act, and the previous history which provided those safeguards, there is manifestly "law to apply."

Moreover, the Third Circuit has held that review is always available, notwithstanding this exception, for violations of statutory procedures of the sort involved in the instant action:

"*Even when agency action is determined to have been committed to agency discretion by law, that determination does not completely in-*

[1] There can be little doubt that the DOD, the Department of the Navy and the Commission are administrative agencies, and that the actions challenged herein constitute final agency actions. *See* 5 U.S.C. §551(1) (regarding the definition of "administrative agencies"); *Solar Turbines, Inc.* v. *Seif*, 879 F.2d 1073, 1080-81 (3d Cir. 1989) (discussing the definition of "final agency action").

sulate the action from judicial review. As this court has noted, a court may in any event consider allegations that the agency lacked jurisdiction, that the agency's decision was occasioned by impermissible influences, such as fraud or bribery, *or that the decision violates constitutional, statutory or regulatory command.* For the APA circumscribes judicial review only to the extent that . . . agency action is committed to agency discretion by law; it does not foreclose judicial review altogether."

Kirby, 675 F.2d at 67 (*quoting Local 2855 AFGE v. United States*, 602 F.2d 574, 578 (3d Cir. 1979)) (underlined emphasis added; bold emphasis in original).

Accordingly, the blatant failure of the Secretary of Defense, the Secretary of the Navy and the Commission to follow the unambiguous statutory command of the Base Closure Act has resulted in flawed agency actions which are clearly subjected to judicial review by this Court under the APA.

B. The defendant's blatant failure to follow the unambiguous procedural and substantive safeguards of the Base Closure Act Mandates a declaration that the list of recommended closures and realignments be declared void insofar as it relates to naval facilities.

As the Complaint filed in this matter demonstrates, the Secretary of Defense, the Secretary of the Navy and the Commission have blatantly disregarded not only the procedural and substantive safeguards governing base closures expressly mandated by the Base Closure Act, but also their own procedures and regulations promulgated pursuant to the Base Closure Act. These violations have inflicted substantial prejudice to the interests of the plaintiffs herein contrary to the express objective of Congress in adoping the Base Closure Act.

The APA specifically provides for the review of agency action to determine whether it complies with statutory mandates and statutorily prescribed procedures:

The reviewing court shall—

* * * * *

(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege or immunity;

* * * * *

(D) without observance of procedure required by law;

5. U.S.C. §706(2)(A)(B)((D). The actions of the defendants herein were plainly "not in accordance with law" and "without observance of procedure required by law" (*i.e.*, the Base Closure Act) and were "contrary to constitutional right" (*i.e.*, the Due Process Clause of the Fifth Amendment).

Furthermore, it is clear that a reviewing court must carefully examine the challenged actions "to determine independently that the [agencies have] not acted unfairly *or in disregard of the statutorily prescribed procedures. . . .*" *Natural Resources Defense Council v. Environmental Protection Agency*, 790 F.2d 289, 297 (3d. Cir. 1986) (emphasis added). Equally importantly, this Court must invalidate agency actions which "are inconsistent with a stautory mandate or that frustrate a statutory policy." *Department of Navy v. Federal Labor Relations Authority*. 840 F.2d 1131, 1134 (3d Cir. 1988), *cert. denied*, 488 U.S. 881 (1988). In this regard, the Court of Appeals for the District of Columbia has recognized the authority of a reviewing court to closely scrutinize agency action which is alleged to violate statutorily prescribed procedures:

"Even more so than our review of EPA's statutory interpretations, our review of its *procedural integrity* in promulgating the regulation before us is the product of our independent judgment, and our main reliance in ensuring that, despite its broad discretion, the Agency has not acted unfairly *or in disregard of the statutorily prescribed procedures.* [citation omitted] *Our assertion of judicial independence in carrying out the procedural aspect of the review function derives from this country's historical reliance on the courts as the exponents of procedural fairness.*"

Weyerhouser Company v. Costle, 590 F.2d 1011, 1027 (D.C. Cir. 1978) (emphasis added); *see also Natural Resources Defense Council, Inc. v. S.E.C.*, 606 F.2d 1031, 1048 (D.C. Cir. 1979) ("Our review of an agency's procedural compliance with statutory norms is an exacting one.") Given that the process which resulted in the defendants' recommendation to close the Philadelphia Naval Shipyard could hardly have been more unfair or have departed by a wider margin from the statutorily prescribed procedures, it is mainfestly within the competence of this Court to review that process and declare its results void insofar as Navy bases are concerned.

C. The process by which the Commission arrived at its list of recommended closures of naval bases was riddled with procedural irregularities and substantive violations of the Base Closure Act

1. The Navy's failure to provide the data necessary for the GAO to perform its important statutory duty under the base Closure Act was a violation of the act.

The Base Closure Act specifically provides that the GAO is to play a critical role in ensuring the integrity and fairness of the Commission's process. Thus, Section 2903(d)(5) requires the Comptroller General to: (1) assist the Commission in its review and analysis of the recommendations for base closures made by the Navy and the Secretary of Defense; and (2) transmit to the Congress and the Commission "a report containing a detailed analysis of the Secretary's recommendations and selection process."

In order to permit the GAO to perform its statutorily mandated function, the Base Closure Act specifically imposes upon the Secretary of Defense the following duty:

"The Secretary shall make available to the Commission and the Comptroller General of the United States *all information* used by the Department in making its recommendations to the Commission for closures and realignments."

10 U.S.C. §2903(c)(4) (emphasis supplied). The Secretary of Defense failed to provide this information to the GAO.

As a direct result of the Secretary's violation of the Base Closure Act, the GAO was disabled from *both* assisting the Commission in its review and analysis of the Navy base closure recommendations *and* providing the "detailed analysis of the Secretary's recommendations and selection process" as required by the Base Closure Act. Thus, on May 16, 1991, the GAO published its report concluding that the Navy's documentation was patently insufficient:

"We were unable to conduct an extensive review of the process the Navy used to recommend bases for closure or realignment, because the Navy did not adequately document its decision-making process or the results of its deliberations. In addition, the Navy did not establish an internal control plan to ensure the validity and accuracy of information used in its assessment as required by OSD.

"Due to the limited documentation of its process, we also could not assess the reasonableness of the Navy's recommendations for closures."

See GAO Report to the Commission dated May 16, 1991 (the "GAO Report") at p.46, a true and correct copy of which is attached to the Complaint as Exhibit A.

In addition to the lack of adequate documentation, the GAO report identified three deficiencies in the Navy's process for determining base closures: (1) insufficient justification to support the basis for the Navy Base Structure Committee's ("BSC") military value ratings of Navy installations; (2) the implementation and use of an unclear, unequal and inconsistent color coding system to rate military bases;[2] and (3) the Navy's failure to assign responsibility for developing and implementing an internal control plan to ensure the accuracy of information used by the Navy in its base structure reviews, as required by the Office of the Secretary of Defense policy guidelines.[3] [GAO Report at p. 48]

The GAO also identified inconsistencies within the Committee's internal rating process, including the fact that the BSC had given identical ratings to two naval stations—(Mare Island and the Philadelphia Naval Shipyard)—on each of the first four military selection criteria but had assigned an overall higher rating of green to Mare Island and an overall lower rating of yellow to the Philadelphia Naval Shipyard. Similarly, the BSC had assigned identical ratings to six naval stations but did not treat them equally.[4] The Philadelphia Naval Shipyard was not excluded from the base closure process by the BSC, although the five other naval stations which received identical or worse ratings were excluded from further review.

The GAO Report concluded that since the BSC "did not document these differences," the GAO "could not determine the rationale for its final decisions" and could not comment on the Committee's closure and realignment recommendations based on the process." The Secretary thus plainly failed to meet the express requirements of the Base Closure Act, thereby disabling the GAO from submitting a report containing a detailed analysis of the Secretary's recommendations and selection process.

Indeed, on May 7, 1991, shortly before the GAO disseminated its report, the BSC admitted that "much of the [Navy's] data were biased in favor of keeping bases open and were inadequate for an objective assessment of the Navy's basing needs."[5] [GAO Report at p. 46] As a result, the BSC admitted that it had reached its decisions through a series of informal meetings, many of which were closed executive sessions. [GAO Report at p. 46] The Navy's admittedly *ad hoc* approach to base closure recommendations flies in the face of the procedural and substantive safeguards and requirements established by the Base Closure Act.

This egregious violation of the Base Closure Act clearly requires that this Court declare void that portion of the Commission's recommendations for base closures and realignments which relate to Navy facilities *See, e.g., Kirby*, 675 F.2d at 68.

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[2]This procedural irregularity is discussed, *infra*, at 14–17.

[3]This procedural irregularity is discussed, *infra*, at 17–19.

[4]*See, infra*, at 14–17.

[5]This admission is especially significant since the BSC's process involved excluding 7 of 8 shipyards from the base closure process, thereby leaving *only* the Philadelphia Naval Shipyard for possible closure. *See, infra*, at 15–17.

2. The Commission's Failure To Provide Meaningful Public Hearings Is A Violation Of The Base Closure Act.

In accordance with the Congressional objective of ensuring the procedural integrity of the base closure and realignment process, the Base Closure Act expressly provides that the Commission shall conduct public hearings on the Secretary's recommendations. 10 U.S.C.§2904(d). The Base Closure Act also requires the Commission to open its records and deliberations to public scrutiny. 10 U.S.C. §2902(e)(2)(A)(B).

Thus, the Commission expressly invited and received public testimony in Washington, DC from members of Congress. By letter dated April 23, 1991, the Commission established procedures to govern Congressional testimony at the hearings:

"All members of Congress have the opportunity to testify before the Commission in Washington DC. Members of Congress will have the opportunity to make introductory comments at regional hearings. However, their formal oral testimony and comments for the record should be presented at the Washington, DC hearing."

The Commission's official procedures also provided that the "recommended deadline for receipt of written material is May 20 to ensure that the Commission has adequate time to review all written documentation."

In accordance with the Base Closure Act, the Commission scheduled and held 28 hearings across the United States. Congressional testimony on the Philadelphia Naval Shipyard was scheduled in Washington, DC for May 22, 1991. The regional hearing regarding the Philadelphia Naval Shipyard was scheduled for May 24, 1991. In violation of the Base Closure Act and other applicable law, additional documentation was thereafter provided to the Commission *that was not subject to GAO analysis or public comment and debate.*

In blatant violation of the Base Closure Act, closed meetings with the Navy's BSC were held by the Commission on May 24, 1991 *after* the public hearings were completed. Moreover, on May 24, 1991—*after* the close of the public hearings—the Commission requested that the Navy's BSC provide it with additional information to "try to resolve missing gaps in the information provided." Thereafter, the Navy's BSC provided additional documents and information to the Commission without affording interested members of Congress or the public a meaningful opportunity to comment on such information at a public hearing.

Under these circumstances, the requirement of public hearings in the Base Closure Act has plainly been violated. *See, e.g., National Wildlife Federation v. Marsh,* 568 F.Supp. 985, 994 (D.D.C. 1983); *Joseph v. Adams,* 467 F. Supp. 141, 160-61 (E.D. Mich. 1978); *see also Monongahela Power Company v. Marsh,* 1988 WL 84262 (D.D.C. 1988). The facts and holding of *National Wildlife Federation* are particularly relevant to the instant case and compel the conclusion that the list of recommended closures and realignments of Navy bases should be declared void. The plaintiffs in *National Wildlife Federation* brought suit against the Secretary of the Army seeking a declaration that a dredging and construction permit issued by the Army was invalid. The plaintiff asserted that the permit was invalid because the Army relied upon a staff report which was not made a part of the record until *after* the public hearings were held. According to the plaintiff, the consideration of this staff evaluation only after the close of the period for public comment violated its right to meaningfully participate in the statutorily required public hearings.

The Court held that the inclusion of important data in the record after the conclusion of public hearings had in fact violated the relevant statute, stating in terms equally applicable here:

"[T]he opportunity to comment and the right to a hearing both necessarily require that the Army present for public scrutiny the rationale and pivotal data underlying its proposed action *before* the close of the comment and hearing period. Unfortunately, that requirement was not satisfied in the administrative proceeding here. After a careful examination of the administrative record, the Court finds that the inclusion of the Staff Evaluation in the administrative record *after* the close of the comment and hearing period had the effect of shielding the essential data and the agency's rationale from public hearing and comment."

National Wildlife Federation, 568 F. Supp. at 994 (emphasis in original). The Court concluded in this same vein: "Only when the public is adequately informed can there be any exchange of views and any real dialogue as to the final decision. And without such dialogue any notion of real public participation is necessarily an illusion." 568 F. Supp. at 993 (quoting *U.S. Lines v. Federal Maritime Commission,* 584 F.2d 519, 540 (D.C. Cir. 1978)); *see also Portland Cement Association v. Ruckelshaus,* 486 F.2d 375 (D.C. Cir. 1973), *cert. denied,* 417 U.S. 921 (1974).

Accordingly, the Navy's failure to disclose important and material information and documentation *before* conclusion of the public hearings required by the Base Closure Act is a clear violation of the Act.

3. The failure of the Secretary of Defense to consider all naval installations equally was a violation of the Base Closure Act.

Section 2903(c)(3) of the Base Closure Act expressly provides that "the Secretary shall consider all military installations inside the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department." The actions of the Secretary of the Navy with respect to the Philadelphia Naval Shipyard were clearly a violation of both the letter and spirit of this provision of the Base Closure Act.

The Complaint discloses that, in December 1990, the Secretary of the Navy established the BSC to conduct a base structure review and to determine the Navy's closure and realignment candidates. In accordance with the Base Closure Act's mandate, the BSC was charged with reviewing all installations inside the United States *equally,* "without regard to whether the installation was previously considered for closure or realignment."

The BSC initially categorized all facilities according to function—e.g., naval air stations, Naval Shipyards—to determine which categories possessed significant excess capacity. The Navy then applied the eight selection criteria in two phases by assigning color codes to military bases in categories with excess capacity. Phase I of the BSC's analysis required a consideration of the first four military criteria. After Phase I was completed, the Navy excluded those bases which it determined "were distinguished by virtue of their operational value," *i.e.* those that it gave an overall "green" rating under the first four military criteria.

Under the Navy's rating system, a "green" rating received one point, a "yellow" rating received two points, and a "red" rating (favoring closure) received three points. The Navy's color-coded/point approach resulted in the following total point allocation to each of the eight Naval Shipyards in the United States:

Shipyard:	*Points*
Puget Sound	4
Norfolk	5
Philadelphia	6
Charleston	6
Mare Island	6
Pearl Harbour	6
Portsmouth	6
Long Beach	7

Thus, Puget Sound received a "green" rating for each of the first four military criteria and was therefore excluded from further consideration of closure.

In accordance with the BSC base closure criteria, the seven remaining Shipyards should have been evaluated under the remaining four non-military criteria set forth in Phase II. Using the BSC's own rating system, the Philadelphia Naval Shipyard should have been treated the same as Charleston, Mare Island, Pearl Harbor and Portsmouth and better than Long Beach. However, the Navy ignored its own rating system and blatantly disregarded the statutory mandate that all bases be considered "equally." Thus, the Navy—for no apparent reason and without any supporting documentation or analysis—gave overall "green" ratings to three other shipyards: Mare Island, which just like the Philadelphia Naval Shipyard, received two "yellow" and two green ratings; Norfolk, which received three "green" and one "yellow" ratings; and Pearl Harbor, which received one "red" and three "green" ratings.

The BSC then arbitrarily, unilaterally and without reference to any one of the eight selection criteria, excluded all of the six nuclear-capable shipyards from any further review without providing any documentation or analysis to justify a drydock need for nuclear ships as compared with conventional carriers. This process left only Long Beach and Philadelphia for further review.

To circumvent the fact that Long Beach scored poorly in three of the four military criteria and overall had the worst rating of all eight Naval Shipyards, the BSC then excluded Long Beach from further consideration, contending that *one* of the drydocks at that shipyard could be used "to handle West Coast aircraft carriers (including CVN emergency work)." Navy Report, Tab C, p. 10. By this egregious process of elimination, the BSC was left with *only one yard* to consider for closure under the remaining four criteria, the Philadelphia Naval Shipyard. The BSC then performed a perfunctory application of the second four non-military criteria with respect to the Philadelphia Naval Shipyard to ensure its closure.

Accordingly, the Navy, through this procedural parody, made a mockery of both the letter and spirit of the Base Closure Act.

4. The failure of the Navy to comply with the Department of Defense regulations with respect to the Navy's base closure actions requires invalidation of the resulting list of naval closures

An agency's failure to abide by its own regulations is alone grounds for invalidating agency action. *See Boddie* v. *Department of Navy,* 827 F.2d 1578, 1580 (Fed. Cir. 1987); *Kelley* v. *Calio,* 831 F.2d 190, 191-92 ("It is the duty of a reviewing court to ensure that an agency follows its own procedural rules."); *Wojciechowicz* v. *Department of Army,* 763 F.2d 149, 153 (3d Cir. 1985). In this case, the failure of the Navy to abide by the requirements promulgated by the Department of Defense

in furtherance of the Base Closure Act mandates invalidation of the base closure list compiled as a result of the Navy's failure.

On December 10, 1990, the DOD issued "policy guidance" and "record keeping" requirements to the Military Departments as follows:

"The recommendations in the studies must be based on the final base closure and realignment selection criteria established under that Section [2903 of the Act]; and

"The studies must consider all military installations inside the United States . . . on an equal footing . . ."

* * * * *

DOD components shall keep:

Descriptions of how base closure and realignment selections were made, and how they met the final selection criteria;

Data, information and analysis considered in making base closure and realignment selections; and

Documentation for each recommendation to the Secretary of Defense to close or realign a military installation under the Act.

The DOD subsequently issued "internal control" guidance to the Military Departments requiring implementation of an "internal control plan" which "at a minimum" was to include:

Uniform guidance defining data requirements and sources for each category of base,

Systems for verifying accuracy of data,

Documentation justifying any changes made to data submissions, and

Procedures to check the accuracy of the analysis made from the data provided.[6]

The February 13, 1991 DOD Memorandum also provided the following procedures for evaluating closures and realignments: (a) if there was excess capacity and a base was recommended for closure or realignment, the Department's analysis must have considered all military bases within that category and any cross-categories; and (b) military bases could only be excluded from further review if they were militarily/geographically unique or mission essential such that no other base could substitute for them.

However, as found by the GAO in its May 16, 1991 Report, the Navy failed completely to meet any of these requirements in its procedures for base closures and realignments. *See, supra*, at 8–11. Thus, the GAO concluded in its Report that it "could not determine the rationale for [the BSC's] final decisions" and "could not comment on the Committee's closure and realignment recommendations based on the process."

Accordingly, the BSC and the Navy violated the DOD regulations promulgated in furtherance of the Base Closure Act, thereby invalidating the BSC's recommendations of base closures.

D. Plaintiffs' rights under the due process clause of the fifth amendment have been violated by defendants' violations of the Base Closure Act

The Due Process Clause protects individuals' property interests from interference by the federal government. Property interests are created by state and federal statutory schemes and customs which create a "legitimate claim of entitlement" to a specific benefit. *Board of Regents v. Roth*, 408 U.S. 564, 577 (1972). A claim of unconstitutional deprivation under the Fifth Amendments has three essential elements: 1) the claimant must be deprived of a protectable interest; 2) that deprivation must be due to some governmental action; and 3) the deprivation must be without due process. *Cospito v. Heckler*, 742 F.2d 72, 80 (3d Cir. 1984), *cert. denied*, 471 U.S. 1131 (1985).

The plaintiff unions and their members clearly have a property interest in the continued operation of the Philadelphia Naval Shipyard unless and until it is determined pursuant to a nonarbitrary application of the criteria established under the Base Closure Act that the Shipyard should be closed. *See, e.g., Hixon v. Durbin*, 560 F. Supp. 654 (E.D. Pa. 1983) (property interest in having proposed, executory contracts reviewed in accordance with state law and approved if they meet the requirement of state law); *Three Rivers Cablevision v. City of Pittsburgh*, 502 F. Supp. 1118 (W.D. Pa. 1980) (property interest is the right of lowest responsible bidder in full compliance with the specification to be awarded the contract). For example, the Third Circuit in *Winsett v. McGinnes*, 617 F.2d 996, 1006–08 (3d Cir. 1980), *cert. denied*, 449 U.S. 1093 (1981) found that the plaintiff had a protected interest in the exercise of a government agency's discretion "within established parameters." Similarly, in this matter the discretion of the Commission, the Secretary the Navy and the Secretary of Defense must all be exercised within the "established parameters" and procedural mandates established by the Base Closure Act.

Plaintiffs' right to a fair, open and procedurally correct application of the Base Closure Act is particularly evident in light of the history, Congressional intent and significant procedural safeguards of the Base Closure Act. Thus, the Base Closure Act was passed by Congress to address the criticisms levelled at the 1988 base closure act. Complaint ¶45. To this end, Section 2901(b) expressly states that the "purpose" of the Act was "to provide a *fair process* that will result in the timely closure and realignment of military installations." (emphasis supplied). As demonstrated previously, the Act also contained numerous substantive and procedural safeguards to ensure that persons in the position of plaintiff unions and their members were not the victims of the arbitrary, parochial application of government power.

Having determined that plaintiffs have a protected property interest, the only further inquiry the Court must undertake is to determine what process is due. *Mathews v. Eldridge*, 424 U.S. 319, 334 (1975). In the instant matter it is clear that the procedures mandated by the Base Closure Act provided an appropriate and necessary degree of protection of plaintiffs' property interest. Thus, the blatant violation of the procedures mandated by the Base Closure Act are a violation of the Fifth Amendment Due Process rights of plaintiff unions and their members.

IV. CONCLUSION

For the reasons stated in this Memorandum and the Complaint submitted herewith, plaintiffs respectfully request declaratory relief to prevent irreparable harm to them and the general public.

Bruce W. Kauffman; David H. Pittinsky; Camille J. Wolf; Patrick T. Davish; John V. O'Hara; Mark A. Nation; Martin Farrell; Dilworth, Paxson, Kalish & Kauffman; and Sen. Arlen Specter; Attorneys for Plaintiffs.

Dated: July 8, 1991.

[6] Although not published in the Federal Register, these requirements were the equivalent of regulations for purposes of judicial review under the APA. *See Lucas v. Hodges*, 730 F.2d 1493, 1504 n. 20 (D.C. Cir. 1984), *vacated on other grounds*, 738 F.2d 1392 (1984) (Agencies are "bound by their own substantive and procedural rules and policies, whether or not they are published in the Federal Register, if they are intended as mandatory.").

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VIOLENT CRIME CONTROL ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 517

(Purpose: To assist States in establishing and administering literacy programs for prisoners)

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

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for the purpose of proposing an amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. DOMENICI, and Mr. WIRTH, proposes an amendment numbered 517.

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

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

The amendment is as follows:

At the end of the bill, add the following:

TITLE —LITERACY EDUCATION FOR STATE PRISONERS

SEC. . MANDATORY LITERACY PROGRAM.

(a) INITIAL REQUIREMENT.—On or before the date that is 2 years after the date of the enactment of this Act, each State correctional system shall have in effect a mandatory functional literacy program in at least 1 major correctional facility.

(b) SUBSEQUENT REQUIREMENT.—On or before the date that is 5 years after the date of the enactment of this Act, each State correctional system and each local jail and detention center with a population of more than 100 inmates shall have in effect a mandatory functional literacy program.

