SENATE—*Wednesday, October 16, 1991*

(Legislative day of Thursday, September 19, 1991)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain Rabbi Moshe Feller, director, Lubavitch Movement, Upper Midwest Region, St. Paul, MN.

PRAYER

Rabbi Moshe Feller, director, Lubavitch Movement, Upper Midwest Region, St. Paul, MN, offered the following prayer:

Let us pray:

O Heavenly Father, Creator and Master of the universe, the Members of this august body, the U.S. Senate, are assembled here in fulfillment of Your command that every society govern by just laws. At the dawn of civilization You commanded the survivors of the great flood—Noah and his family—the Seven Commandments which have come to be known as the Seven Noahide Laws. Your first commandment, to recognize You and You alone as Creator, Master, and Sovereign Ruler of the universe, was followed by Your commandments prohibiting blasphemy, murder, theft, illicit sexual relationships, cruelty to animals, and the command to establish systems of government which implement fulfillment of these commandments and punish their infraction.

You have bestowed both a magnificent privilege and an awesome responsibility on those who are chosen to govern. They are constantly called upon to judge their fellow man. Al-Mighty God, grant those who are chosen to govern and judge the wisdom to do so wisely and correctly. Grant them the awareness of Your majestic presence and the awareness that as they are making judgments they are being judged by You—O Supreme Judge of the universe unto whom we are all accountable.

O Heavenly Creator, grant that the Members of this august governing body, the U.S. Senate, consider every human being as an entire world, as Your servants the Sages of the Talmud have taught "Why did God create the world in the beginning with but one single individual, Adam? (He could have with His infinite power just as easily created masses of humans.) He did so to teach mankind that every individual is indeed an entire world."

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, October 16, 1991.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a time for morning business not to extend beyond the hour of 10:15 this morning, with Senators permitted to speak therein.

The Senator from Minnesota.

THE GUEST CHAPLAIN

Mr. WELLSTONE. Mr. President, I rise to thank Rabbi Feller from St. Paul, MN, for coming today and honoring all of us here in the Senate.

"Lubavitch" means "City of Love" in Russian, and I cannot help but think of my father—and the Rabbi and I spoke about this before the opening of the session—Leon Wellstone, who was from Russia. My father passed away in 1983, but I believe that he is today well aware of what is happening in his native country, and I hope that the Soviet Union will become the city of love and I hope that this will be a new world for all of God's children and that we will be able finally to spend less money on weapons of death and destruction and more money in supporting men and women throughout the world.

I also want to say to the Rabbi that my favorite quote is a quote from Albert Einstein where he said "the pursuit of knowledge for its own sake, the almost passionate love for justice, and the strong desire for personal independence, these are the features of the Jewish tradition that make me thank my lucky stars that I belong to it." That is the way I feel on the floor of the U.S. Senate today, because of the presence of Rabbi Feller.

REGISTRATION OF MASS MAILINGS

The filing date for 1991 third quarter mass mailings is October 25, 1991. If your office did no mass mailings during this period, please submit a letter to that effect.

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224-0322.

ORDER OF PROCEDURE

The PRESIDING OFFICER (Mr. KOHL). Under the previous order, the senior Senator from Georgia is now permitted to speak for up to 20 minutes.

The Senator from Georgia is recognized.

Mr. NUNN. I thank the Chair.

PROCEEDINGS CONCERNING THE NOMINATION OF JUDGE CLARENCE THOMAS TO BE AN ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT

Mr. NUNN. Mr. President, it is not unusual in our debates here in the U.S. Senate for Senators to refer to the Founding Fathers in order to bolster a point of view, particularly in terms of issues that divide the executive and legislative branches of Government. We do that to bolster a point of view we may have had or have. There are times, however, when we should refer to the Founders not simply to support the prerogatives of the Senate, vis-a-vis the executive branch or the judicial branch, but also to guide us in the conduct of our own affairs.

This is such a time. In the Federalist, No. 27, Alexander Hamilton wrote of this institution, the U.S. Senate:

[T]his branch will * * * be less apt to be tainted by the spirit of faction, and more out of reach of those occasional ill-humors, or temporary prejudices and propensities, which, in smaller societies, frequently contaminate the public councils, beget injustice

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

and oppression of a part of the community, and engender schemes which, though they gratify a momentary inclination or desire, terminate in general distress, dissatisfaction, and disgust.

The Senate in recent weeks has not met Hamilton's high expectations.

Last week, there was an inexcusable leak of a confidential affidavit submitted to the Judiciary Committee by Prof. Anita Hill concerning the nomination of Judge Clarence Thomas to be an Associate Justice of the U.S. Supreme Court. The affidavit contained serious allegations of sexual harassment of a highly personal nature—information which Senator BIDEN, Senator THURMOND, and the Judiciary Committee had properly treated as confidential.

In the days that followed, the Senate succumbed to a momentary desire to accommodate the public's right to know and held a public hearing on the confidential allegations submitted by Professor Hill. The result of indulging this momentary desire has—in Hamilton's prophetic phrase—terminated "in general distress, dissatisfaction, and disgust."

I believe that we must review very carefully the events of the past few weeks to take whatever steps are required to ensure the integrity of the confirmation process, particularly with respect to the treatment of confidential information.

Confidentiality does not start with the U.S. Senate. Most people who have followed this procedure would have thought it did. It starts with the President, who receives a report from the FBI on each prospective nominee. Before he makes his choice, he receives an FBI report.

The information in such a report is required to be held in the strictest confidence to protect the privacy of both nominees and of persons providing information to the FBI.

I have discussed the issue of confidentiality with President Bush and I have discussed it in the past, though not as intently, with other Presidents, and I discussed it with members of the White House staff on numerous occasions. I think it is safe to say that they regard it as absolutely critical that confidentiality be a part of the appointment process.

I believe that the view—that confidentiality is essential—would be the strong feeling of all Presidents, whether Democratic Presidents or Republican Presidents.

The White House has advised me that in the most recent 2 years, over 25 potential nominees were eliminated by the White House prior to nomination because of adverse information in the FBI files. These were people who were going to be nominated, but were not nominated, never sent to the Senate, because of information developed by the FBI on a confidential basis. That is quite a large number, considering the fact that these people had been extensively screened prior to referral of their names to the FBI. The executive branch understandably feels that if the FBI investigation process were to be so compromised by public disclosure that they could not get people to cooperate with the FBI in determining background. And the appointment process itself would be severely damaged and that is before it ever gets to the U.S. Senate for confirmation.

Mr. President, in my view, this should not be a confrontational issue between the White House and the Senate. It is a matter in which we have a mutual interest in making sure that the President has the best information possible prior to submitting a nomination to the Senate, and that the Senate can also properly evaluate nominees for high public office.

A further concern is the procedure for granting security clearances. Many people do not stop and think about it. And I have heard Senators in the last few days, in all sincerity, say that ought to all be open, that no one ought to give their information about a nominee unless they are willing to go public with it.

Of course, in the courts and the judicial branch, in essence, that is the general rule. But this is a different procedure. And when you think about security clearances—and we have thousands of them; we have thousands of security clearances—this security clearance procedure is based on the same process of FBI confidentiality.

Confidentiality for persons interviewed by the FBI and agency investigators is absolutely essential for the development of information concerning the thousands of Government employees and contractor personnel reviewed for security clearances every year to handle our Nation's most sensitive classified information.

None of us are strangers to allegations of impropriety made against nominees. There are well established procedures for reviewing and disposing of such allegations. Access to FBI reports is normally limited to the chairman and ranking Republican Senator of the committee. Access to other sensitive information and nomination material is limited to committee members and designated staff unless the chairman and ranking member decide everybody on the committee needs to see the information, and in some cases unless the committee itself determines that the entire Senate needs to review the information.

And we have done that. We did that on a very important nomination just a couple years ago.

The Senate rules expressly provide for committee sessions to be closed when information "will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of privacy of an individual."

The Senate's confidential treatment of nomination information is designed to serve two important goals:

First, to ensure that the Members receive the information necessary to review the qualification and fitness for nominees to leadership positions in the Government. The committees of the Senate have an obligation to the Senate, and to the Nation, to ensure that persons entrusted with high public office have the requisite character, integrity, and qualifications.

The second goal is to protect the legitimate privacy interests of nominees and persons providing information on nominees. In the Thomas nomination, Professor Hill, prior to the leak, requested that the committee keep her name confidential. She was thus in the same position as hundreds of individuals are in when they communicate with the FBI when it is gathering information on behalf of the President.

Professor Hill was not in a unique situation, except to the extent the confidentiality request went to the committee rather than to the FBI on behalf of the President. We have hundreds of people who are in the same position as Professor Hill, hundreds of them that I reviewed myself in the last 2 years. So we would not treat this as if it is the first time it ever happened or the last time it will happen.

The only difference was she made her request to the committee, which she had a right to do. They acceded to her request. The FBI does that on occasion after occasion, every single day, every day, not only on nominations of prospective people to be in high positions, but also in thousands of security clearances and review of those security clearances that are updated.

It is vital that information bearing on the private lives of individuals be considered in closed session insofar as is possible. It is not always possible, but insofar as possible that should be the driving rule. Public airing of every allegation about a nominee can cause long-term damage to a nominee's reputation, even if it is totally refuted. Even if totally refuted, the damage is very serious.

Moreover, the publicity given to such proceedings can have an extremely negative impact on the willingness of other private citizens to serve in high Government positions.

In addition, if the names of persons providing confidential information are disclosed—either to the public or the nominee—there could be a serious chilling effect on the willingness of persons having important information about nominees to come forward.

Everybody who has dealt with this process knows that to be the case.

In summary, Mr. President, if we decide that the public right to know is more important than confidentiality, there must be a total change of procedures for nominations starting with the White House and FBI and then, of course, working its way to the Senate. I recognize that it is impossible to deal with all personal information in a confidential setting. Since the beginning of the Republic, the integrity of nominees has been a matter of fair game for both political parties and for the news media. We cannot, under the first amendment, control the news media. None of us want to. If the media receives the information from private individuals or the executive branch about a nominee, there is very little we can do about it. But we can, and frequently do, resolve the matter in closed session.

There are instances in which public disclosure from outside the Senate greatly complicates our task. I have been through those procedures. Even in those matters, however, it is my view that it is incumbent upon the Senate to address the details in closed session, even after there has been a leak. We cannot establish a precedent of requiring full public disclosure of confidential information every time there is a leak or when a confidential witness or an FBI informant goes to the news media. There is nothing more frustrating as chairman of a committee than to be reading a confidential FBI report and finding at the same time the witnesses who talked to the FBI and requested confidentiality are now talking to the news media and not requesting that confidentiality or just being "sources."

That puts the chairman of the committee in an impossible situation, but it has to be tolerated because it is part of the process—an impossible situation of protecting information as confidential that is appearing in the news media on a daily basis, and at the same time being accused by some—who know better, in many cases—of having the committee itself doing the leaking.

But, if we do not have a policy, if every time there is a leak we then decide to go public, we are going to end up with a totally unmanageable process. This would lead to a policy that our procedures are confidential until there is a leak, and then we go public. Strong objections have been raised to closed proceedings. Perhaps it is time to have a big, meaningful, constructive debate about closed proceedings and confidentiality. Maybe I am not right on this subject. I am going to give my full views today. There will not be any mystery about what I think. But there are other views, and I would like to hear them.

Such proceedings, based on confidence, are said to violate the public's right to know. That is a very important principle in America. Others argue that such proceedings violate a nominee's ability to confront his or her accuser in a trial-type setting in a public forum. That is also a very important principle. Certainly in our judicial system the rights to confront your accuser is a very important principle when someone's life is in jeopardy, when they are in jeopardy of being put in prison, or even in many civil cases when they are in jeopardy of property.

But let us understand that is not what we are doing here in confirmation. We are going to end up having a process that gets worse and worse and worse. We are not taking away anybody's life. We are not putting them in prison. We are not taking their property. But what we are doing, unless we have confidentiality, we are going to rob many people of their reputations. That is what we are going to be doing.

So I think we have to understand this is fundamentally different. This is not the judicial branch of Government. This is the legislative branch. Confirmation proceedings are not trials. Senator BYRD said that very loud and clear, and I thought with a great deal of impact yesterday in his, I thought, marvelous analysis of the process as well as the particular case.

I understand the objections of those who feel differently and who want this to go public and who want the nominees to face the accusers, just as they would if their lives were in jeopardy in a criminal case. I know they raised these issues in good faith. It is time to debate them. It is time to debate these issues because the Senate of the United States cannot continue down the line we are going now.

As a lawyer I very much appreciate the fundamental conflicts between the public's right to know and the confidential process. I also appreciate the right of an accused to face an accuser. And I know that there is a fundamental conflict between that right and the need for the FBI, on behalf of the President, to assure persons providing information that their names will be kept confidential. The problem, Mr. President, is there are a lot of people who want everything. They want the public to have the full right to know, they want the nominee to have the full right to face the accuser, and they also want to respect the confidence of the process. You cannot do it all—impossible. Until we recognize that, we are not going to be able to have a process that is respected by the public, by the nominees, and by those who want to give confidential information and by the Senate itself.

I well remember—a little history in this respect.

The Thomas nomination is not the first time that we have had to decide how to proceed when there have been stories in the media containing allegations of personal improprieties about nominees. I well recall a very detailed debate on that subject several years ago, when the media was filled with allegations concerning a nominee pending before the Armed Services Committee.

And the newspapers and television reports were all over the place on that one quoting people with all sorts of detrimental information before the FBI reports ever got to the Senate and before the nomination was ever sent from the White House. Yet, somehow in the public mind all that cumulative information became identified with the Senate proceedings because there were a lot of people who did not make a very careful distinction between what had been leaked and what had already been put in the newspapers. I well remember the cries from the press and from some of the Members of this body. I remember the demands that we should do a few things differently.

First, the demand was made that we make public the information in the FBI files and the committee's confidential records. And second, the demand was made that we have a public-type hearing, trial-type hearing, where the nominee could confront the persons who had provided information against him in confidence. We did not do that and we were severely criticized for not doing it. We were criticized in good faith by some; criticized by others who knew better, who knew exactly what we were going through when we were going through it.

The Armed Services Committee reviews civilian nominations for more than 70 positions—these are civilian positions—and we review tens of thousands of military nominations each year. Senator WARNER and I, on a bipartisan basis, respect the confidentiality of the FBI materials and the committee's confidential records. We conduct our proceedings on personal matters, including allegations of behavior that is now widely described as sexual harassment, in closed session. We have had a number of those cases, a number of them. This is not the first time there has been a sexual harassment charge made in the U.S. Senate. We have handled many of them and we have a number of nominations that were stopped, that did not go forward, because of misconduct, including sexual misconduct by military officers and by others.

Even when the leaks come from sources outside the committee we refuse to engage in public disclosure or to break faith with those who request confidentiality. If that has ever been done, it has not been done with my knowledge or with my permission.

In the Thomas proceedings the Senate chose a different route.

Now we have seen the consequences of fulfilling the momentary desire to accommodate the public's right to know and providing for resolution of allegations in a trial-type public hear-

ing. The advocates of public disclosure have now had their wishes fulfilled through the leak and the full public hearing which followed. Like Midas, we must be careful what we wish for—particularly when we wish for those things that shine brightly—for we may be unfortunate enough to see our wishes come true.

That is what has happened in the last week. The appetites that we have struggled to control in the past were not suppressed, and the Senate now faces public revulsion, rather than accolades for our indulgence.

Interestingly enough, some of the same people who have opined about the public's right to know and the right to face your accuser are tearing the Senate apart now because the public disclosure they had so long demanded probably will not be taken into account. There are usually not rebuttal articles on editorials, but nevertheless there are some of us who remember.

If anyone thought that giving a nominee the right to confront his accusers in public would be in the nominee's best interest, ask Judge Thomas. As he said, this experience, for him, has been "a living hell."

It has been no better for Professor Hill, who exhibited great courage, first in coming forward, and second in going public when required to do so.

Mr. President, I do not believe that the Senate should find it necessary to conduct public proceedings on sensitive personal matters in order to fulfill our constitutional obligations. Pleas that we have been goaded into this process by the news media and by advocacy groups cannot justify such proceedings. The Senate is responsible for its own conduct and for its own procedures.

The confidential process is not perfect. I can point out all sorts of problems with the way we have handled things in the past. We must rely on FBI files that do not usually provide a definite resolution of allegations. These are not FBI investigations the way the public thinks of them, where the evidence is presented to the grand jury, or prosecutors appointed and the FBI and prosecutor's work together to establish beyond a reasonable doubt someone's guilt. That is not what this is at all. The FBI reports are an accumulation of what everybody says, one side or the other, so that the policymakers can evaluate it or send the FBI back for further resolution.

We must rely on the White House. Another problem. And this is one that the White House itself has to do some soul searching about. We, in the Senate, must rely on the White House to follow up when additional investigations are required, a process that often creates a conflict of interest in the White House between the obligation to ensure a thorough investigation when matters come up after the nomination has left the White House and is sent to the Senate, and the President's understandable desire to support his nominee. The White House has not figured out how to handle that one yet and, frankly, they do not handle it very well. But if they expect the Senate of the United States to respect confidentiality and to use the FBI as they use the FBI, then we also have to have cooperation from the White House, even after the President has made his judgment.

We must apply our own judgment. We do not have a judge to rule on what is admissible. The media constantly pressure us for information, and that is their job. I do not criticize them for it. As we have learned from these proceedings, as if we did not already know, a public congressional hearing will not necessarily resolve these matters either. We are not the judicial branch of Government. It is not our responsibility to resolve private complaints. Only the courts can do that. Our duty is to review nominations and to give the President our advice and, if warranted, our consent to the nomination.

If this had been a criminal trial involving sexual harassment, the procedure would have been far different. There would have been months of preparation and weeks of testimony. A great deal of evidence that was not considered, such as the prior sexual behavior and interest of the parties both in a public and private setting, would have been relevant and admissible. And any lawyer that did not bring it up would have been subject to severe criticism.

It is my view that these questions, some of which might have shed more light on the conflicts in testimony between Judge Thomas and Professor Hill, would have been much more likely asked in a closed hearing. A great deal of evidence that was considered, such as opinion lacking any foundation, expert testimony from individuals lacking expertise, and hearsay outside the boundaries of the rules of evidence, would not have even been considered.

So it was not a trial. Each party in a trial would have been represented by an attorney devoted exclusively to that party's cause. As those of us who have tried many cases know, the cross-examination we observed in the hearings was very different from the type of cross-examination that would have taken place in a court room on such charges. I say that not in criticism of our colleagues on the committee but, rather, to emphasize that this was not conducted as a judicial proceeding, and I do not think in the future we should regard it as such.

Regardless of the divisions on this nomination, I hope we will reach a consensus in dealing with the results of these proceedings.

First, the Senate and the President will have to decide whether we are going to conduct trials to determine guilt or innocence, or whether we are going to conduct confirmation proceedings that encourage the type of confidential information that assists the President and the Senate in appointing and reviewing persons qualified for positions of trust.

If we are going to have trial-type proceedings, then we are going to have to cross-examine all the witnesses who provide information to the FBI, both pro and con.

We cannot do both. We cannot respect confidentiality and at the same time allow the free flow of raw information to the public. A compromise has to be made.

What we must avoid is the process that has the worst of both worlds, a confirmation process without confidentiality, and a trial-type hearing without the rules of evidence.

In my view, we must take steps to ensure that these matters are considered in the future where there should be a thorough review of FBI reports and discussions in closed session. We will have to work very hard in the Senate to restore public confidence in the process, particularly the confidences of those distinguished private citizens who might contribute so much to public service but who would not be willing to undergo the ordeal of Judge Thomas, and also, just as importantly, the confidence of those who, like Professor Hill, might provide confidential information about potential nominees but now may be discouraged from doing so.

Second, we must conduct a relentless investigation to determine who breached the trust of the U.S. Senate and leaked Professor Hill's confidential material to the news media. That type of behavior is abhorrent to me and I believe to the entire Senate.

Those who leaked this information, and leak sensitive information in other matters, disgrace the Senate. If Senate employees were involved, they should face dismissal and appropriate criminal proceedings, including jail. If lawyers were involved, they should face disbarment proceedings.

I would like to emphasize, however, that the problem of leaks is not simply a matter and a problem internal to the Senate. The primary source of leaks in our Government is the executive branch. There have been leaks of confidential information on nominees long before FBI reports have been submitted to the Senate.

The executive branch can set an example by diligently investigating their own leaks, particularly when they involve senior officials. And very seldom do they do this. The Armed Services Committee, for example, has been concerned about the leaks of highly classified matters, some of the most classified matters we have in our overall defense arena reflected in Bob Woodward's book, "The Commanders."

Senator WARNER and I have jointly called for an investigation of these leaks, but so far there has been only silence from the executive branch.

Third, we must recognize that these proceedings have focused attention, in every workplace and every home, about the very serious problem of sexual harassment.

The men of our Nation have an obligation to become more sensitive about the effects, both intended and unintended, of improper sexual comments and behavior toward and about their fellow workers. Such actions are wrong and, as I hope we all understand now, in this country sexual harassment is illegal.

Women also have an obligation. Women have an obligation to make timely complaints about sexual harassment in order to enhance the potential for developing corroborating evidence, to deter the offending person from committing similar actions in the future, and to comply with the relatively short statute of limitations applicable to such complaints.

So there is an obligation on men and women.

The employers also have an obligation to smooth the way by making it clear that harassment will not be tolerated and that victims of harassment will not suffer publicly or privately from coming forth as soon as their behavior begins.

Finally, Mr. President, I express my appreciation to Senator BIDEN and Senator THURMOND and members of the Judiciary Committee for the diligence and the stamina they exhibited over the last week. None of us envied their position.

In that regard, I would like to echo the remarks made by Senator BYRD yesterday, in which he criticized the notion that the hearings were in any way structured by the Judiciary Committee or the Senate for partisan purposes. As I noted at the outset, the decision to treat Professor Hill's affidavit as confidential was made on a bipartisan basis by the leadership of the Judiciary Committee. The decision to postpone the vote last Tuesday was based upon the unanimous consent of all 100 Senators. Any Senator—including any Republican Senator—could have objected. The decision of the Judiciary Committee to hold open hearings was a bipartisan decision. Any member of that committee—including any Republican member or any Democratic member—could have moved for the session to be closed. None did.

It is now time to learn from the proceedings and improve our process. The Senate must provide its committees with a more detailed set of guidelines for the conduct of proceedings involving confidential information. Confidentiality begins in the executive branch, and is based on the premise that confidentiality is essential to the free flow of candid information to the President about prospective nominees. The Senate traditionally has respected that confidentiality, but the pressure from advocacy groups and the media for access to all details of confirmation proceedings is in conflict with our traditional practices in the Senate. If we expect our committees to conduct proceedings in public, while at the same time relying on a confidential process to develop information about nominees, we have given our committee a mission impossible.

We have to make a choice as to which is more important—confidentiality or public disclosure. The President and the Senate leadership need to get together to discuss the future of the nomination and confirmation process.

We need to strengthen the advice, as well as the consent process. When Senators have legitimate concerns about nominees, the President must take those concerns seriously, not simply take the position that each nominee warrants unqualified support for political reasons.

The President cannot take the position that I have sent it up there, I have read the FBI reports and no matter what your concerns are, do not bother me with them. It is now a matter where all the people who object are partisan. That cannot continue.

The President cannot have it both ways. If he wants to rely on confidential information, then he must be willing to engage in serious discussions with the Senate when serious, legitimate questions are raised about the qualifications of nominees based on FBI reports, even if the nomination has already been sent to the Senate.

The Thomas nomination will not be the last controversial nomination before the Senate; nor will it be the last one in which there is a disagreement about the significance of confidential allegations. But it should be the last one in which we deal with such allegations without a clear understanding of the consequences.

NOBEL PEACE PRIZE AWARD

Mr. DURENBERGER. Mr. President, I rise to congratulate Mrs. Aung San Suu Kyi of Burma on the occasion of her being awarded the Nobel Peace Prize. The Nobel Committee honored the daughter of Burma's modern-day founder, commending her for her nonviolent struggle for democracy and human rights.

Although Mrs. Aung San Suu Kyi has been under house arrest since July 1989, she remains the inspirational leader of the democratic, nonviolent opposition to Burma's military rule. The Nobel Committee indicated that it wanted to honor her by showing its support for the many people throughout the world who are striving to attain democracy, human rights and ethnic conciliation by peaceful means.

The committee further notes that Mrs. Aung San Suu Kyi's struggle is one of the most extraordinary examples of civil courage in Asia in recent decades.

Mr. President, Suu Kyi's commitment to democratic ideals and nonviolent principles is an inspiration to all people who do not yet live freely and who continue to struggle to achieve democracy, individual liberties, and respect for human rights. She reminds us of the value of freedom and democracy, and the high price that is often paid by proponents as they strive for a just and decent government.

I commend Mrs. Aung San Suu Kyi's commitment and her courage. She has earned the world's praise and support. We should all encourage her to continue her efforts to bring about a just and representative government in her native Burma.

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

SCHOOL LUNCH PROGRAM

Mr. LEAHY. Mr. President, the School Lunch Program is one of the most important Federal nutrition programs. Each day, it supplies millions of young children with the food they need to live, to learn and to grow. Healthy children are the foundation of a healthy nation.

I have said time and time again that a hungry child cannot learn. Children that do not learn cannot compete later in life.

In today's global economy, nations that cannot compete effectively are left behind.

The School Lunch Program is vital to fighting hunger and investing in the future of our children and our country.

Let me read you a government report on the School Lunch Program.

"School lunch programs are aimed at contributing to the sound mental and physical development of children—they have taken root as an integral part of school life."

However, that government report is from the Ministry of Education of Japan.

In my lifetime Japan has gone from a war-destroyed island to a commercial and economic powerhouse.

There is a major reason for that—they know what America once knew so well—children are a nation's most precious resource.

And Japan takes care of its children—Japan nurtures its children. Its universal school lunch program in elementary schools assures the health and education of future generations.

I want to congratulate the American School Food Service Association for their role in working to bring the best meals possible to America's children.

Their members work very hard to get the job done correctly. I look forward to continuing to work with them, work to improve our School Lunch Programs.

Today I am honored to welcome to Washington a distinguished member of the Vermont school lunch program, Mr. Dale Conoscenti. Mr. Conoscenti is a graduate of the New England Culinary Institute—a trained chef.

Mr. Conoscenti could be a chef for any number of renowned restaurants or hotels. Instead, he has dedicated his talents to the School Lunch Program at the Barre Town Elementary School in Vermont.

Mr. Conoscenti turns conventional school lunch commodities into innovative and nutritional hot lunches that appeal to children.

You won't find mystery meat on Dale's menu. Rather a typical day includes a variety of dishes—from antipasto salad and roasted potatoes with herbs to baked—not fried—chicken nuggets and chilled raspberry soup.

Mr. Conoscenti is one of the finest examples of the commitment that our local school lunch programs have to our children. As he says, "What this is all about is kids—kids deserve to eat well."

The School Lunch Program has a responsibility to improve the diets of our children. The Department of Agriculture has a responsibility to ensure that our children are served meals that serve that purpose. I also agree with Dale that USDA should provide better nutritional labeling for commodities they supply.

Two years ago I introduced legislation, which Congress passed, that requires the USDA to establish new nutritional guidelines for school lunch meals.

It is my hope that these new guidelines, when they are released by USDA, will reflect Mr. Conoscenti's commitment to serve our children the quality of food they need and deserve.

Recently, President Bush visited a local junior high school and said we needed to reinvent our schools. Today we should commit ourselves to reinventing school lunches.

Here in America the School Lunch Program is in trouble:

The amount of commodities available to the program has fallen sharply;

The cost of the School Lunch Program to our schools has risen; and

Schools across the country are dropping out of the School Lunch Program.

For many children, the only meals they get are served in their school. Each school that leaves the program—leaves more children hungry.

Children must be prepared for the classroom to be prepared for the boardroom. As the United States forges a new role in the world order, let us ensure that our children have a place in our future.

A VERDICT IN THE JESUITS' CASE

Mr. LEAHY. Mr. President, 2 years ago six Jesuit priests and their housekeeper and her daughter were brutally murdered at the University of Central America in San Salvador. We all know the gruesome details of that crime, how members of an elite army battalion, El Salvador's best soldiers trained and outfitted by the United States, stole into the university at night and executed their defenseless victims. How the high command of the Armed Forces, long after they knew who was responsible, publicly lied and blamed the FMLN for the crime. And how the army continued to lie and destroy evidence and obstruct justice at every step of the investigation.

I know of no one familiar with the case who believes that the individuals who ordered the murders were among the eight men who were prosecuted.

On September 28 the jury announced its verdict. Colonel Benavides was convicted of eight counts of murder. A lieutenant from the Military School was also convicted of one count of murder. The others, including a lieutenant and enlisted men of the elite Atlacatl battalion who had admitted to pulling the triggers that killed the priests, were acquitted.

Mr. President, I welcome the first conviction of a colonel in a human rights case in El Salvador's history. After thousands of cases of torture and murder attributed to the Salvadoran security forces that have gone unpunished, this verdict is long overdue. Without incessant pressure from the United States, instigated by Congress, I do not believe this verdict would have been reached. All would have gone free.

On learning of the convictions of these two officers, my first instinct was to call President Cristiani to offer congratulations. But as I thought more about it, I did not do so. Much as I want to believe this is a real victory for President Cristiani, there is just too much about this verdict that puzzles me to hail it as an historic victory for human rights and civilian control of the military in El Salvador.

How do we explain the not guilty verdict for the Atlacatl battalion members, the ones who confessed to actually doing the killings? Some say it was a "Calley" verdict where the jury was willing to forgive the enlisted men for carrying out the illegal orders of their superiors. But if that is the explanation, why did the jury acquit the Atlacatl lieutenant? What is the explanation for convicting Colonel Benavides and an obscure lieutenant, while those who pulled the triggers go free?

Let us examine this verdict from another angle. Let us suppose that contrary to all the reforms of the past decade, the army still rules in El Salvador, and that they, not President Cristiani, or a judge, or a jury, still make the crucial decisions. That suggests the army dictated this verdict, and an obedient, fearful judicial system complied.

In this hypothesis, why this verdict and not some other?

From the beginning the Jesuits' case put the future of United States aid to El Salvador in doubt. The State Department said it was a test case for the Salvadoran justice system and of President Cristiani's control over the military. A great deal was at stake. We in Congress made it abundantly clear that failure to get convictions in the Jesuits' case would mean the end of aid to El Salvador.

When Colonel Benavides was charged the State Department called it proof of the Cristiani government's commitment to justice. Had Benavides escaped indictment—the normal course of events in El Salvador, even the administration would have had little choice but to cutoff all military aid. Therefore, the Salvadoran Government and the high command of the armed forces could not afford to see him walk.

But they made sure the colonel knew he had not been abandoned. During his incarceration they paid his salary and his legal fees and took care of his family. His confinement was comfortable, not the usual squalor of Salvadoran jails. There is much talk in El Salvador now of a general amnesty as part of a peace settlement, widely expected within weeks or months at most. Army leaders, and doubtless, Colonel Benavides himself, probably assume that Benavides will be included in an amnesty, a matter over which they will have a great deal of say.

The conviction of the military school lieutenant is the most inexplicable. He was present when the priests were killed but there was no evidence he planned the murders, gave any orders, or even fired a weapon. Yet he was convicted of killing the housekeeper's daughter. Why? A clue may be that he was not a member of the elite Atlacatl battalion. Nor did he have any political connections. Doubtless, as a junior officer at the military school, hardly an assignment for an up and comer, the lieutenant knew nothing to incriminate his superiors. He was expendable.

The lieutenant who was acquitted is a tough, well-connected combat officer, highly educated, an Atlacatl professional, a future leader. And, there are persistent reports that he knew a good deal about how the Jesuit operation came about and let it be known that he was not going to take the fall for it. But, he was not convicted and he will remain silent.

Who were the enlisted men who got off? These were not young, faceless draftees. They were hardened, career soldiers, the army's best trained professionals. They have spent years fighting and are angry at the prospect of a

peace agreement that gives the FMLN a say in who stays in the army and the right to hold onto territory. Sending these soldiers to jail could cause serious problems in the combat units of the army.

Mr. President, this verdict may be, as some claim, simply a case of the jury doing its best under extreme stress. But there are also those who are convinced the verdict was cooked. They believe the Salvadoran Army got word to the jury about what it wanted them to do, and the jury took the safest way out. They could hear the demonstration outside the courtroom by over a 100 family members of army officers, including at least one senior military officer and the wife of the Minister of Defense. The crowd shouted that the Jesuits were terrorists, while a military aircraft buzzed the courtroom.

Inside the courtroom, the defense lawyers warned that all would have to live with the consequences of their actions after they left the courtroom. The jurors knew only too well that they could end up like the dead priests. So they convicted the one man they had to convict and another who was expendable. And they acquitted the six men who had the strongest claim to army protection.

Mr. President, that is one way to understand this puzzling verdict.

The State Department has been remarkably quiet. Perhaps they too question whether the Salvadoran Government has fulfilled its commitment to justice when six of the killers go free and the ones who gave the orders are not even charged. Or perhaps they are just hoping Benavides' conviction will satisfy Congress and this will blow over.

The State Department should take a look at its own role and responsibility in this case. When I think of the hundreds of millions of dollars in aid that it has at its disposal to leverage reforms within the Salvadoran Armed Forces, I cannot help but wonder whether our own Government has done all it could to obtain justice.

Mr. President, I think the verdict in this case is a message from the army that it is still in control. That is a message that must be answered forcefully by the Congress when it next takes up the question of aid for El Salvador.

UNITED STATES MILITARY AID TO PERU

Mr. LEAHY. Mr. President, few countries have reason to be more proud of their past then Peru, where the Incas built a civilization that rivaled that of the Egyptians. And few countries can boast of more spectacular geography, or a culture richer in traditions. The majestic Andes are the Western Hemisphere's Himalayas. The Incas' descendants still plant their potatoes and herd alpacas on the steep hillsides of those jagged peaks.

Yet today, Peru is a country in turmoil, plagued by grinding poverty and bloodcurdling violence, and the world's largest producer of coca from which most of the cocaine sold in the United States is made.

President Fujimori, who took office last July, inherited a legacy of government incompetence and greed, an economic free fall that has brought the country to the brink of catastrophe, and a brutal guerrilla insurgency, Sendero Luminoso, that the army swore it would eliminate 10 years ago but which since then has grown a hundred times worse. In its zealousness to defeat Sendero, the army has carried out a scorched earth campaign in the countryside that has left thousands of civilians disappeared, tortured, and killed. That policy has only led to greater support for Sendero over the years.

The election of President Fujimori was unexpected. He was an unknown, with no prior political experience, and yet he has shown a seriousness in confronting the country's economic crisis. In little more than a year, this economic program has cut inflation from 3,000 percent to 9 percent.

He condemned the drug traffickers, but he argued that the way to stop the production of coca was through economic development—by giving coca farmers another way to earn a living, rather than through a military strategy. And he pledged to reestablish the rule of law in Peru, and to punish those who abuse human rights.

In recent years, the United States has not provided any significant military aid to Peru. The administration signaled a change last year, however, when it requested $34.9 million for the Peruvian military and police as part of its Andean drug initiative, a program of hundreds of millions of dollars of economic and military aid for the Andean countries.

For the better part of this year the administration delayed release to this aid. It took that long to reach agreement with the Peruvian Government on the terms of a counternarcotics program. The administration told the Peruvians that unless they agreed to the military aid, including the training of Peruvian military personnel by United States Special Forces, they would not get the economic aid they desperately need to pay their arrears to the IMF and the Inter-American Development Bank and obtain new loans.

There was another problem. United States law requires that in order to provide this aid the administration must first determine that the Peruvian Government "has made significant progress in * * * ensuring that torture, cruel, inhuman, or degrading treatment or punishment, incommunicado detention or detention without charges and trial, disappearances, and other flagrant denials of the right to life, liberty or security or the person are not practiced."

According to the State Department's February 1991 Human Rights Report, in Peru—

> [s]ecurity forces personnel were responsible for widespread and egregious human rights violations. * * * There were widespread credible reports of summary executions, arbitrary detentions, and torture and rape by the military. * * * Credible reports of rape by elements of the security forces in the emergency zones were so numerous that such abuse can be considered a common practice condoned—or at least ignored—by the military leadership.

More recently, according to Americas Watch:

> In the first year of Fujimori's term, 3,106 Peruvians died in political violence. The armed forces were responsible for approximately half these killings. * * * During the first 6 months of this year the government appointed, independent investigative body recorded 214 disappearances of persons who had been seen in custody."

Amnesty International reports that—

> A pattern of gross violations in Peru has been documented by Amnesty since early 1983. Since the new government took over in July 1990, this pattern has continued.

According to the Peruvian National Human Rights Coordinating Committee:

> The Peruvian security forces systematically violate the most fundamental human rights * * * the situation has gotten no better over the past year.

Despite this dismal record, on July 30 the administration issued a determination that Peru should receive United States economic and military aid, a determination which I believe made a mockery of our human rights law. It ignored the pattern of human rights atrocities by the Peruvian security forces that has persisted for over 4 years, and the failure of the Fugimori government to take strong action to stop these abuses. As chairman of the Foreign Operations Subcommittee, I joined three other congressional committees in objecting to release of this aid.

During the subsequent 2 weeks, I met with President Fujimori and his advisers who stressed the urgent need for economic aid. President Fujimori gave me his personal assurance that he is committed to protect human rights. I also met with Deputy Secretary Eagleburger and Assistant Secretaries Shifter and Aronson about the situation in Peru.

They informed me of certain steps the Fujimori government is taking to protect human rights, including that a central registry of detainees will be established, that commanding officers will be held accountable for the actions of their subordinates, and a recommendation that the International Committee of the Red Cross [ICRC] have access to military detention facilities.

While these steps are welcome, it is too early to say what impact they will have. To date, access by the ICRC has not been tested. A central registry of detainees does not yet exist. No military officer has been imprisoned despite abundant evidence of military culpability for human rights abuses. And Peruvian human rights monitors continue to report disappearances and extrajudicial killings by the Peruvian Army.

On September 24, 1991, I sent a letter, in which I was jointed by Senator DODD, chairman of the Western Hemisphere Subcommittee, describing the terms under which we would lift our holds on a portion of the aid. I ask unanimous consent that our letter be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. Our letter indicated that because of the serious economic crisis facing Peru and President Fujimori's stated commitment to human rights, we were removing our holds on all of the $60 million in economic aid effective immediately.

We also agreed to remove our holds on all but $10.05 million of the military aid, if the administration agreed in writing to the conditions for disbursal of that aid. Put another way, we agreed to release $84 million of the $94 million in aid the administration wanted to give. We even agreed that $3.7 million of aid for the army, despite its reputation as the worst human rights abuser of all the services, intended for road building and other civic action programs, could go forward. The $10.05 million we withheld was intended for counterinsurgency training and weapons for three Peruvian Army battalions.

The conditions, which require only the most elementary steps to protect human rights, are set forth in our letter and if met would amount to significant progress in the protection of human rights.

Mr. President, the State Department argued strongly against any conditions on the aid. They said the steps President Fujimori has already taken show that he is serious about human rights. I do not doubt his seriousness. But I have not forgotten how a United States-trained army battalion murdered six Jesuit priests in El Salvador and then lied about it and destroyed evidenced, despite the State Department's assurances that the army had been reformed.

Nor can I ignore the recent reports of human rights abuses, or accept on faith that President Fujimori can reform the army as the State Department would have us believe. Today, over 40 percent of Peru is designated emergency zones where the army has virtually unfettered authority. There is no doubt that some of this aid particularly the funds intended for the army, would be used to combat the guerrilla insurgency which has led to such abuses.

My doubts about the Peruvian Army are only reinforced by a February 21, 1991, resolution of the Peruvian Council of Ministers and signed by an official of the Ministry of Defense, which states that "the experience gained in the struggle against subversion in the Republic of Argentina determines the suitability of a study and an analysis of the countersubversive doctrine used in that country," and appoints a special military attaché to engage in such a study. It is no secret that the Argentina Army's countersubversive doctrine was a dirty war in which thousands of suspected subversives were disappeared, tortured, and murdered.

Nor am I willing to ignore our law, which if it means anything requires at the very least that military aid should not go to Peru until these elementary steps are taken.

On September 27, the administration accepted the terms of our letter. I ask unanimous consent that a copy of the administration's response appear in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. LEAHY. I want to address briefly several points raised by the administration in its reply.

The administration, noting that it had received three different proposals from Congress regarding aid to Peru, expressed disappointment that "Congress has been unable to address this issue in a unified manner." I too regret that the Congress did not adopt a single position. But that is predictable when the administration, rather than consult with us before defining its own position, simply presents us with a fait accompli and leaves us to react. Prior consultation with Congress on an issue of such predictable controversy might have resulted in the far better result of both the Congress and the administration speaking with one voice.

The administration also reiterated its strong support for military aid and stated that "eliminating major elements of security assistance will seriously damage our counternarcotics program in the Andean region." It warned that the "lack of appropriate security assistance may unintentionally endanger the lives of those dedicated individuals involved in our counternarcotics and humanitarian programs."

Mr. President, if this is meant as a warning that the administration may blame the Congress for the failure of its counternarcotics program or for any harm that comes to U.S. personnel involved in that program, it is regrettable and insupportable.

The Appropriations Committee's concern about the militarization of the Andean drug strategy is a matter of record. Since 1989, the Congress has approved $362 million in narcotics-related aid for Peru, Bolivia, and Colombia, of which $145 million is military and other law enforcement aid for 1991 alone. That is in addition to $400 million in other aid for that region during those same years. Congress will probably approve another $250 million in counternarcotics aid for 1992.

Despite all this money, the net reduction in the amount of coca cultivated has hardly changed—from 220,125 to 217,800 hectares, according to the administration's own numbers.

By withholding $10.05 million in aid the Congress can hardly be said to have eliminated "major elements of security assistance" as the administration claims. This amount is largely symbolic of our repudiation of the terrible human rights record of the Peruvian Army.

Moreover, our letter specifically urges the administration to seriously consider training Peruvian military personnel in the United States, rather than sending United States trainers to Peru precisely because of concerns about exposing United States personnel to unnecessary danger. It is only too clear that part of this aid would be used to fight the guerrilla insurgency.

Mr. President, the Congress has provided hundreds of millions of dollars to combat drugs in the Andes, and that support will continue. We all want to stop the flow of drugs into our cities and towns. But that does not mean we can ignore our own laws or turn our backs on human rights abuses by the very individuals who would receive our aid. Nor will we remain silent if the administration's drug strategy fails to produce results. And finally, we will not stand by as the United States risks entangling itself in a guerrilla war in the jungles of Peru.

Finally, Mr. President, I ask unanimous consent that a September 26, 1991, letter from the Andean Commission of Jurists be printed in the RECORD.

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

COMISION ANDINA DE JURISTAS,
Lima, September 26, 1991.

Hon. Ambassador RICHARD SCHIFTER,
Assistant Secretary of State,
Washington, DC.

DEAR AMBASSADOR SCHIFTER: I have been informed of the existence of a document prepared by the State Department that, apparently, is circulating in Congress entitled "Peru: Human Rights Update" dated September 23.

In the above-mentioned document I am specifically mentioned as saying that (in Peru) "the human rights situation has improved, probably due to US pressure, and military aid should be delivered to keep the pressure on for human rights progress."

The reference mixes an approach that I share with things I don't think and couldn't have said. Some things have improved due to

US pressure; this can be seen mainly in certain steps taken by the Government of Peru (i.e., authorizing the public prosecutors to visit military barracks) and the decrease in enforced disappearances during the month of August. All of these measures and new developments, obviously, are connected to US pressure. Yet these measures, along with the limited improvements are not enough and could be reversed if they are not closely and strictly monitored.

It is because of this that I have never thought nor said that "military aid should be delivered". What I do think—and have said—is that military aid could be delivered gradually, subject to very specific conditions and improvements that should take place in the future and be closely monitored.

I could take up more space in order to express my views on this subject, but on this occasion, I wanted only to rectify the errors which could lead to misinterpretations.

Regards,

DIEGO GARCÍA-SAYÁN.

EXHIBIT 1

U.S. SENATE,
Washington, DC, September 24, 1991.

Hon. LAWRENCE S. EAGLEBURGER,
Acting Secretary of State,
Washington, DC.

DEAR LARRY: In recent years the Administration has requested and the Congress has recommended large increases in foreign aid to combat narcotics in the Andean countries. However, in its report on the fiscal 1991 foreign aid appropriations bill, the Senate Appropriations Committee noted with concern "the Administration's evident intention to continue a growing emphasis on the military component in U.S. counternarcotics efforts in the Andean region." The Committee made particular reference to the Administration's proposal to increase dramatically military aid to Peru, despite reports by reputable human rights organizations of widespread human rights atrocities by Peruvian security forces. The Committee recommended that:

"At a minimum, no military assistance be provided to Peru until the Peruvian Government commits itself to strong measures to bring the military under civilian control and to enforce respect for basic human rights.

"Concrete steps the new Peruvian Government should be asked to undertake include (1) accounting for persons detained and disappeared in 1989 and 1990; (2) establishing a registry of all detentions so family members can be notified promptly of the arrest of a relative; (3) granting access to the International Committee of the Red Cross to all places of detention; (4) taking steps to bring to justice military officers responsible for human rights abuses, including the 1988 Cayara massacre; (5) purging from the military those directly involved in past abuses."

More recently, in its February 1991 Human Rights Report on Peru, the State Department concluded that:

"Security forces personnel were responsible for widespread and egregious human rights violations. . . . There were widespread credible reports of summary executions, arbitrary detentions, and torture and rape by the military. . . . Credible reports of rape by elements of the security forces in the emergency zones were so numerous that such abuse can be considered a common practice condoned—or at least ignored—by the military leadership."

It was in this context that we placed holds on the Administration's proposal to obligate $34.9 million in military aid and $60 million in Economic Support Fund assistance for Peru during this fiscal year. We did not believe that a fair assessment of the human rights situation in Peru could conclude, as US law requires, that the Peruvian Government "has made significant progress in . . . ensuring that torture, cruel, inhuman, or degrading treatment or punishment, incommunicado detention or detention without charges and trial, disappearances, and other flagrant denials of the right to life, liberty or security of the person are not practiced." On the contrary, the State Department's report and recent reports of Amnesty International, Americas Watch and Peruvian human rights organizations all indicate that the Peruvian military has engaged and continues to engage in these very abuses with impunity.

We are aware of recent actions by the Fujimori Government to address some of these problems. However, while we welcome these actions it is too early to say what impact they will have. Without concrete proof that the requirements in our law have been met and that military personnel who commit abuses will be promptly brought to justice, we cannot in good conscience agree to the unconditional release of the military assistance funds.

At the same time, we recognize that Peru is facing a severe economic crisis. we understand that the majority of the Economic Support Funds currently on hold will be used to leverage contributions from other donors to enable Peru to obtain urgently needed assistance from the international financial institutions. We believe the United States has a strong interest in helping Peru overcome this economic crisis. We are convinced that without economic development, particularly in the impoverished rural areas where coca is cultivated, no amount of military assistance will win the war against drugs.

We have discussed our concerns personally with President Fujimori and he has assured us of his strong personal commitment to protect human rights. It is in recognition of those assurances, and for the reasons mentioned above, that we remove our holds on the ESF.

With respect to the $34.9 million in military aid programmed as described in a letter of July 31, 1991 from General Teddy G. Allen, we will agree to the obligation, but not the disbursement, of all except $10.05 million proposed for the Peruvian Army, the most notorious abuser of human rights among the security forces. These funds for the Army are primarily for counterinsurgency training and weapons. However, at the urging of President Fujimori, we are prepared to agree to the obligation of $3.7 million of the funds intended for the Army for road building and other construction equipment for civic action programs only.

Our agreement to obligation of the portion of the military assistance funds described above is contingent on the understanding that prior to disbursement of the military assistance, the Administration will inform the appropriate committees of Congress that the following steps have been taken by the Peruvian authorities:

Arrangements that the military assistance will be provided directly to President Fujimori and made available to the Peruvian military services by him;

Creation and publication of a central registry of all detainees of any of the Peruvian security forces within three months;

Access to all places of detention by the International Committee of the Red Cross and Peruvian justice personnel, immediately following arrest.

Failure to publish the central registry of all detainees within three months will be taken into account when we receive notifications for release of any additional military assistance for Peru that may be approved for fiscal 1992.

In addition, our agreement to obligation of the military assistance is contingent on Administration agreement to consultations with Congress prior to disbursement concerning specific actions the Peruvian Government is taking to discipline and prosecute those responsible for the following cases:

November 1988 murder of Jugo Bustios;

June 1989 murder of Fernando Mejia Egocheaga;

September 1990 murders of Zacarias Pasca Huamani and Marcelino Valencia Alvaro;

August 1990 massacre at Iquicha, Ayacucho;

September 1990 murders at Vilcashuaman, Ayacucho;

July 1991 massacre at Santa Barbara, Huancavelica;

March 1991 murders at Chuschi, Ayacucho;

June 1991 murders of medical student and two minors.

Further, these consultations should include discussion of actions the Peruvian Government is taking to appoint special prosecutors in each province with a public mandate from the national government and sufficient resources to investigate and prosecute human rights violators.

Finally, we would urge the Administration to seriously consider training Peruvian military personnel in the United States rather than sending US trainers to Peru. Both US and Peruvian citizens have serious concerns about sending US military advisers to that country.

Upon receipt of a letter from you entering into the understanding described in this letter, our holds on obligation of the military assistance with the exception of $10.05 million for the Peruvian Army are removed.

Sincerely,

PATRICK LEAHY,
Chairman,
Foreign Operations Subcommittee.

CHRIS DODD,
Chairman,
Western Hemisphere Subcommittee.

EXHIBIT 2

DEPARTMENT OF STATE,
Washington, September 27, 1991.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: I am replying to your letter and to the letters of Chairmen Obey and Fascell regarding congressional opposition to full funding of the Administration's proposal to reduce the flow of cocaine coming from Peru. The Administration has received three separate proposals and sets of conditions from Congress regarding aid to Peru. I am disappointed that Congress has been unable to address this issue in a unified manner.

We believe that security assistance is essential to an integrated program of alternative development in the Upper Huallaga Valley, the source of sixty percent of the world's coca leaf. Without adequate security, Peruvian and other aid workers, including Americans, are at risk. Nor can essential road-building and civic action operations proceed if workers cannot be protected. If a development infrastructure is not in place, alternative crops cannot become economically viable.

We believe that eliminating major elements of security assistance will seriously damage our counternarcotics program in the Andean region. Moreover, a program of security assistance which included the Army would assist President Fujimori in improving that organization's human rights performance. During his recent visit to Washington, President Fujimori clearly indicated his commitment to proceed with interdiction efforts and to improve Peru's human rights record.

ONDCP Director Martinez and I are extremely concerned that these congressionally imposed conditions may have a detrimental impact on the effectiveness of the program. We are also deeply troubled that the lack of appropriate security assistance may unintentionally endanger the lives of those dedicated individuals involved in our counternarcotics and humanitarian programs.

Nevertheless, the impasse that currently exists between the Administration and Congress must be bridged. The urgency of reducing the flow of cocaine to the United States requires us to begin this program as soon as possible. The Administration therefore reluctantly accepts the congressionally imposed conditions for release of the economic and military assistance as set forth by you and by Chairman Leahy and Obey. To do otherwise would be an abrogation of responsibility to make every effort to reduce the flow of narcotics into the United States.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary.

THE NOMINATION OF JUDGE CLARENCE THOMAS

Mr. KERREY. Mr. President, the nomination of Judge Thomas to the Supreme Court has been characterized by cynicism from beginning to end. There is plenty of blame to pass around, but the one with whom the real responsibility rests, the one who has taken the lead in infusing cynicism into the entire nomination process, is the President.

This nomination was not made with an eye to our children and our future. It was not made with an eye to building a great Supreme Court. Rather, it was made with a cynical eye toward achieving a political objective—maintaining the President's political popularity.

Does anyone in this Chamber believe that this nominee is, as the President asserts, the most qualified person in America for appointment to that position? Does anyone believe that he is the most qualified member of the bar or the most qualified member of the judicial branch? Does anyone in this Chamber believe that the President's selection of Judge Thomas was, as the President asserts, made without regard to racial considerations?

This cynicism was turned on full force once Professor Hill's allegations of sexual harassment became public. Instead of making a genuine effort to determine whether there was any validity to the serious charges levied by Professor Hill, the goal became to discredit her by impugning her character. Instead of trying to determine the truth, the President and his men drove toward their objective of political victory by discrediting Professor Hill.

Through their efforts, they have trivialized the charge of sexual harassment. They have said to any defense attorney representing a client charged with sexual harassment that your best bet is to go after the woman bringing the complaint, attack her credibility, her mental stability, her morals. Assault her personal dignity. If that strategy suits the President of the United States, why should it not be acceptable for others preparing a defense against the charge of sexual harassment?

I believe that the President of the United States should promote higher values and principles. The objective of the President should not be to achieve a political victory. I believe the objective should be to appoint a truly great Supreme Court Justice, one who will contribute to the deliberations of that body as it grapples with issues that, in the absence of great leadership, have the potential to sharply divide this country. I am sorry to say I do not believe that this is what we have seen with the nomination of Judge Thomas.

IN MEMORY OF LLOYD K. GARRISON

Mr. WIRTH. Mr. President, with great sadness I speak of the passing of Lloyd K. Garrison. A man of significant accomplishment and remarkable modesty, Lloyd was one of the kindest men I have ever known. He represented a combination of excellence, commitment, and humanity unmatched by almost anyone I have ever known, and to which we can all aspire. His example will always be with me, and I thank him. We shall all miss this wonderful man.

I ask unanimous consent that the text of an article from the New York Times on Lloyd be printed in the RECORD immediately following my remarks.

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

LLOYD K. GARRISON, LAWYER DIES; LEADER IN SOCIAL CAUSES WAS 92

(By Lee A. Daniels)

Lloyd K. Garrison, a lawyer from a distinguished family who built an extraordinary record of individual achievement and public service, died at his home in Manhattan. He was 92 years old.

He died of heart failure, his family said.

Mr. Garrison was the great-grandson of William Lloyd Garrison, the abolitionist, and the grandson of Wendell Phillips Garrison, the literary editor of The Nation. His father, Lloyd McKim Garrison, a lawyer, and his mother, Alice Kirkham Garrison, were pillars of New York society.

Mr. Garrison was schooled at St. Paul's and at Harvard and Harvard Law School, where his brilliance and social connections brought an offer from the law firm of Elihu Root, one of the leading figures of the country's elite establishment.

LEADING SOCIAL CAUSES

But Mr. Garrison's interests, seemingly indefatigable energy and commitment to progressive social causes took him far beyond the life of the Wall Street lawyer.

Mr. Garrison, a partner at Paul, Weiss, Rifkind, Wharton & Garrison, was a very successful Wall Street lawyer. But he was also at various times a law school dean, a crusading and innovative Federal investigator and administrator, a civil rights and civil liberties advocate, a close adviser to a Democratic Party standard-bearer, and a political reformer who took on and bested the Democratic Party machine in New York City.

Mr. Garrison was a friend of some of the most powerful establishment figures in 20th century America—Root, Judges Augustus and Learned Hand, Adlai Stevenson. He was called to government service several times by Presidents Franklin Delano Roosevelt and his successor, Harry S. Truman. He served on numerous Federal agencies and commissions.

Yet, Mr. Garrison was a stalwart champion of working people and the poor. He joined the National Urban League in 1924, an act of which he said "My eyes were opened to the realities" of racial discrimination in America, and was its president from 1947 to 1952.

That commitment remained through the decades.

In 1968 after the assassination of Dr. Martin Luther King Jr., Mr. Garrison wrote a letter to The New York times in which he stated that Dr. King "in the last years of his life realized that "civil rights legislation and court decisions were not enough to wipe out discrimination and inequality, that the ravages of poverty had to be dealt with on a massive scale; (and) that the cleansing and transformation of our inner cities was the first order of business and the establishment of peace was indissolubly linked with these objectives."

DEFENDING THE UNFAVORED

In the early 1950's, having compiled a considerable record of Federal service, Mr. Garrison defended the poet Langston Hughes and the playwright Arthur Miller when they were summoned by Senator Joseph McCarthy before the House un-American Activities Committee. And he defended J. Robert Oppenheimer when the Atomic Energy Commission—for whom Mr. Garrison had been a special consultant on the 1940's—sought to remove Mr. Oppenheimer's security clearance.

Mr. Garrison lived a super-charged life. But his friends invariably described him as a somewhat shy man with a self-effacing manner.

"I've never planned my life," he said in the early 1960's. "I've taken things as they've come along. For me life has been a series of accidents."

"I like to be of use," he went on, "but I don't consciously go out to serve."

Others recognized what Mr. Garrison, in his modesty, would not acknowledge, and he was constantly called upon to be "of use."

The calls began early in his career. After college, interrupted for service in the Navy, law school and his settling on Wall Street. Mr. Garrison was asked by the City Bar Association in New York to investigate incidents of "ambulance chasing" and bankruptcy fraud by lawyers.

BANKRUPTCY-FRAUD INQUIRY

His work gained such prominence that President Herbert Hoover appointed him to a special Federal commission investigating bankruptcy-fraud across the county.

That began a career of Federal service in the 1930's—including a hand in the formation and administration of the National Labor Relations Board. His work so impressed Washington officials that some in the Roosevelt Administration pushed him for a seat on the Supreme Court.

Mr. Garrison at the time was actually employed outside the Government, as dean of the University of Wisconsin Law School, where his efforts at improving the school's standing drew widespread praise. During that period he served as president of the Association of American Law Schools, but remained on call as a special Federal mediator and arbitrator in thorny labor disputes.

Among his many activities, Mr. Garrison was a former member of the Board of Overseers of Harvard University, and a trustee of Sarah Lawrence College, and Howard University, and a member of the Council of Foreign Relations and the City Bar Association.

He is survived by his wife, Ellen; two daughters, Clarinda Garrison and Ellen Shaw Kean, and a son, Lloyd McKim Garrison, all of Manhattan, and 11 grandchildren.

A memorial service will be held on Monday at 12:30 P.M. at All Souls Unitarian Church, at 80th Street and Lexington Avenue in Manhattan.

APPRECIATION FOR THE SERVICE OF RICK PIERCE

Mr. HATFIELD. Mr. President, earlier today the Senate adopted the conference report on the fiscal year 1992 military construction appropriations bill, clearing that measure for the president. The occasion marks the last time the Committee on Appropriations will benefit from the assistance of Mr. Rick Pierce, one of our professional staff members, and I want to take a moment to express my appreciation and that of others for his years of service.

Mr. Pierce was first appointed to the staff of the committee in the position of clerical assistant in 1975 by former Senator Milt Young of North Dakota, who was ranking minority member of the committee at the time. Two years later Mr. Pierce was promoted to the position of professional staff member and has continued to serve the committee in that capacity in the 14 years since.

For most of that time Rick served as the clerk of the military construction subcommittee, assisting Senators Laxalt, Mattingly, GRASSLEY, and GRAMM in the past 10 years in those Senators' roles as chairman or ranking minority member of the subcommittee. Senator SASSER, as the current chairman of the subcommittee, Senator BYRD, as our full committee chairman, and other members of the committee on both sides of the aisle have also benefited from his work and his counsel.

A few years ago, I asked Rick to take on additional responsibility as the professional staff member for our District of Columbia Subcommittee, and he has ably assisted in those endeavors as well. I am sure Senators NICKLES, GRAMM, and BOND, who have served as the ranking minority member of that subcommittee in recent years, join me in expressing appreciation for his work on that subcommittee.

Mr. President, the Committee on Appropriations has 13 subcommittees, each handling 1 of the 13 regular appropriations bills. Subcommittee membership ranges from 5 to 17 Senators, staffs range from 2 to 15 people, appropriations considered from $700 million to $275 billion. Some of our bills are consistently more controversial than others, requiring more debate time here on the Senator floor and attracting more attention in the press. The military construction and the District of Columbia appropriations bills may be viewed by some as relatively minor measures. But they require of the staffs who work on them the same competence, the same attention to detail, and the same professionalism that the members of the committee have come to expect, and are fortunate enough to enjoy, from all the committee staff.

Rick Pierce has met that high standard in his 16 years with the Committee on Appropriations, and I want to express to him my deep appreciation for his service to the committee, the Senate, and the Nation. I wish him and his family only the best in all their future endeavors.

CONGRESSIONAL BUDGET OFFICE REPORT—H.R. 355

Mr. JOHNSTON. Mr. President, on October 8, 1991, the Committee on Energy and Natural Resources filed the report to accompany H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991.

At the time this report was filed, the Congressional Budget Office had not submitted its budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask unanimous consent that it be printed in the RECORD at this point.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 9, 1991.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991, as ordered reported by the Senate Committee on Energy and Natural Resources on September 26, 1991.

Enactment of H.R. 355 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226-2860.

Sincerely,

ROBERT F. HALE
(for Robert D. Reischauer).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 355.

2. Bill title: The Reclamation States Emergency Drought Relief Act of 1991.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on September 26, 1991.

4. Bill purpose: H.R. 355 would authorize the Department of the Interior, acting through the Bureau of Reclamation (BOR), to carry out a variety of activities—primarily in the western United States—to ease the effects of drought and to study and develop drought contingency plans. Authorized activities include establishing water banks, providing loans, and deferring certain water charges owed to the United States government by water purchasers. The bill would authorize appropriations of up to $90 million over the 1992-1996 period to carry out these activities. In addition, up to $12 million would be authorized to design and construct water-temperature control facilities at Shasta Dam in California.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Estimated authorization level	30	18	18	18	18
Estimated outlays	15	19	28	18	18

The costs of this bill fall within budget function 300.

Basis of estimate: For the purpose of preparing this estimate, CBO assumed that H.R. 355 would be enacted and that the full amounts authorized would be appropriated beginning in fiscal year 1992. Additional costs to complete construction of temperature control facilities at Shasta Dam were estimated based on information from BOR. Outlays were estimated based on information from BOR and on historical outlay patterns for similar programs.

Section 104 would authorize BOR to defer, without penalty or additional interest, any portion of the annual operation and maintenance (O&M) charges owed by irrigators that BOR determines cannot be made as a result of economic hardship during a drought. Amounts deferred would have to be repaid later and could, in certain circumstances, be recovered by extending the repayment period of the irrigator's water contract.

This deferral authority could result in a loss of receipts over the next five years. However, based on information from BOR and from the committee staff, CBO believes that these provisions are unlikely to result in significant changes to current BOR practices relating to deferrals of payments during drought conditions. We estimate, therefore, that enactment of this section would not result in additional costs or lost receipts to the federal government.

Section 301 limits to $90 million appropriations for activities related to easing impacts of the drought. CBO estimates that such an appropriation would likely be provided over a number of years and would result in additional outlays totaling about $14 million in 1992 and $86 million over the 1992-1996 period.

The costs incurred to deliver water purchased under this bill and provided under temporary contracts for irrigation and municipal and industrial purposes would have

to be repaid with interest, by certain recipients. While these repayments could increase federal receipts in the future, CBO has no way of estimating at this time how much of the water purchased would be provided to such users and thus repaid.

Assuming appropriation of the $12 million authorized in section 303, we estimate that BOR would spend about $0.7 million in 1992 and the full $12 million over the 1992–1994 period to complete environmental studies and to begin initial design and foundation work on temperature control facilities at Shasta Dam. Additional funds totaling about $40 million would be necessary to complete construction of the facilities.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of H.R. 355 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: On March 15, 1991, CBO prepared an estimate for H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991, as ordered reported by the House Committee on Interior and Insular Affairs on March 13, 1991. That version of H.R. 355 is similar to this one except that the House version authorized the appropriation of $30 million in fiscal year 1991 to carry out certain temporary drought activities. Unlike the Senate version of the bill, the House version of H.R. 355 did not authorize the deferral of O&M charges or a loan program for the purposes of mitigating loss or damage due to drought.