(c) PROGRAM REQUIREMENTS.—(1) Each mandatory functional literacy program required by subsections (a) and (b) shall—

(A) to the extent possible, make use of advanced technologies, such as interactive video- and computer-based adult literacy learning; and

(B) include adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and learning disabilities upon arrival in the system or at the jail or detention center.

(2) Each mandatory functional literacy program required by subsections (a) and (b) may include—

(A) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (3), shall participate in the program until the person—

(i) achieves functional literacy;
(ii) is granted parole;
(iii) completes his or her sentence; or
(iv) is released pursuant to court order;

(B) a prohibition on granting parole to any person described in subparagraph (A) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(C) an inmate participation incentive program, which may include—

(i) better housing opportunities;
(ii) monetary incentives for achievement; and
(iii) positive reports to parole authorities for inmates who participate and progress in the literacy program.

(3) A requirement such as the requirement described in paragraph (2)(A) may not apply to a person who—

(A) is serving a life sentence without possibility of parole;
(B) is terminally ill;
(C) is under a sentence of death; or
(D) is exempted by the chief officer of the system, jail, or detention center by reason of the person's documented learning disability or other significant learning problem.

(d) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program required by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to the State's literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;
(B) the number of persons who were eligible for the literacy program during the preceding year;
(C) the number of persons who participated in the literacy program during the preceding year;
(D) the names and types of tests that were used to determine functional literacy;
(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;
(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;
(G) data on all direct and indirect costs of the program; and
(H) a plan for implementing a system-wide mandatory functional literacy program, as required by subsection (b), and, if appropriate, information on progress toward such a program.

(3) Upon receipt of a report required by this subsection, the Attorney General shall distribute copies of the report to the Office of Correctional Education and the appropriate Congressional committees.

(e) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(f) LIFE SKILLS TRAINING GRANTS.—(1) The Attorney General is authorized to make grants to State and local correctional agencies to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

(2) To be eligible to receive a grant under this subsection, a State or local correctional agency shall—

(A) submit an application to the Attorney General or his designee at such time, in such manner, and containing such information as the Attorney General shall require; and

(B) agree to report annually to the Attorney General on the participation rate, cost, and effectiveness of the program and any other aspect of the program upon which the Attorney General may request information.

(3) In awarding grants under this section, the Attorney General shall—

(A) consult with the Office of Correctional Education; and

(B) give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

(4)(A) The Attorney General shall award no more than ten grants per year under this subsection.

(B) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Attorney General may establish a procedure for renewal of the grants under paragraph (1).

(g) WITHHOLDING OF GRANTS.—(1) On and after the date that is 2 years after the date of enactment of this Act, the Attorney General shall withhold grants under title I of the Omnibus Crime Control and Safe Streets Act of 1968, in an amount not to exceed 50 percent of the previous year's grant allocation to the State, to any State that does not have in effect a functional literacy program described in subsection (a).

(2) On and after the date that is 5 years after the date of enactment of this Act, the Attorney General shall withhold grants under title I of the Omnibus Crime Control and Safe Streets Act of 1968, in an amount not to exceed 50 percent of the previous year's grant allocation to the State, to any State that does not have in effect a functional literacy program described in subsection (b).

(h) DEFINITIONS.—For the purposes of this section—

(1) the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test;

(2) the term "Office of Correctional Education" means the Office of Correctional Education within the Department of Education established under the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1990 (Public Law 101-392); and

(3) the term "life skills" may include self-development, communication skills, job and financial skills development, education, interpersonal and family relationships, stress and anger management, and addictive behavior rehabilitation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(j) FUNDING THRESHOLD FOR EFFECT OF TITLE.—The provisions of this title shall apply in those fiscal years for which funds are appropriated in an amount not less than one-half the amount authorized in subsection (i).

Mr. BINGAMAN. Mr. President, this amendment is being offered on behalf of myself, Senator DOMENICI and Senator WIRTH. It has two purposes: First and foremost, the amendment is intended to help us reduce crime in the United States; second, it has the additional benefit that it will work toward realization of one of the six national education goals that the President and the Governors have agreed upon, and that is goal No. 5, which states that every adult American should be literate and possess the knowledge and skill necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. This goal includes individuals incarcerated in our Federal and State prisons.

The amendment addresses the need of the specific population, and it requires States to establish mandatory functional literacy education programs in their prisons and jails and detention centers—at least some of those with over 100 inmates. It provides Federal financial support to help the States to get these programs up and running.

Mr. President, fighting crime with every tool available is what the legislation pending before the Senate is about. This is a very comprehensive bill. In the pending bill before the Senate today, we broaden the Federal death penalty, toughen penalties against violent and drug-related crimes; we authorize special enforcement area grant programs; we establish a national commission to study crime in the United States. But in my view, none of the tools that we are using in the effort to fight crime is as effective as another tool which we say very little about, and that, of course, is education.

I am convinced that education, and specifically literacy training programs in Federal prisons where they are already mandatory, and throughout State and local prison systems, will reduce recidivism.

Ultimately, these programs will benefit our Nation's economy and reduce the level of fear of crime that exists in the general population.

Mr. President, it is hard to believe—at least it is hard to believe when you first hear the statistic—but more than 620,000 individuals are incarcerated in the United States today. And most of those individuals cannot read or write.

In fact, today's inmate population represents the Nation's single largest concentration of illiterate adults. A full 60 percent, or 372,000 individuals, are estimated to be functionally illiterate. Once released from prison, many of these people stand a good chance of returning to prison. This is because they are leaving prison in the same

way that they came in, and that is illiterate. Without the basic skills of reading and writing, their chances are low for finding legitimate employment in our ever more complex and information-based society.

Being illiterate is, of course, not the only reason that one commits a crime, but the fact that more than 60 percent of our prison inmates are functionally illiterate should focus our attention on a possible connection between the two.

Jerome Miller, who is the president of the National Center on Institutions and Alternatives, recently stated—and I will quote two sentences from him here. He said:

Education deters criminal activity. Studies show that those with a high school diploma who spend time in prison are less likely to be rearrested than those who have not graduated from high school. The likelihood of being arrested for delinquent behavior as a teenager is nearly twice as great for children who do not have the Head Start advantage as for those who participate in this extensive early education program.

That is the end of the quotation. I agree with Mr. Miller. Education does deter criminal activity. Fortunately, the Directors of our Federal Prison System, along with several of their State counterparts, have recognized the importance of education and have established mandatory literacy education programs in their prison systems. States such as Virginia, Tennessee, and Pennsylvania have enacted legislation that links literacy with the right to a parole, or the opportunity for parole.

Nearly 10 years ago, the Federal Bureau of Prisons adopted its first mandatory adult basic education policy. Originally, the policy required that all inmates who functioned at the sixth grade reading level or lower were required to enroll in an adult basic literacy program for 90 days.

Using incentives, rewards, encouragement, and work promotion opportunities, the Bureau has combined work and education to create a program that has far exceeded the expectations of inmates, staff, and observers.

Currently, all new admissions to the Federal Prison System are tested to determine their incoming literacy level. If a new inmate does not meet a minimum level of literacy competency, he or she is enrolled in a program aimed at providing quality instruction by a qualified reading specialist. Together, they work, toward a tangible, measurable goal of increased reading and writing ability. The almost universal acceptance of this program and widespread appreciations for its results have recently led the Bureau to strengthen its requirements.

After completing the sixth grade achievements level pilot program in 1985, the Bureau raised the mandatory literacy standards to an eighth grade equivalency. Today, the standard is a 12th grade equivalency, and more than 120 days of instruction with a focus on training for higher skills, higher paying jobs, and in the outside job markets.

Nearly 35 percent of the Bureau's inmates are now enrolled in school, with half of those continuing their studies after the mandatory 120-day period. The fact that no legal action or grievances have been filed as a result of their program is a fact that is worthy to note, particularly with the tremendous amount of litigation that surrounds our prision systems today.

Through this amendment, my colleagues and I are recommending that we help—we, the Federal Government—help our State prison systems move in the same direction.

Mr. President, I am proud to say that my home State of New Mexico has come very close to the Federal concept in creating a comprehensive program that addresses the needs of both the inmate population and the citizens of our State.

The need for this program in New Mexico, however, is still great. When using eighth grade equivalency standards, 70 percent of the New Mexico inmate population was deemed in need of literacy education programs. Recently, a study conducted by the New Mexico State Prison System revealed a 15-percent recidivism rate for those inmates who completed at least 1 year of college, versus a recidivism rate of 68 percent for the prison's general population.

Other studies conducted around the country reveal similar statistics. A Minnesota study covering the 47-year period between 1930 and 1977 compared those who participated in education programs with those who did not and found a significant relationship between correctional education participation and a lowered rate of recidivism. Similarly, a 4-year study of 320 adult male felons discharged from West Virginia corrections institutions found lower recidivism with increased participation in prison education programs.

Mr. President, the data are clear; the conclusion is simple. Education works at reducing recidivism and reducing the amount of criminal activity. To refuse to support literacy training for incarcerated individuals is, in my view, very shortsighted. I believe that if we really want to fight crime, we must give people a fighting chance. And this amendment will give incarcerated individuals around the country that opportunity.

I am proposing that we establish a Federal grant program to be administered by the Department of Justice, which would help every State establish a mandatory literacy education program in at least one major correctional facility over the 2-year period following the effective date of this act.

Another component of the program would require States to establish a systemwide literacy program within 5 years. For the programs first and second years, $10 million and $15 million, respectively, would be authorized.

Funding authorizations would increase after that time, based on the State's annual reports on program costs.

Mr. President, I am convinced that these programs will be cost effective and that they will have a rapid payback for society. Based on current costs of the literacy program in the Illinois prisons, if only 5.5 percent of the over 10,000 inmates released on parole last year avoid returning to prison, the literacy program will have paid for itself in 1 year.

In conclusion, I want to make clear to my colleagues that this amendment is not an entirely new one. In fact, legislation very similar to this, authored by our colleague in the House of Representatives, Representative GINGRICH, passed both the House and Senate during the 101st Congress as part of H.R. 5115 and S. 695. In the 102d Congress, legislation identical to the measure that emerged from the end-of-the-session conference on S. 695 passed the House on March 19 of this year and was favorably reported by the Senate Labor and Human Resources Committee as part of S. 2 in mid-April.

This amendment differs from the Gingrich measure only in a few key areas. First, as introduced in this Congress, the provision amended the Adult Education Act and authorized the Secretary of Education to make grants to the States for literacy programs. The amendment I am offering today gives the authority to the Attorney General and the Department of Justice, but directs the Attorney General to share data and information with the Department of Education's Office of Correctional Education.

My amendment requires the States to submit a slightly more detailed annual report, which is to include details of the State's plan for a systemwide program, and encourages them to use advanced technologies, such as interactive video and computer-based literacy education programs whenever possible.

The amendment does not dictate the type of literacy training program the States are to establish. It leaves this determination and the flexibility to create programs specifically tailored to meet the needs of prison populations up to the States.

Finally, in recognition of the fiscal restraint under which State and local governments operate, this amendment stipulates that its provisions will only be effective in those least half of the amount authorized in the bill.

Mr. President, with this amendment, we have a unique opportunity to actually do something significant to fight crime as part of this crime bill and at the same time to improve our Nation's embarrassingly high illiteracy rate.

I urge my colleagues to support the amendment and work with me toward its enactment into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate?

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

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

AMENDMENT NO. 518 TO AMENDMENT NO. 517

(Purpose: To establish discretionary literacy programs)

Mr. THURMOND. Mr. President, I send a second-degree amendment to the Bingaman amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], proposes an amendment numbered 518 to amendment No. 517.

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

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

The amendment is as follows:

Strike everything after the first words and insert the following:

LITERACY EDUCATION FOR STATE PRISONERS

SEC. . MANDATORY LITERACY PROGRAM.

(a) ESTABLISHMENT.—The chief correctional officer of each State correctional system may establish a demonstration, or systemwide functional literacy program.

(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies; and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the testing of all inmates for functional literacy upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole:

(B) is terminally ill;

(C) is under a sentence of death; or

(D) is exempted by the chief officer of the system, jail, or detention center by reason of the person's documented learning disability or other significant learning problem.

(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all and indirect costs of the program; and

(H) a plan for implementing a system-wide mandatory functional literacy program, as required by subsection (b), and, if appropriate information on progress toward such a program.

(d) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies who elect to establish a program described in paragraph (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(e) DEFINITION.—For the purposes of this section, the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I understand what the distinguished Senator from New Mexico is trying to do, and I think his aims are commendable. But, again, this is another mandate from the Federal Government, a mandate at a time when all of our States are having financial difficulties. I look at what they have been going through up in Connecticut where our former colleague Lowell Weicker is trying to increase taxes so he can meet the Connecticut budgetary needs. I look at our former colleague out in California, Senator Wilson, who has had a horrendous year trying to get the $14 billion-plus deficit under control.

Here we are once again mandating something else upon the backs of the States and saying we are going to fund it with Federal Government funds but not guaranteeing it. We get the States hooked on this mandate, forcing them to do things that they probably just would not do voluntarily, even though the aims are commendable, and, in the end, we will probably drop them. We have done this in so many of these Federal programs, including Federal revenue sharing, at a time when they need funds the most.

It is nice to come up with altruistic programs, but who is going to fund it? Is the Federal Government going to always fund it? Why mandate it? If we mandate it upon the backs of the States, then they have to provide these programs. To me that is one of the diseases that is going on in the Congress of the United States. We have these wonderful ideas, so we mandate programs on the States, under the guise we are going to give them some money, and then we wind up sometime in the future not giving them the money they need.

This is a mandated literacy program for prisoners. Who can fight that? Who really would not like to do that? We know that there are illiterate prisoners. We know there are a high percentage of illiterate prisoners. All of us have to be concerned about that. Again, though, we are mandating it on the backs of the States. They cannot do any more of these Federal programs.

The Federal Government should not mandate that the States provide a literacy program for every inmate in their prisons when neither the Federal Government nor the States have the funds to pay for them. We do not have it here and they certainly do not have it there, as high-minded and altruistic as that approach may be.

I agree we need to provide literacy programs to individuals who are not functionally literate. However, such programs need to be provided within the budgetary constraints of each State, and they should be part of an overall education and training program provided by the individual States for inmates.

The Federal Government should not impose programs on States that must be funded by the States, especially since such a requirement may force a State to abandon other education and training programs to prisoners which

are currently very successful so that they can concentrate their funds on mandatory literacy programs outlined by the Federal Government which may not be as effective for that particular State correctional institution.

As I have said, many States are having very serious financial problems, and this is the wrong time to mandate yet another new Federal program and force States to eliminate other programs in the State that are working well if there are not funds available for the literacy program.

This bill also penalizes States that do not implement mandatory literacy programs by reducing their funds for crime prevention under title I of the Omnibus Crime Control and Safe Streets Act.

Why penalize poor States by increasing their crime rate if they are too poor to provide for literacy programs? That is exactly what is going to happen here. If they are too poor to provide for these programs, then they lose funds for crime prevention that would help them to keep crime down.

To me that is legislation working against legislation. That is an imposition of a mandate that works against other needs of the State. That is an approach towards crime that ruins other approaches toward crime.

The Federal Government, it seems to me, should leave decisions about who can and who cannot be paroled to the States themselves.

Am I correct in assuming that the Federal Government has determined that illiteracy is a greater sin than any other?

The Bingaman amendment restricts the rights of States to grant parole to any individual who is not functionally literate and is unwilling to participate in a literacy program. Therefore, if a State has to reduce its prison population, it is free to release literate murderers but will violate Federal law if it releases a forger who is not functionally literate and who is not willing to participate in a literacy program.

The Bingaman amendment provides that the State may grant a waiver to do this. I suppose States will do that. But if that is so, why have that particular provision? If it is not so, then every argument I am making now has merit and ought to concern everybody. The approach just simply does not make a lot of sense to me. Again, I support the concept of providing literacy programs for those who are incarcerated, but States need to do this based on their own needs and their own financial constraints.

I think the Federal Government has no right, or at least it should take the position it has no right to impose or mandate such programs on the States. This is important stuff. Every time we turn around somebody here in the Congress has come up with a new mandate on the States or a new mandate on business or a new mandate on small business or another new mandate which costs somebody money that really nobody can afford in this current economy.

I commend the distinguished Senator from New Mexico for his concerns about illiteracy in the prisons. I am concerned about it too. I wish we could do more about it. I wish we had the money to solve every societal ill. I would gladly spend it if we had it. Right now we are facing a $270 billion deficit this year alone. We are looking toward a $3 trillion national debt. And yet we are coming up with more mandates, more mandates under the guise that we are going to help the States. In fact, if we do not have the money, they have to come up with the money when they did not have it to begin with.

I wish we could solve every ill in our society. Nothing could give me greater pleasure than to pass legislation back here that would solve every ill in our society. I think every one of us feels the same way. We all can come up with ideas that will work if we have the money. However, I do not think the fact that we do not have the money is the sole reason why we should vote down the amendment of the distinguished Senator from New Mexico. It is an adequate reason but it is not the sole reason.

The real reason is it is another mandate. It is another direction by us that States, have to do this even though they are incapable of doing it. It is another mandate which we will not back up with Federal dollars. It is another mandate that really does not make very much sense. It is a mandate that may force States to discontinue education and training programs that do work in the States so that they can fulfill this Federal mandate which might not work as well.

The Senator from South Carolina has filed an amendment that is a reasonable approach. It is compassionate. It recognizes reality. It does not try to impose on the States that which they cannot fulfill. It does not try to impose on the Federal financing machine that which it cannot finance. I think it is a reasonable approach.

The credit for coming up with this idea not only should go to the distinguished Senator from South Carolina but to our friend and colleague from New Mexico as well because, had he not brought his amendment forward, I do not know that the Thurmond amendment would have been thought of.

But I support the approach of the distinguished Senator from South Carolina. His amendment recognizes the importance of making prisoners literate and the rights of States to voluntarily implement statewide literacy programs in the prisons. His amendment basically would make grants to States that apply for them to solve their literacy problems. However States would have the voluntary right to apply for them. They could make their own decisions. It is not mandated on their backs against their will or against their ability to pay. It has some sense to it as we are recognizing the rights of States. We are suggesting to them it is a good idea; we are willing to put up some money for it, even though it is not going to be enough to solve all the problems in every State in this Union.

Again, I wish we could solve all literacy problems in this society, but in the United States of America, where our school children do not have enough books and supplies, where we do not have enough money to fund the educational programs of this country the way they need to be, where we all have to face budgetary deficit problems, we do not need another mandate on the backs of everybody. I think it is the wrong thing to do under the circumstances. The approach of the Senator from South Carolina would give the States the right to approve the choice.

Mr. President, I have taken enough time. It is an interesting issue. It is one on which I have sympathy for both sides, but I think we have to practically do what we can, not altruistically do something that is not going to work; something we know in the end may deter States from doing that which is good which they are doing now, in favor of a mandate which they cannot meet.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Utah on his excellent remarks.

I rise today to offer a second degree amendment to the Bingaman amendment. The amendment offered by my colleague from New Mexico imposes a prison literacy requirement upon the State prison systems. It requires that the States establish a mandatory literacy program in virtually every prison, jail, and detention center for the purpose of teaching inmates how to read.

I have no objection with the legitimate desire of my colleague to ensure that inmates, who are later paroled from prison, are functionally literate. Nevertheless, I believe it is inappropriate to mandate that the State implement such programs and penalize them if they fail to do so. My amendment, rather than imposing this burden upon the States and penalizing them for not acting, encourages the States to set up such a program.

Mr. President, it is no secret that State correctional systems are financially strapped. Many have an insufficient number of prison cells and are forced to release prisoners prematurely in order to comply with Federal court

orders. At a time when so many States are being pushed to the limit in their efforts to fight crime, should Congress mandate that they spend their limited dollars on prison literacy programs? The answer is "no". Although the Bingaman amendment proposes to provide $70 million for implementation of the programs, the State will still be required to establish these programs even if only half the money is appropriated by the Federal Government. Every Senator here knows that the odds of this program being fully funded are slim. Furthermore, this amendment ignores that some States would prefer to fund job skills programs rather than literacy courses to teach skills to these prisoners if they had to choose between that and the literacy courses. Yet, failure to implement these literacy programs will result in a loss of Department of Justice grants.

A close reading of the amendment illustrates the burdens this places upon the States. The Bingaman amendment requires that the States test every inmate to determine their literacy level. The mandatory literacy requirement would apply to virtually every prisoner not serving a life term. It would require the States to make use of advanced technologies such as interactive video and computer-based literacy learning. I ask my colleagues, where do you think educational computers would prove more beneficial—in our schools teaching our young people or in prison teaching convicted criminals?

The amendment also urges that incentives be put in place for those who participate in the mandatory program. These incentives could include better housing and, believe it or not, money. In other words, convicted criminals would be paid to learn. This is inappropriate.

If the States choose to adopt such a literacy program, that is one thing. Yet, to require them, as this amendment does, to establish such a program is another thing altogether. Such a requirement may be inconsistent with State priorities as well as proven literacy programs already in place.

Mr. President, my amendment will authorize the same funding levels contained in the Bingaman legislation. However, my amendment makes clear that this program is discretionary. If the money authorized under this amendment is appropriated, the States would be free to apply for grants to implement such a program.

I agree with my colleague from New Mexico that education is a valuable tool in crime prevention. I taught school a number of years—I was superintendent of schools. I know, as well as those who appreciate education as much as I do, that it can help in so many ways—even crime prevention. But those who possess an education may be less inclined to commit crime. However, the Federal Government should not force upon the States unrealistic and costly requirements which will add to their already burdened criminal justice systems.

I applaud my colleague's desire to rehabilitate criminals. However, rehabilitation is an ancillary responsibility of our Nation's criminal justice system. The first responsibility is to punish those who choose to commit illegal acts. Congress should not be imposing these literacy programs upon the States while they are struggling to comply with Federal prison cap orders.

Rather, Congress should encourage the States to adopt realistic programs which ensure that funds are spent where most needed. The Thurmond amendment adopts the spirit of the Bingaman amendment without adding unnecessarily to the already overburdened State prison systems.

For these reasons, I urge my colleagues to support the Thurmond amendment.

My amendment adopts the spirit of the Bingaman amendment without adding unnecessarily to the already overburdened State prison systems. Mr. President, I just want to say that I hope the Senate will approve my amendment, the second-degree amendment to the Bingaman amendment.

I have been a Senator here for going on 37 years. In almost every year the Federal Government has enacted more and more programs to mandate things that the States are required to do. The States do not have the money. They may have to choose. Are you going to let them choose where they can use the money that they have in order to teach children in school? Or are they going to be forced to put this money into prisons?

If we had plenty of money, that is one thing. But if we have to choose between the schoolchildren and the prisoners, I say take the schoolchildren. The States should be able to determine that. If they have only so much money, they will have to make that decision. We should not mandate and make the States do something that is going to increase the burden upon the States.

The Federal Government can take care of its own business. And they have enough here to do it. They have enough responsibility already without trying to run the Federal Government and the States. We have made a mistake for years and years in mandating that the States do things, by putting burdens on the States. Let the Federal Government run its own business.

I yield the floor, Mr. President.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me make just a few points in response to the Senator from South Carolina, the Senator from Utah, and the arguments they have made in opposition to my amendment and in favor of the amendment of the Senator from South Carolina.