10. Estimate prepared by: Theresa Gullo.

11. Estimate approved by: C.G. Nuckols, for James L. Blum, Assistant Director for Budget Analysis.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,405th day that Terry Anderson has been held captive in Lebanon.

ANOTHER TRAGEDY WITH 9-MILLIMETER BULLETS

Mr. MOYNIHAN. Mr. President, I rise today to draw my colleagues' attention to another tragedy. I have remarked before upon the plague of children killing children in the drug wars. Today it is something altogether different and at least as tragic. A man in Killeen, TX, drove his truck through the window of a restaurant and opened fire on its patrons with a Glock 9-millimeter semiautomatic handgun. For 10 minutes he fired that gun, and after emptying one 17-round clip he loaded his gun with another. He killed 23 people and injured 18 others before turning the gun on himself. The worst mass shooting in American history.

In the coming days, we will hear of who this murderer was, and conjecture why he did those deeds. But let us not forget those 23 deaths and the 9-millimeter bullets that caused them. As the House considers its crime bill, we ought to rethink the violent crime epidemic as epidemiologists study diseases: Fight it at its source. After all, guns do not kill people—bullets do.

On January 14, I introduced S. 51, the Violent Crime Prevention Act of 1991, to ban the import, manufacture, and transfer of .25 caliber, .32 caliber, and 9-millimeter ammunition. I urge my colleagues to cosponsor this legislation.

I ask unanimous consent that an article by Reuters about the shooting be printed in the RECORD at this point.

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

23 DIE IN TEXAS SHOOTING RAMPAGE

KILLEEN, TX October 16.—In the worst mass shooting in U.S. history, a man armed with an automatic pistol killed 22 people in a Texas cafeteria on Wednesday turning his gun on himself, authorities said.

The man, described as a white male in his 30s, slammed his pickup truck through the window of the cafeteria and mowed down people waiting in line for lunch.

It was the worst death toll from a shooting rampage in U.S. history, topping the 21 people killed in a McDonald's restaurant in California in 1984. Authorities reported 18 people were injured.

The gunman killed himself after he was hit by gunfire from Texas Department of Safety officers and Killeen police, said Frank Waller, chief of staff services for the Texas Department of Public Safety.

The gunman died in a rest room at Luby's cafeteria, one of the Luby's chain of cafeterias where people serve themselves using trays.

Many of the wounded were in very critical condition, Waller told Reuters. They were taken by helicopter to Darnell Hospital at the nearby Fort Hood military base.

A hospital spokeswoman said 12 wounded were admitted to Darnell and six others to Metroplex Hospital in Killeen.

The gunman used a 9mm Austrian-made Glock, a 17-shot semi-automatic pistol, Waller said. Radio reports said the shootings went on for about 10 minutes, starting at 12:41 p.m.

An employee at the cafeteria told reporters the gunman broke through the plate glass front of the cafeteria with his truck and said, "This is what Bell County done to me," before he started shooting. Killeen is located in Bell County. The meaning of the remark was not immediately clear.

"As fast as he could pull the trigger, he was shooting people. He was just shooting randomly," said another survivor.

The employee said the gunman first shot a man who was stuck under his truck, then began killing those in the cafeteria.

"He pointed toward the line where the service was. Everybody ran to the back, then he just started firing all the way through Luby's," the employee said in a radio interview.

One report said the man only stopped firing long enough to reload his gun.

Witnesses said people huddled under tables to escape the gunfire. One report said some survivors escaped through the window broken by the man's truck.

Glen Renfro, an employee at a vehicle parts store next to the cafeteria, said that he heard no shooting, but that people who escaped came running into his shop, shouting for him to call the police.

"They said the cafeteria was packed, but they couldn't describe what happened because they were all in hysterics," he said.

Killeen police called in officers and ambulances from towns near this small city, located 60 miles north of Austin.

THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1991—VETO

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the President's veto message on S. 1722, which the clerk will report.

The bill clerk read as follows:

Veto Message on S. 1722, the Emergency Unemployment Compensation Act of 1991.

The Senate proceeded to consider the veto message.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President I was disappointed when the President chose to veto S. 1722, the Emergency Unemployment Compensation Act of 1991, after having seen it approved overwhelmingly by both Houses of Congress.

Mr. President, this recession is not over. We have a record number of people out of work. We have the highest number of people who have run out of their unemployment benefits that we have had in this country in 40 years. We are seeing the claims continuing to creep up as additional people are running out of their benefits.

The system we have is archaic and it does not work because it uses the insured unemployment rate rather than using the total unemployment rate, which is a much more correct criterion. Let me give an example for those Members who might be watching their consoles back in their offices or their staff members.

There is no State today, when we have millions of unemployed, that would qualify for extended unemployment benefits. The last one we had was 5,500 people in Rhode Island.

Let me give you another example of how the insured unemployment criteria works. In my State, the State of Texas, we would have to reach total unemployment of 15 percent to qualify. This is outrageous.

We passed this bill by big majorities in both Houses. We were 2 votes short insofar as being sufficient to override the veto. So we have a tough hill to climb today. Two or three Members could make the difference and answer the serious problem facing the American people. We have a lot of folks just hanging on hoping and waiting for this economy to turn around. But that has not happened.

One of the problems you run into in unemployment when you are talking about the recession, traditionally you see unemployment continue to increase for 6, 7, and 8 months beyond the time that the recession turns around and you start to come out of it.

Even if we begin to start coming out of the recession, all of the economists I have seen are talking about a moderate recovery, a slow recovery. The problem is not going to evaporate overnight. You are not going to see the kind of traditional recovery you saw in the last two recessions when you saw the economy come out at 6, 6½, 7 percent increases in GNP, bouncing out. Not this time.

I will give you another reason why recovery is going to be slow and why it is going to be difficult. Personal savings in this country are less than 4 percent. That means the consumers do not have money in their pockets to spend, and they are not spending. That is why this recession will continue.

Mr. President, I think the Members of this Congress have an obligation to the working men and women of this country. They are out of work because of the third longest recession since World War II. These are not casual workers. These are long-term workers, men and women in the labor force of this country who are trying to provide for their families, and they are without work through no fault of their own.

This economy is in trouble, with 8.4 million people out of a job, and hundreds of thousands have just given up and quit working. Each month that goes by more than 300,000 Americans exhaust their regular State unemployment benefits.

Those are the kinds of people that in normal economic times are taxpayers in this country. They want to become taxpayers again. But these are not normal times.

Last Thursday we learned that initial claims for unemployment benefits were up again, with a recession level of 435,000. That is an increase of 5,000 from the previous week.

This thing has not turned around. These numbers show that the unemployment increase is a slow, upward curve. According to the Department of Labor, the seasonally adjusted number of claims over the most recent 4-week period was 427,000. That is up, not down, from the previous 4-week period.

Real disposable income is lower than it was a year ago. The drop in savings I was talking about, coupled with no real income growth, means that the consumers do not have the cash in their pockets to sustain a strong recovery of the economy.

All you have to do is look at the retail sales; they are flat. Look at the net worth of America's housing. It dropped this year for the first time in two generations.

People have always said that their home was part of their savings, and that that equity would continue to increase in value. Even though their bank account did not show more money, there was equity in that house, and some day, if they had to, they could sell. But that is not the case now. That equity has gone down.

At the same time, when unemployed workers turn to the extended benefit program, we see a complete state of paralysis. Despite unemployment as high as 8, 9, and 10 percent, no State now qualifies for those extended benefits. While that is happening, every day millions of employers in this country are paying money into the unemployment trust fund. That trust fund is for this specific purpose: to be paid out at times of high unemployment. Money is paid in there by the employers themselves, and we now have over $8 billion in that fund.

The piece of legislation that I have talked about, that this body overwhelmingly approved, if you utilize every benefit—every benefit—you would still have money left in that trust fund, and then it would start to build up again and build up again.

So it is not a question of draining it out; it is a question of utilizing it for the purpose for which it was intended when that money was put there. We are not talking about paying for it twice. The employers have already paid for it. But what we are seeing more and more is that trust funds, whether they are airport or entitlement trust funds or unemployment trust funds, are used to mask a deficit in the budget.

We are talking about it being an emergency for people here at home. Not the Kurds, nor the Turks, not people overseas who have emergencies. We granted that. When the President asked for that emergency authority, I went along with it, and most of the Members of the Senate and the House did, because we thought it was justified. But now here at home, let us take care of our folks.

I noticed that the President says he would support a bill offered by the minority. Well, I do not think that bill—with all due respect to my distinguished colleague, the Republican leader—is a viable substitute for S. 1722. According to the CBO, the Congressional Budget Office, a bipartisan office, if that bill was enacted, workers would get less than half the number of weeks of benefits that they would get under S. 1722.

Furthermore, the minority bill denies benefits to most of those workers who have been unemployed the longest. It is estimated that under the minority bill, only 136,000 workers in six States would be eligible for so-called "reach back" benefits, while under the bill we passed, S. 1722, nearly 1 million workers in 36 States qualify for "reach back" benefits.

The President says he will support the minority bill because new fees are levied and benefits are cut to pay for it. Well, let us look at how it is paid for.

It starts by taking a half billion dollars away from the heroes of Desert Storm/Desert Shield, who came back to this country with an honorable discharge. It says to those people: When you come back and do not find a job, because you went away to serve your country and served honorably, you are not going to get benefits that we give to the civilians who stayed home and lost their jobs.

Where is the equity in that? How can you take that half billion dollars away from them? The Congressional Budget Office says the minority bill is going to cut the unemployment benefits over the next 5 years for those people by 65 percent. I have to wonder whether the minority and the President really understand what they are proposing. A cut of that magnitude to these veterans who served their country well is just not right.

The President objects to the fact that S. 1722 invokes the emergency authority agreed to by both sides in last fall's budget agreement. But, as I have cited, he has invoked it time and time again for people in desperate straits in foreign lands. We need it for the folks here at home.

This recession is not a gentle crisis. There are 2 million more people unemployed today than there were just a year ago.

The vote is going to be close. We need two more. Whoever those two are, I hope they will recognize the tragedy of hundreds of thousands of Americans who are exhausting their benefits each month. I hope they will join to try to override the President's veto and see that these benefits are paid out into the hands of jobless Americans who are having a tough time of it today.

Mr. President, I withhold the remainder of our time.

I yield to Senator SASSER.

The PRESIDING OFFICER. Senator SASSER is recognized.

Mr. SASSER. Mr. President, I commend the distinguished chairman of the Finance Committee for the leadership he has shown now over many weeks in trying to bring some relief to the long-term unemployed in this country, in trying to fashion a program that will not only bring to these Americans who suffer from long-term unemployment the unemployment insurance that they have paid for but also to provide some modicum of economic stimulus to this sagging economy by doing what every other administration has done since the Second World War at a time of recession; that is, extending unemployment compensation benefits for the long-term unemployed.

I commend the chairman of the Finance Committee for his leadership in this whole effort. I hope my colleagues listened very carefully to the statements made by the chairman of the Finance Committee this morning.

I think he laid out very ably, very precisely, very logically, and very persuasively the issue that faces the country here this morning.

The President claims to care very deeply about the plight of unemployed

Americans, and I do not question his concern about the millions of our fellow countrymen who are unemployed and who have exhausted their unemployment benefits.

At the present time, Mr. President, if we add up the number of Americans who are classified as officially unemployed on the unemployment rolls, add to that number those who have become so discouraged they quit looking for work and are no longer carried on the unemployment statistics, and add to that number those who had full-time jobs prior to the inception of this recession and who are now reduced to part-time work, we find that the actual unemployment or part-time unemployment in this country stands at 10 percent.

Ten percent of the work force of this country, as I address my colleagues here this morning, is either unemployed, having exhausted their long-term unemployed benefits, or been reduced to working part-time jobs because they lost their regular jobs as a result of the economic times that we now live in.

That is the alarm that the distinguished chairman of the Finance Committee is sounding this morning, sounding for our colleagues here in the Senate, and sounding for the country.

I think the veto that the President of the United States exercised to attempt to defeat this extension of unemployment benefits to millions of desperate Americans speaks for itself. And the timing of the veto I think speaks doubly loud.

With the loss of the State of Rhode Island from the extended unemployment benefits program this week, not one of the 50 States in the Nation currently qualifies for extended benefits; not one American citizen who is unemployed and has exhausted his or her unemployment benefits in all the 50 States stands to receive extended protection.

This is a moment without precedent in the history of unemployment insurance in this country. And it is a devastating moment for the 5 million Americans who have lost or will soon lose their insurance protections.

Preventing this disaster, this personal disaster to millions of families all across this Nation, was in the President's hands this past week. If he had signed the responsible and effective Senate bill fashioned by the chairman of the Finance Committee and sent to him with overwhelming bipartisan approval, relief would be flowing to these citizens in all 50 States.

But, instead, the President chose to veto this bill. And this is the only recession since the Second World War in which extended unemployment benefits have not been offered to the long-term unemployed.

In this recession, when the signs of recovery are fading, when some economists are talking about the double-dip recession, we see the unemployment insurance fund actually increasing its balance. The unemployment insurance fund, the trust fund is actually increasing its balance in a time of severe unemployment, and that is without precedent and operates entirely contrary to the theory of unemployment insurance.

It is tragic, I submit, really it is disgraceful.

The strategy of this administration has been to use the budget agreement as a fig leaf and to talk about other alternatives, something over the horizon.

My respect and affection for the minority leader is well known in this body, and I do not mean to minimize his concern. But if you scrutinize the package that he has offered on behalf of this administration, it is obvious that the President's alternative is a simple sham.

Mr. President, I call my colleagues' attention to a New York Times editorial that appeared just this morning, and I quote from that editorial. "The Republican proposals that he prefers are a sham." So says the New York Times. "They help too few people and depend on gimmicks that waste future revenues," from the New York Times editorial of just today.

The plan that is being offered on behalf of the administration is defective precisely in the area where the need is the greatest.

It offers absolutely nothing to the vast majority of unemployed Americans who have already lost their unemployment insurance protections.

The bill that is offered here by the minority leader ignores 86 percent of the American people who have run out of benefit checks since March.

What kind of program is that when you extend long-term unemployment benefits to 14 percent of the long-term unemployed but say to the other 86 percent, "You are not entitled"? It provides not one penny to 1.2 million Americans who have been out of work the longest and need assistance the most.

Two hundred sixty-eight thousand Californians, a quarter of a million people, have lost their unemployment protection since March. They would not receive one red cent under the proposal that is advanced by the minority leader on behalf of the administration.

Thirty-five thousand citizens of Missouri who want to work but cannot find jobs, who paid into the unemployment benefit fund, as have their employers, and should be eligible for additional benefits and would be under the proposal offered by the distinguished chairman of the Finance Committee, are wholly ignored in the proposal advanced by the minority leader on behalf of the administration.

In all, the proposal that the minority leader advances fails to protect the citizens of 44 of the 50 States of this Union who have lost their unemployment benefits in the last 7 months.

By comparison, the bill that the President saw fit to veto extends immediate protection to 89 percent of the 1.4 million Americans who have lost their unemployment benefits and are still without jobs.

The deficiencies of the alternative offered by my friend, the minority leader, do not stop there.

Contrary to what has been advertised, the plan that has been offered by the minority leader does not pay for itself.

The Congressional Budget Office analysis shows that there is no assurance whatsoever that the proposal offered by the minority leader would generate enough receipts in 1992 to pay for the plan's benefits.

That is perhaps a technical point. There is, however, a more simple and direct indictment of the proposal offered by the minority leader. It is exactly the reverse of what is fiscally responsible.

In the unlikely event that the proposal offered by the minority leader were ever enacted, that proposal would be a raid on the Treasury.

At my request, the nonpartisan Congressional Budget Office, analyzed the payment mechanism of the plan offered by the minority leader in some detail. The Congressional Budget Office has concluded that this is a speedy auction, a fire sale, if you wish, of the electromagnetic spectrum on the timetable suggested in the proposal offered by the minority leader. In order to generate $1 to $2 billion in receipts in fiscal year 1992, that massive fire sale would result in a loss to the Treasury of as much as $2.5 billion.

Mr. President, again alluding to the New York Times editorial of this morning, the editorial writers understand what is going on. Quoting from that editorial:

> The Congressional Budget Office estimates a quick selloff would yield as much as $2 billion, but a properly managed sale later would yield up to $4½ billion.

So this fire sale in which we will try to force the sale of these electromagnetic spectrum frequencies would cost us $2½ billion. Quite the reverse of paying for itself, the proposal advocated by the minority leader is a giveaway of a valuable asset owned by the American people.

This sloppy rush to market is really unnecessary.

The insurance extension proposal that the chairman of the Finance Committee has fashioned here in this body, that has been passed by an overwhelming bipartisan majority, has been paid for. It has been paid for by the same working men and women who now are out of work and need help.

As I said earlier, while the unemployed are suffering, the trust fund es-

tablished to help them is growing—what an irony—growing to $8 billion by the latest count, a fact that is completely lost on this administration.

In his veto message to the Senate, the President made the following statement:

Enactment of S. 1722 would signal the failure of budget discipline, which would have a negative effect on financial markets that could threaten economic recovery and lead to increased unemployment.

Mr. President, this is a classic example of tortured and desperate logic. It is symptomatic of this administration's skewed view of what is happening in the American economy right now. There is simply a blind spot for the distress and suffering of Americans who want work and cannot find it, and who are in desperate need.

This administration seems to have a sun-will-come-out-tomorrow approach, and everything will be all right. But I would submit that the sun-will-come-out-tomorrow approach does not put food on the table today. It does not keep the wolf away from the door today.

The President's hope that this economy will do an abrupt about-face simply does not square with economic reality. But do not take my word for it. Listen to the chief executive officers of our Nation's largest corporations.

Following a meeting of the Business Council last week, the chief executive officers of this Nation's top corporations, that employ millions of Americans, released this statement:

There is as yet no feeling among many consumers and business managers that economic recovery truly is underway, despite the gains reported in various statistical measures.

So says the Business Council, made up of the top chief executive officers of corporations in this country.

The President speaks of this economy with the glibness of an auctioneer, I would submit, about statistical measures being up a blip, up a shade, up a point. But my colleagues in this body know better because they go back home. They listen to the leading business people. They listen to the bankers. They listen to the small business people. They listen to the jobless workers. They listen to the consumers. Ask them if they see signs of recovery in their businesses, in their economic lives, and they will tell you that this recession has teeth like they have never seen before, and it is ripping to the marrow of our economy.

Mr. President, the gross national product growth record of this administration is the worst of any administration since that of Herbert Hoover. This President in the White House now is the first President since World War II to preside over a decline in the living standards of the people of this country as measured by an annual rate of per capita GNP of negative 0.4 percent since taking office.

The people paying for the failures of this President's economic record are the very people punished once again by last week's veto—working Americans who have been laid off through no fault of their own and who cannot find jobs in this unforgiving economy.

The President did not turn a blind eye to the people of Egypt when they needed debt relief on an emergency basis. He did not turn his back on Kenya, Malawi, Nicaragua, and 14 other nations when he forgave loans totaling nearly $2 billion at the beginning of this month.

Helping the poor in foreign lands is a just and decent course for a wealthy nation to pursue. But it is a mockery when that nation will not help its own citizens in New York, Alabama, Oregon, and Tennessee.

The U.S. Senate has made its priorities clear: Americans in distress also count. Those are the priorities of the Bentsen bill. We urged the President to make them his own, and he did not.

It is time for this body to do what our President should have taken the lead in doing. Now that the last American has been refused extended unemployment protection, it's time to act.

Mr. President, the people of this country need help. It is time for the unemployed Americans who paid their dues to start getting the insurance protection they paid for, the insurance protection they deserve.

I urge this Senate to heed the advice and counsel given to us this morning by the distinguished chairman of the Finance Committee, the senior Senator from Texas, and override the President's veto.

Mr. BENTSEN. Mr. President, how much time has been utilized by the majority and minority at this time? How much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator has 22 minutes and 40 seconds remaining.

Mr. BENTSEN. And the other side?

The PRESIDING OFFICER. The other side has 55 minutes 35 seconds.

Mr. BENTSEN. I yield 5 minutes to the distinguished senior Senator from the State of Massachusetts.

Mr. KENNEDY. Thank you very much, Mr. President.

I want to once again commend the chairman of the Finance Committee, Senator BENTSEN, and our colleague, Senator SARBANES, who is chairman of the Joint Economic Committee, and the chairman of the Budget Committee, Senator SASSER, as well as Senator RIEGLE and our majority leader, who have really fashioned this legislation and brought it to the Senate again, because it is extremely important to the people in my State and across this country. I think they deserve recognition for the work they have done.

The Senate is about to vote once again on an issue of critical concern to the economy and to hundreds of thousands of unemployed workers across the country whose unemployment benefits have run out in the midst of this recession. The President has shown that he is out of touch with their needs, and it is up to us to override his veto.

In Massachusetts, 3,000 men and women lose their regular unemployment benefits each week—12,000 every month. They know the recession has not ended, and they know these benefits are needed.

We all know that the best cure for unemployment is a strong economic recovery and a sound program for America's long-term economic future. Both that takes time, and these benefits are needed now.

Too many families are hurting. They should not be told to wait any longer for a recovery that never comes. Why does the White House not understand the simple justice of these benefits?

Unemployment benefits also have a solid economic purpose. They stimulate the economy, and the effect begins immediately. Unemployed workers cannot afford to save. They spend every dollar they have. Unemployment benefits mean more dollars in the American economy, and a greater likelihood that the long-awaited recovery will finally begin.

Why does the White House not understand this simple economic truth?

In Massachusetts, 140,000 men and women have exhausted their benefits since March. In the coming year, these extended benefits could put around $400 million into the State's economy, providing a much-needed shot in the arm for our communities.

By contrast, the alternative proposed by Senator DOLE would cover fewer workers, and the benefits would last only half as long.

Across the country, the bill vetoed by the President will help nearly 1 million workers whose benefits have run out. It will help nearly 90 percent of all Americans who have exhausted their benefits since last March. The Dole bill would cover only 14 percent of those workers.

In California, nearly 170,000 workers would get additional assistance under the vetoed bill. None would get benefits under the Dole alternative.

In New York, 106,000 workers could get extended benefits under the vetoed bill. None would get benefits under the Dole bill.

In many other States—including Florida, Michigan, Pennsylvania, Texas, and Illinois—tens of thousands of workers would get benefits under the vetoed bill. None would get benefits under the Dole bill.

As with many other domestic issues, the Bush administration knows it has a problem. But instead of working with Congress to resolve the issue, the administration launched a public rela-

tions strategy, claiming that they are offering a real policy alternative.

Let us be clear. The administration is well aware that they cannot look totally insensitive to the plight of the unemployed. They cannot beat something with nothing. So they have come up with something next to nothing.

The Dole alternative, supported by the President, is an inadequate alternative. It is only a pale imitation of what this Nation needs. It would leave hundreds of thousands of unemployed workers and their families without the benefits they deserve.

I urge my colleagues to provide these benefits, to give the economy some stimulus, and to tell these working men and women that we see their plight, we hear their pleas, and we care about their families. "Let them eat cake" is not sensible economic policy, and it is unacceptable social policy. I urge the Senate to override this misguided veto.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. DURENBERGER. I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas for 10 minutes.

Mr. GRAMM. Mr. President, let me simply review the facts as to how we came to be here and what this issue is really all about. The President told the Congress that if we raised the deficit, busted the budget, violated the budget agreement, and in the words of Alan Greenspan, the Chairman of the Federal Reserve Bank, almost certainly driving up long-term interest rates and putting more people out of work, that he would veto this bill. All 100 Members of the Senate knew with certainty that the President would veto this legislation. There was never doubt about that.

The President made it clear that he would sign a bill extending unemployment benefits if we were willing to pay for it. To this point, we have not.

I submit also, Mr. President, that every Member of the Senate knew that the President would not only veto this bill, but that his veto would be sustained. So what are we doing here? Why all these flowery speeches about "helping working people"? Will any action taken in this bill help one single working person? The answer is, no. This is another in a long line of political exercises that stand as a shadow of real economic policy and an imitation of real legislative action.

I have heard for 2 weeks how the Senate has an image problem. Mr. President, the Senate does not have an image problem. The Senate has a reality problem. The American people understand exactly what is going on here, and they do not like it.

I have listened to my colleagues pound their chests and talk about how we can show we care about working people. Let me just add a few facts.

Over the next 5 years we will spend, under our current budget agreement, $7.678 trillion. We are here today voting as to whether to override the President's veto to send the deficit up by $6.5 billion; $6.5 billion we do not have because we have already spent it, $6.5 billion we will have to borrow by going out and competing to take money away from people who would like to build new homes, new farms, new factories to generate new economic growth.

We say this is an emergency, but our deeds do not indicate that we take it as one. It is an emergency, but it seems not to be big enough that we might consider paying for it.

Let me outline what that means. Given what we would spend over the 5 years this bill would be in effect, we are talking about 84 cents out of every $1,000 spent by the Federal Government. I submit if this is an emergency, if we are so concerned about the unemployed, why cannot we find 84 cents out of every $1,000 we are spending to pay for it? I submit that we have not made an effort to find it because we do not want to find it.

What we are seeing here is an effort to create a political issue, not an effort to help the unemployed. If we wanted to help the unemployed, we would end this charade now. We would have a group of congressional leaders go down to the White House, meet with the President, work out a compromise, come up with a way of paying for this bill, come back this afternoon, pass it, and have the President sign it into law tomorrow. We are not doing that because we are engaged in a political exercise aimed at achieving partisan advantage, not help for American workers.

And I do not believe the people of this country are confused. I think they understand perfectly what we are doing.

Let me also say that we are going to have Members here who will hold up a chart that shows all this money that we are supposed to have in this unemployment trust fund. But let me note that we have already spent that money on something else and now we want to spend it again. All the President is saying is, if you want to spend it out of the trust fund, go back and take 84 cents out of every $1,000 you spent on something else and apply it to this high and noble purpose.

Finally, let me remind my colleagues of an idea that I know sounds revolutionary here in the Senate, but which is plain, common sense in every household, in every business, and on Main Street of every town of America. Unemployment insurance extension is not an economic policy. There is only one solution for unemployment, and that solution is employment. We had an opportunity on the floor of the Senate the other night to vote on an economic policy. I believe it is critically important that we provide incentives for people who work, save, and invest. I believe we are at the crossroads where we will soon choose between building on the economic progress that we achieved between 1982 and 1990 or returning to the stagnation of the 1970's. I think if we bust the budget and drive up the deficit today, an if next week we do it for another reason and the following week for another, pretty soon we are going to be back in the 1960's and 1970's in terms of economic policy.

So, I urge my colleagues to do what I know they are going to do: Sustain the President's veto. Do not bust the budget. Do not drive up the deficit. Do not drive up interest rates. Do not destroy jobs in the middle of a recession.

And when we have rejected this job-destroying proposal, let us adopt an economic program to create jobs. We are having a debate about whether the economy has turned the corner. If it did, it didn't leave any skidmarks. It is vitally important that we have sound policies to create jobs. That is what we ought to be debating here, not spreading the misery by driving interest rates up and putting more people out of work, but eliminating the misery by creating jobs.

Let us sustain the veto, adopt an economic growth policy, and let us get together on a bipartisan basis and extend unemployment benefits. But let us do something that every household in America has to do every day. Let us pay for it. If we are not willing to pay for it, if we are not willing to find 84 cents out of every $1,000 we spend to finance this program, let's quit kidding ourselves and the American people by calling it an emergency and by claiming that we care something about the working people of this country. This bill shows we care only about gaining political advantage and not working people.

I yield the floor.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, it should not come as a surprise anymore to anyone that we continue to wring our hands and gnash our teeth over the issue of extended benefits for the Nation's unemployed. Nor was it any surprise when last Friday the President of the United States vetoed the conference report on S. 1722 because that is what he promised to do.

In the meantime, the Congress is in the position of holding the Nation's unemployed hostage to what appears to many of us as a political game.

When the President refused to sign the first extended benefits bill before the August recess, he did not reject the needs of the unemployed. Rather, he tried to hold the Congress to its word and to the rules of the bipartisan budget agreement. That budget agreement

has been used here by Democrats and Republicans alike to defeat needed increases in health, education, welfare, and a variety of other spending.

The President indicated that he would sign without delay the self-financing bill offered by the distinguished Republican leader. Instead of sending a bill which was guaranteed to deliver benefits to those out of work, the Congress sent a bill which would increase the deficit by $5.8 billion.

Mr. President, I supported the original bill reported from the Finance Committee by our chairman, the distinguished senior Senator from Texas, Senator BENTSEN. I believed that while that legislation was far from perfect, it met some of the real needs of the real unemployed in the State of Minnesota which ought to be addressed. The Finance Committee bill did address those needs, and it also adhered to the budget agreement by maintaining the President's authority to address the problem by declaring an emergency.

Three weeks ago I also supported a similar bill.

Mr. President, this Senator could not and did not support the Democratic conference report. The bill which emerged from the conference committee not only eliminated the discretionary role given to the President under the Budget Enforcement Act, but it was even more expensive than the first bill. Instead of increasing the deficit by $5.8 billion, the conference bill cost $6.4 billion, and it eliminated the Presidential authority to which the Congress had agreed under the budget agreement of less than a year ago.

Mr. President, I do not believe that the Budget Enforcement Act is an inflexible agreement. When it was negotiated, the ability of the Congress and the President to address unforeseen circumstances as they arise was included as part of the agreement. There are some, however, who would reject this agreement less than a year after the ink has dried.

And because there always seems to be more needs and wants than there are resources, we have to make choices. Oftentimes, these choices are difficult and painful, but as every American knows from trying to finance their own lives, budgets are about compromise.

I supported the alternative offered by the Republican leader. I thought it was the best compromise between the needs of the unemployed and the realities of our budget, because it played by the rules of the budget agreement. But when all sense of compromise and adherence to the rules of the budget disappeared in the conference committee, I could no longer support that approach.

Still, Mr. President, I am deeply concerned about those workers whose unemployment benefits have run out. I am saddened and disturbed that my colleagues on the other side of the aisle have refused to send the President a bill which he has promised to sign. All he asked of the Congress was to pay for the benefits as we had agreed to do less than a year ago under the budget agreement. And that to me is a fair request. What makes the request fair is that we do not try to solve the problems of families today by heaping the burden of more debt on our children.

As the junior Senator from Texas said, we have a problem in this body. It is not an image problem; it is a reality problem. The people of this country do not want us to promise what we will not pay for. And they do not want us to spend what we already concluded we cannot pay for. So the result of the Congress' political posturing is that the unemployed of this country have been held hostage as political pawns for the 1992 election. That, Mr. President, is just wrong.

Despite the fact that I was averaging, during the Clarence Thomas debate on the weekend of the Judiciary Committee, something close to 2,000 telephone calls and people were finding it almost impossible to get through, several hundred Minnesotans who wanted to see the President sign an unemployment bill got through on that telephone to say we had to pass a bill on extended benefits.

So, Mr. President, I have introduced S. 1789, the Deficit Neutral Unemployment Compensation Act. It is a bill which adheres to the Budget Enforcement Act and does not increase the budget deficit over the 5-year life of the agreement.

Like the compromise bill which was offered by the Republican leader, S. 1789 uses the traditional two-tiered approach to extended benefits. The triggering mechanism is the insured unemployment rate which is adjusted to include those who have exhausted their benefits. Unlike the bills which have been sent to the President which he has sent back to the Congress, S. 1789 does not increase the deficit, nor cast a blind eye to the other responsibilities we have.

Most importantly, Mr. President, unemployed persons in 32 States, including the people of my State of Minnesota, will receive greater benefits under this compromise that I have proposed than they would under the Democratic conference bill just vetoed by the President.

While my State of Minnesota experienced an increase in its unemployment rate in September, which is not unusual for this time of year, the bill offered by the conference committee would require dire circumstances in my state before Minnesota's benefits would surpass those offered under my substitute proposal. Moreover, Mr. President, S. 1789 would offer a means to address the pockets of unemployment which exist in Minnesota and in many other States. S. 1789 would direct the Secretary of Labor to develop a program for the long term unemployed, similar to the Job Training Partnership Act. This is another way in which S. 1789 delivers more meaningful benefits to a majority of the States than the bill vetoed by the President.

Rather than continuing down the road to nowhere, I hope that my colleagues on both sides of the aisle would join me in breaking the impasse and delivering benefits to unemployed Americans.

We have the means through a bill offered by my colleague from Montana, Senator CONRAD BURNS, who has very similar problems with extending benefits to the unemployed, and in S. 1789 to pay for our promises today, our commitments today, and the needs of today rather than adding to the financial burdens over the next generation. It can be done without casting fiscal discipline to the wind and Congress going back on its word. Mr. President, it can be done today. It can be done early this afternoon, so that checks can be issued without further delay.

If the President's veto is sustained, and I believe it will be, I intend to ask unanimous consent for the Senate to consider S. 1789 so that we can finally end the political gridlock over this issue and get unemployment insurance checks in the mail.

Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. What is the time situation?

The PRESIDING OFFICER. The Senator from Texas [Mr. BENTSEN] controls some 18 minutes remaining and the Senator from Minnesota has 43 minutes.

Mr. SARBANES. Eighteen minutes?

The PRESIDING OFFICER. Eighteen minutes remaining to the Senator from Texas.

Mr. SARBANES. By delegation from the Senator from Texas, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 4 minutes.

Mr. SARBANES. Mr. President, I do not know whether to take out my handkerchief here this morning and wipe away the tears as I listen to the protestations of my colleagues on the other side of the aisle, my Republican colleagues on the other side of the aisle, my Republican colleagues, who have it within their power in an hour from now to provide unemployment benefits for millions of Americans who need them.

I have heard a lot of efforts to obfuscate the issue this morning, and I think the best thing to do is to quote from the words of the unemployed themselves who have written to me, who perceive exactly what is happening.

DEAR SENATOR SARBANES: I am writing this letter to you after watching the hearing on television on the problems of the unemployed people in AMERICA. The reason I put that in capital letters is because we would be better off if we were from a foreign country so that President Bush would see it in his heart to help us out. He does nothing for the Americans that are suffering.

Now, that is the first point. The Republicans constantly allude to the budget agreement. The budget agreement provided that you could go outside the budget to address an emergency.

The President went outside of the budget, and he expanded the deficit in order to send assistance overseas, but he cannot perceive an emergency at home with the millions of unemployed who are now facing what may well be the longest recession in the postwar period. It now is approaching the two longest recessions that we have experienced in the post-World War II period.

This correspondent went on to say:

I only hope that you will be able to get through to Bush and make him realize that we are in an emergency situation in our own country.

The President has recognized emergencies overseas. The President came to the Congress this very year and asked for emergency declarations in order to send assistance overseas without regard to the budget agreement, but the President cannot see an emergency here at home in order to help Americans.

This correspondence goes on to say,

What we as unemployed people want is to be able to rebuild our self-esteem, pay our bills and contribute to this country. We are not looking for a handout but right now we need more help. It is sad to know the funds are there but the President will not release them.

Well, she is exactly right. The funds are there. This is the surplus in the extended benefit trust fund. We now have over $8 billion in the trust fund. Employers pay specifically into this fund for the purpose of paying unemployment insurance benefits. The premise of the system is that you build it up when the unemployment level is low, and pay it out when the unemployment level rises. We are taking more money into the trust fund each year than we are paying out, right in the middle of a recession.

The fact that the money is not being used for the purpose for which it is intended is an absolute abuse of the principle of the trust fund. As this correspondence said, "It is sad to know the funds are there but the President will not release them."

Finally, another person wrote to me and said, "What constitutes an emergency? Whenever the unemployment rates have been this devastating in the past the Federal Government has automatically stepped in." That is true.

We have increased the extended benefits to the unemployed in each recession since World War II. Rhode Island is now triggered off and is no longer paying extended benefits. No State in the Union is now paying extended benefits even though they have unemployment rates of 8, 8½, and 9 percent.

This administration has denied consistently that there is a recession. From the very beginning, back in February, the President said the current recession is expected to be mild and brief by historical standards. In July Darman and Boskin said the economic recovery appears to be underway. It has not happened. There are millions of unemployed, Mr. President, who need these benefits. The money has been paid into the trust fund. The benefits ought to be paid.

I urge my colleagues to override this veto.

Mr. BENTSEN. I congratulate my friend, the Senator from Maryland, for his statement and his action and his concern.

I yield 4 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. I thank the manager.

Mr. President, the need for extended unemployment benefits for Americans who cannot find work is obvious. What we are concerned about is we are still in a recessionary period. This recessionary period will continue with unemployment beyond the period of time when even the indicators come up, and they have not.

But we are dealing with a human factor here. Families are barely hanging on. They have mortgages to pay, children need school clothes, in Aberdeen, Hoquiam, and elsewhere in my State of Washington. Their household bills are stacking up. They look to us for some sense that we understand their situation, that we care enough to do something.

How does the President respond? With yet another veto, claiming the good times are just around the corner. That corner is a long ways away.

Last August President Bush stood on the porch of his family estate in Kennebunkport to deliver a veto message in an earlier version of this bill. "What is the emergency?" he asked.

Even as he spoke, the State of Maine—where he goes to vacation—was suffering one of the highest unemployment rates in the country. While he frolicked on his speedboat, hundreds of workers in Maine watched from the sidelines as their unemployment benefits expired without extension. There was not any vacation for them last August, only the growing possibility of foreclosure and economic ruin.

What is really making us outraged is the fact that we have an unemployment trust fund of over $8 billion. Employers have been taxed for this. Yet the demand is being made by the President that we tax again. This trust fund was set-aside as part of the payroll taxes to assist unemployed workers in time of emergency and in time of recession.

This is the time to vote for this. I hope my Republican colleagues will remember. This is not welfare. This is not some special new program. This is a program especially set up to deal with a recession, which everyone agrees we are in, and to help the people who are working people who need that boost over to the next job.

It is with very special and perhaps a bit parochial pride that I want to thank particularly the chairman of the committee and the others in this sense of overriding this veto. We will try to help some of the timber-dependent States and communities in Washington and Oregon that were affected by Federal policy changes. These people are out of work.

We walked these communities. I was out there last weekend. As you walk through these communities, these people want enough assistance so they can get back to their jobs.

The people in the Pacific Northwest as elsewhere are hurting, Mr. President. They are hurting in those communities that are resource dependent. With this veto the President just plain turned his back on them.

So I plead with my colleagues on the Republican side, because we will need your assistance. The men and women of this country are looking to us for help.

George Bush once called these "voodoo economics." They are "voodoo economics." And this latest veto is another example that the administration is not pursuing a domestic policy.

This country fought to get rid of King George, who taxed the colonies without giving them representation. What is happening here is that other taxes are being proposed to the people who have already paid them. I hope we will override this veto.

Mr. BENTSEN. How much time remains?

The PRESIDING OFFICER. The Senator from Texas controls 7 minutes 20 seconds.

Mr. BENTSEN. I yield half of that time to the distinguished Senator from Rhode Island, 3½ minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 3½ minutes.

Mr. CHAFEE. I thank the distinguished floor manager of the bill.

Mr. President, my home State is experiencing extremely severe economic difficulties. In 1990, Rhode Island was the only State to provide extended unemployment benefits to its workers, a signal that we are experiencing the serious shortage of jobs.

Then at the beginning of this year Rhode Island was further crippled by a credit union crisis which dealt another blow to our floundering economy. Our

boat building industry has been extremely hard hit by the onerous luxury tax. Business failures have increased steadily.

Unemployment rates already high in New England are continuing to climb. Our State government has really been on the brink of bankruptcy and, indeed, was forced to shutdown for several days this year.

The year 1991 has been a tough one for builders in our State. Indicators of our State's economy, whether it is new construction, employment, consumer confidence, or manufacturing jobs, each of these reveals the State is in the midst of a very troublesome recession.

Our small businesses which have been the engine that drove our prosperity in the seventies and eighties are now being hard hit by the current downturn. Until this week Rhode Island was the only State which was triggered on to the current extended benefits program.

As of this coming October 19, Rhode Island will trigger off the program, despite the fact that our total unemployment rate is 9.1 percent, one of the highest in the Nation.

It seems to me, Mr. President, something is wrong with our current system if we cannot get the extra benefits with an unemployment rate as high as 9.1 percent. I believe we should do all we can to help those who are trying to help themselves.

The measure before us would do that. It would provide needed benefits to a targeted population for a limited amount of time. We are not talking about permanent changes of an extended benefit program, but rather a short-term extension to help the long-term unemployed.

I think this is necessary and fair. I support that. I will vote today to override the veto on S. 1722.

The PRESIDING OFFICER. Who yields time?

Mr. BENTSEN. We retain the remainder of our time.

Mr. SEYMOUR. Mr. President, I yield myself 7 minutes of our time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. SEYMOUR. Mr. President, I rise today to express my opposition to the veto override and call on my colleagues to begin a constructive bipartisan dialog on how best to deliver extended unemployment benefits to thousands of Americans and, equally as important, how to bring economic growth, create jobs, and put people back to work.

Let there be no mistake and no misunderstanding on the vote we are about to cast. This is not a vote for extending unemployment benefits. This is purely and simply a vote of hard ball, petty, partisan politics. We all know the outcome before the vote is going to be called.

Therefore, I hope that once this veto override vote and political rhetoric settles in this august body, we begin to address the real problem; for what we must decide is whether we intend to extend benefits responsibly or foolishly. We must decide whether we intend to live up to our budget agreement made just a short year ago to control Government spending, or whether we are going to continue to resort to political budget gimmickery that will only lead to an increase in the size of our deficit, this year alone projected to grow approximately another $300 billion; next year, even higher.

I have heard some of my distinguished colleagues use this idea and this word "emergency." "In an emergency, it is OK to go outside of the budget agreement."

Well, let us strike the word "emergency." Of course, it is an emergency. It is an emergency when any American is unemployed. And particularly for that person who is unemployed, it is a real emergency, I assure you. But the way we are using that word, we are trying to imply or suggest that this emergency is a way to fund it. Why don't we just be blatantly honest and say: look, what we want to do is violate last year's budget agreement. We want to further add to the deficit. What we want to do on this vote is play hardball partisan politics, rather than truly help the unemployed.

Just as important, we must decide to do more than just extend unemployment benefits. We must also give all Americans reason to be confident, that this body, the U.S. Senate, will lead to the effort to rejuvenate America's economy.

We have another proposal, and it will be interesting to see how my distinguished colleagues on the opposite side of the aisle vote on that proposal, because that will be up next—the Dole proposal. That proposal pays for itself and will not add to the deficit. It may not be quite as fancy and have all the bells and whistles, but I can tell you, from my State, the State of California, the State Economic Development Department, which is responsible for coming up with programs to support and help the unemployed and help them find work, tells me that either the Dole proposal or this proposal we are about to vote on, the override, will provide approximately the same benefits to the unemployed.

So what is the argument about? Again, it is an argument of the 1992 election nearing. I am hopeful that when this vote goes down, my colleagues on the opposite side of the aisle will say: Look, we throw down our swords. Let us work together in a bipartisan fashion to try to ensure help for the unemployed and, equally as important, join in the program of economic growth and job creation.

It was more than 80 days ago that I joined with the distinguished Senator from Texas [Mr. BENTSEN] and several of my colleagues, Republican and Democrat, to introduce legislation to extend unemployment benefits to, at that time, a lot less numbers of unemployed. Some time between that day in July and this morning, the best of congressional goodwill became the worst of policy and, unfortunately, partisan political intention.

I cosponsored that original proposal, because it offered the best hope for extended benefits to my fellow Californians that have been hit hardest by the recession. Once the engine of American economic growth, the California economy has stagnated in the midst of the recession, as well as a December freeze, and a fifth year of drought. But since that proposal contained no funding, no way to pay for it, last year's budget agreement would require the administration to make this emergency declaration to in fact bottom line increase the deficit in order to fund it.

When that proposal was first introduced, I said then that I would hope we would find a way to pay for this bill, rather than play the budget gimmickery games that we are playing today.

Well, we did not find a way. So the price is laying on the table. Now over $6 billion can either be paid for in a responsible way, as we would under the Dole proposal, or could be added further to increase the deficit, increase the interest cost to our taxpayers, and further drive us, in my opinion, into recession.

Last month, when the Senate revisited this issue, I supported the Dole proposal, and it was defeated out of hand by my colleagues on the opposite side of the aisle. When I joined with Senator GRAMM and others to offer our economic incentive program to try and create jobs—through such components as a reduction in the capital gains tax, an elimination of taxes to be paid on IRA accounts, taxes to be paid on savings accounts, and tax reductions to try to stimulate some capital growth that would be invested in new businesses and new jobs—that also was soundly defeated out of hand.

So the Democrats left us with no choice but to send the original Bentsen proposal to a House-Senate conference committee. I hoped then that when it went to the conference committee, they would find a way to pay for this bill.

But, no. Out it came with a $6 billion-plus price tag to be added to the deficit. Of course, that is why I voted no on the bill then and that is why I am going to vote no on a veto override attempt later today.

The Democrats not only failed to find a method to pay for the extended benefits, but they also included a provision that literally strips the President of his independent authority to declare a budget emergency. It may be an emergency today on this bill, but it will be

an emergency tomorrow on another bill, once this budget agreement is broken. And there are a lot of needy reasons. There are a lot of emergencies out there.

I have a crying need in my State, an emergency created by the worse plague on society, substance abuse. We have a 6-month waiting period for somebody to receive drug treatment in my State. That is an emergency, too. We have kids who need more money for education, reduced class sizes, to give them a higher quality education. That is an emergency, too.

So I would predict that if this vote was successful—and it will not be—this would be but the first of a whole series of emergencies.

So I find that Congress is up to its old tricks again, violating the budget agreement even further, and I am hopeful that once this vote goes down and we sustain the President's veto, then perhaps, as I said earlier, we can lay down our partisan swords and address the real issue. And the real issue is, No. 1, to provide meaningful extensions of unemployment benefits and pay for it as we provide them, and two, to adopt an economic growth package that will create jobs and offer a permanent solution to those millions who are unemployed.

Mr. President, I yield to the Senator from New Mexico [Mr. DOMENICI].

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I will certainly yield to the majority leader who is indicating to me he desires some time, and I yield 2 minutes. And I would like to follow with about 7 minutes and then I think we will be reserving the remainder of the time to Senator DOLE.

Mr. MITCHELL. I am not going to ask the Senator to yield to me on his time. I will take some time from this side.

Mr. DOMENICI. I thought we were short of time.

Mr. MITCHELL. I think it is enough for me.

Mr. RIEGLE. I yield 2 minutes to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, on Friday, as we all know, the President vetoed the unemployment bill. He implied that the bill was irresponsible and he said that the bill "violates essential elements of last year's bipartisan budget agreement."

With regard to both allegations, I disagree.

Over 8 million Americans are unemployed. These families are out of work through no fault of their own. Millions of Americans have exhausted their unemployment benefits, but cannot find jobs. While these families struggle to pay their bills and put food on the table for their children, a trust fund established to pay extended unemployment compensation is collecting a surplus which is now about $8 billion.

As millions of Americans continue to struggle each month, it is not right or fair that a trust fund created for the specific and sole purpose of providing such insurance during times of economic distress is not used for the purpose for which it was created and is simply permitted to accumulate funds to create an accounting gimmick for the administration.

This year the trust fund will take in 10 times the amount of money that is paid out. This trust fund was created for the specific purpose of providing extended benefits, taxes were paid for this specific purpose, and the benefits should be paid.

I do not believe that it is irresponsible to use the trust fund for the purpose for which it was created. I do not believe that it is irresponsible to assist the unemployed, who have exhausted their compensation but who have not yet found jobs.

The President says that Americans out of work, with deep running tragedy in their lives, do not represent an emergency. He says that it will bust the budget to use the trust fund for the purpose for which the trust fund was created.

But he has had no problem requesting emergency funds to help those overseas—those for whom we have not established a trust fund.

When the Kurds needed help, the President said it is an emergency, let us help them. Do not worry about the budget. When the Turks needed help, the President said it is an emergency, let us help them. Do not worry about the budget. When the Israelis needed help, the President said it is an emergency, let us help them. Do not worry about the budget.

But when Americans need help, the President says no, even though there is an $8 billion surplus in the trust fund created for the purpose of helping the unemployed.

The President says that he would support an alternative unemployment bill, one introduced by my colleague, Senator DOLE. But that bill does not take care of those Americans who have already exhausted their unemployment benefits. That legislation contains only a tiny reachback provision, a provision to extend compensation to those who have exhausted their benefits since March of this year.

While the reachback provision under the legislation that the President vetoed would assist nearly 1 million jobless Americans, the legislation introduced by Senator DOLE would assist only 135,000.

That means that under the Dole bill, jobless Americans in States like California, Missouri, and Montana would receive no assistance for those who have already exhausted their benefits.

There are 168,966 individuals in California who have exhausted their unemployment compensation since March 1. There are 21,649 individuals in Missouri who have exhausted their unemployment compensation since March 1. There are 2,941 individuals in Montana that have exhausted their unemployment compensation since March 1.

In all, there are some 31 States plus the District of Columbia where individuals have exhausted their unemployment compensation and would receive the benefit of reachback unemployment benefits under the bill the President vetoed, but who would receive nothing under the alternative bill introduced by Senator DOLE and supported by the President.

The President says he cares deeply about the unemployed. But he does not seem to care about those families who have exhausted their benefits in the last 7 months. I believe that those who have already exhausted their compensation are the most in need of an extension of unemployment compensation. Those are the individuals who have been struggling the most and who are most at danger of losing their homes, their cars, and their dignity.

The President does not care about the $8 billion surplus growing in the unemployment trust fund. While taxes have been paid once in order to build up the surplus, he says, in effect, that he wants taxes to be raised again. I think taxes have been collected and we ought to spend the trust fund for the purpose for which it was created.

I see no reason to pretend that the trust fund does not exist. The trust fund does exist. It contains $8 billion. And, that $8 billion was collected for the sole purpose of providing extended benefits in times of economic distress.

The President is wrong in saying that this legislation is irresponsible. The President is wrong in believing that those individuals who have already exhausted their unemployment compensation should be ignored. The President is wrong in believing that the trust fund should be ignored.

The legislation that the President vetoed is fair. It provides reachback benefits to nearly 1 million Americans who have exhausted their unemployment compensation since March. It targets extended compensation in a manner so that those States with the highest unemployment rates would receive the longest extension of benefits.

The alternative bill introduced by Senator DOLE would not so target compensation. Six States would receive 10 weeks of extended benefits and 44 States would receive 6 weeks. Under the Dole bill, States like Michigan with an unemployment rate of 9.6 percent, Mississippi with an unemployment rate of 9 percent, and West Virginia with an unemployment rate of 9.8 percent would receive only 6 weeks of extended benefits, while some States

with lower unemployment rates receive a 10-week extension.

You do not need to be an economist to figure out that the higher a State's unemployment rate, the harder it probably is to find a job. That is why in our bill, we have provided extended benefits on a scale that increases as the State's unemployment rate increases.

Under our bill, we have targeted extended unemployment compensation in a manner that takes into consideration the State's employment situation. But the President calls this "complex" and "cumbersome." I disagree. Targeting the extension of benefits to a State's unemployment rate is common sense.

The legislation we are considering today is fair. It is responsible. It contains a strong reachback for those who have already exhausted their compensation. It provides a targeted extension of benefits pegged to a State's unemployment rate.

I urge my colleagues to join in overriding this unwise and unfair veto. The President was willing to go outside the budget agreement to help people in other countries. What is wrong with helping Americans in need, especially when there exists a trust fund created precisely for this purpose?

I hope my colleagues will join in overriding the veto.

Mr. RIEGLE. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me ask how much time we have.

The PRESIDING OFFICER. The Senator has 28 minutes.

Mr. DOMENICI. I yield myself 7 minutes of this time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I open by answering the distinguished majority leader, who posed the question why would we not use the trust fund which has accumulated over the years. The answer is very simple: 75 U.S. Senators said "no." That is why. Not 1, not 10, not 51; 75 U.S. Senators said "no." They said "no" on that day that they voted for the enforcement mechanism of fiscal policy for this Nation for the next 5 years. They said "no." They said "no" to all the trust funds. They said you start with them as a base and you do not spend them unless in spending them you hit the budget targets that are required.

I regret to say this, but it is absolutely unfair to talk about the trust fund is there and the President should spend it. Seventy-five U.S. Senators from both sides of the aisle voted "no." So one can now come to the floor and say there is a trust fund for highways, it has money in it, spend it, and the same argument to be made: It has been collected in gasoline tax, it is in the trust fund, spend it on highway programs. The answer is "no."

Why no? Because the Senate said "no." And the U.S. House said "no." They said this will be enforced in this way and in deciding which way you cannot spend trust funds below the baseline because to do that is to raise the deficit as we have defined the deficit.

In other words, Mr. President, for those who are interested in why, because some may say that is really not so smart, it seems kind of ludicrous. Some say, well, if you spend trust funds down you increase the deficit. The way the deficit was defined by whom? By this Congress, who voted for it. So that one really makes no sense. It will never help get one nickel to the unemployed of this country for those on the other side or this side, for those to stand up and say this is a trust fund, spend it. So what we agreed to, we agreed that anything that was going to be spent that would break the budget was out of order unless it was an emergency.

An emergency is defined not by the President, not by this Senator. Let me suggest it was defined by 75 U.S. Senators who said what an emergency is. They voted "aye," and in that law that they voted "aye" on, it said the emergency must be declared by the Congress and the President.

So I do not believe we ought to be talking about emergencies unless we are prepared to say an emergency by our own definition is something that is untoward and immediate and both the President and the Congress agree that it is.

So in this bill, one of the reasons that we who are worried about fiscal policy, about the deficit and about enforcing this 5-year agreement so we do not spend ourselves even into more economic ruin than we have today with lack of production and investment capital, what we are saying is do not redefine an emergency and leave the President out. He is supposed to be a partner. So what did we do? We sent him a bill and it said this bill, by your signing it, Mr. President, you have declared an emergency.

Is that not interesting? On every other emergency he has agreed in advance with us that he would join us in declaring it an emergency. So obviously he would like to discuss emergencies with us for the reason the junior Senator from California said awhile ago.

If we do not have both doing it, we can take the 5-year agreement and throw it out the window because every time there is a need—and there are many needs—we will write a bill and self-declare in the Congress this is an emergency and send it to the President.

So why would we have a budget? We finish a budget and every time we had a new need we would put this in as an emergency and send it to him and say, when you sign it, it is an emergency. He would have to veto it if for nothing else we are dictating an emergency in the statute instead of asking him to say that it is.

That should, I think, perhaps dispel the notion that this is a trust fund which should be used for this. Yes, it should. If Congress does it the right way, and what the right way is, it is the way we agreed to about 13 months ago, and 75 Senators voted for it. The House agreed to it.

So on that score we have heard some eloquent arguments. We have seen some brilliant graphs. They are very visible because they are in red and white. But the truth of the matter is that they are irrelevant. Other than there is money there that, if you want to declare an emergency to spend it, you can spend it, or if you want to fit it in the annual budget amount that we have set as our own targets, then you can spend it instead of some other money. Point No. 1.

Point No. 2, we are not going to get help for the many unemployed in our country by sending bills like this to the President, and everyone should know it. Those who are now engineering, leading, an effort to get unemployment extended in the United States, if 3 or 4 weeks ago they did not learn then, maybe they will learn today that it is not going to be done by declaring an emergency in the U.S. Congress and spending money. It is going to get done when we agree with the President to spend money on unemployment that we do not add to the deficit but rather pay for it in some way by changing tax law or canceling programs.

And the law is very clear. Lacking an emergency, you do not change a program like this, an entitlement like this, unless you pay for it.

I will close by saying I am sure that the distinguished minority leader, Senator DOLE, will once again today follow up on my last remarks that you are not going to get any unemployment extension by unilaterally declaring an emergency. You are not going to get it.

You are going to have to do it by paying for it. He is going to suggest, if we quit arguing, quit trying to win this issue, quit trying to make it an issue that the President is trying to hurt people and others are trying to help them, quit trying to do that and produce a bill that pays for itself, like the Dole-Domenici bill, we will get some unemployment compensation extension.

There will be, when that measure is offered, those who will say it is not enough. I submit if we would have adopted it when we first offered it, many, many hundreds of thousands of Americans would have been getting extended unemployment benefits under it, and they are not going to get them now because we are still deciding who wins this political battle.

Now I would like to have printed in the RECORD two things. First, in the Washington Post this morning, it suggests that we should support the President's veto and suggests very, very succinctly that the extensions are needed, but we ought not break the budget; we ought to pay for it.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Washington Post, Oct. 16, 1991]

VETO NO. 23

The Senate is scheduled to vote today on the president's veto of a bill extending unemployment benefits to hundreds of thousands of workers who have exhausted the basic 26 weeks. The benefits are needed, but the veto ought to be upheld. The Democrats approved the extension without a tax, asking instead for a declaration of emergency that would bypass the budget agreement and add the estimated $6.4 billion cost to the deficit.

That's wrong. The deficit will already be more than a third of a trillion dollars next year. The borrowing (much of it from abroad) is a dangerous drain on the economy. The empty Treasury threatens the ability to govern. If only for the sake of the Democrats' own agenda, the deficit has to be brought down. The Democrats see a political risk in voting for tax increases, but if they cared as much as they claim about the the unemployed they'd have taken the negligible risk—as they still should—and voted to finance this legislation.

The law already provides for extended benefits in certain circumstances. The bill would reverse a Reagan-era budget cut and make those circumstances easier; it would take a lower unemployment rate to put the extended benefits in play. The administration's objections are not fiscal only. The bill involves an admission that the recession has been more serious than the administration would like the public to believe. It says the recession was relatively shallow and makes the good point that the Democrats didn't act until it was nearly over.

But the Democrats make the equally good point that when recessions end, the increased unemployment that they cause does not. It lingers. The rate continues to be close to 7 percent or one willing worker out of 14. There are 2 million more unemployed than there were a year ago, and the weak recovery in prospect is unlikely to reduce either of these numbers soon. The unemployment insurance system has been much weakened in recent years. It covers less of the work force than it used to, and covered workers exhaust their benefits more quickly. They are doing so now at a rate of several hundred thousand a month.

Yes, a bill should be enacted, but it should be fiscally responsible. Strip the president of his reasons. Uphold the veto, then pass the bill again as House Ways and Means Committee Chairman Dan Rosentkowski proposed, with a tax increase to pay for it.

Mr. DOMENICI. Second, Mr. President, there is an interesting article about the latest Nobel Prize winner in economics, Ronald H. Coase. I only introduce this article because one of the economic studies that he did and one of the suggestions that he made on changing the way we do business answered the following question: What is the best way for the Federal Communications Commission to allocate radio frequencies to broadcasters?

Interestingly enough, he, after much study, indicated the best way is to auction them, as is provided as part of the method for paying in the Dole-Domenici bill, which extends unemployment compensation.

I ask unanimous consent that this article in the Washington Post regarding this Nobel winner be printed in the RECORD.

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

NOBEL PRIZE IN ECONOMICS GOES TO UNIVERSITY OF CHICAGO PROFESSOR

(By Anne Swardson)

Ronald H. Coase, an economist at the University of Chicago's law school, yesterday won the Nobel Prize for economics for decades of work explaining the relationship between laws and economic behavior.

While groundbreaking when he formulated them beginning in the 1930s, Coase's theories have become so fundamental a part of both law and economics, experts said, that by now they seem to be virtually common knowledge. They can be applied to a wide array of questions:

How can companies that pollute the atmosphere be charged for the cost to society of their pollution?

What is the best way for the Federal Communications Commission to allocate radio frequencies to broadcasters?

Why are taxi fares higher in New York than in Washington?

"Basically, he altered both lawyers' and economists' way of thinking about the interaction between legal rules and the economic welfare of a society," said Richard F. Fielding, director of George Mason University's Law and Economics Center in Arlington.

Coase, 80, was said to be in the south of France and could not be reached for formal notification that he had been granted the $1 million award. British-born, Coase received his education at the London School of Economics. He still does research at the University of Chicago, where he went in 1964 after teaching at the University of Virginia for six years.

The Royal Swedish Academy of Sciences, which chooses Nobel winners, said Coase's theories are "among the most dynamic forces behind research in economic science and jurisprudence today."

"He is the most unassuming person you can imagine," said Douglas G. Baird, Coase's successor as director of the Chicago program in law and economics. "He has a wonderful dry wit, a charming English accent. He is a great man."

Today, when Congress considers tax legislation or environmental bills, it seems only natural to ask how people might respond—whether investors could try to find loopholes in the tax laws, or businesses might hire lobbyists to defeat a regulation. But when Coase began writing in the 1930s, law and economics were considered two entirely separate disciplines.

In a scholarly article, Coase used a simple analogy to postulate his theories that the two were connected. Say a farmer and a rancher each wanted to use the same land, one to grow corn and the other to graze cattle, he wrote. Under the way of thinking prevalent at the time Coase began his research, the government would come up with a plan for the farmer to get payment for his trampled corn or the rancher to be paid for losing grazing space.

Coase showed that society as a whole is better off if the two simply negotiate their own compensation. He did this by emphasizing what economists call transaction costs, the expense of paying lobbyists or negotiating contracts or trying a case in court. The lower the transaction costs, the better off society was.

So, for instance, the FCC should auction broadcast rights rather than require applicants to prove—through expensive procedures—that they are the best-qualified for the license. New York should freely grant taxi licenses rather than limit the number of medallions so each one acquires its own value. Polluters should be allowed to "buy" the right to pollute, at the appropriate price, rather than have to meet arbitrary standards set by the government after lengthy wrangling.

Law and economics, as the field is called, "recognizes the market as a complement to human behavior. Behavior will be affected as much by economics as by the rules. So what then is the most efficient and cheapest way of bringing about the desired end?" said Steven M. Crafton, also of the George Mason law and economics center.

As the growth of the George Mason center shows—it moved here from the University of Miami and Emory University in 1986, and now hosts numerous seminars for practicing attorneys and sitting judges, among other things—Coase's ideas have caught on.

Federal appeals judges Richard A. Posner and Frank H. Easterbrook are two adherents of the law-and-economics approach, although the application of economic principles remains controversial in some legal circles.

Mr. DOMENICI. How much time do we have remaining on this side?

The PRESIDING OFFICER. The proponents have 19 minutes.

Mr. DOMENICI. I yield the floor and reserve the remainder of our time.

Mr. RIEGLE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. RIEGLE. Mr. President, it is essential that this veto be overridden, because it is an emergency issue. People out there are in desperate need. They need help. The Senator from California spoke on this.

In the bill that we have here, that we have already passed and the President vetoed, there are 200,000 unemployed workers in California who will receive benefits under our proposal who would receive nothing, not one dime, under the Dole proposal. The Dole bill is a sham bill. And I can illustrate it with respect to two points.

First of all, there is already over $8 billion sitting there in the extended unemployment benefits trust fund. That money has been collected over a period of time precisely to pay out benefits to unemployed workers and their families in circumstances like this.

Let me tell you about Michigan. Unemployment in Michigan has just gone up to 9.7 percent. I have 170,000 unemployed workers out there who have exhausted their unemployment benefits,

or will over the next year, and cannot find work. They need to be able to feed their families. They need to be able to keep a roof over their heads. They need this help. The money is in the fund. The money ought to go to them.

Under the Dole bill, a third of those 170,000 would not get one dime and the rest, instead of receiving 20 weeks extension in a job market where there are no jobs to be had, where unemployment is rising, would only get 6 weeks. The Dole bill is not an answer to this problem.

This bill was passed here in this Senate by 65 votes. Now, 65 votes ought to be a sufficient majority, but the President wants to be a majority of one, because he does not think it is necessary, and he does not think these people are important. He thinks the people in Mexico are important, because he has a jobs program for Mexico. He has a jobs program for Kuwait. The Bush administration has a jobs programs for China, for Russia, for every country around the world except this one.

We need a jobs program for America. Until we get one, the unemployed workers deserve to receive the $8.4 billion in that trust fund that has been collected to help them keep their lives together in a situation like this. It is necessary, it is vital, and it is time that this Government acts and does what is right for our people for a change.

I reserve the remainder of my time.

Mr. DOMENICI. Mr. President, I understand that Senator RIEGLE has no time remaining.