First of all, I think it is worthwhile to point out that essentially the same proposal that I am making here was included in the bill which we reported out of the Labor and Human Resources Committee, S. 2, earlier this year; in April, I believe. And it was not opposed by the Senator from Utah or the Senator from South Carolina in that form.

There is no requirement in my amendment that States make participation in a literacy program a precondition for parole. This amendment says that this is one of the considerations States may take into account. But we say on page 2, line 14, "Each mandatory functional literacy program required by these subsections may include" a requirement that the persons incarcerated participate in these programs in order to be granted parole.

So it is up to each State, and it is up to each locality whether they in fact do that under the proposal that I have made.

The suggestion is made very forcefully by my colleague from South Carolina that the Federal Government should not be overriding the discretion of the States in a matter such as this; we should leave it up to the States. And I would suggest to the Senator that we are overriding the discretion of the States in a great many areas in this crime bill. We have determined that the problem of crime in this country is sufficiently great that we need to do that.

We have an amendment that was adopted week before last, before we went out for the Fourth of July recess, that Senator D'AMATO proposed, where essentially we imposed mandatory minimum Federal sentences on any State crime in which a gun is used. That is a very, very far-reaching preemption of discretion by the States.

I think anybody who is familiar with the State-Federal relationship in criminal justice would acknowledge that is a far greater intrusion into State jurisdiction than anything I am proposing in my amendment.

We adopted an amendment by the Senator from Kentucky [Mr. MCCONNELL] which requires State agencies to register all child abuse offenders in a separate computer system with the Justice Department. And we provided in that amendment that if they do not do so, States lose child abuse prevention and treatment funds. That is clearly a mandate to the States, and it is very clear that the Federal Government would enforce that in a very real way.

We also adopted an amendment by the Senator from Minnesota [Mr. DURENBERGER] which requires States to track anyone convicted of child abuse for a 10-year period. And if a State has not put into place that kind of a track-

ing system within 3 years, it will lose 25 percent of its share of the $500 million grant program for State and local law enforcement.

The point is very simple, Mr. President: That is, that the Federal Government has stepped in and directed State action in areas where the Federal Government felt that there was a real need. And that is what I am suggesting exists in this circumstance.

Mr. President, as I indicated in my opening statement, I firmly believe that the types of literacy training programs we would help establish are extremely cost effective; not just cost effective for the Federal Government, but for States, and cost effective for local governmental entities that have substantial numbers of people incarcerated.

This will, in fact, save money over a reasonably short period of time. It will save money for the States by reducing recidivism.

We say that the Federal Government should not load additional costs onto the State. What about the costs of continuing with a 68-percent rate of recidivism in our system? That is exactly what we have in my home State of New Mexico among those who do not participate in literacy programs; they come back into prison. Sixty-eight percent of the people who are released from prison come back in because they have committed additional crimes, or they have violated their probation or parole, and they are right back where they were before. That is not an efficient system. That involves tremendous additional costs to the States.

The States, in my opinion, need to be encouraged. If we adopt the substitute amendment that the Senator from South Carolina has proposed, we essentially are saying: Forget about it for the time being, but some day we are going to be interested in finding out whether you do anything in this area.

If we are serious about wanting to reduce crime and reduce the rate of recidivism and the number of professional career criminals in our system, then we need to get serious about training people to read and write when they come into our prison system.

This amendment begins to get serious in that respect. I think it is the very least we ought to do, and I urge my colleagues to support the amendment.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business on a separate subject.

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

Mr. GORTON. Mr. President, the U.S. Senate has a unique opportunity to establish an innovative method for preserving the Nation's private forest lands and preventing them from a systematic conversion into commercial developments. It is called the Forest Legacy Program.

Authorized last year in the farm bill under the leadership of Senator LEAHY, the Forest Legacy Program will provide the Federal Government with the authority to acquire conservation easements through pilot programs in five States—Vermont, Maine, New York, New Hampshire, and Washington. A conservation easement is one in which the Forest Service pays market value to a willing private landowner and the landowner, in turn, relinquishes all rights to use his or her land except the right to use it for forest management and eventual timber harvest consistent with the program's objectives. In other words, the Forest Service purchases all development rights and the landowner retains all forestry rights.

In the State of Washington, development is on the rise. The freeways are becoming increasingly crowded and housing developments are cropping up in places we always assumed would remain unspoiled. Specifically, forest land along the I-90 corridor between Seattle and the Cascade crest is being sold to developers at a rapid clip. The State legislature recently passed a comprehensive growth management bill and State and local agencies throughout Washington are preparing to implement the controls authorized by that bill. But these efforts are not enough.

What is needed is an economic incentive for landowners to keep their lands forested. Landowners are no longer able unaided to resist the temptation to cash in on their land. Most of these landowners would be proud to pass their land on, as forest land, to their children and grandchildren, but they have no financial motivation for doing so. The Forest Legacy Program gives them a much needed incentive to retain their land as forest land.

A conservation easement under the Forest Legacy Program would provide the landowner with a sizable down payment, often 75 to 80 percent of full market value, but still allowing him or her to retain ownership and management of the land for his, or her family and future generations. In this way, the Forest Legacy Program is aptly named.

For those of my colleagues who may resist this as another attempt to build a Federal land acquisition program, let me explain. Under the Forest Legacy Program, the Federal Government will not acquire any land; only easements. As a result, the Federal Government will not pay the operating and management costs it pays forever on land it takes into full ownership. Instead, the landowner retains ownership and management responsibilities for the land and the Government, the people, enjoy the benefits of the forests forever.

The problem, Mr. President, is not the lack of support for his program. National environmental organizations and the timber industry alike strongly support the program. In fact, most would like to see this program eventually expanded to apply in all 50 States. Nothing in the authorizing legislation prevents such expansion.

Nor is the Forest Legacy Program lacking an adequate infrastructure to carry out its objectives. Both the Forest Service and the Washington State Department of Natural Resources are writing regulations to implement this program. The problem, Mr. President, is a lack of funding. The House has sent us an Interior appropriations bill that contains absolutely no funding for this potentially very powerful program. I have asked that the Senate Committee on Appropriations fund this program with $25 million. I ask that my colleagues in the Senate also see the need for this great program and vote to provide the funding that it needs to begin.

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.

Mr. DOLE. Mr. President, has leader time been reserved?

The PRESIDING OFFICER. The Senator may proceed on his leader time.

OPERATION PRAIRIE STORM COFFEYVILLE, KS

Mr. DOLE. Mr. President, throughout America citizens are filled with pride since the successful conclusion of Operation Desert Storm and the return of our brave soldiers. This pride is no more evident than in Coffeyville, KS, from where I have recently visited.

This spring, Bill Moffitt, manager of Funk Manufacturing Co., came up with the idea behind Operation Prairie Storm. The creed of Operation Prairie Storm says it all: This "is a campaign to restore confidence and pride in the city of Coffeyville. We want to welcome our Desert Storm troops home to a place made better by a prairie storm, inspired by their performance liberating Kuwait."

Mr. President, I personally toured areas of the city with Mayor Albert C. Liebert where Operation Prairie Storm was evident. The results are impressive:

Approximately 150 vacated houses have been torn down; scores of homes have been repainted with the help of 8,000 gallons of paint donated by the

Sherwin-Williams Co.; the Coffeyville State Bank, Condon National Bank and Bank IV have created a $1 million low interest loan pool to assist homeowners with much needed repairs; over 1,500 volunteers have taken to the streets and policed roadways and other community areas for trash—including the planting of trees and flowers all over town—and I might add, this is a town of about a little over 13,000; street signs and fire hydrants have been repainted and restored; and plans are in the works to continue the effort through the year by aggressive fundraising, a fall "fun day" sports event, and a "shop at home" campaign during the holiday season.

A number of other individuals are responsible for getting Operation Prairie Storm off the ground: Pat Marso, president of the Condon National Bank; Glen Weldon, Coffeyville city manager; Arthur Hyatt, city of Coffeyville; Dan Kinney, president Coffeyville Community College, Herman Colbert, Aptus Environmental Services; and Bob Douglass, Farmland Industries. And there are many, many more who would be too numerous to name.

Mr. President, this is what community pride is all about. This project is a lesson for all Americans about what we can do for ourselves if we put our minds and hearts into it.

I am proud of the people of Coffeyville—and they should be proud of themselves. Well over 20,000 hours of volunteer effort have been expended and thousands of dollars were pledged by area businesses to assist in the effort.

Mr. President, it is refreshing to see a community do what Coffeyville has done. And the reason I am standing here talking about one city in my State is because I think it is something other cities in other States may want to take a look at; take a look at what one small town has been able to do to, in effect, not only keep itself alive but, as I said earlier, to sort of have a better place for these young men and women to come back home to and for others in the area looking for jobs and looking for opportunity.

So that is the reason I have come to the Senate floor in the hope that other communities will take notice and plan their own community pride events. I salute the citizens of Coffeyville and the success of Operation Prairie Storm.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the civic organizations who have committed to Operation Prairie Storm to date and a list of businesses committed to Operation Prairie Storm to date.

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

CIVIC ORGANIZATIONS COMMITTED TO DATE

Board of Education, Chamber of Commerce, City Commission, Coffeyville Pride, Coffeyville Women's Club, Convention & Visitors Bureau, Garden Club, Jaycees, Leadership Coffeyville, Evening Lion's Club, Morning Lion's Club, Planning & Zoning Commission, Rotary Club, Sertoma Club, and Verdigris Valley Women's Barbershop Chours.

BUSINESSES COMMITTED TO DATE

Acme Foundry, Aptus, Baldwin Standard, Bank IV, Boles Jewelry, Carter Auto Supplies, Clough Oil Co., Coffeyville Community College, Coffeyville Journal, Coffeyville Regional Medical Center, Coffeyville State Bank, Condon National Bank, and Crescent Oil Co.

Decket Construction, Dixon Industries, Farmland Industries, Funk Manufacturing, KGGF/KQQF, Kansas Delivery Service, Mulller Construction, SEK Railroad, Sunset Disposal, Taylor Crane & Rigging, Thompson Bros. Ind. Supplies, Watco Inc, and Western Publishing Co.

CELEBRATING THE 150TH ANNIVERSARY OF THE SENATE PRESS GALLERY

Mr. DOLE. Mr. President, today I join the distinguished majority leader in celebrating a special anniversary of a Capitol Hill institution that for the past 150 years has helped tell the world why our democracy is the best in the world.

On July 8, 1841, with the creation of a permanent Senate Press Gallery, newspaper reporters finally got a home of their own in the Capitol, and since that time, someone has been there to cover every minute of floor action, or inaction.

No doubt about it, that is exactly the way our Founding Fathers wanted it, and we would not have it any other way. It is the kind of access to democracy great Americans such as Thomas Jefferson and Benjamin Franklin envisioned when they wrote the Constitution.

It all began on that July day with only 10 desks for the reporters. In fact, some of my friends in the press insist there are still only 10.

But times, of course, have changed: From the ink-well pen to the ballpoint, from the typewriter to the high-technology world of computers, the Senate Press Gallery has grown with the times, thanks to decades of hard work by dedicated staffers.

Today, thanks to the strong leadership of Superintendent Bob Peterson, the gallery handles the crush of some 2,100 credentialed reporters with professionalism and grace under pressure.

It was not easy in 1841, and it is not easy in 1991—just ask Bob.

But he gets the tough job done, ably assisted by Merri Baker, Jim Saris, Joelle Jordan, Joe Keenan, and Wendy Oscarson. They put in long, long, long hours. It's not a very pleasant rule to live by, but Bob Peterson's crew knows that when the Senate is in, they are in.

During the past 150 years, the Senate Press Gallery has witnessed, and reported on a panorama of American history. In the meantime, they have also made some history such as admitting the first woman reporter in 1850, and later, the first black reporter in 1947.

The Press Gallery has also withstood a Senate investigation, an 1871 inquiry into the unauthorized publication in the New York Times of the Treaty of Washington, which settled differences between the United States and Great Britain brought on by the Civil War.

The Senate did not like this breach of national security, and so it demanded the reporters spill the beans on their front page treaty scoop.

To the surprise of no one, the reporters declined. Well, the Senate responded by having the reporters imprisoned in a room in the Capitol. As usual, however, the Senate miscalculated when it came to trying to intimidate the press: The print prisoners ate well, entertained guests, and became journalistic martyrs.

The Senate wised up and released the "Capitol Hill Two."

Today, Senators and print reporters are still held hostage, but only by the mysterious and frustrating ways of the Senate.

As we celebrate the 150th anniversary of the Press Gallery, let us celebrate this living example of American Democracy—long may it continue.

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

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

AMENDMENT NO. 516

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to table the Rudman amendment No. 516.

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

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. BURDICK], the Senator from California [Mr. CRANSTON], the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY] 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 North Dakota [Mr. BURDICK] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Utah [Mr. GARN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arkansas [Mr. MURKOWSKI], and the Senator from Delaware [Mr. ROTH] are necessarily absent.

I further announces that, if present and voting the Senator from Montana [Mr. BURNS] would vote "nay."

The PRESIDING OFFICER [Mr. CONRAD]. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 39, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—49

Adams	Ford	Mitchell
Akaka	Fowler	Nunn
Baucus	Glenn	Pell
Bentsen	Gore	Reid
Biden	Graham	Riegle
Bingaman	Heflin	Robb
Boren	Hollings	Rockefeller
Bradley	Inouye	Sanford
Breaux	Johnston	Sarbanes
Bryan	Kennedy	Sasser
Byrd	Kerry	Shelby
Conrad	Kohl	Simon
Daschle	Leahy	Wellstone
DeConcini	Levin	Wirth
Dixon	Lieberman	Wofford
Dodd	Metzenbaum	
Exon	Mikulski	

NAYS—39

Bond	Grassley	Nickles
Brown	Hatch	Packwood
Coats	Hatfield	Pressler
Cochran	Helms	Rudman
Cohen	Kassebaum	Seymour
Craig	Kasten	Simpson
D'Amato	Lautenberg	Smith
Danforth	Lott	Specter
Dole	Lugar	Stevens
Domenici	Mack	Symms
Durenberger	McCain	Thurmond
Gorton	McConnell	Wallop
Gramm	Moynihan	Warner

NOT VOTING—12

Bumpers	Cranston	Kerrey
Burdick	Garn	Murkowski
Burns	Harkin	Pryor
Chafee	Jeffords	Roth

So the motion to lay on the table the amendment (No. 516) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 517

Mr. BIDEN. Mr. President, I ask unanimous consent that the Bingaman amendment be temporarily laid aside.

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

AMENDMENT NO. 519

(Purpose: To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement)

Mr. BIDEN. Mr. President, I send an amendment to the desk on behalf of Senator BRADLEY.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. BRADLEY proposes an amendment numbered 519.

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

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

The amendment is as follows:

On page 171, between lines 15 and 16, insert the following:

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement.

Mr. BRADLEY. Mr. President, inadequate health care, deteriorating schools, and overcrowded, unsafe housing are just a few of the hurdles that kids in the inner city face every day.

One of the biggest threats to these children's future success is the street gangs which dominate too many of our Nation's inner cities. Gangs present an image of money, cars, and status to these youths. But nothing could be farther from the truth, gangs are nothing more than a passport to a world of drugs, violence, and death.

I am proud of the fact that the crime bill now before us includes the Youth Violence Act which seeks to curb the influence of youth gangs in America's inner cities. The Senate has had the foresight to see this is a battle we must fight on two fronts. One front is tough penalties for the violent activities of the gangs. This year's crime bill, as we all know, toughens penalties in many different ways.

The second front is the Antigang Grant Program which will fund activities that open windows of opportunity for inner-city kids and show them ways of life which does not include the drugs and violence inherent in the life of a gang member.

One of the most effective alternatives to gangs is sports. Many of these grants will go to athletic programs that develop teamwork and respect for one's body. But athletics alone cannot save America's inner-city youth from the lure of street gangs. These kids are in desperate need of positive role models.

This is especially true for young men in areas where more than 60 percent of the families lack an adult male figure. If we do not help provide positive role models to these youth, we are surrendering in the battle against street gangs.

It is for this reason that I offer this amendment to the Youth Violence Act. My amendment would provide that some of the funds authorized under the antigangs grants will go to establishing sports mentoring and coaching programs. These programs would involve athletes serving as role models to these at-risk youths.

These role models will show these kids that athletics provide a positive alternative to the drugs and violence of the street gangs.

Violent street gangs have become one of the greatest threats to the success to the next generation of Americans. In order to prevent the further expansion of these gangs, we must help today's youths in their struggle against the street gangs. We need to aid them in overcoming this threat to their future success and in fact their very lives.

Sports, teamwork, and strong role models are some of the ingredients of opportunity. The Youth Violence Act provisions in this bill and this amendment will make all this more possible.

Mr. BIDEN. Mr. President, this amendment would allow antigang grants to be used to established sports mentoring and coaching programs. It has been accepted on both sides. I urge adoption of the amendment.

Mr. THURMOND. Mr. President, we have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not the question is on agreeing to the amendment.

The amendment (No. 519) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, a number of our colleagues are on the floor and I have been asked a number of times what the managers hope to accomplish with regard to timing for the remainder of this bill.

I have spoken with the ranking member, Senator THURMOND, and both he and I are very, very anxious to finish this bill. There are a significant number of amendments that are filed that we hope that we can eliminate in light of the last vote. We have a number of them no longer relevant. I do not think the movers of the amendment would wish to proceed in light of the outcome of the last vote.

There are about a half a dozen very sticky points remaining among and between the Justice Department, my Republican friends and the Democratic side. I think we can work most of those issues out relating to habeas corpus, the exclusionary rule, antiterrorism, Justice Department strike forces, and a few others. It is my hope that meeting very shortly with the ranking member and with Senator SIMPSON and others we can come up by tomorrow morning with a package of amendments that we can agree on and quite possibly with a lot of luck get a unanimous-consent offer at least tomorrow and that unanimous-consent agreement as to the extent of the amendments that would be in order.

It would be my hope, and I will yield in a moment to my colleague from South Carolina, I say to the leadership on both sides to finish this bill tomorrow. I would very much urge the leadership to consider keeping us in tomorrow as long as it takes to finish this legislation. We have already adopted over 65 or 70 amendments to this bill

already, and I see no reason why, since all of the significant amendments have already been debated that we cannot come to cloture—I mean that not literally—but bring this to an end.

I yield to my colleague from South Carolina.

Mr. THURMOND. Mr. President, I think there is a good chance, and I hope we can get together on some of these matters tonight. And if so we can shorten the length of time the bill will take greatly and may finish it tomorrow.

There is one thing I want to say, though. If we keep on offering amendments and burden this bill down like a Christmas tree, then it could go on for days and days. I suggest that the amendments that are not germane should await until a further day for action.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I would say what my friend from South Carolina already knows: Obviously any Senator has a right to offer as many amendments as he or she wishes and talk as long as they want.

We attempted on several occasions to reach unanimous-consent agreements relative to the number of amendments that will be in order, and on each occasion one of our friends on the Republican side has disagreed with that and has objected to that unanimous-consent agreement.

But I am confident, with our distinguished colleague from South Carolina pushing this now, as I know he will, that we may be able to move more expeditiously than we have thus far.

Mr. WIRTH. Will the chairman yield?

Mr. BIDEN. Yes.

Mr. WIRTH. The Senator from Colorado has an amendment, which I have had pending now for at least 2 weeks, related to disclosure in the savings and loan industry. I just wanted to say, as we look to try to expedite this, that I would be very happy to agree to whatever agreement on time that the chairman and the ranking member thought was appropriate, an hour of time evenly divided or whatever, as you were putting together whatever agreement might come up. I would be happy to put that kind of a limitation on it.

Mr. BIDEN. I say to my friend from Colorado, I know he has had a keen interest in this amendment that he has referred to, and that he has been willing to debate and vote on it for some time now. We will do what we can to see if we can encompass it in an agreement. Obviously, no one is going to deny the Senator his right to offer that amendment, nor do I think he should be denied that right. But hopefully we can, in the next several hours and tomorrow morning, come up with an overall agreement that would give some time limitations on his amendment and others as well.

Mr. WIRTH. I appreciate the chairman's consideration and that of the ranking Republican member.

Mr. THURMOND. Since this is a Banking Committee matter, I think we better hear them on this. I understand this is very controversial and may take a long time. But if you could talk to the banking people, they will give us an opinion on that.

UNANIMOUS-CONSENT AGREEMENT

Mr. BIDEN. Mr. President, I am about to propound a unanimous-consent agreement that both sides have agreed to relative to votes beginning tomorrow on this legislation.

I ask unanimous consent that, when the Senate resumes consideration on S. 1241 on Tuesday at 9:30 a.m., there be 30 minutes remaining for debate on the Thurmond amendment No. 518 to the Bingaman amendment No. 517, with the time equally divided and controlled in the usual form; that when all time is used or yielded back, the Senate, without intervening action or debate, proceed to vote on the Thurmond amendment No. 518; further, that upon disposition of the Thurmond amendment No. 518, the only relevant second-degree amendments remaining in order to the Bingaman amendment be an amendment by Senator BROWN and an amendment by Senator SIMON; that there be 20 minutes for debate on the Brown amendment, equally divided and controlled in the usual form; that when the time is used or yielded back on the Brown amendment, the Senate proceed to vote, without intervening action or debate, on or in relation to the Brown amendment; that upon disposition of the Brown amendment, Senator SIMON be recognized to offer his amendment on which there be 10 minutes equally divided and controlled in the usual form; that when time is used or yielded back, the Senate, without intervening action or debate, proceed to vote on or in relation to the Simon amendment; that upon disposition of the Simon amendment, the Senate, without intervening action or debate, proceed to vote on the Bingaman amendment No. 517, as amended, if amended; further that no amendment to any language proposed to be stricken nor motion to recommit be in order during the pendency of these amendments.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 1241, a bill to control and reduce violent crime:

Jeff Bingaman, George Mitchell, Tom Daschle, Barbara Mikulski, Claiborne Pell, J.J. Exon, Daniel K. Akaka, Joe Biden, Howard Metzenbaum, Terry Sanford, Joseph Lieberman, Kent Conrad, Charles S. Robb, Edward M. Kennedy, Brock Adams, Herb Kohl.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

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

THE 1972 ABM TREATY

Mr. HEFLIN. Mr. President, it has been 19 years since the Antiballistic Missile Treaty was ratified, and we are still debating its merits. Some of the treaty's detractors have suggested that the lessons of the Persian Gulf war support abandonment of the treaty; the proliferation of ballistic missiles demand that we scrap the treaty; the disarray in the Soviet Union has made it necessary to back away from the treaty. After careful examination, I believe these arguments do not support the provocative measure called for. I, therefore, suggest that any of my colleagues who still advocate abandoning the treaty to fully consider the consequences of this action.

I was heartened by the recent release of the May 23, 1991, Warner-Cohen white paper, which is an encouraging move toward a bipartisan consensus on the direction of the program. The strategic defense initiative is too important to our national security to continue to be locked into a divisive debate, centered on the plans for early deployment of Brilliant Pebbles. I hope their move reflects a belief that we should try, in good faith, to modify the ABM Treaty, and resist moves to abrogate it.