The PRESIDING OFFICER. Senator RIEGLE has half a minute.

Mr. DOMENICI. May I just take 1 minute, and then I will yield to the Senator from Montana.

Let me suggest, with reference to a jobs program, it is interesting that the other side—in particular, usually, the Senator from Michigan, who just spoke—talks about the President and foreigners and Republicans. But I submit the American people are not fools. Where is the Democratic plan for jobs? I will tell you.

If it is what we have been voting on for the past 18 months, the agenda, it will not produce one job. Motor voter, how do you get more people registered, leads the show. The Hatch Act reform, and about four more like it. I submit it will not produce 10 jobs, unless it is more public jobs that have to implement the likes of what is being suggested.

So I think it would be nice for those who criticize to suggest something of their own, rather than to carp, as has been done.

I am pleased to yield 5 minutes to the Senator from Montana.

Mr. BURNS. I thank my colleagues from New Mexico.

Mr. President, as we look at the economic conditions around the United States, it would be fair to say that we are in a regulatory recession created somewhat by the economic policies of Government.

There is hurt. There is hurt in Montana; there is hurt in California; all over this Nation. If anything should teach us anything over the last 4 or 5 days, it is that it is time that this body becomes fiscally responsible and passes a piece of legislation that does, yes, extend unemployment benefits to our unemployed, maybe looking at a retroactive provision, and extend them out to where these people can go back to work.

What is the biggest job creator that is being held up in Congress now? I would say it is the highway bill. The Senate passed a good highway bill. It puts people to work. It builds infrastructure in the United States. No need even for unemployment benefits when everybody is working. But no matter how good the times, we are always going to have about 5 percent unemployed. We are always going to have that, no matter how good the times.

So it is time that we take on the real purpose of the U.S. Senate and develop some statesmanship and some leadership, and do it in a fiscally responsible way. Why put another tier of debt on our children and grandchildren to pay off?

The No. 1 concern in America is the national debt and deficit spending. We will be paying a lot more in interest on the national debt than we are paying for this piece of legislation here. And we keep adding to it.

There are alternatives, and they will be offered here, after the veto is sustained by this body. We must be fiscally responsible. There are ways to pay for it, almost painless ways to pay for what this piece of legislation will really cost.

I can hear in my State, "There they go again, passing another bill that does not have enough money to cover it." I can remember, it was a little over a year ago when the budget agreement was agreed to. Now who is trying to break those provisions that were fiscally responsible? Done in the name of politics? I do not want to say that. But could it be? I think so.

So, let us take a look and see what it really does. The leadership in the Senate passed a good highway bill. It got to the House of Representatives. They have not passed one yet. Just now they are in the process of considering it. Let us do some progrowth things. If you want to get money in the marketplace, if you want to provide jobs, what about investment credit? What about lowering the tax on the transfer of assets? The only way you put people to work is if there is commercial activity, not long lines at an unemployment office. What do we want to do? Jerk the work ethic out of the American worker, the best worker there is in the world, a worker who understands productivity? He wants to work to retain his pride, feed his family, contribute to a community. Basically that is what we are talking about here.

Those who need help we want to help, the President wants to help, and we can pay for it in a fiscally responsible manner. We will offer legislation after the vote that will do just that. The President will sign it.

The PRESIDING OFFICER (Mr. GORE). The Senator has used the 5 minutes yielded to him.

Mr. BURNS. Mr. President, I hate to go over my time. I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, the President wants responsible extended benefits legislation. In vetoing S. 1722, the Emergency Unemployment Compensation Act of 1991, President Bush said:

> If a bill providing unemployment benefits in a responsible manner—financed under the budget agreement—reached my desk, it would be signed immediately so we could provide real additional benefits to the unemployed.

I do not think that the message could be clearer, that the President wants legislation that will provide unemployed Americans with extended benefits. He has been saying so for months.

But he will not do so at the cost of the budget agreement. Sending the message that Washington does not care about increasing the deficit—that Washington has no fiscal control—puts all Americans at jeopardy.

S. 1722 jeopardizes all Americans. It puts employed and out-of-work Americans at risk because it jeopardizes the economic recovery we have just started to see.

It puts future generations at risk because they will have to pay that money back with interest to the Germans or the Japanese or whoever is funding the United States Government at that time. And this, Mr. President, is really the bottom line of S. 1722 and why the Senate should sustain that veto.

If this debate were just a matter of who could provide the most generous package, then I would have offered a package of 25 or 30 weeks of extended benefits with a reachback covering everyone. But if that is the approach that Congress is going to take, what will be the economic future of this country?

I know my colleagues on the other side of the aisle have lots more programs—probably some good ones—that will hike the deficit up billions more. But if we were to do all that, "Economics 101" says that you will see higher interest rates, lower business activity, and higher unemployment.

In short, Mr. President, the deception of S. 1722 is that it gives extended benefits with one hand, while taking away jobs and economic growth with the other.

This debate has only been about politics. If my colleagues on the other side

of the aisle were truly serious about getting benefits to unemployed Americans, they would have sat down with the President and congressional Republicans a long time ago to craft a bill that does not bust the budget agreement and run up the deficit. Certainly, as we all know, the invitation to do so has been there.

But I honestly do not think, Mr. President, that my colleagues on the other side of the aisle want an unemployment bill. At least the record so far would seem to indicate that they are more interested in political benefits than extended benefits.

Twice a bill that we all knew from the beginning was unacceptable has gone to the President. I wonder how many more times we will continue to send the President the same budget-busting legislation, that produces political showdowns but no extended benefit checks in the mail.

AMERICAN PEOPLE ARE TIRED OF POLITICAL GAMES

I think Americans are tired of political games for they only benefit the politicians. We all want extended benefits legislation. There has been no controversy on that issue.

The difference, however, between this side of the aisle and the other is that we believe it should be paid for. I truly believe the American people want legislation that is paid for. I truly believe the American people are tired of Congress turning a blind eye to the deficit and further mortgaging this Nation's future.

DOLE ET AL. ALTERNATIVE

After this vote, I shall seek unanimous consent to have the bill offered by myself, along with Senators DOMENICI, ROTH, LUGAR, SIMPSON, DANFORTH, BOND, SEYMOUR, and others—S. 1791, the deficit-neutral Unemployment Compensation Act of 1991—discharged from the Finance Committee for immediate consideration.

It is now 46 days and counting since benefits could have started under the proposal offered by myself and others back in August. Let us not continue to let the days needlessly tick by.

I have heard a lot of criticisms of the bill saying that it does not go far enough. We would all like to offer more but not like S. 1722, which takes away from the American people much more than it gives.

If there are acceptable ways to finance more benefits under our alternative, I am more than happy to discuss them as possible modifications. But let us start talking rather than sending the President irresponsible legislation that should never become law.

I urge my colleagues to vote to sustain the veto so that a serious debate on extended benefits for unemployed Americans can begin. That way, checks can be put in the mail and food can be put on the table.

Let us not go through this exercise again. I hope this is the last time. I hope now we will have some action on the other side to figure out some responsible, fiscal way to pay for unemployment benefits. It is one thing to talk about benefits; it is another thing to pay for benefits.

What we want is a bill that the President will sign. We have a couple of alternatives on this side. One, called the Dole bill, is not quite as generous as the Durenberger bill but at least we pay for it. As someone said earlier, there may be no precedent for that in the U.S. Senate, but why not start some? Why continue to run up the deficit, to add $6.2 billion to the deficit, charge it up to our grandchildren, have an adverse impact on those who are even unemployed now and call this a benefit?

We are prepared to move. In fact, I will ask unanimous consent after the veto is sustained to have immediate consideration of my proposal. I want to serve notice on my colleagues on the other side, if we have immediate consideration, I will move to pass it by voice vote.

I think the Senator from Minnesota is going to make the same request in the rare event mine should be objected to. But if there is an objection, we certainly will be hopeful to entertain Senator DURENBERGER's and Senator BURNS' suggestion.

What the Democrats have in mind is more spending, violating the budget agreement—even putting unemployed people at more risk because the Democratic proposal jeopardizes the economic recovery we have just started to see. I must say it is not bounding out of sight. It is pretty flat. But this would be another nail in it. It puts future generations at risk because they would have to pay that money back with interest to the Germans or Japanese or whoever is funding the United States Government at this time.

Mr. President, the bottom line is the President would sign our proposal just as he has vetoed this proposal. Really, it is the same proposal except with one change. This would be the second rejection. I do not know how long we can play this game with the unemployed workers of America. As I have said before, I am not certain unemployed Americans are sitting around with a score card saying: Let us see, this is the Democratic plan and this is the Republican plan and this is the better plan. What they want are benefits. They want the money to start flowing. And it can start flowing very quickly if we adopt one of our proposals. It is paid for. And we have letters on the Dole proposal from both OMB, the Office of Management and Budget, and CBO, the Congressional Budget Office. Our proposal is in accord with the budget agreement.

The proposal on the other side is not. I have heard all the speeches about the trust fund, but all that was considered in the budget summit. Many of us each held our nose and voted for the budget agreement. Now, some of those who voted for it and some who voted against it already want to violate it, and the ink is barely dry.

Mr. President, I do not know how many times this bill will go to the White House. It seems to me there ought to be some responsible action that can be taken. We are prepared to discuss legislation, extended benefits, helping unemployed workers all across America, in my State, in every other State. But let us pay for it. Let us not come up with some gimmick. Let us pay for it. So I would be surprised if the veto is not sustained. And, as I have indicated, after the vote I will seek unanimous consent to have the bill offered by myself, Senators DOMENICI, ROTH, LUGAR, SIMPSON, DANFORTH, BOND, SEYMOUR, and others—I will ask it be immediately considered.

I just close by saying it has now been 46 days and counting since benefits could have started. We could have had benefits out there for 46 days, 7 weeks almost, if we had adopted the proposal of myself and others back in August. Let us not continue to let these days needlessly tick by. We are ready to go. We are ready to help the unemployed workers of America. We are not willing to engage in politics as usual, spending as usual, run up the deficit as usual. The American people have had enough of that. The Democrats' plan will put more people out of work in the long run. So let us be responsible for once. We ought to be responsible at least once a week. Come to think of it we were responsible last night. Let us be responsible twice this week.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DURENBERGER. I yield myself as much time as I might need.

Mr. President, I just want to reinforce the comments of the Republican leader to the effect that those of us on this side, some of whom, like me, have voted for the original Bentsen plan, have now determined that having abandoned the principle of revenue neutrality and pay for your promises on the Democratic side of the aisle, we have come up with an alternative that will be even a better proposition for extended benefits than was in the original Bentsen bill that went to the President in the beginning of August.

The major difference between the Dole proposal, which I trust no one will object to, and mine, which is there just in case somebody will object to it, is that in the Dole proposal the extended benefits on the two-tier approach are 6 weeks and 10 weeks whereas in my bill it is 8 weeks and 15 weeks.

I would just like to reiterate, for those of my colleagues who will talk to whoever is responsible for objecting on the other side, that under the provision

in my bill, the 8-week/15-week bill, and particularly the difference between the 8 weeks and the 7 weeks in the Democratic conference report is the unemployed in 32 States in this country—including Minnesota, I hope Tennessee—will do better under the Durenberger approach than under the Democratic proposal. Six months from now, an additional eight States will do better under this approach than under the Democratic approach.

So, if you are from any one of those 40 States, I would certainly recommend you think twice about the different approaches here, the value, of course, of the Republican approach, whether it is the Dole approach or the Durenberger-Burns approach. This one is paid for. This one is not the one that sends the bill to the children.

As I indicated earlier, too, Mr. President, in the event that someone objects to consideration of the Dole-Domenici et al. proposal, that Senator BURNS and I are prepared to ask unanimous consent of this same body to take up our proposal, S. 1789.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 1 minute for the purpose of asking a question of the distinguished senior Senator from Minnesota.

The Dole-Domenici bill pays for itself in each of the years. Do I understand that the expanded benefits that my colleague propose differ but they are budget neutral over the life of the budget agreement, over the 4½ years or 4 years remaining of the budget agreement; is that correct?

Mr. DURENBERGER. Mr. President, the Senator from New Mexico is absolutely correct. S. 1789, our proposal, is paid for in each of the years. We just do it differently from the Dole proposal.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Republican leader has 3 minutes remaining. The manager of the bill has 30 seconds remaining.

Mr. RIEGLE. Mr. President, I yield myself what time is left.

The benefits would be flowing right now to the unemployed workers if the President had not vetoed this bill twice. Those were really inexcusable vetoes. The bill has been passed by an overwhelming vote in both the House and Senate. What the Republicans are saying is that people ought to pay twice. There is already $8 billion in this trust fund, there is no doubt about that. Their bill would provide a tiny fraction of the benefits needed than would be paid out under our bill.

Frankly, it is a sham bill and designed only for politics and not to meet the problem. It does not come close to what we have done in previous recessions. It is politics through and through. If these folks would go out and meet with the people in the unemployment lines who are desperately trying to hold their lives together, they would override the veto and get the benefits to them today in the amount that is needed.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the word "sham" was used. I do not like the word very much, but let me suggest the arguments about the trust fund are a sham. They are being argued as if the President has something to do with the trust fund issue. We, let me repeat, 75 U.S. Senators, voted that trust funds could not be used in violation of the budget numbers. They were all frozen and used as part of the starting line for budgets. So if we were going to spend them, we had to spend them under emergency powers. Point No. 1.

Point No. 2, it is not to be questioned. It is unequivocal that had the Dole-Domenici bill been passed, unemployed people in the United States would have already received 46 days of benefits—the same size benefits, the same amount of benefits. For 46 days they would already have received them. Who is responsible for that?

The third point. The distinguished Senator from Michigan continues to talk about emergencies and accuse the President of declaring emergencies for all kinds of things but not for this.

That is patently, absolutely wrong. The only emergency involving foreign use of money overseas was immediately after the war when everyone in this body, and the President, agreed to some immediate aid to Israel and Turkey. All the others, the litany of programs that they have spoken of in foreign aid, all came out of the war fund, not out of our budget; the war fund from our allies accumulated the money and the interest which was used to pay every one of the foreign assistance items that have been mentioned by the distinguished Senator from Michigan and others. Everyone should know that. They can check it out, and that is the truth of it. There was no emergency waived as to domestic programs. No domestic dollars where waived to be used as an emergency. They were from the war fund set up by the foreign countries who helped us in the war.

Mr. President, after this vote, and when we sustain the President's veto, Senator DOLE will ask that the bill that he and I have been putting before the Senate regularly be considered so that the Senate can take it up and vote on it. I believe it is the right thing to do. But if the Senate is not so disposed, I believe they should seriously consider the measure offered by Senator DURENBERGER and Senator BURNS. I do not think there is any objection to it. I do not know that the President would sign it, but it seems to me that he should. It is neutral over the 5 years. It is paid for, and I believe that is better than sitting around here arguing who is doing more for the unemployed in this country. I yield the floor.

Ms. MIKULSKI. Mr. President, I rise today to express my outrage at the veto by President Bush of the Emergency Unemployment Compensation Act of 1991.

Last Friday, George Bush dashed the hopes of many unemployed workers and their families by vetoing the Emergency Unemployment Compensation Act. The President doesn't feel that extended benefits are needed. President Bush thinks that we are coming out of a mild recession and we are on our way to economic recovery. I say tell that to the people in Maryland who have been out of a job for over 6 months and can no longer buy groceries or pay next months house note.

President Bush talks about how the economy is on a rebound; that economic recovery is just around the corner. He tells us not to bust the budget agreement by passing this bill. He says that the economy cannot afford to extend unemployment benefits.

I say, we cannot afford not to extend the unemployment benefits. In my own State of Maryland we have 150 workers who were laid off just last week from the Schmidt Baking Co. in Cumberland. Soon 1,200 folks will be laid off at Westinghouse's Electronic Systems Group. I don't think that they feel we are coming into economic good times. Ask the Maryland State troopers who were scheduled to lose their jobs last week because the State has no money to pay them. Ask the hundreds of workers at Bethlehem Steel who have been laid off over the past year.

The unemployment bill that President Bush vetoed is already paid for. We have an unemployment trust fund that contains $8 billion in surplus money created just for this kind of situation. It's there for economic emergencies. Mr. President, this is an emergency.

The promise of economic recovery will not put workers back on the job and won't pay the family bills. Thousands of Marylanders are looking for work now. Thousands more are losing their jobs and losing their benefits. We need to immediately extend unemployment benefits for those States with the worst unemployment rates. The long-term unemployed can't wait for trickle down economics to take effect.

Mr. President, they aren't looking for a handout. They just need a hand.

The following article which appeared in the Baltimore Sun on Sunday, October 13, 1991, might give the President a view of the economy that the American people are facing right now.

When my name is called this afternoon, I will vote for America's workers. I will vote to override President Bush's veto.

I ask unanimous consent to include the Baltimore Sun article in the RECORD.

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

[From the Baltimore Sun, Oct. 13, 1991]

UNEMPLOYED FOR 2 YEARS, MECHANIC STILL HAS HOPE

(By Michael Pollick)

In his gray Davidson College sweat shirt and jeans, Mike Pugh might be mistaken for a construction worker taking a break as he sits on a concrete stoop at the corner of Broadway and Aliceanna Street in Fells Point.

But while he has considerable job skills as a mechanic, Mr. Pugh, 39, has not had a steady job in more than two years.

Occasional jobs as a day laborer have brought some money, but he says. "They pay you $25. By the time you come back, buy dinner, wash your clothes and buy some cigarettes, you're right back where you started."

Mr. Pugh—and millions of Americans like him—illustrate the tremendous human cost hidden behind the nation's unemployment statistics.

While the Bush administration downplays the recession, noting that the unemployment rate is well below the rate of previous recessions, millions of jobless or underemployed Americans are going uncounted.

They include so-called "discouraged" workers, who say they'd like to work but have given up looking, and part-timers who want to work full-time. Both groups are excluded from the Bureau of Labor Statistics' "official" jobless rate—6.7 percent in September.

The official rate, buoyed by positive assumptions, seriously underestimates the extent of the nation's unemployment problem, some economists say.

The bureau acknowledges the issue—buried deep in its monthly press release is another jobless rate that may come closer to reality: 10.1 percent.

But some think that even 10.1 percent understates the problem.

"My number is 12.5 percent." said Lawrence Mishel, an economist with the Economic Policy Institute in Washington.

If Mr. Pugh is reflected in the Bureau of Labor Statistics' figures, it is not clear how. Is he a part-timer, and therefore considered part of the employed labor force? Or is he counted as one of the 1.1 million discouraged workers—a group that, like the 6.4 million part-timers who would rather work full-time, is tallied by the bureau but excluded from the "official" rate?

Or, is he overlooked completely, since he has no permanent address?

Jack Bregger, the bureau's assistant commissioner for current employment analysis, said it would take an interview by an enumerator to determine Mike Pugh's status on any given day.

"If he has done any work at all in a given week, he wouldn't be counted as unemployed," said Mr. Bregger. The homeless, he added, are covered in surveys if they are living in a shelter.

Whatever the case, Mr. Pugh seems to be functioning with no safety net. And he has that in common with many other essentially jobless people.

"Far fewer of the unemployed are getting any benefits now versus in the mid '70s or early '80s recessions. That's why there's a big political fight about extended benefits," said Mr. Mishel, who has devised his own rate to show "the portion of the labor force that is under stress." One major difference: Although the government's 10.1 percent rate counts part-timers as half a person each, he includes them all, figuring that they are definitely "under stress."

September's jobless rate fell from the 6.8 percent level of the prior two months and of the second quarter. The Bush administration pointed to the figures as further proof the economy was recovering.

But the number of discouraged workers, which the bureau defines as "people who want to work but are not looking for jobs because they could not find any," increased by 100,000 in the latest three-month period, to 1.1 million. That put the total at its highest level since 1987.

Meanwhile, ranks of those who are being forced to work part-time because they can't find a full-time job rose by 669,000 in the last three months to reach 6.4 million.

THE UNRECOGNIZED

Angelique Dedmon, who at age 19 has already served a year in the National Guard, falls into this category, which BLS says is often referred to as "the partially unemployed." When she came off active duty in the Guard a month ago, she began looking for a full-time retailing job in Baltimore, her hometown. But she has yet to find a position, even at the lowest wage levels.

Prior to joining the Guard, she made $5.25 an hour as a full-time supermarket cashier, but she is now forced to accept a series of temporary jobs. Her latest job, hanging clothes and unloading trucks for the Limited Express at Towson Town Center, started this week and ends Tuesday. She is paid $4.50 an hour.

"You've got to get what you can."

Accurately counting the nation's unemployed isn't easy. Even officials at the Bureau of Labor Statistics, while defending the official jobless rate as a way of measuring change over time, acknowledge that their 60,000-household sample has its shortcomings.

"The under-counted population may be a bigger problem than the homeless," said Mr. Bregger of the bureau.

"Even though they live somewhere, they don't want their existence to be known to enumerators for a variety of reasons," he said. He listed a few: illegal aliens, men who prefer not be be counted because a household can only receive Aid to Families with Dependent Children if the man of the house is missing, and people who are so crammed into living quarters that their occupancy itself is illegal.

If discouraged workers and part-timers are under-recognized in the statistics on the federal level, they are nearly non-existent on the state level.

"In the state of Maryland, if you are an individual not pursuing employment in some kind of way—and that includes registering for the Maryland Job Service, collecting unemployment insurance benefits, all those kinds of things—then for the most part you are not recognized," said Curtis Kane, assistant director of public information for the state's Department of Economic and Employment development.

Regarding discouraged workers, Mr. Kane said, "We have no methodology to determine who they are, where they are, or how many there are." But improperly measuring unemployment could have serious consequences.

"If you don't have an accurate measure of the problem, or you have one that shows the problem being too small, then you don't develop programs to address it," said Debra Silimeo, press secretary for Congress' Joint Economic committee, which is chaired by Sen. Paul S. Sarbanes, D-Md.

The debate over the jobless rate, until now largely academic and partisan, may gain added importance if Congress pushes through its new extended unemployment benefits package over President Bush's veto.

Today, extended benefits are tied to each state's actual jobless insurance claims. Under a proposal that has passed the Senate, extended benefits would be triggered by the Bureau of Labor Statistics' jobless rate, which is broken down for each state by complex computer programs.

Meanwhile, the Bureau of Labor Statistics has yet to implement one of the most significant recommendation of a 1979 presidential commission on job statistics—that at least some of the nation's discouraged workers be counted among the unemployed.

A POLITICAL FOOTBALL

We are "completely ignoring the discouraged workers the way they are reported now," said Sar Levitan, a veteran Washington economist who headed that 1979 commission to improve labor statistics.

He thinks one-third to one-half of the so-called discouraged workers, or 400,000 to 500,000 people, really belong in the ranks of the jobless. The higher figure would raise the unemployment rate to 7.2 percent.

"Can you imagine any administration just agreeing to increasing the unemployment by such a magnitude?" he asks.

Mr. Pugh isn't sure which category he fits in, and doesn't care. He just wants a job. "I'm an unemployed, trying-to-find-a-job, discouraged worker," he said.

He said that in November 1989, he quit his job at a food-processing plant near Lynchburg, Va., where he learned to maintain hydraulic, pneumatic and refrigeration equipment. He expected to make bigger money in Baltimore, in style.

When he cannot get a day-laborer job, he says, he might spend the day sitting around. "Sometimes I just walk from soup kitchen to soup kitchen."

At this point, he can't even afford a room, and he either sleeps in a homeless shelter or an abandoned building.

When he applies for a job, he gives as his address the soup kitchen around the corner from his perch, Beans & Bread at 1621 Aliceanna St.

"I had these big dreams," he said "I was going to come back and build a nice house."

Mr. CRAIG. Mr. President, I rise today to express my continued support for the President and to voice my opposition to S. 1722, the Emergency Unemployment Compensation Act of 1991.

Let me say that I am deeply concerned about the needs of the unemployed and their families. In my own State of Idaho, the unemployment rate in some areas is alarming. It is not as bad as in past years and it may not be the chronic and pervasive problem faced by other regions of our Nation, but it does exist. As a result, I believe we must take steps to ensure that the economic recovery continues and grows stronger each day, creating new jobs along the way.

Nevertheless, S. 1722 is not the answer, and I will vote to sustain the President's veto for three reasons:

First: There is a better alternative. As we all know, the Republican leader has crafted an unemployment compensation bill that is acceptable to the President. It would provide benefits,

similar to the bill before us, but with one major difference—the benefits would be paid for, not tacked onto the burgeoning Federal deficit. Unfortunately, this fiscally responsible alternative was rejected by a majority of my colleagues.

As a result, we are confronted by a bill that could cost as much as $6.5 billion during fiscal years 1992–95, without being subject to the pay-as-you-go requirement of last year's budget agreement. Make no mistake, S. 1722 would bust the budget and hamper any economic recovery.

Second: This legislation does not address the real problem. Extended benefits may give short-term help, but will not provide the long-term stability of a job. S. 1722 does nothing to spur economic growth and create solid, good-paying jobs. What the Nation needs are progrowth initiatives that will create jobs and put people back to work.

Third: This is politics, pure and simple. The Presidential campaign season has begun and the Democrats are looking for an issue, any issue, to try and make the President look bad. But it won't work. The Republicans have crafted a viable alternative and President Bush supports it. He would sign it today, if the Democrats would just agree that it is the more responsible unemployment legislation. Likewise, the President supports progrowth initiatives, designed to kick-start our economy. But the Democrats won't sign off on those either. Unfortunately, they are more interested in politics than policy. As a result, the problem will remain unresolved. People in Idaho understand that. The American people understand that.

Mr. President, I urge my colleagues to join me in voting to sustain the President's veto of S. 1722.

Mr. COHEN. Mr. President, today the Senate has the opportunity to give America's long-term unemployed workers a desperately needed extension of their unemployment benefits.

While unemployment is a nationwide problem, it has been particularly acute in my own State of Maine. Maine has been one of only eight States that has previously qualified for the Federal-State extended benefits program. This benefit cutoff occurred in August, when the State's unemployment rate was 7.6 percent, nearly twice what it was a year ago.

Congress attempted, with my support, to extend unemployment benefits before the August recess with the passage of the Emergency Unemployment Compensation Act. To be implemented, the bill required the declaration of an economic emergency. When an emergency was not declared, an alternative plan offered by Senator DOLE was introduced. Although I endorsed this alternative as fiscally responsible, it did not gather enough votes for adoption. With the defeat of this alternative, the Senate passed once again with my support a similar version of the Emergency Unemployment Compensation Act.

This legislation has now been vetoed, and we are faced with a dire situation. Americans need help. We are at a point where many unemployed who have exhausted their initial benefits, are desperately in need of the means for keeping food on the table of their families and a roof over their heads for the oncoming winter.

There are now 26,000 fewer jobs available in Maine than 1 year ago at this time. In a matter of 2 years we have gone from the situation of a worker shortage to one in which it is not uncommon for over 200 applicants to apply for one minimum wage position. A company that is one of the largest employers in Maine has told me that it is receiving 500–600 unsolicited job applications each month. As unemployed workers' benefits run out, many are becoming desperate and are coming back to reapply.

Some will argue that the economy is improving and the unemployment rate will be steadily declining. This does not ring true to the thousands of Mainers fruitlessly searching for employment. For example, I recently received a letter from a young man who has exhausted his initial benefits and, due to his inability to find work, has been forced to apply to the town where he lives for public assistance. The town—his neighbors and friends—helps him pay for his rent and gives him $24 a week for food. He is proud and wants to be self-supporting but, without a job, he must rely on others for his support. In these fiscally difficult times, when small towns in Maine are barely able to maintain needed services, a new burden has been added: They must help feed, clothe, and house citizens who want to work and help themselves.

I have also heard from many businesses in Maine who have urged me to support the extension of unemployment benefits. One small family business in Maine employed 40 workers last year and, as a result of the recession, has been forced to lay off all but a few. The owner described his situation as desperate, and he is saddened to see their employees run out of their much needed assistance.

Mr. President, this situation is indeed an emergency. There are 8.5 million Americans without jobs and millions who will have soon exhausted their benefits, and are in desperate need of assistance. These are not just statistics, they are human beings whose livelihoods and self-esteem have been ravaged by the recession. These are proud individuals who have previously worked toward the growth and economic advancement of our country. They have been employed by businesses that have contributed to the unemployment trust fund on their behalf.

We, as an elected body of the people, have an obligation to work to support these people with funds that have been established for this very purpose. For these reasons, and for the people of Maine who desperately need this assistance, I am voting to override the President's veto.

Mr. PELL. Mr. President, I urge my colleagues to override the President's veto of extended unemployment benefits legislation. The time has come for both the Congress and the Bush administration to recognize that we are in a prolonged recession.

I do not not believe we can simply tell jobless Americans that the economy is turning around and if they wait another 6 months there may be jobs available.

During every deep recession in my memory, the Federal Government has provided extended unemployment benefits for those who need this help. This commitment to helping the unemployed seems to have disappeared in some quarters.

I do not know what has changed. People still need to buy food, pay for heat, and send in the rent check. The human side to unemployment is still there. The only thing that has changed is the ability of those in power to see the problem and act to resolve it.

In Rhode Island, there are 5,500 people receiving extended unemployment benefits. These benefits will be cut off unless the Senate is able to override the President's veto. Last month, 8,000 Rhode Islanders waited in line in the rain to receive surplus Government food. This is what it has come to in my State. And the only safety net offered by the Federal Government is surplus cheese, rice, beans, and flour.

I cannot believe this is what Government has come to mean in this country—surplus food and a promise that things may get better. I am asking my colleagues today to look closely at the suffering caused by this recession and vote to override the President's veto.

Mr. KERRY. Mr. President, yet once again, the Senate of the United States has been forced by the inexplicable callousness of President Bush to reconfirm our insistence that steps be taken to provide badly needed assistance to the long-term unemployed workers who are the victims of the recession that has gripped our Nation for months.

First, in August, we passed a bill that would have provided additional benefits to those who had been unemployed for so long that they had exhausted the regular unemployment benefits for which they had been eligible. We sent that bill to the President with great hope that he would sign it into law and that the benefits the bill would have made available would have begun flowing to those who so much needed them by the beginning of September.

But in one of the most cynical political exercises I have witnessed in a long

time, President Bush, indeed, signed the bill into law, but announced on the very same day that he would not take the step necessary—acknowledging that an economic emergency existed warranting such action—to release funds to pay for the benefits.

I can only surmise, Mr. President, that President Bush and his advisors have not spoken to the thousands of unemployed workers in my State of Massachusetts who lost their jobs because of the recession, and, despite their continued efforts, have been unable to find other work. The families of these long-term unemployed workers have struggled against heavy odds to keep food on their tables, to keep their homes from being lost to foreclosure, to pay for essential medical care, and to protect some vestige of their hard-earned savings intended to be used to educate their children, provide for their retirement, or care for other essential expenses.

If President Bush had spoken to those Massachusetts citizens, Mr. President, or any of the others among the 8 million U.S. workers who are in similar straits from one corner of our Nation to the other, I do not see how he could have done that. Their stories are too gripping, too desperate.

When we returned to session in September, however, Mr. President, the Democrats in the Congress set about to rectify this situation. A second bill was prepared, passed—with 65 Senators of both parties voting for it, and sent to the President—with a provision that, if the President signed it into law, the funds for its benefits would flow automatically without need for a separate declaration of economic emergency.

We took this step, once again, with some hope the President would recognize that, for these families, there is no question about the current circumstances being an emergency. We also fervently hoped he would recognize that there is nearly $8 billion of unemployment insurance taxes sitting in a trust fund dedicated for use only for paying unemployment benefits—and that this legislation would not result in using even all of those funds for additional benefits.

And what did President Bush do with this bill? He vetoed it!

So here we are, Mr. President, on the Senate floor once again—this time to seek to override President Bush's veto and finally transform this legislation into law.

I am truly hopeful this Chamber will act precisely to that end.

Our Republican colleagues, in an attempt to justify and support President Bush's actions, have devised what they like to refer to as an alternative unemployment insurance extension bill. But its provisions are sadly inadequate—indeed, stingy—compared to the bill President Bush vetoed. Tens of thousands of long-term unemployed workers who have exhausted their benefits would not receive a penny under its provisions. It looks a great deal like a thin candy coating; it cannot possibly withstand critical scrutiny.

In Massachusetts, the Dole Republican alternative bill—would provide a maximum of 10 additional weeks of benefits; the vetoed bill would provide up to 20 additional weeks. In the prevailing economic climate in Massachusetts, that is a critical difference.

Mr. President, I previously have spoken at some length in this Chamber—each time the President's actions have forced the issue back to the Congress—concerning the economic circumstances that exist in Massachusetts, and the tremendous need for the benefits we have been trying to provide for several months. Today, rather than repeat those remarks, I will ask unanimous consent when I complete this statement, that a white paper titled "Reaching Back To Help the Unemployed," prepared by Isaac Shapiro of the highly regarded Center on Budget and Policy Priorities, be entered in the RECORD. That white paper painstakingly analyzes the differences between the bill vetoed by the President, whose veto we will be voting to override in just a few minutes, and the so-called Dole alternative bill. In summary, it finds that nearly 1 million jobless workers who have exhausted their state benefits since March 1 of this year would be eligible for assistance under the vetoed bill, while, under the Dole bill's provisions, only 135,000 such workers would be eligible for assistance.

I can see only one acceptable course for the Senate today, Mr. President. We have been rebounding from President Bush's intransigence on this matter long enough. He simply will not recognize that the severity and extent of need across this country in all respects warrant declaration of an emergency. We have sent him legislation twice.

It's time now to do what he will not do, and vote to make this legislation law—to start the additional benefits flowing. I will vote to override President Bush's veto, and urge my colleagues to join me in taking a concrete step to use the unemployment insurance trust fund to provide extended benefits to those who so badly need them.

Mr. President, I ask unanimous consent that the white paper I previously referenced from the Center on Budget and Policy Priorities be printed in the RECORD.

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

[From the Center on Budget and Policy Priorities, Oct. 14, 1991]

REACHING BACK TO HELP THE UNEMPLOYED

(By Isaac Shapiro)

Last Friday, President Bush vetoed legislation that would have provided additional unemployment benefits to workers who exhaust their state benefits. The President has indicated he prefers unemployment insurance legislation similar to that introduced by Senator Robert Dole.

Some of the more widely-discussed differences between the bill vetoed by the President, S. 1722, and the Dole legislation include the controversy over the emergency waiver in S. 1722 as well as differences regarding the number of weeks of additional benefits that would be provided to workers exhausting their benefits during the next several months.

Another key difference, however, has received less discussion than it merits—the difference in the amount of assistance provided to workers who have exhausted their unemployment benefits over the past half year and are still out of work.

This difference is very substantial. This report finds that nearly one million jobless workers who have exhausted their state benefits since March 1 would be eligible for assistance under the bill vetoed by the President, while just 135,000 such workers would be eligible for assistance under the Dole bill.

Those affected are among the jobless workers whose needs are likely to be greatest since they have been out of work and without benefits the longest.

COMPARING THE "REACHBACK PROVISIONS"

Both bills provide benefits to two groups of jobless workers. The first group consists of those workers whose state unemployment benefits run out during the nine-month period after the bill is enacted. All such workers will be eligible for assistance under both bills, with S. 1722 providing a maximum of seven to 20 weeks of assistance to these workers, depending on the state where the worker lives. The Dole bill would provide these workers a maximum of six to ten weeks of assistance.

The second group of workers affected by these bills consists of workers whose benefits ran out between March 1, 1991 and the present and who are still out of work and looking for a job. The provisions covering workers whose benefits ran out between March 1 and early October are known as "reachback provisions" and are the focus of this analysis.

The reachback provisions of the two bills differ greatly. The provisions of the vetoed bill cover the vast majority of workers who have exhausted unemployment benefits in recent months. The Dole bill covers only a small fraction of these workers.

In 36 states and the District of Columbia, workers who exhausted their state unemployment insurance benefits between March and early October—and who are still unemployed—would be eligible for additional aid under S. 1722. Nearly nine of every ten workers who exhausted their state benefits in recent months—89 percent—live in these 36 states.

By contrast, under the Dole proposal, workers who have exhausted their benefits since March 1 would be eligible for benefits in only six states. Just 14 percent of workers who exhausted their state benefits in recent months live in these six states.[1]

The difference in the number of jobless workers who are assisted under the reachback provisions of the two bills is similarly stark. (See the Appendix for an explanation of how these figures were calculated. As explained there, this analysis is likely to underestimate the number of workers af-

[1]Both bills would provide reachback benefits to Puerto Rico.

fected by the reachback provisions under both bills, particularly in large states. The understatement of the number of workers affected is larger for S. 1722 than for the Dole proposal.)

An estimated 980,000 workers who exhausted their benefits between March 1 and October 5 would be eligible for additional benefits under S. 1722's reachback provision.

By contrast, an estimated 135,000 workers who exhausted their benefits during this period would be eligible for additional benefits under the Dole reachback provision.

S. 1722's reachback provision assists 845,000 more jobless workers—seven times as many people—than the reachback provision in the Dole bill.

STATE ANALYSIS

As Table I indicates, in 31 states and the District of Columbia, workers whose benefits expired between March and early October would be eligible for benefits under S. 1722's reachback provision but would not be eligible for benefits under the Dole bill. These states include most of the states with the highest unemployment rates in the nation.

West Virginia's unemployment rate of 10.5 percent is the highest of any state in the nation. Michigan's rate of 9.7 percent is second highest. Mississippi's rate of 8.7 percent is fourth highest. None of these states would qualify for reachback help under the Dole bill. All would qualify for reachback help under S. 1722.

Seven other states that have unemployment rates above seven percent would be eligible for reachback assistance under S. 1722 but not under the Dole bill. These states are Alabama, Arkansas, California, Florida, Kentucky, Louisiana, and New Hampshire.

The differences between the two bills would affect particularly large numbers of people in various states.

In California, nearly 170,000 jobless workers whose benefits ran out between March and early October would be eligible for additional assistance under the vetoed bill. None of these workers would be helped by the Dole bill.

In New York, 106,000 workers would be eligible to be helped by the reachback provision under the vetoed bill; none would receive assistance under the Dole bill.

In Florida, Michigan, Pennsylvania, and Texas, 50,000 to 60,000 workers in each state would be eligible to be assisted by the reachback provision under the vetoed bill but would not be assisted under the Dole bill. Just under 50,000 workers in Illinois would benefit from S. 1722's reachback; none of them would receive help under the Dole bill.

In addition, in four of the six states that do qualify for reachback assistance under the Dole bill, fewer weeks of assistance would be provided—and fewer workers would be helped—than under S. 1722. These states are Alaska, Maine, Massachusetts, and Rhode Island. (See Table II for the maximum number of weeks of additional assistance that workers in each states would receive under the reachback provisions of the two bills.)

In New Jersey, the same number of workers would qualify for reachback assistance under both bills. In this state, however, the Dole bill would provide more weeks of benefits.

In one state—Connecticut—workers would qualify for reachback assistance under the Dole bill but would not qualify for this assistance under S. 1722.

A final point should be mentioned about the reachback provisions of the Dole bill. Under the Dole proposal, a state's eligibility for reachback coverage is not directly tied to a state's unemployment rate. Consequently, most states with unemployment rates above seven percent would not qualify for reachback assistance, while some states with unemployment rates below seven percent would qualify. New Jersey's unemployment rate is 6.2 percent—below the national average of 6.7 percent—while Alaska and Connecticut both have unemployment rates under seven percent. These are three of the six states that do qualify for reachback help under the Dole bill.[2]

This anomalous situation—of workers living in states with the highest unemployment rates in the nation not qualifying for additional assistance while other workers in states with stronger labor markets do qualify for this aid—would not occur under S. 1722. Reachback eligibility under S. 1722 is tied to a state's average unemployment rate over recent months. All States with average unemployment rates of six percent or more would qualify for assistance.[3]

RECENT EXHAUSTEES ARE IN NEED OF AID

The reachback provisions are important because they are designed to help a group of workers likely to find themselves in an especially precarious position. The family of a worker who exhausted state unemployment benefits between March and September—and who is still looking for a new job—is likely to be in more difficult economic straits than the family of a worker who exhausts state unemployment benefits this month or next. The family that exhausted its benefits earlier in the year is more likely to have partly of fully depleted any other resources on which it could draw.

My families whose workers exhausted their benefits since March may already have fallen into poverty. A Congressional Budget Office study issued last year compared the poverty rate among jobless workers during the period three months after their benefits ran out. The study found their monthly poverty rate was twice as high after they exhausted their benefits. Nearly one in three who had exhausted their benefits were poor.[4]

It should be noted that if the federal government had responded earlier in the recession to address the problem of workers exhausting their unemployment benefits, workers who exhausted their benefits in recent months would have received or would be receiving this additional aid. It seems ironic, as well as inequitable, to deny additional benefits to such workers simply because the federal government took so many months to act—and consequently, their benefits ran out before the unemployment legislation was enacted.

Since March, from 240,000 to 334,000 workers have exhausted their state benefits each month without being eligible for additional aid. In July and August, more than 300,000 workers exhausted their unemployment benefits each month without being able to receive any extended benefits. Levels this high are unprecedented in the recorded history of the unemployment insurance program.

Both the greater need among those whose benefits have already run out and the principle of providing equal assistance to jobless workers placed in similar circumstances suggest that unemployment insurance legislation should include strong reachback provisions

[2]Under the Dole bill, a state's eligibility for additional benefits is determined by the number of people claiming state unemployment benefits as well as the number of people exhausting state benefits in the most recent three months. As a result, some states with restrictive unemployment insurance programs that make it harder for unemployed people to qualify for state benefits—such as Mississippi and West Virginia—are less likely to qualify for reachback help under the Dole bill than are states with less restrictive unemployment insurance programs.

[3]Specifically, a state would be eligible for reachback benefits under S. 1722 if its unemployment rate either from February to July or from January to June averaged six percent or more.

[4]Ralph E. Smith and Bruce Vavrichek, the Congressional Budget Office, "Family Incomes of Unemployment Insurance Recipients and the Implications for Extending Benefits," February 1990.

TABLE I.—NUMBER OF JOBLESS WORKERS WHOSE BENEFITS HAVE RUN OUT SINCE MARCH AND WHO WOULD QUALIFY FOR ADDITIONAL AID UNDER THE TWO BILLS

	Under Dole bill	Under S. 1722
Alabama	0	12,239
Alaska*	3,248	4,052
Arizona	0	0
Arkansas	0	9,051
California	0	168,966
Colorado	0	0
Connecticut	22,339	0
Delaware	0	1,828
District of Columbia	0	5,469
Florida	0	50,002
Georgia	0	34,262
Hawaii	0	0
Idaho	0	4,636
Illinois	0	49,517
Indiana	0	16,341
Iowa	0	0
Kansas	0	0
Kentucky	0	11,130
Louisiana	0	8,384
Maine*	7,407	11,077
Maryland	0	19,343
Massachusetts*	40,482	46,725
Michigan[1]	0	59,796
Minnesota	0	0
Mississippi	0	8,441
Missouri	0	21,649
Montana	0	2,941
Nebraska	0	0
Nevada	0	6,590
New Hampshire	0	706
New Jersey	58,246	58,246
New Mexico	0	3,513
New York	0	106,314
North Carolina	0	23,462
North Dakota	0	0
Ohio	0	37,233
Oklahoma	0	6,457
Oregon*	0	10,356
Pennsylvania	0	55,343
Rhode Island*	3,958	10,919
South Carolina	0	11,986
South Dakota	0	0
Tennessee	0	24,996
Texas	0	53,634
Utah	0	0
Vermont*	0	1,803
Virgina	0	0
Washington	0	20,273
West Virginia*	0	5,850
Wisconsin	0	0
Wyoming	0	0
United States	135,861	983,5330

*See "Note on Tables."

Source: Center on Budget and Policy Priorities calculations based on information from the U.S. Department of Labor, the Congressional Research Service, and Mathematica, Inc.

TABLE II.—MAXIMUM NUMBER OF WEEKS OF BENEFITS THAT ELIGIBLE INDIVIDUALS COULD RECEIVE UNDER THE REACHBACK PROVISIONS OF THE TWO BILLS

	Under Dole bill	Under S. 1722
Alabama	0	13
Alaska*	0–10	0–13
Arizona	0	0
Arkansas	0	13
California	0	13
Colorado	0	0
Connecticut	10	0
Delaware	0	7
District of Columbia	0	13
Florida	0	13
Georgia	0	7
Hawaii	0	0
Idaho	0	7
Illinois	0	7
Indiana	0	7
Iowa	0	0
Kansas	0	0
Kentucky	0	13
Louisiana	0	13
Maine*	0–10	7–20

TABLE II.—MAXIMUM NUMBER OF WEEKS OF BENEFITS THAT ELIGIBLE INDIVIDUALS COULD RECEIVE UNDER THE REACHBACK PROVISIONS OF THE TWO BILLS—Continued

	Under Dole bill	Under S. 1722
Maryland	0	7
Massachusetts*	0–10	7–20
Michigan*	0	7–20
Minnesota	0	0
Mississippi	0	20
Missouri	0	7
Montana	0	13
Nebraska	0	0
Nevada	0	7
New Hampshire	0	13
New Jersey	10	7
New Mexico	0	13
New York	0	13
North Carolina	0	7
North Dakota	0	0
Ohio	0	7
Oklahoma	0	7
Oregon*	0	7
Pennsylvania	0	13
Rhode Island*	0–10	7–20
South Carolina	0	7
South Dakota	0	0
Tennessee	0	7
Texas	0	7
Utah	0	0
Vermont*	0	0–13
Virginia	0	0
Washington	0	7
West Virginia*	0	7–20
Wisconsin	0	0
Wyoming	0	0

*See "Note on Tables."

Source: Center on Budget and Policy Priorities based on information from the U.S. Department of Labor and the Congressional Research Service.

NOTE ON TABLES

States marked with an asterisk are states that were eligible for the federal extended benefits program, which provides up to 13 additional week of extended benefits, during all or parts of the period between March 1 and early October. Under both bills, any weeks of benefits a worker received under the extended benefits program would count against any potential reachback benefits the worker could receive.

For example, Alaska was eligible for the extended benefits program from February through the beginning of September. Workers in Alaska who received the full 13 weeks of extended benefits during this period would not be eligible for any additional assistance under S. 1722. The 13 weeks of extended benefits assistance would fully offset the maximum number of weeks of reachback benefits that S. 1722 would provide in Alaska, which is also 13 weeks.

Such workers in Alaska would also be ineligible for any reachback benefits under the Dole bill. Workers in Alaska who received between 10 and 13 weeks of extended benefits during this period would also fail to qualify for reachback benefits under the Dole proposal. This is because the Dole bill provides a maximum of 10 weeks of reachback benefits in Alaska. (An Alaskan worker could have received fewer than 13 weeks of extended benefits in recent months if, for example, the worker was one of those jobless individuals who had collected less than the full 13 weeks of extended benefits when the state became ineligible for the extended benefits program in early September.)

An Alaskan worker who received five weeks of extended benefits before Alaska became ineligible for the program could receive up to eight additional weeks of benefits under S. 1722 and up to five additional weeks of benefits under the Dole bill.

The data reflected in Table I on the number of workers eligible for benefits under the reachback provisions of the two bills take into account the fact that some exhaustees in states marked with an asterisk would not qualify for additional benefits.

APPENDIX.—ESTIMATING THE NUMBER OF PREVIOUS EXHAUSTEES WHO MAY STILL BE ELIGIBLE FOR ADDITIONAL BENEFITS

Many workers who have exhausted their unemployment benefits since last March have found new jobs and would no longer qualify for or need additional unemployment aid. Many others, however, have not. They have exhausted their unemployment benefits, continue to look for work, but have not found a job.

No ongoing government survey exists of the number of workers that fall into these different categories. As a result, it was necessary to estimate the number of workers who have exhausted their unemployment benefits since March and would be eligible for additional benefits under the two bills.

The estimates are based on *actual* data on the number of workers exhausting their benefits each month and an *estimate* of how many of these workers potentially remain eligible for new aid because they have not been reemployed. The estimate is based on a study conducted by Mathematica, Inc. for the U.S. Department of Labor. (Walter Corson and Mark Dynarski, Mathematica Policy Research, Inc., *A Study of Unemployment Insurance Recipients and Exhaustees: Findings From a National Survey*, September 1990.) This study estimated the length of time it took workers who exhausted their unemployment benefits to find a new job. Similarly, the study estimated the percentage of workers who exhausted their unemployment benefits who then found new jobs after various periods of time. For example, the study found that 10 weeks after workers exhausted their benefits, 40 percent had found a new job.

The study covered 1988, when the unemployment rate was 5.5 percent. The unemployment rate is higher today, having averaged 6.8 percent since March. In today's weaker labor market, it is likely to take longer to find new employment than in 1988. Consequently, using the results of the Mathematica study is likely to understate the number of workers who exhausted their benefits since March 1991 and who remain without a job today. The estimates derived here therefore tend to understate the number of workers eligible for the reachback provisions of the two bills. Since S. 1722 provides reachback benefits in six times as many states as Dole, the understatement is greater for S. 1722.

For purposes of this analysis, the results of the 1988 study were applied universally across states. Since most state labor markets are weaker than they were in 1988, this is likely to understate the number of workers affected by the reachback provisions in most states. The understatement would be largest in those states whose unemployment rates are now highest and where it consequently is most difficult to find a new job.

Mr. LEVIN. Mr. President, President Bush says that he is concerned about unemployment, but as he sees things, we are not facing an emergency. And, I guess when you live in Washington and are surrounded by advisors who tell you that everything is coming up roses, that's the easiest thing to believe.

But, Mr. President, out in the country, there are still a lot more thorns than roses to this so-called economic recovery. On the same day that the President vetoed the legislation to provide additional weeks of unemployment to people who have exhausted their unemployment benefits, I was in Michigan, where the unemployment rate is 9.7 percent and almost 13,000 people exhausted their employment benefits in September alone. But statistics only go so far. While I was in Michigan on the same day that the President found no emergency, I heard real stories of pain and suffering. Let me take a moment to tell the Senate a couple of those stories.

Lenny Ketelhut of Hazel Park is a mold maker who was laid off in January. He said, "I don't think that the people in the White House understand how bad it is out there." He has sent out more than 100 résumés, but when he hears about a decent job prospect and goes to check it out, to use his words, "there's a line twice around the building."

Joe Chronowski of Roseville worked in a food processing plant until it was closed down in December of last year. Since then, he has sent out 5 to 7 résumés a week. The President might not think that there's an emergency, but for Joe Chronowski, finding the money to pay the bills is an emergency.

Now, the President says that all we have to do is pass his unemployment bill, and those suffering from unemployment will be taken care of. He says that the bill which was passed by the Congress, with bipartisan support is poorly designed and unnecessarily expensive. That's ironic criticism in light of the fact that the bill that the President is supporting would provide Michigan—which has the highest rate of unemployment among the most populous States—with fewer weeks of benefits than it would provide some States which have lower unemployment rates. Also, under the bill that the President is supporting, long-term unemployed in Michigan who have already exhausted their benefits at the time of enactment would not qualify for any additional unemployment benefits.

Under the legislation which the President vetoed, Michigan, with its high unemployment rate, would qualify for the maximum number of weeks of benefits and these long-term unemployed who have already exhausted their benefits would qualify for additional weeks of benefits. The next time that the President says that he wants to help the unemployed, I want to hear him give a reason why help shouldn't reach out to these long-term unemployed in my State of Michigan and those similarly facing the same emergency throughout the country.

If this veto is not overridden, it will add to the President's successful streak of sustaining vetoes. It may bring smiles to the faces of his political advisers, but there will be no smiles on the faces of Joe Chronowski, Lenny Ketelhut, and hundreds of thousands like them throughout the country.

That is why, in face of the odds, this veto should be overridden.

Mr. LAUTENBERG. Mr. President, I rise in support of overriding the President's veto of S. 1722, the Emergency Unemployment Compensation Act of 1991.

Mr. President, the current recession has forced millions of Americans out of work in what the administration promised would be a brief economic downturn. People in this country are suffering. Nearly 9 million people are out of work in our country. This is an increase of more than 2 million in the past 2 years. In New Jersey, 269,000 people are unemployed. To those who have been laid off the longest, extended unemployment benefits will mean the difference between meeting the house payments and losing the house, between putting food on the table and going hungry.

Mr. President, the Federal unemployment insurance system is not meeting the needs of New Jerseyites. Presently, approximately 15,000 New Jersey residents are exhausting their unemployment benefits each month. While the need for relief for these people has grown, so has the surplus in the unemployment insurance trust fund. This makes no sense. The trust fund moneys are there for these people. The administration wants to hoard this money that was collected for just the kind of emergency that unemployed workers face today.

It is time the Federal Government took action to help needy families. Without the emergency unemployment compensation bill, millions more Americans will exhaust their unemployment benefits and be forced into poverty.

The administration says we are in a recovery. But every day I hear stories of companies laying off thousands of people. Yesterday, IBM announced that it will lay off 3,000 people, on top of the 17,000 it has already planned. The problem here is that people do not understand the difference between the recession and the recovery. People continue to lose their jobs at an alarming rate.

This bill will also provide benefits to unemployed service men and women who have recently returned from the Persian Gulf. This bill allows exservice members to be treated the same way other Americans are under the unemployment insurance system. The bill would change the waiting period for benefits to 1 week, and benefits payable for up to 26 weeks instead of the 4-week waiting period and 13-week benefit limits in present law.

The President says that this bill will break the budget. I say, his veto breaks faith with American workers. Here is a President who would spend to bail out the S&L's, but not to bail out Americans. He would lend a hand in an emergency to the Kurds, but shows the back of his hand to jobless Americans. It is time to put Americans first on the agenda. I urge my colleagues to override the President's veto.

Mr. DODD. Mr. President, I rise today to express my deepest dismay at the President's veto of the bill to extend much-needed unemployment benefits to over 2 million long-term unemployed in our Nation.

President Bush knew that his leadership was needed to ensure the jobless of our support. Unfortunately, he chose to turn this serious matter into a political battle and turn his back on families grappling with the pressures of this recession.

As long as I have served in the Congress, I have not seen the extension of unemployment benefits turned into a partisan debate. The events of the last few months are unprecedented. Reagan, Carter, and Ford all supported similar extensions during previous recessions. Why is this recession any different?

Despite the insignificant drop in the national unemployment rate to 6.7 percent, workers continue to lose their jobs each week. In some regions of this Nation, the recession still ravages communities, families, and businesses. In my own State of Connecticut the unemployment rate has risen over the last 3 months to an all-time high since March 1989. Connecticut is also 1 of 10 States with the highest number of unemployed who have exhausted their benefits—over 60,000.

We collect revenues from businesses for the sole purpose of building up reserves to be used during prolonged periods of high unemployment. The unemployment trust fund is now worth $8 billion. Unfortunately, the President would rather have this investment mask the deficit than help victims of these hard economic times. The President has been willing to deficit spend for the people of other nations. He provided emergency funding to the victims of the Bangladeshi flood and to the Kurdish refugees. Why won't he do the same for families and the unemployed here at home?

During this recession, our deficit has already worsened as a result of a decline in revenues collected by Treasury. A slumping economy is just as harmful to our deficit as is emergency spending beyond the limitations of our budget agreement. Extended benefits would provide families much-needed revenues to pay their bills and to be consumers—which would only help to stimulate the economy. If the Federal Government does not work to turn this economy around, millions of Americans will continue to suffer and the deficit will continue to grow.

We made promises to businesses and workers to use the trust fund to provide unemployment benefits. If we fail to override the President's veto, he will have blocked us from delivering on those promises. For this reason, I urge my colleagues, who voted against the conference report, to rethink the consequences of their vote. We owe it to the victims of this recession to override the President's veto. Our constituents deserve better than to be victims of the President's political agenda.

Mr. ROTH. Mr. President, I rise today in support of President Bush's veto. I decided to sustain the President because the Bentsen bill is substantively flawed and contains no means to pay for itself. Passing it would add $6.1 billion to our already huge deficit, further weakening the economy.

I am a sponsor of an alternative bill which the President has said he will sign—a bill that is paid for, a bill that will actually put money in the hands of those who desperately need it. Unfortunately, Members of this body rejected that proposal.

If the President's veto is sustained, I urge my colleagues on both sides of the aisle to come together and agree on a proposal that aids the unemployed in a way that is financially sound, not by raising taxes or violating the budget agreement.

It is essential that we not turn our backs on families who have exhausted their unemployment benefits and are having a hard time making ends meet through no fault of their own. We must not leave the unemployed stranded while we argue over how best to assist them.

They need our help. Let's come together with a plan that works.

Mr. BAUCUS. Mr. President, I have supported this unemployment benefits extension bill since it was first introduced in the Senate this summer.

I supported it the first time we passed it. The President signed that one. But it helped no one because President Bush refused to release the funds needed to pay the benefits by declaring an emergency.

I supported this legislation the second time we passed it but we are considering that bill again today, because the President vetoed it.

This game has gone on much too long. People who are out of work and desperate, trying to hold their families together, are being hurt by these delays.

We have already passed this bill several times, decisively, and with a bipartisan vote. The conference report was approved by the Senate 65–35. The House passed the same conference report 300–118.

President Bush said in his veto message that enacting this bill would bust last year's budget agreement. I respectfully disagree.

The funds to pay for these benefits are available in the unemployment compensation trust fund which was established to accommodate emergencies just such as this. The trust fund currently has a surplus of $8 billion to pay for these kinds of benefits.

It is unconscionable to sit on a huge trust fund surplus which was established for this purpose—and just 10 days ago 65 Senators said it should be used—when the long-term unemployed have run out of options. They've run out of hope. They need these benefits, and we can provide them.

There are 8.5 million workers in this country who cannot find jobs. The unemployment rate in Montana is 6.5 percent. As far as I'm concerned, that's too many people out of work. We need to adopt policies that will create more jobs. But we also need to help the jobless in the meantime.

Therefore, I will vote to override the President's veto of this needed legislation.

Mr. WELLSTONE. Mr. President, I rise to urge the override of the President's veto of the unemployment bill.

I rise to urge support for the long-term unemployed, who have waited too long, pawns in a game of political chess played by the Bush administration. This is an administration which shows more concern for helping people overseas than for out-of-work Americans here at home.

This bill is an important step toward enactment of a series of recession relief measures designed to counter the painful effects of the economic downturn which continues to batter American workers and our economy.

There are no indications that the current recession has bottomed out. Indeed, there are several indicators that suggest it is worsening.

In my own State of Minnesota, 4.8 percent are unemployed. That is below the national average. But for the men and women who are out of work and for their children, statistical averages are not important. At last count, there were 119,000 unemployed in Minnesota. Some 30,000 unemployed Minnesotans have exhausted their benefits during the first 7 months of this year. That is an 18-percent increase over the same period of 1990. Those benefits amount to a maximum of $265 a week to pay the mortgage, food, transportation, clothes for the children—the basics of life.

Wherever I go in my State, on the Iron Range in northern Minnesota, in rural communities in western and southern Minnesota, in parts of the Twin Cities, I am stunned by the impact of the recession and unemployment on the people of my State. This recession is different. It is not confined to specific geographic areas. It has affected Minnesotans and Americans across the board: factory workers and computer programmers, professionals and government workers.

My offices in Minnesota get calls every day from workers in their 40's and 50's who are unable, through no fault of their own, to find meaningful work in this economy.

A recent profile in the St. Paul Pioneer Press quoted one unemployed man:

After you look for so long and get turned down enough, you don't have the ambition to go out every day and beat the pavement. You lose hope.

In the calls we get every day at our Minnesota offices, many are from long-time workers who have contributed to the economy for years. Now they are looking for a little help through the rough times.

A computer engineer, 29 years old, called. Four of the five firms he has worked for no longer exist. He has been out of work for almost a year. A man in the prime of life unable to find work. His benefits have run out.

Other callers and letter writers face a rising level of desperation. A mother writes to describe her son who has been laid off from his plant after 17 years. He has applied at over 200 places for jobs. He has a wife and three children. His benefits have run out. He is destitute. He is depressed. They are talking about getting divorced so she can go on AFDC to support their three kids. The mother wrote, "What has happened to this country?"

How can we turn our backs on cries like that? How can we be so callous?

While this bill addresses, temporarily, the emergency needs of unemployed American workers, the underlying unemployment insurance system must be thoroughly reformed. During this recession only 40 percent of the unemployed have received unemployment insurance benefits. The system is not working.

We can make one part of the system work better by voting to override the veto on extended benefits. With more than $8 billion sitting in the Federal extended benefits account, paid by American employers for precisely this purpose, this is the time to act.

The bill would extend Federal unemployment compensation benefits from 7 to 20 weeks past the current 26 weeks, depending on the unemployment level in each State. For Minnesota, the extension would be 7 weeks.

According to the Department of Labor, over 3 million workers will exhaust their benefits this year, with an additional 3.4 million exhausting benefits next year.

I find it difficult to believe that the President could turn his back on these millions of unemployed American workers who have run out of unemployment benefits.

I would find it harder to believe if this Senate would also turn its back.

Now is the time when these unemployed workers most need our help.

The PRESIDING OFFICER. All time has expired.

Mr. RIEGLE. Mr. President, I ask unanimous consent to print in the RECORD an editorial from today's New York Times where they specifically refer to the Republican proposal as a sham.

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

[From the New York Times, Oct. 16, 1991]

STRANDING THE JOBLESS

President Bush vetoed the Democrats' bill to aid the long-term jobless because it wouldn't pay for itself. Yet the Republican proposals he perfers are a sham. They help too few people and depend on gimmicks that waste future revenue.

More than three million of the nation's eight million jobless are collecting unemployment insurance. New claims have mounted slowly but steadily. Mr. Bush has made much of his measures to boost the economy by easing credit. But he ignores the depressing effects of job insecurity. People don't spend when they fear being laid off.

The vetoed bill and two Republican bills all offer added benefits to workers who exhaust, or have exhausted, the basic 26-week maximum. The Democrats' $6.5 billion bill offered up to 20 weeks more. The Republicans propose a maximum of 10 more weeks in one bill, for $3.5 billion, or up to 15 more in the other, for $3.9 billion.

All three bills would aid workers whose benefits expire in months to come, if they work in states where the unemployment rate exceeds a specified level. But Democrats and Republicans are far apart on helping idle workers who have already exhausted the basic entitlement. The Democrats would have helped more than a million in 34 states; the Republicans, with a much tighter formula, would help only 200,000 in six states and Puerto Rico.

The other big difference is financing. The Democrats' bill has none; it would add to the deficit and to the Federal debt. That's forbidden by last year's budget pact between Congress and Mr. Bush, except in undefined emergencies.

The Democrats argue that the distress of the long-term unemployed warrants emergency treatment, no less than the emergency aid that went to Iraq's Kurds. Mr. Bush says he wants to help the unemployed but must also protect all taxpayers. Thus he rejects new deficit spending. But he's wrong to think the Republican approach protects taxpayers. It avoids new taxes or more borrowing now, but it robs the future.

Some of the Republican financing comes from student loan delinquencies. Washington already duns delinquents by deducting their debt if they claim tax refunds. Authority for this expires in 1994. The Republicans want the authority renewed now, so that future collections can be counted on the 1992 books. Federal budget accounting may tolerate such trickery, but it's still trickery.

The bulk of the Republicans' revenue scheme rests on a fire sale of unused radio frequencies. Mr. Bush has proposed an auction starting in 1994. To rush it through in the next 12 months is throwing money away. The Congressional Budget Office estimates a quick selloff could yield as much as $2 billion but that a properly managed sale later could yield up to $4.5 billion.

The Democrats are rightly concerned. But even though Communism's collapse has invalidated last year's assumptions, the budget pact still stands, giving Mr. Bush a reason to veto.

Voting to override the veto is expected today. If the president prevails, the wisest, most honest course would be to pay for extended benefit with a higher tax on employ-

ers. But given that 1992 is an election year, that's not likely. What is likely is that the losers will be America's jobless.