To be clear, let me state that I, too, have reservations about the philosophical underpinnings of the treaty. I am not among those who believe that there is something sacred about the treaty, conferring upon it some kind of religious immunity to criticism or modification. I can fully understand the initial Soviet reaction when the

idea of limiting ballistic missile defenses was first proposed to them. President Johnson broached the idea of limiting antimissile defenses to Premier Kosygin at the Glassboro summit in 1967, and Kosygin was flabbergasted. He thought it was a loony idea to deliberately limit the protection of one's homeland against nuclear missile attack. Kosygin did not warm up to the idea even when it was explained in terms of the doctrine of mutually assured destruction [MAD], which holds that stability is achieved by the total vulnerability of the populations of both superpowers to a nuclear attack.

The Soviet Union eventually agreed to the limitations of the ABM Treaty, I believe, because they feared United States superiority in defense technology, represented at the time by the Safeguard system. The evidence from the negotiating record does not support the view that their agreement was based on an adoption of the U.S. doctrine of MAD. A strong case can be made that, during the 19 years since the signing of the ABM Treaty, the Soviets have continued to respect U.S. strategic defense technology and they have little appetite for engaging in increased competition in this field.

Viewed in historical perspective, I can also identify with the late Don Brennan, of the Hudson Institute, when he observed that the 1972 interim offensive accords did the right thing poorly and the ABM Treaty did the wrong thing well. We would have a safer world today if we had concentrated more on limiting offensive ballistic missiles than on proscribing strategic defense. Only in recent years have we made real progress on limiting offensive strategic arms, with the START talks, although the consummation of these talks now appears to be receding day by day.

It should be recalled that the scope and pace of the U.S. ballistic missile defense program was severely curtailed, in the name of the ABM Treaty, during the mid to late 1970's. During this period, continual budget cuts and restrictive language were imposed by Congress in the mistaken belief that the spirit of detente with the Soviet Union could best be served by unilateral restraint in this field. Accordingly, the Safeguard site, the single deployment location allowed us under the 1974 protocol to the treaty, was closed down by direction of Congress and R&D was slowed to a trickle. By contrast, the Soviet Union maintained and continually upgraded their allowed site around Moscow, and they never exhibited a reluctance to invest in R&D.

Since then, in what must be viewed as an historic reversal of roles, the United States has displayed increasing dissatisfaction with the limitations of the treaty since the initiation of the Strategic Defense Initiative Program in 1983, while the Soviets have grown more comfortable with its limitations. Notwithstanding the Soviet violation of the treaty with the Krasnoyarsk radar, which they subsequentially agreed to dismantle, they seem to be increasingly concerned with keeping the treaty intact. No doubt, the Soviet cooperation is motivated by self-interest and an aversion to intensified competition in strategic defense, but it is, nonetheless, a discernible trend. The most striking example of the U.S. change in attitude toward the treaty was the move by the Reagan administration in 1985 to adopt a "broad" or "legally correct" interpretation of the treaty. This move, like other recent proposals, was motivated by the desire to remove or ease the limitations on development, testing, and deployment of space-based weapons. This body strenuously resisted this reinterpretation of the treaty, and insisted on the strict interpretation that we have observed to this day.

Having expressed my reservations about the theories underlying the treaty, and recounted the shifting attitudes we have witnessed during the 19 years of its existence, let me repeat that I am opposed to U.S. abrogation of the treaty, and that I am in favor of negotiations to effect modifications.

The Warner-Cohen white paper recommends pursuing negotiations with the Soviets to allow for the full testing and development of space-based weapons, and to authorize more ground-based ABM sites. While I favor both these goals, I believe we must be realistic or we will see no progress in the negotiations. Our goal is not only an effective defense, but a more stable relationship with the Soviets. No one would disagree that we are years ahead of them in research on space-based weapons, and the Soviets are sure to want concessions to allow them time to reach parity with us in that regard. The fact that hundreds of Brilliant Pebbles, as currently envisioned, could be rapidly deployed without any of the site preparation work required for ground-based interceptors will not be lost on the Soviets. If we are to reach an agreement with them in the next 2 years, or the next 10, we must understand the Soviets' concerns and be prepared to accept a compromise that increases the security of both nations.

In the charged atmosphere which currently surrounds the Brilliant Pebbles debate, it is difficult to avoid black or white positions and argue for matters of degree. But, I judge that there are degrees of change to the ABM Treaty which are both achievable and desirable. Increases in the number of sites and interceptors is both. At this time, lifting the prohibitions on spaced-based weapons is neither. In addition to the reasons I mentioned above, I must admit that there are still serious questions in my mind about Brilliant Pebble's degree of technological maturity, and their proposed application to enforce a U.S. role as international policemen of ballistic missiles.

Is it realistic to assume that a U.S. role as international policeman, as called for by the GPALS mission, is one that we can take on unilaterally? The recent war in the Persian Gulf required 11 different United Nations resolutions to sanction the intervention of coalition forces. Can a much larger, global role be undertaken by the United States without any international authority? I have been told by the military that rules of engagement can be readily formulated for missiles attacking the United States, and I do not doubt it. But what about missiles launched from India against Pakistan, or by China against one of its neighbors? It is not reasonable that this concept can be adopted without first formulating a plan to obtain international agreement, and such a plan would require extensive debate in the Congress, as well as in the United Nations and other security forums. If the GPALS mission is not to conflict with the President's vision of a new world order, then any deployment must be based on international cooperation, not unilateral action.

There have been bleak suggestions that the United States proceed at some point with the deployment of Brilliant Pebbles even if the Soviets do not agree. Considering the current instability of the Soviet Union, it is difficult to imagine a course of action more fraught with danger and uncertainty. I certainly cannot predict the reaction of the Soviet leadership if they woke up one morning to the news that the United States had begun placing weapons in space that overflew their country. Some observers have predicted the Soviets would try to shoot them down. Others have speculated that it would trigger an even further buildup of their already massive strategic forces. My greatest fear is that this provocative deployment would give the Soviet military, which is increasingly bearing the brunt of central government reform measures, the leverage it needs to seize control. There are, however, steps that we can take that will not add to the destabilization of the Soviet Union, and will provide some level of protection to the continental United States.

The 1972 ABM Treaty and the 1974 protocol allow the construction of a single ABM site with 100 interceptors. A deployment at our chosen site would provide a substantial level of protection for the continental United States from a limited attack or accidental launch from the Soviet mainland and most Third World nations. With the inclusion of advanced sensors, deployed and used in a treaty-compliant manner, the site's protected footprint would be greatly increased. Even though this system would provide defense of our Nation's territory, it will

not, as some have stated, violate article I of the ABM Treaty. During the treaty's negotiations, the United States rejected any missile range limitations, choosing instead to rely on the limits on the number of missiles and sites to fulfill the restriction of article I. Even with these constraints on sites and missiles still intact, I believe there is merit in seriously planning to build a defense, as currently allowed, to provide the American people with some level of protection. At the same time, we should begin negotiations with the Soviets to expand the level of protection allowed under the treaty. The first step in these negotiations would be to bilaterally agree to rescind the 1974 protocol to the treaty. This would allow the construction of a second site close to Washington, DC. With this new site we could defend much of the Atlantic coast from an SLBM attack. An additional site is required on the Pacific coast to provide full continental U.S. protection from all types of limited ballistic missile attacks.

The trivialization of the capability of a treaty-compliant defense system frequently includes reminders that, as I stated before, one site will not protect the States of Alaska and Hawaii and we would remain vulnerable to a submarine missile attack off our coasts. I am aware of these limitations, and I favor immediate negotiations with the Soviets to allow more ground-based sites to fill these gaps. However, these limitations do not inexorably lead to the conclusion that we need to begin deploying space-based weapons, an act that would forestall negotiations and not necessarily provide the ideal solution to the problem. Furthermore, a provocative space-based deployment would only compound the submarine problem. The Soviets could simply increase the mix of cruise missiles in their subs and thus render both the space and ground-based elements of GPALS useless. I believe the solution to the threat of submarine attack will hinge largely on the success of ongoing arms control talks.

As acknowledged earlier, a treaty-compliant defense has limitations. I believe that the level of capability achievable using a single site with 100 interceptors, a capability much greater than that described in recent proposals, is worthwhile, and should be pursued. There are no compelling reasons to wait 2 years, the suggested time limitation for treaty modifications, before beginning a treaty-compliant defense. If we begin work this year, we could have an operational defense system by fiscal year 1998.

One of the main values of beginning a treaty-compliant defense is gearing up our infrastructure to produce and build a larger, more capable defense system. Since Safeguard, our machinery for producing, manning, controlling, and building defense systems has been dormant. Even in advance of the results of further negotiations to expand the number of sites and interceptors allowed under the treaty, we could be far along on the learning curve with what is presently allowed.

Throughout my remarks today, I am conscious of repeated references to a bilateral approach with the Soviet Union, and to the preservation of the health and vitality of the arms control process. My motives for doing this are embedded in the best security interests of the United States, not any impulse to appease the Soviet Union nor to compromise essential defense initiatives simply because they may look threatening. I strongly believe that our own security will not be enhanced by deploying space-based weapons at the expense of the ABM Treaty. Besides the effect this move would have on the stability of the Soviet Union, the resultant poisoning of the arms control process could very well set back the START process, the most promising agreement to appear on the horizon in many years.

Going back to the years just prior to the announcement of SDI, I was active in the fight to increase the level of effort in this country in strategic defense R&D and I was particularly supportive of space-based directed energy weapon concepts. I continue to believe that a truly effective defense will ultimately require spaced-based weapons and that research on this class of weapon should be vigorously pursued. Brilliant Pebbles represents some highly innovative technology that merits continued research. My main problem with GPALS and its cornerstone, Brilliant Pebbles, is that it has become our only deployment option. Its proponents have attempted to block any effort to work within the treaty, and have used their all or nothing support of space-based weapons to block any modification of the treaty during the defense and space talks. It is time to begin investing our money in deployment options that reflect where we stand today, both technologically and politically.

It would behoove us all to reach an agreement on the direction of the SDI program that would end the bickering and unleash the creative energies of our technical community on needed defense technologies and systems. At this critical point in the fiscal year 1992 defense budget cycle, I stand ready to work with my colleagues in Congress and with representatives of the administration to find the key to consensus.

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 ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on July 1, 1991, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2332. An act to amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans.

Under the authority of the order of the Senate of January 3, 1991, the enrolled bill was signed on July 1, 1991, during the recess of the Senate, by the Vice President.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1. An act to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 24, 1991, the following reports of committees were submitted on July 2, 1991:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 427. A bill to disclaim any interests of the United States in certain lands on San Juan Island, Washington and for other purposes (Rept. No. 102–94).

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

H.R. 2622. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1992, and for other purposes (Rept. No. 102–95).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 631. A bill to authorize appropriations for the Motor Carrier Safety Assistance Program, and for other purposes (Rept. No. 102–96).

H.R. 1988. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data commu-

nications, construction of facilities, research and program management, and Inspector General, and for other purposes (Rept. No. 102–97).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1433. An original bill to authorize appropriations for fiscal years 1992 and 1993 for the Department of State, and for other purposes (Rept. No. 102–98).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1434. An original bill to amend the Arms Control and Disarmament Act to authorize appropriations for the Arms Control and Disarmament Agency for fiscal year 1992, and for other purposes (Rept. No. 102–99).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1435. An original bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and related statutory provisions, to authorize economic and security assistance programs for fiscal years 1992 and 1993, and for other purposes (Rept. No. 102–100).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. THURMOND, Mr. STEVENS, Mr. MACK, Mr. DOLE, Mr. SEYMOUR, Mr. CHAFEE, Mr. SPECTER, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. BOND, Mr. CRAIG, Mr. DURENBERGER, Mr. COCHRAN, Mr. LEVIN, Mr. INOUYE, Mr. BURDICK, Mr. BRADLEY, Mr. GORE, Mr. AKAKA, Mr. BENTSEN, Mr. WOFFORD, Mr. REID, Mr. DECONCINI, Mr. BRYAN, Mr. SANFORD, Mr. RIEGLE, Mr. ADAMS, Mr. SIMON, Mr. NUNN, Mr. CONRAD, Mr. DIXON, Mr. CRANSTON, Mr. SHELBY, Mr. ROCKEFELLER, Mr. GLENN, Mr. PRYOR, Mr. LAUTENBERG, and Mr. HEFLIN):

S.J. Res. 174. A joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. THURMOND, Mr. STEVENS, Mr. MACK, Mr. DOLE, Mr. SEYMOUR, Mr. CHAFEE, Mr. SPECTER, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. BOND, Mr. CRAIG, Mr. DURENBERGER, Mr. COCHRAN, Mr. LEVIN, Mr. INOUYE, Mr. BURDICK, Mr. BRADLEY, Mr. GORE, Mr. AKAKA, Mr. BENTSEN, Mr. WOFFORD, Mr. REID, Mr. DECONCINI, Mr. BRYAN, Mr. SANFORD, Mr. RIEGLE, Mr. ADAMS, Mr. SIMON, Mr. NUNN, Mr. CONRAD, Mr. DIXON, Mr. CRANSTON, Mr. SHELBY, Mr. ROCKEFELLER, Mr. GLENN, Mr. PRYOR, Mr. LAUTENBERG, and Mr. HEFLIN):

S.J. Res. 174. A joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month"; to the Committee on the Judiciary.

NATIONAL AMYOTROPHIC LATERAL SCLEROSIS MONTH

• Mr. GRAHAM. Mr. President, today I am introducing legislation designating May 1992 as "National ALS Awareness Month."

Amyotrophic lateral sclerosis [ALS], more commonly known as Lou Gehrig's Disease, will strike 5,000 people this year. This is a rate of 13 new cases per day. Of today's population, more than 300,000 people will die from ALS. Sadly, the National Institutes of Health has found that victims are increasingly younger; many are in their twenties and thirties, and some are mere teenagers.

ALS patients have an average life expectancy of 2 to 3 years. During this time, victims can expect to lose total movement of their arms, legs, fingers, and toes as well as the ability to speak, swallow, or breathe. One's mental capacities, however, will never be affected.

More than 100 years after it was first discovered in 1869, there is still no known cause or cure. However, the New England Journal of Medicine has reported the identification and location of a gene responsible for one of the two types of ALS. This is the first major breakthrough in determining the cause of ALS.

Raising the public awareness of this disease can only lead to more breakthroughs and eventually a cure. This year marks the 51st anniversary of the death of one of America's greatest baseball players, Lou Gehrig, who died of this disease. May 1992 is also the month during which the ALS Association will march in Washington. I hope my colleagues will join the fight for a cure for ALS by cosponsoring this resolution.

This commemorative is dedicated to a victim of ALS, Bruce Packman, whose son Kevin was an intern in my office in June. Kevin inspired me to introduce this resolution.

I ask unanimous consent that the text of the 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. 174

Whereas over 300,000 people alive today will eventually die from Amyotrophic Lateral Sclerosis ("ALS"), commonly known as "Lou Gehrig's Disease", which afflicts the motor-neuron system of the human body;

Whereas at least 5,000 people will be diagnosed this year as having ALS, or an average of 13 cases per day;

Whereas there is still no known cause or cure for ALS despite the fact that the disease was discovered in 1869;

Whereas victims of this disease may lose total movement of their arms, legs, fingers, and toes, as well as the ability to speak, swallow, or breathe;

Whereas ALS patients have an average life expectancy of between 2 and 3 years after being diagnosed as having the disease;

Whereas wheelchairs, respirators, and feeding tubes are often necessary to assist those who outlive the average life expectancy;

Whereas the National Institutes of Health have found that victims of ALS are increasingly younger, with many in their 20's and 30's, and some mere teenagers;

Whereas ALS strikes people regardless of race, sex, age, or ethnicity;

Whereas the number of male victims of ALS under the age of 50 equals the number of female victims, but over the age of 50, male victims outnumber female victims by a ratio of 3 to 1;

Whereas finding the causes of, and the cure for, ALS will prevent the disease from robbing hundreds of thousands of Americans of their dignity and lives;

Whereas 1992 marks the 51st anniversary of the death of one of America's greatest baseball players, Lou Gehrig, for whom the disease was named; and

Whereas raising public awareness of this disease will facilitate the discovery of a cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May 1992, is designated as "National Amyotrophic Lateral Sclerosis Awareness Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate programs and activities.•

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. MOYNIHAN, the names of the Senator from California [Mr. CRANSTON] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 28, a bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population data collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes.

S. 50

At the request of Mr. SYMMS, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors 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. 81

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 81, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 93

At the request of Mr. PRESSLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a co-

sponsor of S. 93, a bill to authorize the Secretary of Transportation to carry out a highway bridge demonstration project to improve the flow of traffic between the States of Nebraska and South Dakota.

S. 98

At the request of Mr. PRESSLER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 98, a bill to amend the National Aeronautics and Space Administration Authorization Act, fiscal year 1989.

S. 167

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 167, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 239

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 239, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 255

At the request of Mr. BINGAMAN, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 255, a bill to require Congress to purchase recycled paper and paper products to the greatest extent practicable.

S. 284

At the request of Mr. BRADLEY, the names of the Senator from Utah [Mr. HATCH] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 284, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

S. 316

At the request of Mr. CRAIG, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 567

At the request of Mr. SANFORD, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 588

At the request of Mr. MITCHELL, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 588, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations.

S. 614

At the request of Mr. DASCHLE, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 614, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 651

At the request of Mr. GARN, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from Georgia [Mr. NUNN] were added as cosponsors 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. 657

At the request of Mr. LEAHY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 657, a bill to amend the Child Nutrition Act of 1966 to provide for more competitive pricing of infant formula for the special supplemental food program for women, infants, and children [WIC], and for other purposes.

S. 734

At the request of Mr. GRAHAM, the names of the Senator from Nevada [Mr. REID] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 734, a bill to permanently prohibit the Secretary of the Interior from preparing for or conducting any activity under the Outer Continental Shelf Lands Act on certain portions of the Outer Continental Shelf off the State of Florida, to prohibit activities other than certain required environmental or oceanographic studies under the Outer Continental Shelf Lands Act within the part of the Eastern Gulf of Mexico Planning Area lying off the State of Florida, and for other purposes.

S. 736

At the request of Mr. GRAHAM, the names of the Senator from Nevada [Mr. REID] and the Senator from Iowa [Mr. HARKIN] were added as a cosponsors of S. 736, a bill to amend the Outer Continental Shelf Lands Act.

S. 747

At the request of Mr. PRYOR, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of S. 747, a bill to amend the Internal Revenue Code of 1986 to clarify portions of the code relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 752

At the request of Mr. BAUCUS, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 752, a bill to amend the Internal Revenue Code of 1986 to make the allocation of research and experimental expenditures permanent.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 781, a bill to authorize the Indian American Forum for Political Education to establish a memorial to Mahatma Gandhi in the District of Columbia.

S. 803

At the request of Mr. REID, the name of the Senator from Massachusetts [Mr. KERRY] 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. 840

At the request of Mr. DURENBERGER, the name of the Senator from Iowa [Mr. HARKIN] 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. 879

At the request of Mr. DASCHLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of certain amounts received by a cooperative telephone company indirectly from its members.

S. 882

At the request of Mr. SARBANES, the name of the Senator from Colorado [Mr. WIRTH] 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 California [Mr. CRANSTON], and the Senator from Massachusetts [Mr. KENNEDY] 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. 902

At the request of Mr. BRADLEY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program.

S. 904

At the request of Mr. BRADLEY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 904, a bill to provide for the establishment of Children's Vaccine Initiative, and for other purposes.

S. 905

At the request of Mr. BRADLEY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 905, a bill to amend title XIX of the Social Security Act to improve the childhood immunization rate by providing for coverage of additional vaccines under the Medicaid Program and for enhanced Federal payment to States for vaccines administered to children under such program, and for other purposes.

S. 913

At the request of Mr. BAUCUS, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 913, a bill to amend the Internal Revenue Code of 1987 to increase the amount of bonds eligible for certain small issuer exceptions, and for other purposes.

S. 972

At the request of Mr. BRADLEY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 972, a bill to amend the Social Security Act to add a new title under such act to provide assistance to States in providing services to support informal caregivers of individuals with functional limitations.

S. 979

At the request of Mr. BINGAMAN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 979, a bill to provide for strong Department of Energy support of research and development of technologies identified in the most recent National Critical Technologies Report as critical to U.S. economic prosperity and national security, and for other purposes.

S. 1112

At the request of Mr. HOLLINGS, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Missouri [Mr. BOND], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1112, a bill to establish a commission to advise the President on proposals for national commemorative events.

S. 1135

At the request of Mr. KENNEDY, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1135, a bill to provide financial assistance to eligible local educational agencies to improve urban and rural education, and for other purposes.

S. 1141

At the request of Mr. KENNEDY, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1141 a bill to help the Nation achieve the national education goals by supporting the creation of a new generation of American schools in communities across the country; rewarding schools that demonstrate outstanding gains in student performance and other progress toward the national education goals creating academies to improve leadership and core-course teaching in schools nationwide; supporting State and local efforts to attract qualified individuals to teaching and educational administration; providing States and localities with statutory and regulatory flexibility in exchange for greater accountability for student learning; encouraging, testing, and evaluating educational choice programs; increasing the potential usefulness of the National Assessment of Educational Progress to State and local decisionmakers; expanding Federal support for literacy improvements; and for other purposes.

S. 1156

At the request of Mr. PACKWOOD, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1156, a bill to provide for the protection and management of certain areas on public domain lands managed by the Bureau of Land Management and lands withdrawn from the public domain managed by the Forest Service in the States of California, Oregon, and Washington; to ensure proper conservation of the natural resources of such lands, including enhancement of habitat; to provide assistance to communities and individuals effected by management decisions on such lands; to facilitate the implementation of land management plans for such public domain lands and Federal lands elsewhere; and for other purposes.

S. 1175

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1175, a bill to make eligibility standards for the award of the Purple Heart currently in effect applicable to members of the Armed Forces of the United States who were taken prisoners or taken captive by a hostile foreign government or its agents or a hostile force before April 25, 1962, and for other purposes.

S. 1190

At the request of Mr. DASCHLE, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 1190, a bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles.

S. 1270

At the request of Mr. MCCAIN, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1270, a bill to require the heads of departments and agencies of the Federal Government to disclose information concerning U.S. personnel classified as prisoners of war or missing in action.

SENATE JOINT RESOLUTION 124

At the request of Mr. BRADLEY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 124, a joint resolution to designate "National Visiting Nurse Associations Week" for 1992.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Kansas [Mr. DOLE], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. RIEGLE], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of Senate Joint Resolution 164, a joint resolution designating the weeks of October 27, 1991, through November 2, 1991, and October 11, 1992, through October 17, 1992, each separately as "National Job Skills Week."

SENATE RESOLUTION 82

At the request of Mr. SMITH, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of Senate Resolution 82, a resolution to establish a Select Committee on POW/MIA Affairs.

SENATE RESOLUTION 126

At the request of Mr. SMITH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 126, a resolution encouraging the President to exercise the line-item veto.

AMENDMENTS SUBMITTED

VIOLENT CRIME CONTROL ACT

RUDMAN (AND COCHRAN) AMENDMENT NO. 516

Mr. RUDMAN (for himself and Mr. COCHRAN) proposed an amendment to the bill (S. 1241) to control and reduce violent crime, as follows:

On page 8, after line 22, insert the following:

"SEC. 104. GRANTS FOR STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—Congress finds that—

(1) State and local police officers are on the front lines of the war against drug-related and other violent crimes;

(2) State and local police officers are directly knowledgeable of the particular problems of crime in their districts, and of the way to best address these problems; and

(3) the most effective way to combat drug-related and other violent crime in the streets is to increase the number of law enforcement personnel operating at the state and local levels of government.