The PRESIDING OFFICER. All time having expired, the question is, shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

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

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 65, nays 35, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—65

Adams	Exon	Metzenbaum
Akaka	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Graham	Packwood
Boren	Harkin	Pell
Bradley	Hatfield	Pryor
Breaux	Heflin	Reid
Bryan	Hollings	Riegle
Bumpers	Inouye	Robb
Burdick	Jeffords	Rockefeller
Byrd	Johnston	Sanford
Chafee	Kasten	Sarbanes
Cohen	Kennedy	Sasser
Conrad	Kerrey	Shelby
Cranston	Kerry	Simon
D'Amato	Kohl	Specter
Daschle	Lautenberg	Wellstone
DeConcini	Leahy	Wirth
Dixon	Levin	Wofford
Dodd	Lieberman	

NAYS—35

Bond	Gramm	Pressler
Brown	Grassley	Roth
Burns	Hatch	Rudman
Coats	Helms	Seymour
Cochran	Kassebaum	Simpson
Craig	Lott	Smith
Danforth	Lugar	Stevens
Dole	Mack	Symms
Domenici	McCain	Thurmond
Durenberger	McConnell	Wallop
Garn	Murkowski	Warner
Gorton	Nickles	

The PRESIDING OFFICER. On this vote, the yeas are 65, and the nays are 35. Two-thirds of the Senators present and voting, a quorum being present, not having voted in the affirmative, the bill, on reconsideration, fails to pass over the President's veto.

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1992—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report on H.R. 2426, which the clerk will now report.

The assistant bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2426) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

(The conference report is printed in the House proceedings of the RECORD of October 3, 1991.)

Mr. SASSER. Mr. President, I am pleased to bring before the Senate the conference report on the military construction appropriations bill for fiscal year 1992.

Mr. President, the conference report is within the 602(b) budget allocation for both budget authority and outlays. The conference agreement is also below the President's budget request.

Mr. President, I would like to briefly mention two provisions of the conference agreement.

First, the conferees agreed with the Senate and approved an extension of the legislative prohibition on the use of funds appropriated for fiscal year 1992 for construction of a new Air Force base at Crotone, Italy. This legislative prohibition is identical to the provision signed into law last year which prohibited the use of fiscal year 1991 funds for Crotone.

Mr. President, the world has changed. Europe has changed. And NATO is changing. We simply do not need to build a new full service air base in southern Italy when we will be closing bases all over Europe and inside the United States.

Mr. President, with regard to the second issue, the Senate was unable to hold its position in conference to provide additional funds above the budget request for environmental cleanup at bases selected for closure. The additional funds could not be accommodated within the very limited 602(b) budget allocation the conferees has to meet.

The conferees did agree to earmark funds for environmental cleanup; $220,000,000 of the amount provided for base closure I activities is set aside specifically for this purpose. In addition, the conferees noted that $69,000,000 has been programmed from defense environmental restoration account for use at base closure II locations. The conferees regret that the budget allocation did not provide sufficient room to increase the amounts directed toward environmental cleanup. Environmental cleanup is a very important aspect of base closure activities. The conferees strongly support making closed bases available for alternative uses in an expeditious manner. The Department must request sufficient funds in future years to accelerate the environmental cleanup of closed bases.

Mr. LAUTENBERG. Mr. President, I rise in support of the conference agreement on the military construction appropriations bill for fiscal year 1992. The conference agreement includes funding for a number of projects that are important to New Jersey. As a member of the Senate Appropriations Committee, I supported providing funding for these projects and am pleased that they were included in the final version of the bill.

The conference agreement includes $20 million for a sewage treatment plant at Fort Dix and $22.5 million for a sewage treatment plant at McGuire Air Force Base. A waste water treatment facility is needed to meet the stringent requirements of the Clean Water Act. The existing waste water treatment plant has violated the terms of State pollution discharge permits, as well as limits contained in a Federal facilities compliance agreement. A single waste water treatment plant is required to provide treatment of the wastes generated by Fort Dix and McGuire Air Force Base, and to meet the standards in an economical manner.

The conference agreement includes $5.2 million to upgrade two existing dormitories at McGuire Air Force Base. The majority of assigned unaccompanied enlisted personnel live in dormitories which do not meet current Air Force standards. This funding would be for the fifth phase of a seven-phase program to upgrade base dorms to meet current Air Force standards.

It also includes $3.8 million to construct a child development center annex at McGuire Air Force Base. The existing child development center provides only 35 percent of space needed to support eligible military and civilian children at McGuire. The capacity of the existing facility is limited to 210 children, yet the current waiting list for full-time day care exceeds 275 children. Without this funding, lack of quality and affordable child care would continue to persist at McGuire Air Force Base.

The conference agreement includes $340,000 for a housing office at Lakehurst Naval Engineering Center. The funding will be used to construct a single 3,000 square foot housing office at the Naval Air Engineering Center. The present family housing office is located on the second story of an administrative office building. Existing space does not meet criteria specified in the military's own handbook and does not provide adequate space. Without this funding, incoming military personnel and families will not be adequately served, and housing personnel will continue to work in a poor environment.

It includes $3.981 million for the Edison area maintenance support activity facility. This funding will be used to construct a maintenance shop for organizational and area maintenance support activities. The existing maintenance building is in poor condition. It is very expensive to maintain and operate because of inefficient heating systems and substandard construction compared with current construction standards.

It includes $359,000 for the Mount Freedom dining facility addition. The existing kitchen facility is substandard

and is a very small residential type kitchen. Because the area for washing pots and pans is insufficient, for example, initial washing has to be performed with a garden hose. Without this funding, meals will continue to be prepared under substandard conditions, and storage and scullery areas will continue to risk poor sanitation.

The conference agreement includes $1.25 million for a child development center at Earle Naval Weapons Center. The funding will be used to construct a child development center for school and preschool age children of military families. The station provides support to about 1,000 military families, but it has no adequate child care facilities. Children are presently cared for in unlicensed, informal private home arrangements where the child's safety and the quality of care being provided cannot be assured.

It also includes $3.65 million for road improvements at Earle Naval Weapons Center. The funding would be used to provide signal light systems at road intersections, automatic gate and light systems at grade crossings of public roads with the Navy railroad, and a vehicle parking lot in the waterfront area for ships crews.

Additionally, it includes $11.4 million for a trestle replacement at Earl Naval Weapons Center. The existing trestle is 47 years old and shows signs of severe structural deterioration. It needs to be replaced to ensure safety.

I'm proud of the role these New Jersey installations play in our Nation's defense. The funding included in this conference agreement is needed to improve and upgrade facilities for our service men and women in New Jersey.

I urge my colleagues to support the conference agreement.

YAKIMA FIRING CENTER COMPROMISE

Mr. ADAMS. Mr. President, I rise today to speak about the compromise reached on the expansion of the Yakima firing center in Washington State. I cannot say that I am completely pleased with this compromise. I continue to have serious questions, questions substantiated in two recent reports by the General Accounting Office, about whether additional land is even needed to conduct brigade level training exercises.

Despite my concerns, the compromise does an excellent job of tying in local government and citizens in administering all firing center lands. It is important to note that this is true not only before the Army can ever set foot on the newly acquired lands, but for all firing center lands for as long as the facility remains in use. Given the acrimonious debate over land administration and environmental mitigation before the expansion was approved, this participation is both necessary and warranted. I am also pleased with the respect this compromise accords the rights of the Yakima and Wanapum Indians to protect their graves and sacred sites. These people deserve a central role in this process, today and for the future.

Finally, and perhaps most importantly, the compromise eliminates the Columbia River crossing from the expansion plan. The river crossing troubled me from the outset, particularly in light of the tremendous regional concern about northwest salmon, and its elimination is a victory for the environment as well as the people who live on the eastern side of the Columbia.

Mr. President, I hold out the hope that the Army will decide not to use this land for training exercises. Thankfully, this language leaves the door open for achieving that objective.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

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

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Pennsylvania [Mr. WOFFORD], is necessarily absent.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—99

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

NAYS—0

NOT VOTING—1

Wofford

So the conference report was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate concur en bloc with the amendments of the House to the amendments of the Senate.

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

The amendments are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2426) entitled "An Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 10, 28, and 29.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 1 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$880,820,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 22 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$172,083,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 128. (a) The Secretary of the Army shall carry out such repairs and take such other preservation and maintenance actions as are necessary to ensure that all real property at Fort Douglas, Utah (including buildings and other improvements) that has been conveyed or is to be conveyed pursuant to section 130 of the Military Construction Appropriations Act, 1991 (Public Law 101-519; 104 Stat. 2248) is free from natural gas leaks and other safety-threatening defects. In carrying out this subsection, the Secretary shall conduct a natural gas survey of the property.

(b) In the case of property referred to in subsection (a) that is within the boundaries of the Fort Douglas National Historic Landmark, the Secretary—In lieu of the sum stricken and inserted by said amendment, insert "$883,859,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$1,005,954,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$9,700,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 19 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum stricken and inserted by said amendment, insert "$198,440,000".

(1) shall carry out a structural engineering survey of the property; and

(2) in addition to carrying out the repairs and taking the other actions required by subsection (a), shall repair and restore such property (but only to the extent that structural repairs are necessary) in a manner and to an extent specified by the Secretary of the Interior that is consistent with the historic preservation laws (including regulations) referred to in section 130(c)(2) of the Military Construction Appropriations Act, 1991.

(c)(1) The Secretary of the Army, after consulting with the Governor of Utah regarding the condition of the property referred to in subsection (a), shall certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and preservation and maintenance actions required by subsection (a) have been completed.

(2) The Secretary of the Army and the Secretary of the Interior shall jointly certify to the Committees on Appropriations of the Senate and the House of Representatives that the repairs and restoration of such property has been carried out in accordance with the requirements of subsection (b).

(d) The Secretary of the Army shall complete all actions required by this section not later than September 30, 1992.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the next two votes be for 10 minutes each.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2698 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 3, 1991.)

Mr. BURDICK. Mr. President, today we take up the conference report on the 1992 appropriations bill for agriculture, rural development, and related agencies—H.R. 2698.

In overall numbers, this bill contains $52.5 billion. Well over half of that—$32.7 billion—is for nutrition programs such as Food Stamps, Child Nutrition, and WIC. Most of this amount is considered mandatory spending. In addition, the bill contains $9.8 billion for other mandatory programs such as reimbursements to the Commodity Credit Corporation, the Conservation Reserve Program, and payments to the Farm Credit System Financial Assistance Corporation. My point is that of the total money in the bill, very little of it is for truly discretionary programs over which the committee can exercise control.

Mr. President, the conference report provides funding within the subcommittee's 602(b) allocation for both budget authority and budget outlays.

SPECIAL SUPPLEMENTAL FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Mr. President, I know of the widespread interest in the WIC Program. And I share that interest. My colleagues will be pleased to know that the conference report recommends providing $2.6 billion for WIC—an increase of $26.6 million over the original Senate level.

FOOD AND DRUG ADMINISTRATION

The conference committee was also able to provide more funding for the Food and Drug Administration than the Senate had recommended. The conference report includes $726 million for salaries and expenses of the Food and Drug Administration. This amount is $189 million more than the President requested.

CREDIT PROGRAMS

The conference report provides adequate funding for Farmers Home Administration and Rural Electrification Administration programs. The conferees provided the best levels possible for rural housing loans, farm loans, rural development loans and rural development loans and grants. Several of these programs were reduced in 1991 by last year's reconciliation act and they are substantially restored in this bill.

RURAL DEVELOPMENT

The question of funding for the Rural Development Administration was not at issue in the conference committee. Neither the House nor the Senate provided funding to establish this new agency, and none is included in the conference report. The Senate report is clear, and it is confirmed by this conference report, that the Secretary is directed not to establish the Rural Development Administration, but is to use the existing programs that are funded through the Farmers Home Administration, the Rural Electrification Administration, the Extension Service, and other agencies to maximize the development activities in rural areas.

NEW PROGRAMS

Mr. President, I would like to highlight several new programs that are funded in this bill. First, the Wetlands Reserve Program is funded at $46.4 million to enroll up to $50,000 acres in five States. Also funded is an Agricultural Water Quality Incentive Program at $6.7 million, new agricultural telecommunications programs at $6.2 million and the alternative agricultural research and commercialization at $4.5 million.

With that brief summary, Mr. President, I commend the conference report to my colleagues and I ask for their support.

REA—DISTANCE LEARNING AND MEDICAL LINK PROGRAM

Mr. LEAHY. Mr. President, I rise to request a clarification regarding the conference report language regarding H.R. 2698 and specifically concerning the REA's Distance Learning and Medical Link Program which is funded at $5 million in the bill. This program is a rural development program aimed at enhancing the telecommunications capabilities of local schools in rural areas, rural medical facilities and rural communities. The legislative history is clear that Congress expects that partnerships will be formed between local institutions—end users—and entities providing telecommunications capabilities. Entities providing educational technical assistance would be the primary recipients. Entities, such as local schools, universities, rural medical facilities, telecommunication providers, regional educational laboratories and public television stations would all be expected to participate.

Now, I see in the conference report, language which encourages REA to work closely with the Extension Service and to participate with the Satellite Education Resources Consortium and the Agricultural Satellite Corporation. I also see that these programs will receive separately $1.2 million in funding in the Extension Service title of this bill for entirely different purposes.

I would appreciate an assurance from my colleague, the Senator from North Dakota, that the $5 million provided in this bill for the Distance Learning and Medical Link Program is to be allocated in a competitive process and that REA is to administer the program in accordance with the authorizing legislation and the House Appropriations Committee report language. The entities I mentioned earlier would be eligible to participate in this program if their applications are approved by REA. Is that correct?

Mr. BURDICK. Yes, the Senator from Vermont is correct. The organizations he mentioned would be eligible to apply for funding, and it is intended that other organizations may also apply and receive funding consistent with the program's authorization.

Mr. LEAHY. Mr. President, I thank my friend and colleague for all his hard work and assistance. At this point, I ask unanimous consent to have printed in the RECORD, language from the statement of managers on pages 1195 and 1196 of the conference report on the

1990 farm bill which authorized this program.

Additionally, I would like to insert language from the House Appropriations Committee Report on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, page 106, relative to funding the Distance Learning and Medical Link Program and a joint letter from organizations supporting this program.

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

[From the Conference Report on the Food, Agriculture, Conservation and Trade Act of 1990]

(16) Secs. 2335–2337. Rural communications access to advanced telecommunications

The House amendment allows business partnerships to apply for loans to the Secretary for the communications terminal equipment. There are authorized to be appropriated $15 million for each of fiscal years 1991 through 1995.

The Senate bill contains no comparable provisions.

The Conference substitute adopts the House provision with an amendment to not require that the State review panels analyze these applications except for the up to 5 States which have such panels.

The Managers wish to point out that rural development has been an issue of importance to both Committees during the 101st Congress. Dozens of public hearings gave Members the opportunity to hear from hundreds of witnesses. One of the major lessons learned from this process was that a vast number of diverse businesses, groups and organizations are anxious, able and willing to participate in the rural economic development effort. In this regard, the managers instruct the Secretary of Agriculture to make the broadest possible interpretation of eligibility to receive grants under the Department's rural development programs.

The Managers are concerned that the Federal resources provided in this Act not only act as a catalyst in the economic revitalization of rural areas through the activation of the broadest range of participants, but that the funds be used prudently and to their best advantage. End users should be encouraged to avail themselves of the vast array of services of already existing federally sponsored institutions providing technical assistance and research and development of proven approaches and programs. Partnerships between end users and the myriad of Federal and State sponsored technical and research organizations are to be encouraged.

In strengthening the capabilities of the rural labor force, the Secretary should make every effort to coordinate with other Federal and State programs already authorized, such as those operated under the Rural Electrification Administration, the Jobs Training Partnership Act, the Vocational Education Act, land grant and community colleges, regional education laboratories and vocational/technical schools.

The Enhancing Human Resources subtitle is designed to provide access to advanced telecommunications to improve rural opportunities, particularly for rural schools, rural health care providers and rural businesses. This subtitle establishes new grants and low-interest loan programs which will be administered by the REA and the Secretary, for rural areas to accomplish this purpose. The grants and low-interest loans are for up to 100 percent of the cost for an approved project and grants and low-interest loans are awarded to approved end users.

The program is intended to be "technology neutral" so that rural communities may determine the appropriate technology delivery system for their particular area. This is consistent with recommendations by the Office of Technology Assessment. The program also allows grantees to either lease or purchase telecommunications equipment.

The REA will establish and implement this program, as well as publicize and promote it in rural areas. In addition, the REA will assist grant and loan applications by developing qualifying technical standards that these telecommunications systems should meet to be eligible for funding.

[From the Committee Report 102–119 on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill 1992]

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

1991 appropriation	
1992 budget estimate	
Provided in the bill	$5,000,000
Comparison:	
1991 appropriation	+5,000,000
1992 budget estimate	+5,000,000

This program is authorized in the Food, Agriculture, Conservation, and Trade Act of 1990 to provide incentives for local telephone exchange carriers, rural community facilities and rural residents to improve the quality of phone service, to provide access to advanced telecommunications services and computer networks, and to improve rural opportunities.

COMMITTEE PROVISIONS

For the distance learning and medical link programs the Committee provides an appropriation of $5,000,000, an increase of $5,000,000 above the budget request. There were no similar programs in fiscal year 1991.

In developing regulations for this program that Secretary shall take care to include appropriate organizations which have talents and capabilities in areas of rural economic development, technical assistance to schools and telecommunications technology and programming, such as regional education laboratories, land grant and community colleges and nonprofit public telecommunications entities.

SEPTEMBER 6, 1991.

DEAR CONFEREE: We are writing to you as a member of the Agriculture Appropriations Conference Committee regarding an important rural economic development issue.

The 1990 Farm Bill provided new authority (Title XXIII, Subtitle D, Enhancing Human Resources) for grants to rural schools and medical facilities for the purchase or lease of distance learning and medical telecommunications facilities, equipment or programming. The program will be administered by the Rural Electrification Administration (REA).

We believe it is imperative that this program be adequately funded. This program has an authorization level in FY 1992 of $50 million. The Senate bill does not provide funding. We strongly encourage you to adopt the House position of $5 million—without reduction.

This program follows the recommendations found in the Office of Technology Assessment's Report to Congress, Linking for Learning. Modern information links are a critical ingredient to the future economic prosperity of rural communities. No where is the link between telecommunications and economic development more apparent than in education and medical applications.

Distance learning technology has dramatic implications in rural settings where inherent geographic constraints can be reduced or eliminated. With this program we can transport ideas and information instead of people, as well as significantly reduce the educational inequities that exist between rural and urban schools.

Likewise, telecommunications systems can provide access for rural health care facilities to share training, diagnostic services, test results, x-rays and emergency procedures.

While fiscal constraints on the federal government are tight, we believe this program will spur further economic development in rural areas.

Thank you for your consideration. If you have questions, please contact Keith Krueger at (202) 342–5565.

Sincerely,

American Federation of Teachers.
America's Public Television Stations.
American Agricultural Movement.
American Family Farm Foundation.
Council for Educational Development and Research.
National Association of Counties.
National Education Association.
National Farmers Union.
National Grange.
National Rural Education Association.
National Rural Electric Cooperative Association.
National Rural Telecommunications Cooperative.
US WEST Communications.

Mr. COCHRAN. Mr. President, we have before us the conference report on H.R. 2698, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 1992. This agreement was reached Thursday, October 3, and the House passed it on Tuesday, October 8.

H.R. 2698 makes funds available for the many programs administered by the Department of Agriculture, such as research and extension; conservation; rural housing and farm loans, and farm income and prices support programs.

Total obligational authority in this conference agreement is $52.5 billion, which is $57.3 million below the President's budget request and $1.6 billion below the fiscal year 1991 level. Also, it is within the Agriculture Subcommittee's adjusted 602(b) allocation.

A major part of this bill—62 percent of the total amount appropriated—consists of funding for the various domestic food programs administered by the U.S. Department of Agriculture. These include the food stamp program; the child nutrition programs—school lunch, school breakfast, summer feeding programs and child and adult day care, and so forth; the Emergency Food Assistance Program; and the feeding program for Women, Infants, and Children [WIC]. I believe that adequate funding levels are provided for these very beneficial nutrition programs.

Mr. President, I am pleased to report that this conference agreement sup-

ports continuation of the existing conservation programs administered by the Soil Conservation Service and the Agricultural Stabilization and Conservation Service, including the Conservation Reserve Program. In addition, this report includes funding to establish a pilot Wetlands Reserve Program in five States and $6.75 million for a new Water Quality Incentives Program. These Department of Agriculture conservation activities are critical to improving and conserving our soil and water resources.

An important element in the success of agriculture in the United States is the support it has enjoyed from both private and public research. I believe this agreement provides a comprehensive, geographically broadbased, well-funded research program for agriculture, and technology transfer needs.

This conference agreement places increased emphasis on rural development. In fact, almost one-fourth of the bill total is available for programs that assist rural areas. Specifically, the agreement provides slight increase for rural water and waste disposal loans and grants, solid waste management grants, and low-income housing loans. Many of these programs have been very beneficial and have improved the lives of those who live in our Nation's small towns and rural communities.

Through various programs, the conference agreement also attempts to strengthen U.S. agriculture's potential in world markets. Continued efforts to expand agricultural markets overseas are critical to a healthy domestic farm economy. Reflected in this agreement are continued support of the intermediate and short-term export credit guarantee programs, export credit guarantees to emerging democracies, the Public Law 480 or Food for Peace Program, the Export Enhancement Program, and the Market Promotion Program.

In addition, adequate funding is provided for the Commodity Futures Trading Commission and for the Department of the Treasury for interest expenses incurred by the Farm Credit System Financial Assistance Corporation, and a limitation is established on the administrative expenses of the Farm Credit Administration.

The committee of conference on H.R. 2698 considered 241 amendments in disagreement between the two Houses. Although the conferees were faced with some major challenges due to the current fiscal conditions that we face, I believe those challenges were met and the differences were resolved to make this an agreement that is fiscally responsible and reflective of true agricultural needs.

Finally, Mr. President, I urge my colleagues to approve this conference report today. We are already in the new fiscal year, and the current continuing resolution is due to expire October 29.

Mr. CHAFEE. Mr. President, I would like to express my appreciation to the members of the Appropriations Committee for the record funding allocation they have provided in this bill for a very important program: the Special Supplemental Food Program for Women, Infants, and Children [WIC].

WIC is one of the Federal Government's best and most cost-effective programs. The WIC Program provides food vouchers to low-income mothers and their children who are at risk of serious nutritional deficiencies. This special, nutritious food includes milk, infant formula, orange and other juices, cheese, fruit, and cereals.

This simple idea—making sure that mothers and children receive good, basic, nutritious foods, and avoid nutritional deficiencies—is remarkably effective. Study after study has shown that every $1 invested in WIC saves approximately $3 in long-term health care costs and developmental problems. One USDA study revealed that for every pregnant woman who participated in WIC, the Government saved between $277 and $598 in Medicaid costs in the first 60 days after birth than for a pregnant woman who did not participate.

But WIC is not just a successful moneysaver. Just as important is the fact that WIC reaches infants and children at what is considered to be the most important stage in their physical and mental development—early on. At that critical stage, lack of crucial nourishment can mean impairment of cognitive functions. That kind of disadvantage is extremely heavy for a child who hasn't even started preschool yet. Participation in WIC has been proven not only to help reduce the risk of childhood anemia, low birthweight, and infant mortality, but to actually make a difference in a child's ability to perform well in school.

WIC also helps mothers. It helps them understand more about good nutrition, and it eases their entry into the health care system. A mother, who is used to going by the community health center to pick up the WIC foods, feels more comfortable going back to the center for medical care, or for referrals to other agencies that can help her.

I might also note that all this—better nutrition, better preventative health care, lower financial costs, and an end result of better-prepared youngsters for school and life beyond—is exactly what is important to corporate America. That is why last year, five chief executive officers heartily endorsed increased WIC funding before the House Budget Committee.

Sadly, however, this worthwhile program serves only about half of the eligible population. This gap in coverage represents a considerable missed opportunity, considering WIC's proven effectiveness for an especially vulnerable population.

There is much to be gained by expanding WIC to reach more low-income mothers and children, and over the years Senator DECONCINI and I have spearheaded efforts to gain steady increases in WIC Program funding.

This year, I am pleased to say that there has been a particularly strong convergence of support for WIC: the corporate sector and children's and health organizations have pressed for increased WIC funding. Both the President and Congress urged substantially increased funding for WIC—in fact, 86 of our colleagues joined Senator DECONCINI and me in requesting a full $2.7 billion for WIC in fiscal year 1992. This remarkable support comes from the fact that we all recognize that being pro-WIC is being both pro-children and pro-business; and that is pro-America.

Mr. President, the conference report before us contains a record $2.6 billion for WIC. That is an increase of $250 million over last year—nearly everything we requested, and the single largest increase in funding in WIC history. This money will go a long way toward ensuring that mothers receive vital health care, and children grow up healthy.

I am delighted by the committee's actions and again thank them for their strong support, both this year and in past years.

PROVISIONS AFFECTING WYOMING

Mr. SIMPSON. Mr. President, I rise to sincerely thank the members of the Agriculture Appropriations Subcommittee for including provisions in this bill which are so very important to my fine State of Wyoming.

An important provision which I am very pleased about is bill language which provides funds for the planning and design of an environmental simulation facility at the University of Wyoming. The proposed facility is very important to the State of Wyoming, to various Federal agencies, and to the private sector. I am pleased that the Senate has taken this important step toward making research in such an innovative facility a reality.

This computer controlled environmental facility is designed to use biological, technical, and modeling approaches to determine the most appropriate and efficient methods for vital environmental cleanup operations. By duplicating a particular ecosystem, this one-of-a-kind prototype laboratory has the potential to save precious time and money by proving the merits of various cleanup technologies.

The use of an environmental simulation laboratory will enable us to make better decisions on ways to protect and cleanup our environment and while we work toward resolving critical global environmental issues such as acid rain, contaminated surface and ground water, and the cleanup of hazardous waste.

I am also delighted to see a provision for joint research with the States of

Texas and Montana in order to investigate the problems facing the U.S. wool industry. Woolgrowers in this country are faced with declining world prices for their product and are finding it hard to compete. By researching the quality aspects of wool, producers may gain insightful information about the necessary quality standards their wool must pass.

In another vein, a provision was included in the bill which provides for a comprehensive study of the red meat packing industry. A chief concern of mine is concentration in the lamb industry, an important element of the overall red meat industry. The sheep industry is currently in a true economic crisis. Producers have watched their returns steadily decline over the last 4 years, while at the same time they have witnessed the price of lamb in the retail sector of the market peak at historical levels. I believe the study will provide needed information to both producers, packers, and retailers, and also the Government agencies which oversee the workings of the lamb industry.

My special thanks to friends and colleagues, Senator QUENTIN BURDICK, the chairman of the Committee on Environment and Public Works, and THAD COCHRAN, who so graciously assisted me and supported me in this matter. I also sincerely thank Senator THAD COCHRAN's fine and able staff who took the time to listen and understand the importance of the projects. I do look forward to working with the committee members and staff in the future.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2698, the Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill and has found that the bill is under its 602(b) budget authority allocation by less than $50 million. It is also under its outlay allocation by less than $50 million.

I compliment the distinguished manager of the bill, Senator BURDICK, and the distinguished ranking member of the Agriculture Subcommittee, Senator COCHRAN on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the agriculture bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2698—AGRICULTURE SUBCOMMITTEE SPENDING TOTALS

[Conference, in billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2698:		
New BA and outlays	51.2	36.4
Enacted to date	0.4	4.3
Adjustment to conform mandatory programs to resolution assumptions	−1.5	(*)
Scorekeeping adjustments	0.0	0.0
Bill total	50.2	40.7
Senate 602(b) allocation	50.2	40.7
Total difference	−(*)	−(*)
Discretionary:		
Domestic	10.8	9.9
Senate 602(b)	10.8	9.9
Difference	−(*)	−(*)
International	1.5	1.3
Senate 602(b)	1.5	1.3
Difference	0.0	−(*)
Defense	0.0	0.0
Senate 602(b)	0.0	0.0
Difference	0.0	0.0
Total discretionary spending	12.3	11.2
Mandatory spending	37.9	29.5
Mandatory allocation	37.9	29.5
Difference	0.0	0.0
Discretionary total above (+) or below (−):		
President's request	0.6	0.3
Senate-passed bill	0.2	0.3
House-passed bill	−0.1	−(*)

SENATE BUDGET COMMITTEE SCORING OF H.R. 2698—AGRICULTURE SUBCOMMITTEE SPENDING TOTALS—Continued

[Conference, in billions of dollars]

Bill summary	Budget authority	Outlays
Scorekeeping adjustments	0.0	0.0
Bill total	50.2	40.7
Senate 602(b) allocation	50.2	40.7
Total difference	−(*)	−(*)
Discretionary:		
Domestic	10.8	9.9
Senate 602(b)	10.8	9.9
Difference	−(*)	−(*)
International	1.5	1.3
Senate 602(b)	1.5	1.3
Difference	0.0	−(*)
Defense	0.0	0.0
Senate 602(b)	0.0	0.0
Difference	0.0	0.0
Total discretionary spending	12.3	11.2
Mandatory spending	37.9	29.5
Mandatory allocation	37.9	29.5
Difference	0.0	0.0
Discretionary total above (+) or below (−):		
President's request	0.6	0.3
Senate-passed bill	0.2	0.3
House-passed bill	−0.1	−(*)

Mr. LAUTENBERG. Mr. President, I rise to highlight several items important to my State that are included in the conference agreement on the fiscal year 1992 Agriculture appropriations bill, and to commend the distinguished subcommittee chairman, Senator BURDICK, and the distinguished chairman, Senator BYRD, for their efforts.

RUTGERS PLANT BIOSCIENCE CENTER

At my request, and the request of my good friend and colleague Representative DWYER, $3.044 million is included for the construction of a Plant Bioscience Center at Rutgers University to be located on the Cook College of Agriculture campus. The Bioscience Center will integrate the latest technologies with traditional scientific approaches to solve problems facing modern production agriculture and the environment.

Construction will begin soon on this center which will house facilities for plant biotechnology research and genetic engineering of plants and microorganisms. The 280,000 square foot facility will be home to the Center for Agricultural Molecular Biology. This center will include state-of-the-art laboratories, a research library, teaching classrooms, and attached greenhouses. The complex will replace obsolete facilities and equipment and will provide first-class facilities for undergraduate and graduate training. The center will integrate basic and applied research with extension activities to ensure that agriculture in the region remains profitable and environmentally sound.

The funds included in the bill will supplement funds committed by Rutgers University and the State of New Jersey totaling $27 million. I am pleased that this funding will allow Rutgers to begin construction in the fall on this important new research facility which will enhance its reputation for excellence and innovation in agricultural research.

To meet environmental concerns and to grow crops more efficiently, I believe that we need to invest in innovative research which combines cutting-edge technology with basic science. The Bioscience Center will develop technologies to increase agricultural productivity in New Jersey, while training the next generation of plant biologists and researchers. I wish to thank the chairman for including these funds for this new facility.

CRANBERRY AND BLUEBERRY RESEARCH

As I have in previous years, I sought funding for Rutgers' blueberry and cranberry research facility at Chatsworth, NJ. I am pleased that the conferees have provided $260,000 in research funds to support the development of insect and disease-resistant varieties of berries.

Another important focus of cranberry and blueberry research is the development of alternative pest management technologies compatible for use in the environmentally sensitive wetlands where blueberries and cranberries are grown.

IR-4

The Agriculture appropriations conference agreement also includes $3.5 million in funding for the Interregional Research Program No. 4 [IR-4] program. This national research program, headquartered at Rutgers University, is a cooperative effort of the State agricultural experiment stations and the USDA working in concert with the agricultural chemical companies and the EPA to pursue registration of minor use pesticides. Minor use pesticides are used by many of the Nation's farmers of vegetables and nursery crops. Many farmers in my State rely on minor use pesticides for growing the fruit and vegetable crops which compromise almost 80 percent of New Jersey's farm production. This research provides data on the safety and effectiveness of minor use pesticides, which will ensure the continued availability of these products for farmers of so-called minor crops around the country.