(b) GRANTS.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, is authorized to make grants to State and local enforcement agencies for the purpose of combatting drug-related and other violent crimes. Such grants must be used to supplement and not supplant existing resources. Grants may be awarded only for direct personnel costs associated with employing law enforcement officers.

(c) ALLOCATION.—Of the total amounts appropriated for this section, there shall be allocated to each State and local unit of government an amount which bears the same proportion to the total amount appropriated as the amount of law enforcement officers employed in such state or local unit of government as of June 1, 1991, bears to the total number of law enforcement officers employed in the United States as of June 1, 1991.

(d) DEFINITIONS.—For the purposes of this section—

(1) the term "law enforcement agency" means any agency of the District of Columbia, any of the several states, or unit of general local government, including a county, township, city or political subdivision thereof, which employs law enforcement officers, and has as its primary mission law enforcement; and

(2) the term "law enforcement officer" means any officer of the District of Columbia, any of the several states, or unit of general local government, including a county, township, city or political subdivision thereof, who is empowered by law to conduct investigations of, or make arrests because of, offenses against the United States, the District of Columbia, a state, or a unit of general local government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,206,500,000 for fiscal year 1992 and such sums as are necessary for fiscal year 1993, 1994, and 1995 to carry out this section."

On page 78, strike lines 1 through 24.

On page 86, strike line 3 and all that follows through page 114, line 10.

On page 122, strike line 3 and all that follows through page 124, line 13.

On page 158, strike line 20 and all that follows through page 167, line 8.

On page 168, strike line 18 and all that follows through page 175, line 11.

On page 178, strike lines 10 through 23.

On page 180, strike lines 5 through 15.

On page 182, strike line 1 and all that follows through page 185, line 4.

On page 187, strike line 1 and all that follows through page 192, line 18.

On page 210, strike line 12 and all that follows through page 220, line 12.

BINGAMAN (AND OTHERS) AMENDMENT NO. 517

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. WIRTH) proposed an amendment to the bill S. 1241, supra, as follows:

At the end of the bill, add the following:

TITLE —LITERACY EDUCATION FOR STATE PRISONERS

SEC. . MANDATORY LITERACY PROGRAM.

(a) INITIAL REQUIREMENT.—On or before the date that is 2 years after the date of the enactment of this Act, each State correctional system shall have in effect a mandatory functional literacy program in at least 1 major correctional facility.

(b) SUBSEQUENT REQUIREMENT.—On or before the date that is 5 years after the date of the enactment of this Act, each State correctional system and each local jail and detention center with a population of more than 100 inmates shall have in effect a mandatory functional literacy program.

(c) PROGRAM REQUIREMENTS.—(1) Each mandatory functional literacy program required by subsections (a) and (b) shall—

(A) to the extent possible, make use of advanced technologies, such as interactive video- and computer-based adult literacy learning; and

(B) include adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and learning disabilities upon arrival in the system or at the jail or detention center.

(2) Each mandatory functional literacy program required by subsections (a) and (b) may include—

(A) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (3), shall participate in the program until the person—

(i) achieves functional literacy;

(ii) is granted parole;

(iii) completes his or her sentence; or

(iv) is released pursuant to court order;

(B) a prohibition on granting parole to any person described in subparagraph (A) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(C) an inmate participation incentive program, which may include—

(i) better housing opportunities;

(ii) monetary incentives for achievement; and

(iii) positive reports to parole authorities for inmates who participate and progress in the literacy program.

(3) A requirement such as the requirement described in paragraph (2)(A) may not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill;

(C) is under a sentence of death; or

(D) is exempted by the chief officer of the system, jail, or detention center by reason of the person's documented learning disability or other significant learning problem.

(d) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program required by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to the State's literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a system-wide mandatory functional literacy program, as required by subsection (b), and, if appropriate, information on progress toward such a program.

(3) Upon receipt of a report required by this subsection, the Attorney General shall distribute copies of the report to the Office of Correctional Education and the appropriate Congressional committees.

(e) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(f) LIFE SKILLS TRAINING GRANTS.—(1) The Attorney General is authorized to make grants to State and local correctional agencies to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

(2) To be eligible to receive a grant under this subsection, a State or local correctional agency shall—

(A) submit an application to the Attorney General or his designee at such time, in such manner, and containing such information as the Attorney General shall require; and

(B) agree to report annually to the Attorney General on the participation rate, cost, and effectiveness of the program and any other aspect of the program upon which the Attorney General may request information.

(3) In awarding grants under this section, the Attorney General shall—

(A) consult with the Office of Correctional Education; and

(B) give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

(4)(A) The Attorney General shall award no more than ten grants per year under this subsection.

(B) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Attorney General may establish a procedure for renewal of the grants under paragraph (1).

(g) WITHHOLDING OF GRANTS.—(1) On and after the date that is 2 years after the date of enactment of this Act, the Attorney General shall withhold grants under title I of the Omnibus Crime Control and Safe Streets Act of 1968, in an amount not to exceed 50 percent of the previous year's grant allocation to the State, to any State that does not have in effect a functional literacy program described in subsection (a).

(2) On and after the date that is 5 years after the date of enactment of this Act, the Attorney General shall withhold grants under title I of the Omnibus Crime Control and Safe Streets Act of 1968, in an amount not to exceed 50 percent of the previous year's grant allocation to the State, to any State that does not have in effect a functional literacy program described in subsection (b).

(h) DEFINITIONS.—For the purposes of this section—

(1) the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test;

(2) the term "Office of Correctional Education" means the Office of Correctional Education within the Department of Education established under the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1990 (Public Law 101-392); and

(3) the term "life skills" may include self-development, communication skills, job and financial skills development, education, interpersonal and family relationships, stress and anger management, and addictive behavior rehabilitation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(j) FUNDING THRESHOLD FOR EFFECT OF TITLE.—The provisions of this title shall apply in those fiscal years for which funds are appropriated in an amount not less than one-half the amount authorized in subsection (i).

THURMOND AMENDMENT NO. 518

Mr. THURMOND proposed an amendment to amendment No. 517 proposed by Mr. BINGAMAN (and others) to the bill S. 1241, supra, as follows:

Strike everything after the first word and insert the following:

LITERACY EDUCATION FOR STATE PRISONERS

SEC. . MANDATORY LITERACY PROGRAM.

(a) ESTABLISHMENT.—The chief correctional officer of each State correctional system may establish a demonstration, or system-wide functional literacy program.

(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies; and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the testing of all inmates for functional literacy upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill;

(C) is under a sentence of death; or

(D) is exempted by the chief officer of the system, jail, or detention center by reason of the person's documented learning disability or other significant learning problem.

(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a system-wide mandatory functional literacy program, as required by subsection (b), and, if appropriate, information on progress toward such a program.

(d) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies who elect to establish a program described in paragraph (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.

(e) DEFINITION.—For the purposes of this section, the term "functional literacy" means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

BRADLEY AMENDMENT NO. 519

Mr. BIDEN (for Mr. BRADLEY) proposed an amendment to the bill S. 1241, supra, as follows:

On page 171, between lines 15 and 16, insert the following:

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the hearing scheduled before the Committee on Energy and Natural Resources on July 23, 1991, on consent to amendments by the State of Hawaii to the Hawaiian Homes Commission Act, will not include consideration of Senate Joint Resolution 22, as was originally announced. The committee will be considering Senate Joint Resolutions 23 through 34.

The hearing will take place at 2 p.m. in room SD-366 of the Dirksen Senate Office Building, Washington, DC.

For further information, please contact Allen Stayman of the committee staff at 202-224-7865.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President. I would like to announce that the Select Committee on India Affairs will be holding a hearing on Tuesday, July 9, 1991, beginning at 2 p.m., in 485 Russell Senate Office Building on S. 1350, Zuni River Watershed Act of 1991.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. GLENN. Mr. President, I would like to announce that the Subcommittee on Federal Services, Post Office, and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on July 9, 1991. The Postmaster General of the United States will present the annual report of the Postal Service.

The hearing is scheduled for 10 a.m., in room 342 of the Senate Dirksen Office Building. For further information, please contact Ed Gleiman, subcommittee staff director, at 224-2254.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be authorized to meet during the session of the Senate on July 8, 1991, at 1:30 p.m. to hold a hearing on implementation of the Job Opportunities and Basic Skills Training Program [JOBS] enacted by the Family Support Act of 1988.

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

SUBCOMMITTEE ON DOMESTIC AND FOREIGN MARKETING AND PRODUCT PROMOTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Domestic and Foreign Marketing and Product Promotion be allowed to meet during the session of the Senate on Monday, July 8, 1991, at 2 p.m., to hold a hearing on the importation of subsidized grains from Sweden.

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

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Defense Industry and Technology Subcommittee on the Committee on Armed Services be authorized to meet on Monday, July 8, 1991, at 3:30 p.m. in executive session, for markup of defense industry and technology programs for fiscal years 1992–93.

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

ADDITIONAL STATEMENTS

NATIONAL ENDOWMENT FOR DEMOCRACY

• Mr. LIEBERMAN. Mr. President, one of the truly inspiring developments of the last decade has been the spread of democracies across the globe. The 1980's has been the decade of democracy. From Latin America, to Africa, to Eastern Europe, to the Middle East, and Asia, democratic governments have taken root.

In Asia, democratic elections have been held in South Korea and Pakistan, and political reform continues to make headway in Taiwan. India, the largest democracy in the world, held an election, even after the tragic assassination of former Prime Minister Gandhi. The one party state is crumbling in much of southern and west Africa. Central and South America—from El Salvador to Chile—has been a hotbed of democratic reform. And democracy has had an auspicious start in the nineties with the election of Boris Yeltsin as the first popularly selected President of the Russian Republic. Throughout the world, democracy and pluralism appear to be the wave of the future, and the United States can take pride in inspiring and supporting this movement.

The United States has helped to foster democracy by the example we have set and by specific programs we have offered. One of the most important of these has been the National Endowment for Democracy [NED] under the leadership of Carl Gershman. Just a few examples demonstrate the effectiveness of NED's activities:

NED provided direct support to democratic elections in Nicaragua, Namibia, the Philippines, and Chile by distributing printing presses and computers, and by participating in election monitoring. In each case, these elections led to the ouster of repressive dictactorships.

NED provided financial assistance for free trade unions in the Soviet Union, Poland, and South Africa, all of which have helped democratic forces.

NED encouraged the growth of free markets, particularly in Latin America. Specifically, it has supported the path-breaking work of Peruvian political scientist Hernando de Soto, who has documented how heavy-handed state bureaucracies impede economic development among the poor.

Because of its fine work, NED has received praise from many heads of state in newly democratic nations including Vaclav Havel, Violetta Chamarro, Corazon Aquino, and Oscar Arias.

I saw NED's excellent work first hand when I served as coleader of an international delegation of observers sponsored by the National Democratic Institute, one of NED's affiliates, to the elections in Romania in May 1990. NDI operated in a thoroughly professional manner, providing us with a full range of briefings, training sessions, and all the support we needed to monitor the elections for evidence of fraud. NDI's presence on the scene helped to ensure a fairer election and to point the way toward further progress for Romania.

Despite NED's critical contributions to democratic movements, some have argued that with the end of the cold war and the defeat of Saddam Hussein, the United States can deemphasize the democratic outreach programs of NED. But NED serves hard headed U.S. interests, in addition to serving the wider interests of humankind, because free market democracies usually end up being peaceful friends of America. These friends offer economic markets for our products and reliable support for our diplomatic policies. By assisting prodemocracy movements and free markets around the world, NED has helped to save many millions of dollars that otherwise would have gone to defense spending and economic assistance. So the modest NED budget—just $25 million last year—is an excellent investment.

Mr. President, now is not the time to retreat from the world. Now is the moment to lead the world to democracy. The end of the cold war should spur us to greater efforts to ensure that democracies become firmly rooted in the former Soviet bloc and the rest of the Third World. NED will help lead the way toward the day when flourishing democracies will preside throughout the world and most dictatorships will be a distant memory of a dark past.•

HONORING LISA BROWER

• Mr. KASTEN. Mr. President, America is making great progress in the war on drugs thanks to the rise of enlightened attitudes among young people. Nowhere is this enlightened attitude more visible than in a recent prize-winning essay by Lisa Brower of Elmbrook Middle School in Elm Grove, WI.

Lisa Brower has just won the "Books Make a Difference" contest sponsored by Read magazine. Her essay "The Book That Has Made the Greatest Difference in My Life" outlines how reading the powerful antidrug story "Go Ask Alice" led her to make a personal commitment never to use drugs.

Lisa deserves our warmest congratulations. I recommend her essay to the attention of my colleagues, and I ask unanimous consent that it be included in the RECORD at the conclusion of my remarks.

The essay follows:

GO ASK ALICE

(By Lisa Brower)

No, Alice, don't! (If that's even your name.) Don't take drugs.

"I know," she replies, Alice knows what's bad for her, but she can't help herself. She lets me down when she gives in to peer pressure and takes drugs.

I'm part of Alice. She breathes; I breathe. She speaks; I speak. She writes; I read. She writes her whole teenage life in her diary, and now it is my turn to read her pain, joy, and confusion.

The book I am part of is *Go Ask Alice*, an anonymously written diary. Alice writes the diary and is the main character. If Alice is happy when I set the book down, then I am happy for the rest of the day. But soon I am drawn back to Alice's world by an irresistible force. If she has a mood swing, which she often does, so do I. If she is mad, so am I. I set the book down and go yell at the wall. I can't hurt the wall's feelings. But Alice yells at the people who mean the most to her. After, she goes back to the diary to write, and I go back to read.

Now Alice is sad for yelling at her loved ones, and I go and apologize to the wall. The wall seems to brighten a little. Everything has feelings. But Alice does not apologize. Her loved ones understand. I feel sorry for them, for their feelings are hurt. They will do anything for Alice. My mind jumps back to her. Is she happy? Angry? Sad? Surprised? I can't keep track. I'll just read.

I'm freezing! I go to turn up the heat, but it isn't that. It is 72 degrees in the house. I return to Alice. I realize it is not me. It is

Alice who is cold. She is sleeping in the street in an unknown place. She sleeps, forgetting everything. It is better to sleep than to face reality. This is not me! Wake up, Alice. Nothing but sleep. . . .

Finally, she is home, trying to put her life together. She is in love. I am not. I love my family the most. So does she, but she loves her boyfriend all the same.

She stops writing. No, don't! Write, Alice. She will not. She is past her early teenage years, too mature now to write. I turn the page, expecting to see blank pages staring back at me.

Dead. No, I am not. She is not. But we are. An overdose of drugs. I am slipping away, whisked away in my tears.

But I am not Alice. I am alive. She is gone.

Thanks, Alice. I will now know never to take drugs and make your mistakes. You are still alive in your book. Now thousands read your diary and learn what not to do. Keep writing, Alice. Keep writing. We'll keep reading.•

GREEN THUMB, INC.

• Mr. ROCKEFELLER. Mr. President, I rise today to congratulate and commend an organization that is changing the lives of elderly Americans and to particularly thank them for their hard work and dedication to the State of West Virginia. I would like to call my colleagues' attention to Green Thumb, Inc., which is a nonprofit corporation that operates in 44 States and Puerto Rico promoting job training and independence for low-income elderly. One of my favorite examples of how Green Thumb works is the recent story of Mary C. Onion of Beckley, WV.

For many years, Mary had worked for various schools and businesses throughout the region and had always enjoyed working with children. But, when her mother became ill, Mary had to stop working to care for her. Early this year, Mary was ready to reenter the work force, at age 70. When she applied, however, she discovered that the computer had changed her job dramatically. Through Green Thumb, Mary is acquiring computer training and is now employed by the Beckley Junior High School. With the help of Green Thumb, Mary is now doing what she enjoys and is also adding to her economic stability and her own independence.

Green Thumb, Inc. was begun in 1965 under the Senior Community Service Employment Program, that now employs over 64,000 low-income seniors. All of Green Thumb's enrollees have incomes that are at or below 125 percent of the established poverty level. The typical enrollee is a 68-year-old woman who lives on less than $6,280 per year. The vast majority of enrollees reside in rural areas with restricted access to essential services like health care and transportation. Enrollees get on-the-job training, corresponding to their interests and experiences, while they are part of the Green Thumb Program, as well as individual counseling on finding and keeping jobs. The program also works with other agencies to assist enrollees with housing, nutrition, health care, and other social services.

This vital program is up for reauthorization in 1991 under the Older Americans Act, and its proposed budget had been cut by $47.5 million. This budget cut will result in a loss of 13,000 opportunities to help. I warn against these cuts and rise in support of a model program that is doing something for the low-income elderly of America. Speaking for West Virginians, I praise Green Thumb for contributing to the dignity, well-being and independence of those they serve.•

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

• Mr. SARBANES. Mr. President, I rise today to bring to the attention of all my colleagues the Second White House Conference on Library and Information Services which will be held this week from July 9 to 13 at the Washington Convention Center. The Conference has been preceded by speakouts, town hall meetings, and Governors' conferences across the Nation, where recommendations were developed for the further improvement of library and information services and their use by the citizens of our country. The themes chosen for the Conference—library and information services for expanding literacy, improving productivity, and strengthening democracy—illustrate the importance of the library to our communities and to our Nation. I was pleased to be invited to serve as an honorary delegate to the Conference and want to commend all those who have helped bring it to fruition.

The Federal Government has long recognized the importance of supporting our Nation's libraries with Federal assistance first provided to public libraries in 1956 through the Library Services Act, which provided public library service to rural areas that had no such service. In 1964, that law was replaced with the current Library Services and Construction Act. As amended most recently in 1990, Public Law 101-254, the LSCA contains eight titles authorizing aid to public libraries through fiscal year 1994. A variety of other Federal programs provide additional assistance to public, college, and school libraries. While each of these programs is relatively small, the aggregate level of Federal assistance to libraries, including both grants and other forms of aid, is more substantial and is of critical importance to the continued provision of effective library services to our citizenry.

Such assistance is especially important when one considers that libraries are the only public agencies in which the services rendered are intended for, and available to, every segment of society. The termination of all Federal support for public library programs, recommended repeatedly by the Reagan administration and continued in large part by the current administration, would trigger the elimination of the most far-reaching and innovative programs offered by public libraries. Wisely, the Congress has consistently rejected efforts to eliminate or drastically reduce Federal support for libraries. In similar manner, the administration's fiscal year 1992 budget recommendation for libraries, which would have imposed a 75.5-percent cut from the level appropriated in fiscal year 1991 for LSCA programs and Higher Education Act title II library programs, was rejected by the Congress in the budget resolution passed this spring.

Even so, libraries throughout the country are undergoing unprecedented hard times with budgetary constraints prompting staff reductions and cutbacks in services. Reductions in support for library programs over the past decade have also resulted in a current shortage of trained librarians. Existing shortages of librarians will be exacerbated by a shortage of graduate library school faculty. Graduate library school faculty are in short supply because of the closing of some library schools, the decrease in financial support, the higher than average age of library school faculty, and fewer librarians with Ph.D.'s going into teaching.

The importance of continuing a stable, reliable financial base to ensure an acceptable standard of library service for every American cannot be overestimated, particularly in an age in which we are experiencing a vast explosion of information. The Association of Research Libraries and the American Library Association report that internationally 1,000 books are published daily, nationally 9,600 different periodicals are published annually, and the total of all printed knowledge doubles every 8 years. Clearly, this makes the vital services provided by libraries increasingly important, and the challenges facing those who work in the field increasingly complex.

In addition, the 20th century has seen a new dimension added to library services. Libraries now provide not only books and periodicals, but a myriad of other things as well, including computer services, audio-visual materials, facilities for lectures and performances, tapes, videocassettes, and works of art for exhibit or loan to the public. Libraries provide special facilities for the elderly and disabled, and in many communities, library services are organized for local schools, hospitals, and prisons.

Developments in scientific and industrial research, with a consequent vast increase in the publication of specialized information, have led to a demand for rapid and easy access to a wide range of periodical literature and an information service that could furnish

references and bibliographies on specific subjects. A significant result of this has been the growth of special libraries, often connected with commercial enterprises or specialized professional bodies, which in turn have had a marked influence on the kind of services offered in research libraries and in public libraries.

As the one type of library accountable to the total community, the public library of the future must play a strong coordinative role. It must act as a point of entry into the national network of libraries and information resources as well as continuing to lead all libraries in responding to societal changes and consequent needs. This week's Conference on Libraries will serve as a critical forum for the discussion of the development of a coordinated national policy to ensure that library resources are readily available to all who need and want them.

Mr. President, I have spoken many times on the importance of libraries and the need to encourage those involved in the library profession because of the essential work they perform. The library is one of the ladders of opportunity in this society, and we ought never to forget that. Libraries are more than passive repositories of information—they are an essential component of the total education structure and are of economic, cultural, and social benefit to citizens of all ages, occupations, and economic standing in every community.

In this and in previous Congresses, I have introduced a number of proposals which address the need for continued support for library programs. I have also inserted in the RECORD an excellent piece from the Washington Post written by Haynes Johnson which, in my view, very poignantly illustrates the importance of libraries in the daily lives of our citizens.

In his remarks, Mr. Johnson quotes an article from the Wall Street Journal which likened the most extreme example of a lack of adequate support for libraries—the closing of a library—to a death in the family. In describing the closing of one small library, reporter James S. Hirsch wrote:

> On the library's last day, children brought stuffed bears and flowers for the librarian. Later, residents who hadn't heard the news pounded on the locked wooden door of the building." He quoted the librarian as saying, "They couldn't believe we were really closing. To a child, the library was always there. Then something is missing from their life. It's like when someone dies, there's a little empty space there.

As important as the loss of library and education services are to the individual, we must also keep in mind the loss to society as a whole. As Thomas Jefferson so aptly put it:

> A Nation that expects to be ignorant and free, expects what never was and never will be.

For democracy to work, the individual citizen has to have the capacity to understand the problems and to register an informed judgment. Libraries are an important component in a society which must educate and train its citizens to be responsible participants in a democratic system. We are also a Nation that holds out to its citizens the chance to move from very limited circumstances as a youth all the way to the top if they possess the ability. It is through education that we give our people an opportunity to move upwards, to participate fully in American life and to make their maximum contribution to society—and again, the services provided by libraries are a critical part of that system.

The Second White House Conference on Libraries and Information Services provides an excellent opportunity to consider the path our Nation must take in the future to further our education system and to prevent the erosion of the unique and vital services provided by libraries to citizens and communities throughout the country. I want to take this opportunity to salute those involved in the library and education profession and all those who are participating in this week's conference. It is their dedication and hard work which enabled the convening of a Second White House Conference on Libraries. I urge all my colleagues to join me in working with them to ensure the continued access of critical library services to every American.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Dan Berkovitz, a member of the staff of Senator BURDICK, to participate in a program in Indonesia, sponsored by the Republic of Indonesia and the U.S.-Asia Institute, from August 16 to 1991.

The committee has determined that participation by Mr. Berkovitz in the program in Indonesia, at the expense of the Indonesian Government and the U.S.-Asia Institute, is in the interest of the Senate and the United States.●

THE INCOME DEPENDENT EDUCATIONAL ASSISTANT LOAN ACT OF 1991—S. 1414

● Mr. AKAKA. Mr. President, I request that the text of the Income Dependent Educational Assistance Loan Act of 1991 [IDEAL], S. 1414, be printed in the RECORD.

The text of the bill follows:

S. 1414

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

SECTION 1. DEMONSTRATION PROGRAM.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by inserting at the end thereof the following new title:

"TITLE XVI—INCOME DEPENDENT EDUCATIONAL ASSISTANCE LOANS

"SEC. 1601. SHORT TITLE.

"This title may be cited as the 'Income Dependent Educational Assistance Loan Act'.

"SEC. 1602. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—

"(1) LOANS AUTHORIZED.—The Assistant Secretary shall carry out a demonstration program of making loans to students in 10 congressional districts in accordance with the provisions of this title.

"(2) USE AT ANY ELIGIBLE INSTITUTION PERMITTED.—Each individual receiving a loan under this title may use such loan funds to attend any eligible institution.

"(b) PROGRAM REQUIREMENTS.—The program described in subsection (a) shall—

"(1) require a student who receives a loan under this title to use such loan to attend an eligible institution;

"(2) require each eligible institution that receives funds under this title to—

"(A) submit to the Assistant Secretary, at such time and in such form as the Assistant Secretary may require by regulation, a list of applicants and the amounts for which such applicants are qualified under section 1604; and

"(B) promptly notify the Assistant Secretary, on request, of any change in enrollment status of any recipient of a loan under this title; and

"(3) require the Assistant Secretary—

"(A) to establish an account for each recipient of a loan under this title by name and taxpayer identification number; and

"(B) provide for the increase in the total amount stated for each such account by any amounts subsequently loaned to such recipient.

"SEC. 1603. INSTITUTIONAL AGREEMENTS.

"(a) TERMS OF AGREEMENT.—In order to qualify its students for loans under this title, an eligible institution shall enter into an agreement with the Assistant Secretary which—

"(1) provides that the institution will collect applications for loans under this title from its students that are in such form and contain or are accompanied by such information as the Assistant Secretary may require by regulation;

"(2) contains assurances that the institution shall, on the basis of such applications, provide to the Assistant Secretary the information required by section 1602(b)(2) and shall certify to the Assistant Secretary the cost of attendance determination;

"(3) provides that the institution shall provide to each student applying for a loan under this title a notice provided by the Assistant Secretary of the student's obligations and responsibilities under the loan;

"(4) provides that, if a student withdraws after receiving a loan under this title and is owed a refund—

"(A) the institution will pay to the Assistant Secretary for deposit into the Income Dependent Educational Assistance Loan Trust Fund a portion of such refund, in accordance with regulations prescribed by the Assistant Secretary to ensure receipt of an amount which bears the same ratio to such refund as such loan bore to the cost of attendance of such student; and

"(B) the Assistant Secretary will credit the amount of such refund to the student's account;

"(5) contains such additional terms and conditions as the Assistant Secretary prescribes by regulation to protect the fiscal interest of the United States and to ensure effective administration of the program under this title; and

"(6) contains assurances that the amount of a loan an eligible student may receive under this title shall not affect the amount of other student financial assistance such student may receive from the institution.

"(b) ENFORCEMENT OF AGREEMENT.—The Secretary may, after notice and opportunity for a hearing to the institution concerned, suspend or revoke, in whole or in part, the agreement of any eligible institution if the Assistant Secretary finds that such institution has failed to comply with this title or any regulation prescribed under this title or has failed to comply with any term or condition of its agreement under subsection (a). No funds shall be loaned under this title to any student at any eligible institution while the agreement of such institution is suspended or revoked, and the Assistant Secretary may institute proceedings to recover any funds held by such institution. The Assistant Secretary shall have the same authority with respect to functions under this title as the Secretary has with respect to his functions under part B of title IV of this Act.

"SEC. 1604. AMOUNT AND TERMS OF LOAN.

"(a) ELIGIBLE AMOUNTS.—

"(1) ANNUAL LIMITS.—Any individual who is determined by an eligible institution to be an eligible student for any academic year shall be eligible to receive a loan for such academic year in an amount which is not more than—

"(A) $10,000; or

"(B) the cost of attendance at such institution, determined in accordance with section 484, whichever is less.

"(2) LIMITATIONS ON BORROWING CAPACITY.—No individual may receive any amount in an additional loan under this title which exceeds the excess of—

"(A) $40,000; over

"(B) the total original principal amounts of all prior loans under this title to such individual less any refunds credited to such individual's account under section 1603(a)(4).

"(3) ADJUSTMENT OF LIMITS FOR INFLATION.—Each of the dollar amounts specified in paragraphs (1) and (2) shall be adjusted for any academic year after calendar year 1994 to provide for the increase in the average cost of postsecondary education as determined by the Assistant Secretary for the calendar year preceding such academic year.

"(4) COMPUTATION OF OUTSTANDING LOAN OBLIGATIONS.—For the purposes of this subsection, any loan obligations of an individual pursuant to student loan programs under title IV of this Act or title VII of the Public Health Service Act shall be counted toward annual and aggregate borrowing capacity limits. For purposes of annual and aggregate loan limits under any such student loan program, loans under this title shall be counted as loans under such program.

"(5) ADJUSTMENTS OF ANNUAL LIMITS FOR LESS THAN FULL-TIME STUDENTS.—For any student who is enrolled on a less than full-time basis, loan amounts for which such student shall be eligible for any academic year under this subsection shall be reduced in accordance with regulations prescribed by the Assistant Secretary.

"(b) TERMS OF LOANS.—Each eligible student applying for a loan under this title shall sign a written agreement which—

"(1) is made without security and without endorsement, except that if the borrower is a minor and such note or other written agreement executed by him would not, under the applicable law, create a binding obligation, endorsement may be required;

"(2) provides that such student will repay the amount of the loan in accordance with the repayment provisions described in section 1606;

"(3) certifies that the student has received and read the notice required by section 1603(a)(3); and

"(4) contains such additional terms and conditions as the Assistant Secretary may prescribe by regulation.

"(c) DISBURSEMENT OF PROCEEDS OF LOANS.—The Assistant Secretary shall, by regulation, provide for the distribution of loans to eligible students and for the appropriate notification of eligible institutions of the amounts of loans which are approved for any eligible student, and for the allocation of the proceeds of such loan by semester or other portion of an academic year. The Assistant Secretary shall distribute the proceeds of loans under this title by disbursing to the eligible institution a check or other instrument that is payable to and requires the endorsement or other certification by the student. Such proceeds shall be credited to any obligations of the eligible student to the eligible institution related to the cost of attendance at such institution, with any excess being paid to the student.

"SEC. 1605. TRUST FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the Income Dependent Educational Assistance Loan Trust Fund (hereafter in this section referred to as the 'Trust Fund'), consisting of such amounts as are transferred to the Trust Fund under subsection (b)(1) of this section, such amounts as are authorized under section 1608, and any interest earned on investment of amounts in the Trust Fund under subsection (c)(3) of this section.

"(b) TRANSFER OF AMOUNTS.—

"(1) IN GENERAL.—Subject to the limitation in paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund amounts equivalent to repayment levies received in the Treasury under section 59B of the Internal Revenue Code of 1986.

"(2) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Trust Fund under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(c) INVESTMENT OF TRUST FUND.—

"(1) IN GENERAL.—It shall be the duty of the Assistant Secretary to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

"(A) on original issue at the issue price, or

"(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Assistant Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

"(2) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Assistant Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(3) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

"(d) OBLIGATIONS FROM TRUST FUND.—The Assistant Secretary is hereafter authorized to obligate such sums as are available in the Trust Fund (including any amounts not obligated in previous fiscal years) for—

"(1) awarding loans to eligible students in accordance with the provisions of this Act; and

"(2) properly allocable administrative costs of the Federal Government for the activities specified above.

"(e) REPORT TO CONGRESS.—It shall be the duty of the Assistant Secretary to hold the Trust Fund, and to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and Senate document of the session of the Congress to which the report is made.

"SEC. 1606. REPAYMENT PROVISIONS.

"(a) PROCEDURE.—

"(1) IN GENERAL.—The Assistant Secretary shall develop a procedure for computing a repayment percentage for each borrower under this title using the cohort repayment factors described in paragraph (2).

"(2) FACTORS.—The cohort repayment percentage described in paragraph (1) shall take into consideration the following factors:

"(A) The total amount of loans awarded to the borrower under this title.

"(B) The age of the borrower.

"(C) The year in which such a loan was awarded.

"(D) The cohort repayment percentage shall only apply to the first $50,000 of an indi-

vidual's wages (as defined in section 3121(a)) and self-employment income (as defined in section 1402(b) of the Internal Revenue Code of 1986), determined without regard to any dollar limitation contained in such sections.

"(E) The cohort repayment percentage shall be adjusted over time for average coverage and self-employment income growth.

"(F) The buyout procedure described in paragraph (3).

"(G) Maximum repayment period shall not exceed 25 years.

"(H) No borrower shall be required to make repayments beyond age 65.

"(I) The Trust Fund is intended to earn an overall interest rate, on all loans made in any academic year equal to the average interest rate on United States obligations issued in such year, plus an administrative expense premium of not more than 0.25 percent.

"(3) BUYOUT PROVISION.—The Assistant Secretary shall develop a procedure under which borrowers may repay, at any time, the total amount of loans borrowed under this title. Such procedure shall include a prepayment premium to discourage borrowers from repaying the total amount of loans borrowed under this title pursuant to the previous sentence.

"(b) CERTIFICATION TO THE SECRETARY OF THE TREASURY.—The Assistant Secretary shall calculate the repayment percentage described in subsection (a) for each borrower that the Assistant Secretary determines is in repayment status, and shall transmit such information along with the borrower's taxpayer identification number to the borrower and to the Secretary of the Treasury by January 1 of each calendar year.

"SEC. 1607. DEFINITIONS.

"For purposes of this title—

"(1) the term 'Assistant Secretary' means the Assistant Secretary For Postsecondary Education;

"(2) the term 'eligible institution' has the meaning given such term by paragraph (1) or (2) of section 435(a); and

"(3) the term 'eligible student' means a student who is a United States citizen and who has attained the age of 17 years but not the age of 56 years.

"SEC. 1608. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Equity Investment in America Trust Fund such sums as may be necessary for fiscal year 1992 and the 4 succeeding fiscal years to carry out the provisions of this title.".

SEC. 2. COLLECTION OF LOANS.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

"PART VIII—EDUCATIONAL LOAN REPAYMENT LEVY

"Sec. 59B. Educational loan repayment levy.

"SEC. 59B. EDUCATIONAL LOAN REPAYMENT LEVY.

"(a) IN GENERAL.—In the case of an individual who receives a certification from the Assistant Secretary of Education under section 1606(b) of the Higher Education Act of 1965, there is hereby imposed (in addition to any other tax imposed by this subtitle) a repayment levy equal to the repayment percentage (as certified by the Assistant Secretary) of such individual's qualified earnings for the taxable year as does not exceed $50,000.

"(b) QUALIFIED EARNINGS.—For purposes of subsection (a), the term 'qualified earnings' means wages (as defined in section 2131(a)) and self-employment income (as defined in section 1402(b)), determined without regard to any dollar limitation contained in such sections.".

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Part VIII. Educational loan repayment levy.".●

ENVIRONMENTAL PROTECTION PROTOCOL TO THE ANTARCTIC TREATY

● Mr. DURENBERGER. Mr. President, 2 weeks ago, I was on the Senate floor asking why the United States was standing alone in its refusal to sign the Antarctic Treaty. As I said then, of the 26 voting members to the Antarctic protocol, we were the only country unable to secure its Government's approval for that treaty. In other words, President Bush would not allow our signature to appear on this document. Following that statement, I also wrote a letter to President Bush expressing my disappointment and asking that he consider allowing the United States' signature to appear on this important charter.

Well, Mr. President, while we were all away during the July 4 recess, he did just that. Last Wednesday, when he was in South Dakota dedicating Mount Rushmore, President Bush announced that the United States will indeed sign the environmental protection protocol to the Antarctic Treaty.

As one of those who expressed previous discontentment with our previously announced reluctance to sign this treaty in its present form, I want to now call attention to the wisdom of last week's decision. And, I wanted to take this opportunity to commend the President for his leadership in protecting this vast and vulnerable natural resource.

Among other things, this new environmental measure will preserve native species of Antarctic plants and animals, and will place essential limits on tourism, waste disposal, and marine pollution. I strongly support these measures that were based largely on U.S. initiatives.

However, it was the mineral development provisions that gave us some reluctance to sign this treaty, even though the current draft leaves open the door to lifting or altering the treaty's ban on mineral activity after 50 years. That provision adequately addresses legitimate United States' concerns regarding potential development—and sufficiently protects the Antarctic environment—without foreclosing future options. Although I am wary of any development, I believe that this is an excellent step toward protecting this world resource for the next half century.

Mr. President, President Bush illustrated his commitment to the environment last year when he directed his administration to work toward an indefinite ban on drilling in Antarctic. This recent decision codifies that commitment and enhances American leadership and credibility on these and other issues involving the global environment.

There is no question that the Environmental protection protocol is of utmost importance to the Antarctic environment. I am thankful that the administration recognized this reality and that, when the voting members convene in October, the words "United States of America" will appear on this very important document.●

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Tuesday, July 9; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate resume consideration of S. 1241, as provided under the previous unanimous-consent agreement; and that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences; further, that Senators may file first-degree amendments until 1 p.m., notwithstanding a recess of the Senate.

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

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, under the previous order, until 9:30 a.m. on Tuesday, July 9.

There being no objection, the Senate, at 8:15 p.m., recessed until Tuesday, July 9, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 8, 1991:

SUPREME COURT OF THE UNITED STATES

CLARENCE THOMAS, OF GEORGIA, TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, VICE THURGOOD MARSHALL, RETIRED.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF SECTION 624, TITLE 10 OF THE UNITED STATES CODE:

To be brigadier general

COL. JOHN J. ALLEN [redacted] REGULAR AIR FORCE.
COL. PETER C. BELLISARIO, [redacted] REGULAR AIR FORCE.
COL. PAUL K. CARLTON, JR., [redacted] REGULAR AIR FORCE.
COL. GEORGE P. COLE, JR., [redacted] REGULAR AIR FORCE.

COL. ROGER G. DEKOK, xxx-xx-x... REGULAR AIR FORCE.
COL. ROBERT S. DICKMAN, xxx-xx-xxxx REGULAR AIR FORCE.
COL. PATRICK K. GAMBLE, xxx-xx-xxxx REGULAR AIR FORCE.
COL. JOHN H. GARRISON, xxx-xx-x... REGULAR AIR FORCE.
COL. THOMAS D. GENSLER, xxx-xx-xxxx REGULAR AIR FORCE.
COL. FRANCIS C. GIDEON, JR., xxx-xx-xxxx REGULAR AIR FORCE.
COL. ORIN L. GODSEY, xxx-xx-x... REGULAR AIR FORCE.
COL. JOHN A. GORDON, xxx-xx-x... REGULAR AIR FORCE.
COL. EDWARD F. GRILLO, JR., xxx-xx-xxxx REGULAR AIR FORCE.
COL. JOHN B. HALL, JR., xxx-xx-xx... REGULAR AIR FORCE.
COL. JOHN W. HANDY, xxx-xx-x... REGULAR AIR FORCE.
COL. CHARLES R. HEFLEBOWER, xxx-xx-x... REGULAR AIR FORCE.
COL. THOMAS L. HEMINGWAY, xxx-xx-xx... REGULAR AIR FORCE.
COL. JAMES L. HIGHAM, xxx-xx-x... REGULAR AIR FORCE.
COL. ELDON W. JOERSZ, xxx-xx-xx... REGULAR AIR FORCE.
COL. DWIGHT M. KEALOHA, xxx-xx-xxxx REGULAR AIR FORCE.
COL. THOMAS E. KUENNING, JR., xxx-xx-x... REGULAR AIR FORCE.
COL. NORMAND G. LEZY, xxx-xx-x... REGULAR AIR FORCE.
COL. DONALD E. LORANGER, JR., xxx-xx-x... REGULAR AIR FORCE.
COL. EUGENE A. LUPIA, xxx-xx-xx... REGULAR AIR FORCE.
COL. JAMES I. MATHERS, xxx-xx-xxxx REGULAR AIR FORCE.
COL. JOHN M. MCBROOM, xxx-xx-x... REGULAR AIR FORCE.
COL. GEORGE K. MUELLNER, xxx-xx-xxxx REGULAR AIR FORCE.
COL. LLOYD W. NEWTON, xxx-xx-x... REGULAR AIR FORCE.
COL. TAD J. OELSTROM, xxx-xx-xx... REGULAR AIR FORCE.
COL. RUDOLF F. PEKSENS, xxx-xx-xxxx REGULAR AIR FORCE.
COL. THOMAS D. PILSCH, xxx-xx-x... REGULAR AIR FORCE.
COL. ROBERT F. RAGGIO, xxx-xx-xxxx REGULAR AIR FORCE.
COL. JAMES M. RICHARDS, III, xxx-xx-xxxx REGULAR AIR FORCE.
COL. JOHN B. SAMS, JR., xxx-xx-xx... REGULAR AIR FORCE.
COL. MONROE S. SAMS, JR., xxx-xx-xxxx REGULAR AIR FORCE.
COL. MICHAEL C. SHORT, xxx-xx-x... REGULAR AIR FORCE.
COL. RAYMOND A. SHULSTAD, xxx-xx-xx... REGULAR AIR FORCE.
COL. RONDAL H. SMITH, xxx-xx-xx... REGULAR AIR FORCE.
COL. EUGENE L. TATTINI, xxx-xx-xxxx REGULAR AIR FORCE.
COL. ANTHONY J. TOLIN, xxx-xx-x... REGULAR AIR FORCE.
COL. SUE E. TURNER, xxx-xx-x... REGULAR AIR FORCE.

IN THE ARMY

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 lieutenant general

LT. GEN. JAMES R. HALL, JR., xxx-xx-xx... U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. LEON E. SALOMON, xxx-xx-x... U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

FRANK E. CARPENTER, xxx-xx-x...

DENTAL CORPS

To be lieutenant colonel

LUIS J. BLANCO, xxx-xx-x...
JOSEPH J. BUTASEK, xxx-xx-x...
CRAIG L. NELSON, xxx-xx-x...

To be major

MICHAEL J. ATWOOD, xxx-xx-x...
DAVID A. GONZALES, xxx-xx-x...
GEORGE H. GUERRANT, xxx-xx-x...
KELVIN K. KRAUSE, xxx-xx-x...
PATRICK A. MATTEI, xxx-xx-x...
DENNIS R. MILLER, xxx-xx-x...
THOMAS G. OLDAG, xxx-xx-x...
DONALD C. SEDBERRY, xxx-xx-x...
OTHA L. SOLOMON, JR., xxx-xx-x...
RONALD G. VERRETT, xxx-xx-x...

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be captain

STEPHEN M. HASWELL, xxx-xx-x...

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

DANIEL P. GREEN, JR., xxx-xx-xx...
BHAKTAN KRISHNAN, xxx-xx-x...
DAVID A. STRASSBURG, xxx-xx-x...

THE FOLLOWING AIR FORCE OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

CHARLES P. DATEMA, xxx-xx-x...
JOHN W. FISHER, xxx-xx-x...

To be lieutenant colonel

JOHN D. VAIL, xxx-xx-x...

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJOR REESE R. ARMSTRONG, xxx-xx-x... 3/7/91.
MAJOR BARRY D. BEARDSLEE, xxx-xx-x... 3/22/91.
MAJOR EDWARD W. BOYKIN, xxx-xx-x... 3/2/91.
MAJOR JAMES C. BROWN, xxx-xx-x... 3/19/91.
MAJOR RONALD C. BROWN, xxx-xx-x... 3/4/91.
MAJOR DAVID A. BRUBAKER, xxx-xx-x... 3/18/91.
MAJOR ALLEN B. COFIORI, xxx-xx-x... 3/2/91.
MAJOR HUGH T. COLE III, xxx-xx-x... 3/14/91.
MAJOR GARRY L. FRAISE, xxx-xx-x... 2/28/91.
MAJOR GARY L. HALL, xxx-xx-x... 2/28/91.
MAJOR VAUGHON C. HANCHETT, xxx-xx-x... 3/11/91.
MAJOR RICHARD W. JOHNSON, xxx-xx-x... 2/25/91.
MAJOR GREGORY E. KEEFE, xxx-xx-x... 3/19/91.
MAJOR STEPHEN W. LEFEBVRE, xxx-xx-x... 3/1/91.
MAJOR DONALD E. MCKELVEY, xxx-xx-x... 3/22/91.
MAJOR ARNE E. MOE, xxx-xx-x... 3/22/91.
MAJOR BARRON V. NESSELRODE, xxx-xx-x... 3/18/91.
MAJOR JOHN PATRICK, JR., xxx-xx-x... 3/2/91.
MAJOR JOHN G. POSEY, xxx-xx-x... 3/5/91.
MAJOR THOMAS J. RADEKE, xxx-xx-x... 2/28/91.
MAJOR HAROLD E. REED, xxx-xx-x... 3/20/91.
MAJOR ALBERT L. ROSE, xxx-xx-x... 3/3/91.
MAJOR JAMES E. SHEPARD, xxx-xx-x... 3/9/91.
MAJOR KENNETH R. SIMPSON, xxx-xx-x... 1/6/90.
MAJOR ROBERT J. STACK, xxx-xx-x... 3/3/91.
MAJOR CHARLES R. STUEVE, xxx-xx-x... 3/3/91.
MAJOR JAY W. VANPELT, xxx-xx-x... 2/21/91.
MAJOR STEPHEN L. VONDERHEIDE, xxx-xx-x... 3/11/91.
MAJOR DONALD F. WAID, xxx-xx-x... 2/22/91.
MAJOR ROY F. WALDEN, xxx-xx-x... 3/9/91.
MAJOR PATRICK C. WELCH, xxx-xx-x... 3/14/91.
MAJOR GREGORY G. WILMOTH, xxx-xx-x... 3/18/91.
MAJOR DANIEL J. WILSON, xxx-xx-x... 3/18/91.

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. VERGEL L. LATTIMORE, xxx-xx-x... 1/31/91.

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MAJ. CARL W. OBERG, xxx-xx-x... 3/1/91.

DENTAL CORPS

To be lieutenant colonel

MAJ. RANEY J. DESCHENES, xxx-xx-x... 3/1/91.
MAJ. EDMUND D. EFFORT, xxx-xx-x... 2/9/91.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385:

ARMY PROMOTION LIST

To be colonel

MAYNARD K. BEAN, xxx-xx-x...
HAL E. HUNTER, III, xxx-xx-x...
PETE G. MILEY, xxx-xx-x...
PAUL E. NEATROUR, xxx-xx-x...
MARION W. REESE, xxx-xx-x...
MICHAEL A. REYNOLDS, xxx-xx-x...
RAYMOND L. SAVO, xxx-xx-x...

ARMY PROMOTION LIST

To be lieutentant colonel

DAVID R. BACKES, xxx-xx-x...
DENISE N. BAKEN, xxx-xx-x...
JOHN M. BRAUN, xxx-xx-x...
DOUGLAS FRIEDMAN, xxx-xx-x...
JOHN R. GROVES, JR., xxx-xx-x...
DONALD A. HAUS, xxx-xx-x...
CARL D. LAWRENCE, xxx-xx-x...
LAWRENCE H. LEE, xxx-xx-x...
JOHN J. ORMANDO, xxx-xx-x...
SIDNEY S. RIGGS, III, xxx-xx-x...
JOSEPH M. SCATURO, xxx-xx-x...
FRANK J. SMITH, xxx-xx-x...
KENT A. SMITH, xxx-xx-x...
THOMAS J. SULLIVAN, xxx-xx-x...
JOHN B. STATOVY, JR., xxx-xx-x...
DAVID C. STROCK, xxx-xx-x...
DANIEL J. TAYLOR, xxx-xx-x...

CHAPLAIN CORPS

To be lieutenant colonel

WILLIAM R. MORGAN, xxx-xx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

ELIZABETH I. ROBINSON-FLANDERS, xxx-xx-x...

ARMY NURSE CORPS

To be lieutenant colonel

DELORES J. PODHORN, xxx-xx-x...

IN THE NAVY

THE FOLLOWING NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JAMES M. CASTLEBERRY
CAROL N. DULA
CLEVELAND O. EASON
LAURI A. GEVERINK WETZE
SIDNEY E. HALL
SHAUN A. HILLIS
DWIGHT D. KILGORE
DAVID M. MCCAIN
BRUCE E. MILCHUCK
DARRY M. TOPPIN
JAMES R. WORTHY

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CHRIS ANDERSON
TRACY BERGEN
STEVEN BLATUS
MATTHEW BULLWINKEL
ANDREW COLLIER
JAMES J. CROSS
ROBERT JOHNSON
DARRYL MADERY
JEFFERY MASON
RONALD MCFARLAND
JASON MILLER
GARY J. PATENAUDE
TERRY E. RIENER
JOEL ROBINSON
RICHARD H. ROSS
GREGORY SAUKULAK
CHRISTOPHER SCHWARTZ
CHRISTOPHER SERWINSKI
PATRICIA SNYDER
STEPHEN TUCK
ARTHUR WAGNER
WILLIAM WALSH
DAVID WILLIAMS
JOHN J. ZERR, II

THE FOLLOWING NAMED LIEUTENANT (JUNIOR GRADE) U.S. NAVY, RETIRED, TO BE REAPPOINTED PERMANENT CHIEF WARRANT OFFICER, W-2 AND TEMPORARY LIEUTENANT (JUNIOR GRADE) FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211

BOBBY D. GAY

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

ANTONIA C. CHALMERS

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE LINE OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

VICKI S. PEARSON

IN THE NAVY

THE FOLLOWING NAMED COMMANDERS OF THE RESERVE OF THE U. S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF CAPTAIN IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS OFFICERS

To be captain

ROBERT FREDRICK AARSTAD
HAROLD KENDALL AGNER
ELI T. ANDERSON
MIGUEL ANGEL ARCACHA, JR
JOSEPH ANTHONY ARENDS
ANGELITO MERCADO ARIAS
ROBERT MARSHALL AUSTIN
RICHARD WEYRO BABIN
MICHAEL STEPHEN BAKER

NATHAN BARRETT
JUAN CARLOS BARRIONUEVO
JAMES DEWITT BEARDEN, III
PHILIP C. BENTON
ARJUN BHATTACHARYA
ALEXANDER ANTHONY BIRCH, JR
KIRBY ISAAC BLAND
RICHARD ALAN BLOOMFIELD
ROBERT EMMETT BONNER
STANLEY EDWARD BORUM
JOHN PATRICK BRYANT
VERNON CARLISLE BUCKLEY
EDWIN PETER CAMIEL, JR
JOHN ANTHONY CELLA
MARTHA STEELE CHINNERY
FRANCIS HAMMOND COLE, JR
DAVID E. CONWILL
PAUL BOWMAN CORBETT
CARMEN J. CORRALL
JOHN MICHAEL COSTANTINO
JAMES MICHAEL DAILY
THOMAS ALAN DANIEL
REBECCA ELIZABETH DEVILLERS
JOHN DUFFY DEWALT
GREGORY JOHN ESTLUND
LUIS GALLO ESTRERA, JR
KURT JAMES EVANS
THOMAS CAREY FARRELL, JR
JOHN A. FETCHERO, JR
DAVID R. FIELD
ALAN MARK FIRESTONE
JON MEREDITH GREIF
VICENTE ALVAREZ GUECO, JR
GERALD DOUGLAS HAGIN
GARY J. HARPOLD
JERALD BRUCE HERSHMAN
RALPH WILLIAM HIGER
CHARLES MARSHALL HOUSE
SHAHIDUL ISLAM
JAMES MARTIN JACQUET, JR
BLUETT EMERY JONES
CHARLES BRUCE JONES
BILL CHESTER JOSWIG
SEBASTIAN KALLINGAL
DAESONG KIM
SEIJI KITAGAWA
RICHARD W. KLATT
EUGENE STEVEN KOSTIUK
WILLIAM MARTIN LIEBMAN
JOHN M. LIVINGSTON
PHILLIP REID LUBBERS
PETER JOSEPH LUKOWSKI
BRUCE ARNON MALLIN
MARTIN J. MALONEY
HAROLD VICTOR MARKESBERY
JOHN OWEN MARTIN, JR
FREDERICK W. MAYER
PAUL MICHAEL MCFADDEN
VENU GOPAL MENON
LEONARD A. METILDI
STEPHEN MICHAEL MILLBERN
THOMAS R. MOORE
COLEMAN A. MOSLEY, JR
CHARLES EVANS MURPHY, JR
E. ANN MYERS
BOBBY GENE NEVILS
JOHN GREGORY NEWBY
EDWARD JOSEPH OTTEN
GREGORY P. PARK
JOHN A. PAUZE
PETER EMMETT PHILBIN
RODOLFO LIONGCO PINEDA
DONALD SANDERSON PROUGH
RONALD LLOYD RHULE
CHARLES LANE RICE
JACK EDWARD RIGGS
WILLIAM VINCENT RONAN
RONALD PHILLIP ROPER
PAULA A. RYALS
ROBERT FRANK SACHA
WILLIAM FRANCIS SCHRANTZ
JOHN CHRISTIAN SCHWARTZ
WILLIAM ORLON SHAFFER
ALAN I. SHAPIRO
GEORGE M. SHUMAIK
DURET STANFORD SMITH
ROBERT W. SMITH
JONATHAN GERSHON SOLOMON
WARD WILLIAM STEVENS, JR
LARRY DOUGLAS SUTTON
SHERIDAN ANDREW THIRINGER
DONALD BRUCE THORNTON
MICHAEL P. VEZERIDIS
RICHARD PAUL VIDACOVICH
BRADY COLE WAY
CHARLES EDWARD WHITE
JOHN CHARLES WILLIAMSON
JAMES DEWITT WOODS

DENTAL CORPS OFFICERS

To be captain

STEPHEN GRIFFIN ALVIS
JOHN B. CHRISTENSEN
ROBERT LOWELL DUELL
EARL THOMAS ELSTNER, JR
BRUCE C. HEILMAN
RONALD P. HEMPEL
GILBERT HORACE LARSON
THOMAS MACARTHUR LEWIS
RICHARD ANTHONY MANCINO
ERNEST WILLIAM MEHARRA
BYRON THAD PETERSEN
WILLIAM LOUIS ROBERTS
LOUIS DAVID SCHULTZ
RANDALL M. SPEER
THOMAS HAL STEWART
CHARLES E. TONEY
PHILIP L. TOPCIK
JONATHAN CHARLES WALDRON
JOSEPH A. WANDERS
JAMES D. WATKINS
PETER M. WEAVER
THOMAS M. WILLIAMS

MEDICAL SERVICE CORPS OFFICERS

To be captain

JOSEPH CARROLL FISHER
ROBERT MARTIN HEUBLEIN, JR
HENRY ALEXANDER HUDSON, JR
PERRY THOMPSON JONES
MARK T. MCDOWALL
MARSTON VAL ROLOFF
RICHARD MCLLAR FAIR SOUTHBY
KAREN STEPHANIE VARTAN

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be captain

DAVID WORTH BAGLEY, II
JOSEPH A. BROOKS
CRAY JENINGS COPPINS, JR
MICHAEL J. DONAHUE
WILLIAM KENNETH EWAN
JOHN LESLIE HILLER
CHARLES MARSHALL INGRAM
ARTHUR LEARY, III
GEORGE WRIGHT LENNON
NORMAN LEE MILLER
DONALD LEONARD NELSON
ROBERT C. PETERSON
DAVID GALLIMORE POWELL
DALE W. READ, JR
JAMES W. RUDE
ANTHONY WAYNE VAUGHN
JOHN G. WALLACE
LISALEE ANNE WELLS

NURSE CORPS OFFICERS

To be captain

MARIE DIANNE COOK
MARGARET ALLYN CROWE
DIANE LYNN DUDDLES
BARBARA HARRIS ENGLISBE
MARSHA ARLENE FITZGERALD
PAULA RUTH GALLAGHER
ANITA MOBLEY GILLCHREST
ANN FLYNN HOLLER
HELENMARIE BERGIN KRANZ
KATHLEEN ANN LADNER
BRENDA ROGERS LANCE
SUZANNE ELIZABETH MALLOY
DOROTHY ANN MCKINZIE
JACQUELINE LEE OBERBECK
CLAIRE JUDITH PATTERSON
ALEXANDRA GARRISON POLLARD
BERNICE REAVIS SCHROBO
MARTHA PHILLIPS SHEPHERD
MARY CASE WHEELER
REGGIE ARTHUR WILLIAMS

SUPPLY CORPS OFFICERS

To be captain

SAMUEL ALPHONSE ALLEN, JR
WALTER DENNIS ATCHLEY
PAUL GEORGE BANG
KIM DOUGLAS BARRETT
WILLIAM STROKER BATES
LESLIE JAMES BEASSIE
RICHARD EDWARD BRADLEY
JOHN PRICE BURKE
JACK ARTHUR CANON
GERALD DUANE CLARK
FREDERICK WEAVER CLARKE, IV
EDWARD GEORGE CUMESTY
JOHN LEROY CUMMINS
MICHAEL FRANCIS CURTIN
ROBERT ERNEST DAVIS
JOHN EDWARD DELAPPA
DANIEL JOSEPH DICKERSON
JAMES WHITNEY DUNCAN
GENE HARVEY DUNLAP
DANIEL EDWARD FERRARI
ALVIN FINCH
JACK ALLEN GILBERT
JOHN CLEMENT GILLESPIE
KENT MICHAEL GREALISH
DAVID MICHAEL GRIMES
MICHAEL GOODWIN HARRINGTON
JOHN KEITH HASSENPLUG
REGINALD STANLEY HAYES
WILLIAM ANDREW HILL, III
JAMES M. HOLLOWAY, JR
MARK ANDREW HUBBARD
PATRICK ELBERT HURLEY
WALTER WILLIAM JENKINS
STEVEN KENT JOHNSON
WILLIAM ALFRED JOHNSON
GEORGE BRYAN JONES, JR
LARRY JAMES KAYE
PAUL RICHARDSON KEEFER
JAMES PETER KOELSCH
BRUCE EDWARD KOSAVEACH
WILLIAM WENDELL KRONCKE
JAMES WILLIAM LOCKE, JR
JAY FREDRIC LUBIN
NORMAN WILLIAM MADGE
ROY ESTILL MILLER, III
ROBERT RYLAND PERCY, III
CURTIS ERNST PEW
WILLIAM BROWN PIERCE
EDWARD JOSEPH QUIJADA
LYLE VERNON RICH
JOHN WAYNE ROGERS
CLAYTON LEE SCHENCK
JOHN SAMUEL SHAFFER
STEPHEN LLOYD SIDES
WILLIAM EMIL STAHNKE
RICHARD RALPH STOCKING
KENNETH GRAY TILLEY, JR
WILLIAM H. TRIPLETT, JR
BRIAN CLINTON UNDERWOOD
EDWARD SEYMOUR UNDERWOOD, JR
RICHARD HENRY VALADE
JAMES MARTIN WARD
JOSEPH EDWARD WILLIAMSON
CAREY ROBERT WONG
FREDERICK GARRY WONG

SUPPLY CORPS OFFICERS (TAR)

To be captain

JACQUES T. BELLAIRS
BRIAN QUINN HALLER
JOHN PAUL OCHENKOWSKI
THOMAS W. ROSSLEY

CHAPLAIN CORPS OFFICERS

To be captain

PETER HESS BECKWITH
WILLIAM GERARD CONDON
NOEL VERNON GRIFFETH
WILLIAM ROBERT MAY
LOWELL H. MAYS
THOMAS BERNARD MCGRATH
NEALE CORNELIUS THOMPSON

CIVIL ENGINEER CORPS OFFICERS

To be captain

KENNETH ADAIR CHACEY
LARRY GEORGE DEVRIES
THOMAS EDWARD DIERCKMAN
FRANCIS EMIDIO FALCONE
CARL EDMUND JACOBSON
DALE C. JOHANNESMEYER
THOMAS SCOTT KEY
BRUCE HAROLD KINNEY
HUGH WILLIAM MARCY
JOSEPH A. MCKENZIE, III
JAMES MICHIO NAGASHIMA
RICHARD DEAN PADRICK
NORMAN D. RADERER
JAMES GRAVES ROGERS, III
BRUCE HUGH SPELLER
MARLIN U. THOMAS

IN THE NAVY

THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U. S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS OFFICERS

To be commander

LAWRENCE ELLIOTT ADLER
AUBREY LOUIS ARMSTRONG
GARY LEIGH ATKINSON
CHARLES OLIVER BARKER
WEBSTER CARLYLE BAZEMORE
ISIS ANIS BEBAWY
ALYN LAMAR BENEZETTE
ROBERT FRANKLIN BLOOM
GERARD D. BROWN
THOMAS LAVERN BRYANT
WILLIAM RODGRICH BURGE
ENRIQUE GUILLERMO CHANG
BLISS WATSON CLARK
ROBERT H. CONDON
NICHOLAS A. COOK
STEVEN WALTER COUTRAS
DANIEL LAWRENCE DALE
DAVID BENJAMIN DANZER
KARLOTTA MARGARET DAVIS
JOHN M. DAWSON
ANDREW CHRISTOPHE DELAURIER
PATRICK DENNIS DEMARS
CLIFFORD SCOTT DEUTSCHMAN
THOMAS W. DUGDALE
ROBERT WILLIAM DUNLAY
TAREK AHMED ELBESHBESHY
JOHN ERDMAN
STEPHEN RICHARD EVANS
MARK JOSEPH FITZMAURICE
LOUIS BLANDING FOWLER, JR
DANIEL JOSEPH FREDMAN
MICHAEL JAMES GAFFEY
SABAH KAMIL GEORGE
JEFFREY D. GEORGIA
RICHARD HENRY GETTYS, JR
JERRY SAMUEL GIVENS
GARY MICHAEL GLAZE
ANTONI BERNARD GORAL
JAMES N. GROTH
PAUL F. GUAY
ANDREW CHARLES GYGI, JR
DALE E. HANSEN
RUSSELL HOWARD HARRIS
ROSS A. HELLER
ELWOOD W. HOPKINS, III
GARY RICHARD HOROWITZ
MICHAEL JOHN HUGHEY
KELVIN BRADLEY IMHOF
LAVERNE DOROTHY INGRAM
LEROY THOMAS JACKSON
DANIEL MORRIS JACOBS
JOHN M. JOLY
STEVE ERLING JORDAN
JERRY R. KELLEY
CATHERINE THERESA KEMMER
SALEEM AHMED KHAN
ERIC POST KINDWALL
ARNOLD S. KIRSHENBAUM
DAVID STEPHEN KLEIN
JOHN A. KONA
CRAIG HOWARD LEICHT
PETER BREWSTER LETARTE
RALPH WAYNE LOVE
GREGORY MARTIN LOWER
OSCAR ERNEST LUJAN
DOUGALD C. MACGILLIVRAY
RONALD C. MACINTYRE
GEORGE PATRICK MACRIS
HOWARD WILLIAM MARKER
FREDRICK ALLAN MARTIN
DOUGLAS WILLIAM MARX
JAMES VINCENT MCGARRY
GREGORY J. MCHUGH
MARGARET MARY MCKIBBEN
SCOTT ALAN MCPHERSON
JAY HARVEY MEAD
LEE MILLER MORIN
STEVEN RONALD MYRICK
RALPH ARTHUR NELSON
FREDERIC GEORGE NICOLA
PRASIT NIMITYONGSKUL
THOMAS WILLIAM OBRIEN
CHARLES DICKENS OFFICER
WILLIAM YOUNG OH
JOHN H. OLDERSHAW
TIMOTHY HERBERT OMLEY
ROBIN E. OSBORN
JOHN FRANCISCO PADILLA
KIRK D. PAGEL
STEPHEN KELLER PARKINSON
LEWIS REUVEN PASTERNAK
PABLO MANABANAN PEREZ
WHITTON MARK POTAMPA
TERRY PAUL RAST
MICHAEL PAUL REGAN
DORIS ANNETTE REID
WILLIAM OWEN RICHARDS
PHILIP GAVIN ROBINSON
WILLCOX KIRKLAND RUFFIN
WILLIAM NEVINS RUSH
GREGORY MICHAEL SARACCO
VICTOR F. SCHORN
ALAN G. SCHREIBER
THOMAS PATRICK SHEEHAN
GEORGE HASKEL SIMMONS
ANTHONY V. SMITH
DAVID ALBERT SMITH
ARINETA SPEER
CHESTER LEE STRUNK
BENTO HAO TAN
TIMOTHY BOHDAN TRUSEWYCH
LARRY EVANS TUNE
FRED MONROE USSERY, III
LEONARD JOSEPH WEIRETER, JR
ANDREW JOHN WILSON
JOSEPH FREDERIC WILSON
ABRAHAM LINCOLN WOODS, III
DEATRA LYNN YOUNG
MICHAEL S. ZIEBELMAN

DENTAL CORPS OFFICERS

To be commander

MICHAEL ANTHONY ABBOTT
DAVID L. BLACK
RICHARD R. BRIGHT, JR
THOMAS R. BRODERICK
REGINALD HORACE CARDOZO
CAROLINE ESTHER CIOTTI
MARY V. DECICCO
NEIL DAVID DEMAREE
JOAN E. DENDINGER
WILLIAM J. DICKINSON
JOHN E. EDGERTON
JOSEPH W. FULLER, III
YENDIS LETITIA GIBSONKING
EDWARD WYATT GRAY
HAROLD CHRIS HAAS
BOLIVAR P. HERDOIZA
GEORGE M. HILGENDORF, JR
JOHN JONE JING HOM
LAWRENCE NMN HSIA
THOMAS GREGORY JACOBS
DAVID WILLIAM JAMESON
DAVID ROY JENNINGS
STEVEN C. MARTINKA
ROBERT CHARLES MILLER
ALBERT NMN NERI, JR
RICHARD D. NOURSE
GLENN M. OKIHIRO
BRIAN P. OSULLIVAN
WILLIAM E. PEARSON
GARY RICHARD PETERSON
DONALD MIER PRIMLEY
EDWARD A. PRISTERNIK
JAMES P. RITTER
GUSTAV ROBERT ROBERTSON
DAVID LEE SEALS
JAMES A. STAKIAS
MYRON JAY TARANOW
DAVID P. TIMMIS
JOSEPH RICHARD TYSON
PAUL F. VARNIS
MARTHA COCHRAN WALLACE
DEBORAH JEANNE WHITMAN
HARRIS EDWARDS WILLIAMS
DOUGLAS L. WIRTH
JOHN D. YOUNG

MEDICAL SERVICE CORPS OFFICERS

To be commander

PAUL E. ANTONIOU
MELVIN VICTOR BERRETT
JOHN GLEN BLUMENSTOCK
ARCHIE THEODORE BOURBON, JR
WILLIAM JAMES BUCKINGHAM
LYNN ASA DUBOSE
RAYMOND LAVERNE FORD
DARRELL RAY GALLOWAY
JOHN HENRY GILBERT, III
LARRY THOMAS HARTUNG
MICHAEL JOHN HITCHKO
ELIZABETH KATHLEEN HOLMES
RONALD SABY JULIANA
JIMMIE O. LLOYD
MARIE FRANCES LYON
DANIEL LEROY MANNEN
DAVID B. MATHER
EDDIE MCCORVEY, JR
ROBERT E. MCGUIRE
LESLIE CLIFFORD NOLEN
JEANINE NOEL OROURKE
WALTER CARL OTTO, JR
DENNIS R. PERRY
RAY RICHARD QUINTO
KENNETH EVERETT ROBINSON
MARSHA ALLISON SCHJOLBERG
THOMAS KLINE SEELY
VANN ARTHUR SMITH
STANLEY ALLAN STRAUSS
CREED TAYLOR, JR
HARVEY FLOYD THOMAS
JAMES RANDALL VROOM
ROBERT MICHAEL WARLING
RUSSELL JAMES WATSON
ALAN DAVID WILL

DENNIS EDWARD WONG
BENNIE THELMON WOODARD, JR
DAVID RICHARD WOODARD
RICHARD CHARLES ZATCOFF

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

RICHARD CHESTER ADAMSON
LOIS B. AGRONICK
PETER JOHN BRADY
JOSEPH JOHN CHOVANEC, II
KRISTY LYNN CHRISTEN
CHARLES CARSON COMPTON
PETER CHRISTOPHER CUSHING
THOMAS NED DAVIS, JR
THOMAS JAMES DEMAY
WILLIAM PATRICK DEVEREAUX
EARL FREDERICK DEWEY, II
HARRY A. DUSENBERRY
DANTE M. FILETTI
STEPHEN JAY FIREOVED
PETER F. FROST
DANIEL P. FRY
PAUL HOWARD GILLIAM
THOMAS P. GROCE
LAWRENCE PAGE HADDOCK, JR
ARTHUR LESTER HAIZLIP
TIMOTHY PATRICK HANNON
JAMES FRANCIS HARRINGTON
LEONARD JAMES HENSON
DANIEL JOSEPH HERLING
LOUANN LEAMING HOFMANN
ROBERT FRANCIS HUARD
CHARLES S. HUGHES
JEFFREY A. HURLEY
GORDON DOUGLAS IVINS
NORTON C. JOERG
ATHIEL STAUBYN JONES
PHILEMINA MCNEIL JONES
BRADLEY KEITH KOLMAN
MOHMMAD FAROOQ LAKHANI
HENRY NMN LAZZARO
DAVID DALTON LENNON
EDWARD J. LYNCH
RICHARD B. MILLER
WILLIAM ERIC MINAMYER
LARRY CHARLES MOORER
RICKIE LEON PEARSON
THOMAS C. SANTORO
CHESTER LEONARD SMITH, JR
ROBERT J. SMITH
FRANK L. TEZAK
ANDREW A. THOMAS
JOSEPH PATRICK TWINING
THOMAS H. VANHOOZER, JR
FREDERICK ARTHUR WILD, III
GERALD A. WILLIAMS
PHILIP EDWARD WILLIAMS
RICHARD MICHAEL WILLIAMS
STEPHEN LOUIS WILSON
JAMES ANDREW WYNN, JR
BENEDICT K. ZOBRIST, II

NURSE CORPS OFFICERS

To be commander

BARBARA QUINN ALLEN
JUDITH JEAN ARMITAGE
BONNIE EDITH ASHCOM
MINDY LAFAYE ASHTON
NANCY JUNE ATKINSON
THOMAS KEEN BADGER
PATRICIA H. BAIRD
ARLINDA JANE BEFORT
PAMELA HELEN BEGERT
NEGRON SUSAN MARIE BENYA
RUTHANNE BISHOP
ARTHUR DOUGLAS BLACKSHAW, JR
TOM WILLIAM BLANEY
PHILIP LEE BOERSTLER
EILEEN OBRIEN BOW
CAROL MARIE BROWN
HONORENE LAURAINE BROWN
LINDA KAY BROWN
WILLIAM EDWARD BROWN
DIANNE MARIE CAPRIDOWDY
MARY KELLY CAREY
SUE DARNELL CARNER
YVONNE MARIE CAVENEY
MAUREEN ANNE CHRISTOPHER
PETER PAUL CHVALA, JR
JUDITH ANN COHEN
JENNIFER LYNN COLLINS
KATHLEEN MARIE COMBS
JOAN ELMYRA COTTER
GAIL DAVIS CRAWFORD
SUSAN ANN CUDDY
MARY JULENA DAACK
MARY ELLA DEAN
JOHNNA LYNN DETTIS
ANGELA DIGRANDE
PATRICIA S. DONOVAN
LINDA MLADENKA DUNN
NANCY ELAINE DUNN
MARY LEE EADY
JOYCE ANDREA ECKHART
NANCY FIGEROID ERICKSEN
KATE GILLIES FELIX
CYNTHIA MAJESKI FIELD
ALBERT JAMES FITTIPALDI
KAREN WISNIEWSKI FOSTER
CARMELLA ANN FRANZ
CAROLE KATHLEEN FREUND
JOANNE ELIZABETH FRITCH
PATRICIA ANN GARRITY
JUDITH KATHRYN GAVIGAN
KATHY SUE GOOKIN
PAUL ALLEN GRAY, JR
SANDRA HARRIS GROENE
ELLEN FRANCES HALTER
MARGARET MCDONALD HAMMOND
SUSAN JANE HART
MARGARET ELLEN HASLER
GLORIA JEAN HENDERSON
RANDI KATHLEEN HIBAN
LINDA GARLENE HOLLEMAN
FREDA MAY JONES
JUDITH NUTT JONES
DONNA INGS KREFT
VICKI LYNN KUCH
GAIL LYNN KUHN
ANN LABORDE
SANDRA LEE LANICCA
MARY LOU LAPOINTE
JOSEPH CLEOPHAS LEBLANC, JR
CAROL ANN MAHONEY
JULIE FLEMING MARTINDALE
CHRISTINE MARIE MAY
LAURA ANN MCCLAY
TERRI CHRISTINE MCDONALD
ELIZABETH GUNTHORPE MERCKER
VICTORIA ELIZABETH MEYER
ROBERTA LEE MORIARTY
LAUREL ANNE MURRAY
BARBARA LOUISE NASTARI
JOHN PETER OUDSHOORN
DOROTHY BALKCOM PALER
NANCY MICHELL PAULS
SHAUNEE KAY PITMAN
PATRICIA SILLMAN POHL
VIRGINIA YODER PRUETT
KATHERINE ELAINE RATH
LOUISE MAE REINERT
JUDITH EILEEN ROCKWELL
RAE ANN ROSSA
MARCIA ELISE ROSTAD
CYNTHIA ANN ROSTOCK
CAROL SCHAEFERMCKNIGHT
ANNE MARIE SCHIEL
ANN CHRISTINE SCHWEITZER
MARY KATHLEEN SMITH
SARA JULIUS SONGY
MARGARET ELLEN SPATH
ELSIE MARGARET SPENCER
SHARON LOUISE SPROWLS
DONNA DANIELS STAIGER
DEBORAH KAREN LUNDBE STEELE
JULIA GRIMM STEVENS
MABELLE KATHLEEN STURM
SUSAN CAROL TESAR
PATRICIA JAMES TURNER
MELINDA HAYNES VERNON
CHRISTINE MARIE WALSH
SHIRLEY JEAN WALZ
MARY LOU WASSEL
DONNA JOHNSON WEHE
MARY GLENN WESTON
EILEEN JOYCE LORD WILLIAMS
VANCE ARNOLD WORMWOOD
MARILYN LEE WRIGHT
CAROL ANN YATES

SUPPLY CORPS OFFICERS

To be commander

THOMAS K. AANSTOOS
THOMAS L. ANDREWS, III
KIMBERLY JOY ANNUNZIATA
ERIC JOHN ATKINSON
CHARLES THOMAS BACH
THOMAS QUENTIN BAKKE
HARVEY HAROLD BLACKISTON
THOMAS FLOYD BOYCE
DAVID W. BUNTIN
JACK M. CAPELLA
MICHAEL F. CARON
MARK E. CHESTON
DOUGLAS CHIN
WAYNE H. CROW
MARGARET ANN CUNNINGHAM
RICHARD WALTER DAVIS
JAMES RAYMOND DEVINEY
JACKIE MICHAEL DOOLY
DAVID E. DRIVER
JAMES ALAN DUERMEYER
JOHN ROGER DURMICK
RAYMOND PHILLIP ENGLISH
THOMAS HERBERT BRYA FERRANT
STEVEN SCOTT FOSTER
THOMAS M. FRESHWATER
DANIEL LOUIS FREYE
RICHARD GARTMAYER
BRYAN R. GENT
ALFRED F. GENTLE, JR
JAMES R. GEORGE
MICHAEL DENNIS GLOVER
GREG J. GOEKS
MICHAEL MILTON GRADO
EDWARD DELNO GROVE
EDWARD M. GRUBE
EDWARD GARRETT GUMMER
ROBERT DEAN HAAS
MELVIN STUART HARDER, III
JOHN PAUL HODGES
JAMES HOWARD HUEFNER
LAWRENCE JOHN HUWE
BRIAN SANFORD ISHAM
JOHN O. JENSEN
J. W. KALKSTEIN
JOHN MARSHALL KILLEY
JAMES KINNARD
ALVIN HENRY KLASSEN
WALTER GLENN KNOX
DOUGLAS JAMES KOUPASH
ALLAN K. LABARRE
KENNETH LEON LAWING
ROBERT MICHAEL LOVE
JOHN WILLARD MADSEN
DAVID WILLIAM MAIBAUM
HELEN DIANE MANNO
FRANK FRICK MASTERSON, JR
LISA HEATLY MASTERSON
JOHN RICHARD MESENBRINK
CLINTON THADDEUS MESSNER, II
JON LEE MILLS
THEODORE J. MONACO
MICHAEL JOHN ODONNELL
DAVID JOSEPH PAVEGLIO
JEFFREY ROY PEARCE
ERNEST H. PICKLE
JAMES GLENN PIROLLI
ALAN BEN POWER
STEPHEN ROBERT PRICE, JR
GARY LEE PRITCHARD
WILLIAM C. QUINN
EDWARD J. RAM
JAMES A. RAWLINS
GARY MICHAEL REITER
STEPHEN DOUGLAS ROUND
GREGORY P. RUDY
JOHN DELBERT RUSH
MICHAEL W. SAMSON
ANDREW K. SARANCHOCK
MICHAEL PASQUALE SCACCHI
RALPH MICHAEL SCAPEROTTA
EDWARD J. SCHMITT, JR
LARRY JAMES SCHNEIDER
MARK ROBERT SCHWEER
EDWARD WILLIAM SHENK, III
STEVEN HOLLEY SHOCKLEY
EDWARD L. SIMPSON
LEE L. SORENSON
WILLIAM EARL SOULE
PATRICIA CLYMANS SPENCER
JOHN STEVEN STEFFY
JOHN NORD STENSLAND
JOHN EDWARD SUTTERFIELD, JR
JOSEPH ZACHARY TAYLOR, JR
LAWRENCE CERTAIN TURNER
GARY E. WATKINS
KENNETH THOMAS WEIR, JR
THOMAS EDWARD WESTLAKE
CLIFFORD LAWSON WOODALL
JAMES WILSON WRIGHT
ROBERT ALDEN WULFF

SUPPLY CORPS OFFICERS (TAR)

To be commander

MICHAEL F. CAPEN
MICHAEL STEVEN CURRY
RICHARD PHILIP GRAEF, JR
DARL D. KLINE
GERALD J. LADOUCEUR
LARRY M. LAUGHLIN
PAUL E. VARNER

CHAPLAIN CORPS OFFICERS

To be commander

BENJAMIN RALPH BELCHER
RICHARD JOHN BOECK, JR
CARL WILLIAM FILER
JOHN GEORGE FISCHER
LEE H. GRISHMAN
JAY LYNN HOPPUS
DENNIS PAUL KOCH
WALTER HENRY LOVELADY
RONALD LEE MINTON
GARY LEE MOORE
JAMES BERNARD MULLER
DAVID THOMAS RIECK
ANTHONY THOMAS ROSSETTI
ELVIN CLAYTON SCOTT
SALVATOR M. STEFULA
DANIEL ROBERT STEWART
JOSEPH DAVID STINSON
STEVEN E. THOMAS
ALFONSO TODD, JR
KEVIN MAURICE TURMAN

CIVIL ENGINEER CORPS OFFICERS

To be commander

ROBERT JOSEPH ANDERSON
JAMES MICHAEL BOERNGE
MICHAEL ANTON BRUECKMANN
JAMES ALBERT CAULDER, JR
JAMES FRANCIS CONLEY
ROBERT EDWARD DEROCHA
LARRY MITCHELL EAST
DEBORAH ANN FORD
RALPH THOMAS GUTIERREZ
RICHARD TURNER HAMNER
WILLARD RAY HAYNES
GARY ALLAN LASHAM
ANTHONY DUNSTAN MATTHEWS
MICHAEL JAY MCVANN
RICHARD CHARLES MICHEL
WILLIAM SCOTT PERKINS
JAMES MICHAEL PETERS
THOMAS MICHAEL RODGERS
WILLIAM RALPH SCOGIN
WILLIAM ALLEN SIRONEN
KURT DOUGLAS SISSON
CHARLES THOMAS THOMPSON

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR PERMANENT APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

STEVEN ALLEN [redacted]
KENNETH J. BAIRLEY [redacted]
PHILIP M. BAMBRICK [redacted]
DANIEL E. BECKER [redacted]
DAVID J. BIOW [redacted]
MARY T. BOOKWALTER [redacted]
JOHN R. BRANCH [redacted]
EMMITT D. BREWINGTON [redacted]
MARY K. BROUSSARD [redacted]
JAMES J. BRYAN [redacted]
ROBERTO A. BURCIAGA [redacted]
PATRICK J. BURGER [redacted]
GARRY L. BUSH [redacted]
FREDERICK C. BYSTROM [redacted]
GEORGE E. CARPENTER [redacted]
HERMAN W. CARVER, JR. [redacted]
WILLIAM D. CAVANAUGH, JR. [redacted]
MICHAEL P. CLANCEY [redacted]
RICHARD D. COULTER [redacted]
CHARLES E. COUNTRYMAN [redacted]
BARBARA B. CROSS [redacted]
ALLAN F. CRUZ [redacted]
DAVID H. CUMMINS [redacted]
RICHARD M. CUSICK [redacted]
JOHN M. DALY [redacted]
KENNETH D. DANCAK [redacted]
SAMPSON D. DARDEN [redacted]
IRA S. DAVIS [redacted]
DANIEL DELLOSSO [redacted]
LARRY J. DENNIS [redacted]
ALEJANDRO T. DEVORA, JR. [redacted]
DANIEL A. DONOHUE [redacted]
JAMES V. DOYLE [redacted]
PETER C. DUCAT [redacted]
LEON M. DUDENHEFER [redacted]
WILLIAM K. DUNCAN [redacted]
WINNIE B. DUNN [redacted]
REINA M. DUVAL [redacted]
ROBERT M. FINER [redacted]
PAUL A. FLAHERTY [redacted]
STEPHEN P. FOLAN [redacted]
DANIEL K. FRANKLIN [redacted]
ROBERT S. FRANKS, JR. [redacted]
WILLIAM A. GAITA [redacted]
JOHN W. GEORGES [redacted]
LARRY M. GILLESPIE [redacted]
THOMAS P. GILLETTE [redacted]
NORMAN V. GILMORE [redacted]
EDWARD C. GRONSETH [redacted]
WILLARD D. HALL, JR. [redacted]
RICHARD F. HAMILTON [redacted]
KEVIN P. HART [redacted]
RICHARD L. HILL [redacted]
ROBERT W. HILLERY [redacted]
LARRY D. HINKLE [redacted]
LASH L. HOCUTT [redacted]
WILLIAM H. HOOKS [redacted]
JAMES C. HOSMER [redacted]
ANN D. HOUGH [redacted]
WILLIAM J. HOWEY [redacted]
CAROLYN A. HUDSON [redacted]
MICHAEL K. HUGHES [redacted]
JAMES M. IRWIN [redacted]
DWIGHT D. JONES [redacted]
RALPH A. JORDAN [redacted]
SHAWN M. KEEFE [redacted]
JAMES A. KELLY [redacted]
FRANK W. KNIPPENBERG [redacted]
ROYDEN T. KOITO [redacted]
MICHELE D. KRAUSE [redacted]
FRANK F. KRIDER [redacted]
THEODORE LAMBERT [redacted]
MARK LAURITZEN [redacted]
JOHN G. MADDEN, III [redacted]
HENRY E. MAHER [redacted]
KENNETH L. MARSHANKS [redacted]
NATHANIEL T. MCCLESKEY [redacted]
GARY L. MCELVAIN [redacted]
EDWARD C. MILLER [redacted]
LISA A. MOORE [redacted]
ROGER K. MOORE [redacted]
DANIEL A. MOROCO, JR. [redacted]
RICHARD T. MORROW [redacted]
GLORIA J. MOYHER [redacted]
STEPHEN P. NASCA [redacted]
THOMAS A. NIELSEN [redacted]
WILLIAM F. OEHL, JR. [redacted]
LAWRENCE P. ONEIL [redacted]
RAUL G. ORDONEZ [redacted]
JOHN P. PACZKOWSKI [redacted]
LESTER A. PAGANO [redacted]
ROBERT E. PARCELL [redacted]
GREGORY A. PATTERSON [redacted]
PAUL E. PETTERSON [redacted]
MARK A. PILLAR [redacted]
GREGORY J. PLUSH [redacted]
KIM T. POOLE [redacted]
HARRY H. PORTER, JR. [redacted]
LLOYD L. PORTERFIELD, II [redacted]
WENDELL A. PORTH, JR. [redacted]
WATSON O. POWELL, III [redacted]
RICHARD A. PRICE, JR. [redacted]
GEORGE S. PRIEST [redacted]
GARY R. PURCELL [redacted]
KEVIN T. RADEMAKER [redacted]
EDWARD J. RAMIREZ [redacted]

ANNE E. RATHMELL, x...
GEORGE D. REHAK, x...
NICHOLAS E. REYNOLDS, xx...
GENE A. RIDDER, x...
MIRIAM K. ROBBS, xx...
GLENN H. ROBINSON, xx...
RICHARD L. RODECKER, xx...
JOHN R. RUCKRIEGEL, x...
THOMAS P. RYAN, xx...
DAVID W. SADLER, xx...
RONALD E. SCHLITT, xx...
HARVEY F. SEEGERS, JR., xx...
JOHN M. SEVOLD, xx...
JAMES J. SEWARD, x...
MICHAEL P. SHIELDS, x...
WILLIAM B. SHORES, x...
JOHN W. SLIDER, xx...
ALAN R. SMITH, x...
JAMES A. SMITH, JR., xx...
MARSHALL A. SMITH, xx...
GEORGE A. SNELL, xx...
RICHARD J. STACY, xx...
DARRYL D. STANLEY, x...
BARRY J. STATIA, xx...
JAMES J. STOPS, xx...
RONALD D. STOUT, xx...
CLYDE N. STURGEON, x...
JAMES D. SULLIVAN, JR., xx...
SUSAN M. SWIATEK, xx...
CHARLES J. TEMPLE, xx...
MARK THIFFAULT, xx...
BETTYANN P. THOMPSON, xx...
JAMES A. TIPPLE, xx...
JAMES M. TOOMEY, x...
PETER G. TRAPHAGEN, xx...
ROY B. TRUESDALE, x...
ELIZABETH A. UPDEGROVE, x...
JULIAN VAZQUEZ, III, x...
FREDERICK R. WAGNER, JR., x...
HAROLD G. WALKER, xx...
DAVID O. WARD, xx...
GERALD E. WEBB, x...
RANDEL A. WEBB, x...
PAUL D. WEDGE, xx...
FRANKLIN W. WELBORN, II, x...
VICTORIA A. WHITMORE, x...
THOMAS P. WILKINSON, x...
SHARON L. WILSON, xx...
JOHN A. WOOLLEY, III, x...
RICHARD A. WRIGHT, xx...
JOHN K. YOUNG, x...
JOSEPH G. ZEBROOK, xx...
MARK J. ZEHFUS, xx...
ANDREW D. ZINN, x...

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 9, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 10

9:00 a.m.
Armed Services
Business meeting, to mark up S. 1066, authorizing funds for fiscal years 1992 and 1993 for the Department of Defense.
SR-222

9:30 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To resume hearings on implementation of section 404 of the Clean Water Act (P.L. 100-4), providing for a Federal wetland protection program.
SD-406

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to review newly discovered problems in the weather satellite program of the National Oceanic and Atmospheric Administration.
SR-253

Banking, Housing, and Urban Affairs
Business meeting, to consider proposed legislation to extend the regulatory authority of the Secretary of the Treasury under the Government Securities Act of 1986, and the nominations of Lawrence B. Lindsey, of Virginia, to be a Member of the Board of Governors of the Federal Reserve System, David W. Mullins Jr., of Arkansas, to be Vice Chairman of the Federal Reserve System, Constance Bastine Harriman, of California, to be a Member of the Board of Directors of the Export-Import Bank of the United States, and Raoul Lord Carroll, of the District of Columbia, to be President, Government National Mortgage Association.
SD-538

Labor and Human Resources
To hold hearings on S. 1074, to revise the authority under the Food, Drug, and Cosmetic Act to regulate pesticides in food.
SD-430

2:00 p.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings to examine national tourism policy.
SR-253

Foreign Relations
To hold hearings on the nominations of Charles R. Bowers, of California, to be Ambassador to the Republic of Bolivia, Sally G. Cowal, of Massachusetts, to be Ambassador to the Republic of Trinidad and Tobago, Morris D. Busby, of Virginia, to be Ambassador to the Republic of Colombia, and Luis Guinot, Jr., of Puerto Rico, to be Ambassador to the Republic of Costa Rica.
SD-419

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

JULY 11

9:00 a.m.
Armed Services
Business meeting, to continue to mark up S. 1066, authorizing funds for fiscal years 1992 and 1993 for the Department of Defense.
SR-222

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposals to ensure the safety and soundness of government sponsored enterprises.
SD-538

Environment and Public Works
Superfund, Ocean and Water Protection Subcommittee
To hold hearings on S. 1278, authorizing funds for fiscal years 1992, 1993, and 1994 for the Office of Environmental Quality.
SD-406

Foreign Relations
To hold hearings on the proposed Conventional Forces in Europe (CFE) Treaty.
SD-419

Governmental Affairs
General Services, Federalism, and the District of Columbia Subcommittee
To hold hearings to examine the District of Columbia's financial situation.
SD-342

Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for the Refugee Act Resettlement program.
SD-226

2:00 p.m.
Finance
Medicare and Long-Term Care Subcommittee
To hold hearings on Medicare hospital capital payment policy.
SD-215

Foreign Relations
European Affairs Subcommittee
Closed briefing to receive an update on the Cyprus negotiations.
S-116, Capitol

Judiciary
To hold hearings on the nominations of Fernando J. Gaitan, Jr., to be United States District Judge for the Western District of Missouri, Clyde H. Hamilton, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, and Morton A. Brody, to be United States District Judge for the District of Maine.
SD-226

3:00 p.m.
Appropriations
Business meeting, to mark up H.R. 2608, making appropriations for fiscal year 1992 for the Departments of Commerce, Justice, State, the Judiciary and related agencies, H.R. 2707, making appropriations for fiscal year 1992 for the Departments of Labor, Health and Human Services, and Education, and related agencies, H.R. 2519, making appropriations for fiscal year 1992 for the Departments of Veterans Affairs, and Housing and Urban Development, and related agencies, and H.R. 2699, making appropriations for fiscal year 1992 for the government of the District of Columbia.
S-128, Capitol

JULY 15

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings to review the Department of Energy's role in math and science education.
SD-366

JULY 16

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for rail safety programs.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the administration and enforcement of the Federal lobbying disclosure laws.
SD-342

Special on Aging
To hold hearings to examine the treatment of low-income medicare beneficiaries.
SD-562

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

JULY 17

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 754, to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program.
SR–485

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

JULY 18

9:30 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To resume hearings on S. 1081, to revise and authorize funds for programs of the Federal Water Pollution Control Act, focusing on coastal protection, clean lakes, and the Great Lakes and Mexico border areas.
SD–406

10:00 a.m.
Select on Indian Affairs
Business meeting, to mark up S. 291, San Carlos Apache Water Rights Act, S. 668, Consolidated Environmental Grants, S. 362, Mowa Band of Choctaw Indians Recognition Act, S. 45, Jena Band of Choctaw Indians Recognition Act, and S. 374, Aroostook Band of Micmacs Settlement Act; to be followed by hearings on S. 1287, Tribal Self-Governance Demonstration Project Act.
SR–485

2:00 p.m.
Environment and Public Works
Environmental Protection Subcommittee
To continue hearings on S. 1081, to revise and authorize funds for programs of the Federal Water Pollution Control Act, focusing on compliance and enforcement, and State certification of Federal projects.
SD–406

2:30 p.m.
Energy and Natural Resources
To hold hearings on S. 1018, to establish and measure the Nation's progress toward greater energy security.
SD–366

JULY 19

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
SD–342

JULY 23

9:30 a.m.
Rules and Administration
To hear and consider a report from the Architect of the Capitol on current projects, and to consider other pending legislative and administrative business.
SR–301

2:00 p.m.
Energy and Natural Resources
To hold hearings on Senate Joint Resolutions 22 through 34, to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act of 1920.
SD–366

JULY 24

9:30 a.m.
Joint Printing
To resume hearings to examine the technological future of the Government Printing Office.
B–318 Rayburn Building

JULY 25

9:30 a.m.
Rules and Administration
To hold hearings on S. 165, to direct the Secretary of the Senate or the Clerk of the House of Representatives, when any appropriations bill or joint resolution passes both Houses in the same form, to cause the enrolling clerk of the appropriate House to enroll each item of the bill or resolution as a separate bill or resolution.
SR–301

10:30 a.m.
Rules and Administration
To hold hearings on S. Res. 82, to establish the Senate Select Committee on POW/MIA Affairs.
SR–301

2:00 p.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold joint hearings with the Select Committee on Indian Affairs on employment on Indian reservations.
SR–485

Select on Indian Affairs
To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity on employment on Indian reservations.
SR–485

JULY 30

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the resettlement of the Rongelap, Marshall Islands.
SD–366