APHIS LAB

Mr. President, I want to express my appreciation to the conferees for the inclusion of language in the conference report which expresses the support of the conferees for the continued operation of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service Methods Development Center in New Jersey. The Senate bill included an amendment I requested prohibiting the relocation of this facility to any other State before September 30, 1992. Following the Senate passage of that amendment, APHIS agreed to maintain this facility in New Jersey at the Port of Elizabeth. Consequently, bill language was no longer deemed necessary by the conferees, who did, however, include in the statement of managers a clear statement of their intent that the center remain in New Jersey.

The Methods Development Center provides important fumigation and quarantine services and consultation to the ports and related businesses in the North Atlantic region. The proximity of this research laboratory to the ports makes it a valuable resource to the mid-Atlantic region which ultimately benefits the consumers served by the ports. The inspection and fumigation of the large volume of fresh fruits and food products which enter the ports at New York, New Jersey, and Philadelphia are handled quickly with the assistance and expertise of the Methods Development Center. The continued operation of this valuable research and consultation facility is vital to the ports it serves, and I thank the chairman for his able assistance on this matter.

Mr. President, to amplify the record on this, I ask unanimous consent that a letter from USDA regarding the APHIS lab be printed in the RECORD at the conclusion of my remarks.

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

DEPARTMENT OF AGRICULTURE,
Washington, DC, September 4, 1991.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: This is in further response to your letter of July 18, 1991, concerning our Animal and Plant Health Inspection Service's (APHIS) plans to move the Hoboken Methods Development Center from its present site. This same information is being provided to the other Members of Congress who signed the letter.

We recognize your interest in keeping the services provided by the Hoboken Methods Development Center in the New Jersey area. You may be pleased to learn that we have decided to keep the current staff of five specialists and two secretaries in New Jersey. They will continue to provide services and technical assistance to the Northeastern ports as a part of their national and international responsibilities.

The city of Hoboken has been pursuing an urban renewal project that includes the land on which our current building is standing. As a result, in 1989, APHIS agreed to vacate the building as soon as a new site could be secured. At this time, our facility is underutilized and in need of extensive repair. Moreover, the costs for utilities and maintenance are not commensurate with the number of employees remaining at that location. Consequently, most of APHIS' Plant Protection and Quarantine (PPQ) staff have already relocated to a facility at Port Elizabeth, New Jersey, and we plan to move the current methods development staff and the remaining PPQ staff to Port Elizabeth as well.

We appreciate your interest in this matter.

Sincerely,

JO ANN R. SMITH,
Assistant Secretary,
Marketing and Inspection Services.

Mr. WELLSTONE. Mr. President, I want to commend the work of the agricultural appropriations committee of both Houses and the conference committee for their dificult work in funding programs and projects under trying budgetary constraints. Many programs of great merit will unfortunately be inadequately funded or unfunded in 1992. Still, the committees have performed admirably in balancing their selection among deserving funding requests.

The basic conservation and commodity price support provisions of the 1990 farm bill, funded in this appropriations measure, are the most important component of current American agriculture policy. I was not present for the debate or vote on that landmark omnibus bill, and so take this opportunity to remark that it only reinforced the extremely damaging trend in farm policy of the last decade. The low prices and budget cuts imposed on American farmers by that legislation already are having the disastrous effects that family farmers predicted it would. A noted economist, based in Minnesota at a major Midwestern bank, has projected that farm income in our region will be down by about 10 percent this year. The welcome, but partial, upturn in the U.S. farm economy at the end of the 1980's, a decade in which farm suicides reached record levels, has not restored vitality to this country's rural communities and economy. And I fear that the policies and philosophy enshrined in the 1990 farm bill will bring more hard times to the agricultural community in my State.

Again, however, I want to commend the conference committee for this appropriation bill, which funds a number of programs and projects that will assist agriculture in my State, and will contribute to the welfare of the country. I would especially like to note that the important research station expansion at the Federal North Central Soil and Water Research Station at Morris, MN, received $825,000, and Minnesota's very successful wolf control program, operated by USDA's APHIS Program, received $250,000. The Red River Trade Corridor, a project involving both Minnesota and North Dakota, received $200,000. I am also heartened by the restoration of full funding to REA lending and by the generous, and much needed, appropriation for programs aimed at eradicating pseudorabies. Other important research and assistance programs operating at the University of Minnesota and elsewhere in my State, such as swine research and Project Future, also received funding in this bill.

Mr. President, I am disappointed at our inability to fund the expansion of low-input and sustainable agriculture programs authorized in the 1990 farm bill. We must move forward in this area. Maintaining a healthy agricultural economy must be combined in this country with protecting the environment. We need to promote proper land stewardship practices in our agricultural policy and spending. In this respect, I am glad we are able to fund important wetlands provisions, but wish we could do much better for the environment overall.

I urge my colleagues to pass this appropriations bill.

Mr. SPECTER. Mr. President, the Subcommittee on Agriculture Appropriations has once again produced a bill of which Congress can be proud. After a disappointing allocation of funds from the Senate appropriations full committee, the subcommittee was still able to report a bill which was within its 602(b) allocation. Upon a reconciliation with the House of Representatives, a balanced conference report has been obtained to maintain vital agriculture and rural development programs.

I am particularly pleased with the bill's inclusion of several programs which are of significant importance to the Commonwealth of Pennsylvania, specifically, with Pennsylvania the fourth largest producer of dairy products in the United States and the Pennsylvania State University as a recognized leader in research concerning the production of safe and wholesome dairy products, Penn State will again be the recipient of funds to continue research into the understanding of the microbiology of the listeria organism and to make progress in determining the process and handling parameters that will help to ensure a safe milk supply.

Further, I am pleased that funds have been provided to begin research in the areas of pesticide use and postharvest technologies in apple production. This research will assist apple producers who have demonstrated a need to reduce the use of chemicals while retaining fruit quality and reducing the cost of production.

In addition, I applaud efforts to restore funds to the Rural Electric Administration's insured loan program. In the past, loss of funding has severely exacerbated the impact of the already large backlog of insured electric loan applications at REA. With Pennsylvania having the Nation's largest rural population, the activities by rural electric cooperatives are vital to provide basic services to this population.

Lastly, the nutrition and health programs that are funded in the bill are several steps forward in improving the diets of our Nation's low-income families, the elderly and our children. In particular, the Special Supplemental Food Program for Women, Infants and Children [WIC] contains an increase above last year's level to help pregnant, postpartum, and breast-feeding women, infants, and young children who are at a nutritional risk. This program has been found to provide an important contribution to reducing infant mortality and the health of our Nation's children.

We are all aware of the review currently being conducted by the Department of Agriculture of the Department's policy. regarding cereal contained in the WIC food package. Under

the WIC Program, the Department approves foods which are healthy and nutritious. The statute requires that the foods available under the WIC Program must contain appropriate levels of fat, salt, and sugar. Under the Department's current guidelines, the program excludes cereals which contain more than six grams of sugar per ounce. While the Department attempts to limit the amount of sugar available to WIC recipients, the Department recommends raisins as a nutritional snack. Raisins are high in iron and potassium, are a good source of fiber, and have virtually no fat. Raisins, however, like other fruits, contain sugar. In the case of a cereal manufacturer seeking to market a cereal under the WIC Program, the Department has ruled that if the cereal contains raisins it is disqualified if the raisins increase the product's sugar content above the WIC limit of 6 grams per ounce.

This matter deserves reviewing by the Department to best represent the nutritious guidelines of the WIC Program. I am pleased with the agreement reached by the conferees that the Department should complete its review of the issue of cereals containing fruit as expeditiously as possible, with the expectation that the Department will report on the matter by December 31, 1991. I am hopeful that the Department's conclusion on the issue will be sensible and explicable to WIC mothers, so as to ensure continued access to nutritious foods by recipients of this highly recognized and effective program.

Mr. President, I am pleased with the agriculture appropriations bill for fiscal year 1992 and urge my colleagues to join me in passage of this conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

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

The result was announced—yeas 88, nays 10, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—88

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

NAYS—10

Brown	Pell	Wallop
Dixon	Roth	Wirth
Garn	Rudman	
Helms	Smith	

NOT VOTING—2

Pryor	Wofford

So the conference report was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the amendments of the House to the amendment of the Senate that are reported in disagreement be considered and concurred in en bloc.

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

The amendments are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2698) entitled "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 28, 31, 61, 68, 75, 94, 111, 116, 125, 127, 138, 162, 178, 202, 209, 212, 213, 214, 215, 219, 222, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 239, and 240 for the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$73,979,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$97,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$20,795,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$430,711,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 36 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$75,270,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 48 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$11,347,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 49 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$17,715,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 50 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$462,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 52 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$430,939,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 63 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter proposed by said amendment, insert:

In fiscal years 1992 and 1993, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101-624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert:

For expenses necessary to recapitalize Dairy Graders, $1,250,000, and to capitalize the Laboratory Accreditation Program, $600,000, making a total of $1,850,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows:

Notwithstanding the foregoing provisions of this Act, the reimbursement to the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, in fiscal year 1992 shall not exceed $7,250,000,000.

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1992, CCC shall not expend more than $3,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 83 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That not to exceed $6,750,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 88 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

WETLANDS RESERVE PROGRAM

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $46,357,000, to remain available until expended: *Provided*, That none of the funds made available by this Act shall be used to enter in excess of 50,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 103 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert "$319,900,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 107 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert "$488,750,000".

Resolved, That the House recede from its disagreement to the amendment to the Senate numbered 108 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$2,832,140,000, of which $1,800,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 156 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That no funds appropriated in this Act may be used to implement any other criteria, ratio, or test to deny or reduce loans or loan advances".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 176 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "$500,000 nor more than $1,000,000 of this appropriation shall be expended to provide community and economic development technical assistance and programs".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 177 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert "and whose full-time responsibilities are to administer such community and economic development programs".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 184 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum named in said amendment, insert "$3,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 205 to the aforesaid bill, and concur therein with an amendment as follows: Restore the matter stricken by said amendment, amended to read as follows:

SCIENTIFIC ACTIVITIES OVERSEAS

(FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: *Provided*, That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 214 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 743. The Secretary shall ensure that no funds made available to carry out section 515 of the Housing Act of 1949, as amended, shall be used in a manner that differs from the Department's policies or practices in effect on July 1, 1991.

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

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

The motion to lay on the table was agreed to.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1991—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2942 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2942) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 7, 1991.)

Mr. LAUTENBERG. Mr. President, I bring before the Senate the conference report on H.R. 2942, the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1992.

Mr. President, I would like to take a moment to summarize the funding levels in this appropriations measure.

The conference agreement contains a total of $14,302 million in new budget authority and $20,852 million in obligation limitations. The conference report is within the subcommittee's 602(b) domestic discretionary allocation and is consistent with the budget summit agreement.

The major increases over fiscal year 1991 are for the Federal Highway Administration, an increase of 16 percent over the 1991 enacted level; the Federal Aviation Administration, an increase of 11.8 percent; and the Coast Guard, an increase of 8.6 percent. Funding for mass transit, so important to urban areas across the country, is increased by 15 percent.

Overall, the spending provided in this bill, through a combination of new budget authority and limitations on obligations, totals $35.2 billion.

I believe that this bill marks a real watershed in transportation spending. This bill makes the investments the Nation needs to ensure the safe, efficient, and environmentally sound movement of people and goods. The bill invests in new technologies to increase the productivity, safety, and efficiency of our transportation network. The bill supports a balanced transportation system that relies on all the modes to meet the Nation's needs. The conference agreement calls for the historically high spending level of $16.8 billion for the Federal-Aid Highway Program, which is necessary if we want to get about the business of fixing the functionally obsolete and structurally unsound highways and bridges in this country, while at the same time adding needed capacity.

Citing a deteriorating infrastructure, many people have been calling for more highway spending. I note that our subcommittee has increased highway funding by 37 percent over the last 2 years. We are committed to rebuilding our infrastructure, I think it is especially appropriate that we will achieve this historic high-water mark in obligations from the highway trust fund at the time when both the Senate and the House are considering a new Surface Transportation Act that will provide States with much-needed flexibility to use a portion of their formula grants for mass transit or intercity rail projects if it best suits their needs.

This bill recognizes that congestion is not a problem we can just build our way out of with more pavement. The conference report provides $3.76 billion for transit, a 15-percent increase over last year. The bill recognizes that we must also apply our technological know-how to solve congestion problems, whether they occur in the air or on the land. The conference agreement calls for spending $2.4 billion in 1992 for the facilities and equipment account of the Federal Aviation Administration. This is a 14-percent increase over the 1991 enacted level and will provide the

latest state-of-the-art equipment for a more efficient and safer national aviation system.

This bill not only spends for the traditional bricks and mortar, but also makes investments in the most advanced technology available. We have discovered, at times, in most painful ways, that neither our air space nor ground space are limitless. The challenge before us is to use the physical space in the most efficient, safe, economic and environmentally sound way possible. I believe that this bill meets that challenge.

The bill makes a major pledge to advance the use of technology to solve our surface transportation problems by providing almost $140 million for the Intelligent Vehicle-Highway Program. These systems will help us achieve improved efficiency out of our existing highways as well as aid on the development of new, more efficient roadways utilizing a wide variety of innovative technologies such as electronic toll collection, traffic control signalization, and real-time traffic incidence management.

This bill also continues the committee's policy of encouraging passenger rail transportation—which remains the Nation's cleanest and safest transportation option. As in last year's Transportation Appropriations Act, the committee has reduced appropriations for operating subsidies for Amtrak, and accompanied this cut with increased support for Amtrak's capital acquisitions. Growing levels of congestion as well as the requirements in the Clean Air Act have greatly renewed interest across the country in rail passenger transportation. The appropriations subcommittee has heard a growing drumbeat from our fellow Senators as well as many Governors for more frequent and varied Amtrak service.

The $175 million provided in this bill for Amtrak's capital program will be pooled with Amtrak's own borrowings to address its most critical shortages of locomotives and passenger cars. Only through a very extensive capital investment program will Amtrak be able to maintain its current level of service and eventually expand the national route system. Amtrak's efforts to achieve operating self sufficiency by the end of this decade will surely fail if it cannot acquire the basic infrastructure of a modern passenger railroad.

Toward that end, the conference report includes $205 million for the Northeast Corridor Improvement Program [NECIP]. The Northeast corridor is the only major segment of track owned by Amtrak. High-speed operations over the corridor represent by far and away the most profitable of Amtrak's routes. Over $150 million of the amount provided for the NECIP Program will continue the electrification program intended to provide the same high-speed, 3-hour service between New York and Boston as is now available between Washington and New York. The Coalition of Northeastern Governors has estimated that 3-hour service between New York and Boston can divert almost 3 million passengers a year from some of the most congested airspace and highways in the Nation to Amtrak. These passengers from every State along the corridor will decide to take the train instead of flying or driving. The project will increase the convenience and transportation options, not just of the people of New York and New England, but the people of my State and others who want to travel throughout the eastern seaboard. The project promises to save 24.5 million gallons of gasoline and jet fuel annually, enhancing the environment of our region by reducing the emissions of carbon monoxide, hydrocarbons, and nitrogen oxides by more than 600 tons every year.

This project will also greatly reduce if not eliminate the need for sizable expenditures by the Appropriations Committee to expand airport capacity in the Boston area. Unlike other proposed route enhancements for the Amtrak system, this project will reduce maintenance costs to Amtrak and greatly increase ticket revenue, aiding Amtrak in achieving self-sufficiency. This project truly exemplifies all the factors of our transportation priorities—improving mobility, enhancing safety, minimizing pollution, and avoiding unnecessary costs associated with other less-efficient transportation options.

For the Coast Guard, the bill provides more than $3.3 billion in new budget authority, to be supplemented by transfers between the Coast Guard and the Defense Department, yielding a total program level of more than $3.5 billion. These transfers from DOD are similar to those executed in previous years to further the Coast Guard's national defense mission, including drug interdiction. After all transfers are accounted for, Coast Guard operating expenses will receive a funding increase well in excess of inflation in order to allow the Coast Guard to fully implement the Oil Pollution Act of 1990, as well as execute its many other missions, including drug interdiction, search and rescue, vessel and shore facilities inspections, and boating safety. Funding for Coast Guard acquisitions will be $390 million, well over the House-passed level to help the Coast Guard restore its deteriorating shore facilities and replace aging vessels and aircraft. For too long, Mr. President, we have asked the Coast Guard to do more with less, but this bill continues our efforts to adequately compensate the Coast Guard for its ever-growing list of responsibilities.

In keeping with the committee's position on the need for improved safety in all modes of transportation, I am very proud that the conference agreement before you includes the commitment that Congress will do everything it can to ensure that transportation employees who are in safety-sensitive positions are drug and alcohol free when performing their duties.

The Omnibus Transportation Employee Testing Act is included as title V of this bill and requires drug and alcohol testing of safety-sensitive employees in the aviation, rail, truck, bus, and mass transit sectors. It allows four types of testing: postaccident, preemployment, random, and reasonable suspicion testing. It is important to point out that the testing would be conducted according to Department of Health and Human Services guidelines to protect employees' rights and to ensure the accuracy of tests—and that initial screening tests must be followed up by highway reliable confirmatory tests at laboratories that meet rigorous certification standards.

Title V of this bill is identical to S. 676, which was passed by the Senate on May 20, and was also included as an amendment to S. 1204, the Surface Transportation Efficiency Act which passed the Senate. I believe that agencies seeking the legislative intent of these provisions should refer to Senate Report 102-54, issued by the Committee on Commerce, Science, and Transportation.

I am happy to report that, after 11 previous attempts going back to 1987, the Senate, by agreeing to the conference agreement before it, can—finally—send to the President legislation that will go a long way to ensure the traveling public that all transportation employees in safety-sensitive positions are drug and alcohol free, while at the same time protecting the rights of those employees.

In addition, the agreement before us calls upon the Secretary of Transportation to undertake a process for determining whether or not radar detectors should be banned from trucks involved in interstate commerce. This rulemaking process, I am hopeful, will make our highways even more safe by prohibiting devices that allow certain drivers to exceed the posted speed limits. Given the types of cargoes that are carried by motor carriers, we must do all we can to ensure that those cargoes are transported safely.

Mr. President, we had 163 amendments in conference. The conferees have agreed to a resolution of all of these amendments. The result is a package that I believe preserves a balanced transportation program for the Nation.

Mr. President, I believe this accurately and fairly summarizes the overall contents of our agreement. Before I yield, however, I want to thank my friend and ranking member, Senator D'AMATO from New York for his help in getting this bill through the committee, the floor, and the conference with

the House. Given the many hurdles we faced, the many needs that exist, and the number of Members' requests, it was at times difficult to develop and fully fund all the programs that we wished. Without Senator D'AMATO's assistance and cooperation, it would have been impossible.

I also want to pay tribute to my House counterparts, Chairman BILL LEHMAN and the subcommittee's ranking member, LARRY COUGHLIN. They and their colleagues worked hard to produce a good, solid transportation program and were unfailingly courteous and cooperative in working out reasonable accommodations between the two Houses.

I am also indebted to my colleagues who serve with me on the Transportation Subcommittee. Senators BYRD, HARKIN, SASSER, MIKULSKI, D'AMATO, KASTEN, DOMENICI, and HATFIELD, have been a constant source of sensible counsel and steadfast support.

Mr. President, I believe Senator D'AMATO has some remarks he would like to offer at this time, and I yield the floor.

Mr. D'AMATO. Mr. President, I join with Chairman LAUTENBERG in urging the Senate to approve the conference report accompanying H.R. 2942, the fiscal year 1992 appropriations bill for the Department of Transportation and related agencies.

This final conference agreement contains $14,301,797,569 in new budget authority for DOT during fiscal year 1992. This amount is $1.3 billion over the fiscal year 1991 level.

There are many important aspects of this legislation. Chairman LAUTENBERG has included an excellent summary of them in his remarks, so I will not repeat them here. However I would like to touch on one aspect of the drug- and alcohol-testing legislation that is included in our bill.

H.R. 2942 includes vital provisions to enable DOT to issue drug- and alcohol-testing rules. With respect to mass transit operators, I believe it is important to clarify that these provisions apply to all those involved in providing transit services to the public. Drug- and alcohol-testing requirements must not be circumvented through contracting out of transit work.

Safety-sensitive employees of recipients of the Federal transit grant money identified in the bill, and those safety-sensitive employees working for contractors of such recipients must be covered exactly to the same extent and in the same fashion. I know that I speak for all conferees when I say that we will not tolerate a situation where employees performing substantially the same safety-sensitive function are covered or not covered depending on whether they work directly for a public authority or an outside contractor.

Mr. President, I urge my colleagues to adopt this conference report.

MANDATING DRUG AND ALCOHOL TESTING OF TRANSPORTATION WORKERS

Mr. HOLLINGS. Mr. President, this is a historic moment, and one toward which I, and I know many others, have worked for many years. Finally, we will be enacting drug and alcohol testing for transportation workers. This is an important milestone in our efforts to make America's transportation system as safe as possible.

I thank my colleagues on the Transportation Appropriations Subcommittee, including the chairman, Senator LAUTENBERG, and the ranking member, Senator D'AMATO, for their support in the conference on H.R. 2942, the Department of Transportation and Related Agencies Appropriations Act, particularly with respect to the alcohol- and drug-testing provisions. During the Senate Appropriations Committee markup on September 12, 1991, I offered an amendment to H.R. 2942 that would mandate alcohol and drug testing for transportation workers. It was approved by the committee and the Senate. The conferees for the transportation appropriations bill have agreed to retain these provisions, and I very much appreciate their efforts.

I also must recognize the efforts of the many other groups and individuals who worked so hard to bring this legislation where it is today, including my colleague and ranking member on the Commerce Committee, Senator DANFORTH; my colleague and chairman of the Surface Transportation Subcommittee, Senator EXON; Mr. Art Johnson and Mr. Roger Horn of Safe Travel America; as well as Ms. Micky Sadoff and all of the members of Mothers Against Drunk Driving. Without the persistent efforts of these and others, we would not be where we are today.

I have spoken many times about the need for passage of mandatory random alcohol and drug testing for transportation workers. I have worked with my colleague Senator DANFORTH to obtain enactment of such legislation ever since the 1987 Chase, MD, Amtrak accident in which 16 people were killed, and the National Transportation Safety Board found that the use of marijuana by crew members was a probable cause of the accident. It now appears that we finally will achieve our goal.

It is often true that out of tragedy comes good, and the passage of this legislation is a good example of this truism. It is unfortunate that the lives of Cerise Horn and Christie Johnson had to be lost in the Chase accident, and Richard Lee Limehouse, Jr., a native of Moncks Corner, SC, in the New York subway accident, for stronger action to be taken against drug and alcohol abuse in the transportation sector. It is terrible to have watched families suffer such tragedies in senseless and needless accidents. Cerise Horn was 16, Christie Johnson was 20, both with full and promising lives ahead of them. Richard Limehouse, Jr., was 41. He left a wife and three children. Today, as we approve, for the final time, this important testing legislation, we must honor Christie, Cerise, and Richard, and their families for what they have contributed to making our transportation system safer.

I particularly extend my sincere appreciation to Art Johnson and Roger Horn, who turned their tragedy into hope for a better future. Without their tireless efforts toward enactment of this legislation, we would not be here today. They clearly have contributed much to making our transportation system safer.

The amendment, which the conferees have agreed to include in the appropriations bill, tells the American people that Congress is doing what it can to ensure that the transportation system is the safest and best possible. The clear need for this legislation was reinforced recently by the tragic New York City subway accident on August 28, 1991. I will not cite here today the many other tragedies that call out for this legislation to be passed. The Commerce Committee report on S. 676, virtually identical to the drug- and alcohol-testing provisions in H.R. 2942, chronicles the history of, and the need for, this legislation.

We know that many transportation workers are professional, responsible individuals. Yet the public needs to be reassured that we are doing all we can to make the system as safe as possible. Drug- and alcohol-testing legislation accomplishes that. At the same time, these testing provisions require all possible precautions are taken to ensure the accuracy of test results and to protect innocent employees. These safeguards include a requirement that testing follow Department of Health and Human Services [HHS] guidelines; that initial screening tests be followed up by confirmatory tests by laboratories that meet rigorous certification standards; and that the confidentiality of the results and medical histories be protected. The HHS guidelines also refer to the need for medical review officers go meet certain qualifications so that experts review test results, thereby further protecting workers.

Concerning random alcohol testing, the testing provisions in H.R. 2942 give the Department of Transportation [DOT] sufficient authority to develop rules to determine when testing will occur. This authority will allow DOT to require random tests centered around the time of employee performance. This legislation gives DOT ample authority to focus the rules and procedures appropriately and the ability to avail itself of the latest techniques, such as breathalyzers, to carry out the testing. The alcohol-testing requirements will ensure that transportation employees do not drink alcohol and op-

erate within the transportation system.

Mr. President, I have stated many times before my belief that those who drink alcohol or use illegal drugs have no business operating a train, plane, truck, or bus. I know the vast majority of transportation workers do not abuse the trust we place in them. However, accidents caused by alcohol or drugs cannot be tolerated. Drug and alcohol testing is a small price to pay to ensure that the Nation's transportation system is as safe as possible for all involved.

Mr. President, I urge my colleagues to join in supporting this legislation.

Mr. LAUTENBERG. Mr. President, language was adopted by the conference on H.R. 2942 under payments to air carriers governing the expenditure of $38.6 million appropriated for essential air service.

Provided further, That none of the funds in the Act shall be available for service to communities not receiving such service during fiscal year 1991, unless such communities are otherwise eligible for new service, provide the required local match and are no more than 200 miles from a large hub airport.

Mr. SIMON. Does the language included under the payments to air carriers account prohibit payments for service to points such as those in Illinois which were eligible for subsidized service in fiscal year 1991 and for which the necessary orders authorizing that service were also issued by DOT in fiscal year 1991?

Mr. LAUTENBERG. No; the language in question does not prohibit or restrict payments to such eligible points. If DOT issued orders authorizing essential air service prior to fiscal year 1992, this amendment does not affect such points and the Department may pay for such service in fiscal 1992.

Mr. STEVENS. May I engage the manager of the bill in a short colloquy concerning a Hovercraft demonstration project. The committee has provided $75,000 for a search and rescue demonstration project at the Upper Cook Inlet near Anchorage, AK. I want to clarify exactly how this Hovercraft project will be managed. The Department would issue a grant to the municipality of Anchorage which is arranging for the Hovercraft and managing the project. The $75,000 would be utilized by the municipality to fund the Hovercraft demonstration including necessary rental, transportation, and personnel expenses for the demonstration. Do I understand this correctly?

Mr. LAUTENBERG. That is correct. This money would be made available to the municipality of Anchorage as a grant for the use and necessary expenses for the Hovercraft demonstration project.

Mr. D'AMATO. I applaud the Senator from Alaska for his efforts. This technology could also have applications to upstate New York where water and cold weather are also a problem. The use of a Hovercraft on the St. Lawrence River is something in which I am very interested. I look forward to the results of this study.

Mr. LAUTENBERG. Mr. President, I would like to note that this conference report contains many items that benefit my State, New Jersey.

As I have noted, the bill sets an obligation ceiling for the highway program of $16.8 billion. Under this level, which is 16 percent higher than the fiscal year 1991 level, New Jersey would expect to receive approximately $700 million in formula highway and transit funds. That represents a tremendous infusion of funds to help meet our State's pressing transportation needs.

Additionally, the conference report provides $199 million in specific highway and transit earmarks for New Jersey. The committee and conference reports detail these earmarks, but I would like to briefly outline them.

First, $45 million is earmarked in the area of intelligent vehicle-highway systems. This program is an important one in our efforts to address the problems of congestion, air pollution, and poor productivity. Today, too many New Jerseyites are spending too much time in their cars, stuck in traffic, and away from family or work. IVHS can help change that, by making our roads, bridges, and tunnels more efficient.

For IVHS, the bill earmarks: $1 million for research and development at the New Jersey Institute of Technology: $3 million for the continuing traffic management efforts of Transcom; $4 million for a traffic management plan in an eight-county area of New Jersey, through the MAGIC Program; $25 million to help install electronic toll collection on the State's three major toll roads; $6 million to establish a comprehensive traffic management agency in southern New Jersey and Philadelphia; and $6 million for traffic signal computerization.

There are a number of highway projects funded under this bill. These projects are all worthy, and greatly needed. They will help ease congestion and improve safety in areas throughout the State, such as Newark, Bergen County, central New Jersey, and the fast-growing Camden-Burlington Counties area. Those projects are: Route 21 widening in Newark, $5 million; I–280 Downtown Connector improvement in Newark, $3 million; I–78 Downtown Connector in Newark, $4 million; Raymond Plaza (Penn Station, Newark) access improvements, $1.5 million; Route 21 Viaduct, Newark, $2.7 million; Route 4 bridge replacement in Bergen County, $2 million; Route 4/208 interchange in Bergen County, $4 million; Route 4/17 interchange in Bergen County, $4 million; and Routes 70/38 capacity expansion in Camden County, $6 million. The bill also earmarks $15 million, out of the funds provided for the parkways and park highways program, to build a new pedestrian bridge connecting Liberty State Park to Ellis Island, to make that historic place more accessible to the many Americans who want to visit it. The conference report also includes $3.5 million for an interstate emergency callbox system. It also provides $500,000 for trauma research on passenger compartment intrusions at a trauma center staffed by a research professional with extensive experience in this area. Important work in this area is being done by researchers at the University of Medicine and Dentistry in Newark, NJ. The report also directs NHTSA to conduct a study on the theft-resistance of automobiles, to explore ways to fight auto theft that plagues New Jerseyites.

In the aviation area, there are important provisions, including bill language that would allow Atlantic City to use revenues from the sale of Atlantic City Airport for nonaviation purposes, clearing the way for the sale of the airport to the State. I've worked hard for years to try to see this tremendous aviation resource developed. With the cooperative efforts of the State and Mayor Whelan of Atlantic City, we're now at a point where real progress can be made, and the development of the airport into a first-class facility can proceed. This provision will ensure that that progress won't be impeded by a technical problem.

The bill also prioritizes applications for Airport Improvement Program funds to make improvements at Atlantic City International Airport; contains bill language allowing parochial schools near airports to qualify for soundproofing funds; includes language prioritizing funds for further study of the proposed joint civilian use of McGuire Air Force Base; and provides $1.5 million for Rutgers University and the Georgia Institute of Technology for a joint center of excellence for aviation research.

In addition, 10 New Jersey airports are slated to receive grants for safety improvements. These airports make up a network that serves the varied aviation needs of our State, from scheduled commercial service to general aviation. These airports are: Newark Airport, Lincoln Park Airport, Somerset Airport in Somerville, NJ, Morristown Airport, Gibbsboro Airport, FAA Technical Center in Pomona, NJ, Cross Keys Airport, South Jersey Regional Airport in Mount Holly, NJ, Trenton-Robbinsville Airport in Robbinsville, NJ, and the Atlantic City Airport. Specific dollars amounts will be determined by the Federal Aviation Administration.

One way New Jersey is going to help improve its air quality and our ability to move people and goods is through improved mass transit. For transit to become a real alternative to the single

passenger car, it must be more affordable, reliable, and convenient. The bill before us includes funding for projects that would help meet those goals. In mass transit, the conference report contains: for the Hamilton Transportation facility (train, bus, highway), $3 million; for a new Atlantic City bus facility, $3 million; $21 million to New Jersey Transit for bus acquisition; $6.18 million to begin an upgrade of the New York, Susquehanna & Western freight rail line to provide needed commuter service in northern New Jersey; and $5.3 million for Central Electric Train Control to improve safety on New Jersey's rail lines between Trenton and Philadelphia. The bill also contains $500,000 for inner city youth job training, to help bring those youth into the transportation field.

A major new transit improvement, the Urban Core, would significantly improve transit in New Jersey by linking the State's rail lines into a coordinated network. This project would truly make transit more convenient for commuters now using rail, and open up new opportunities for thousands of new commuters. In the new start category, the conference report provides $70 million for the Urban Core.

The Urban Core project will consist of seven elements: the Secaucus Transfer—a new train station in Secaucus will link the Bergen and Main lines to the Northwest Corridor (Amtrak lines), providing access to Newark and midtown Manhattan for Bergen County residents; Newark-Elizabeth Rail Line—a new rail line to link Newark International Airport with major downtown centers in the Newark-Elizabeth corridor with connections to the regional rail network; Hudson Waterfront Transportation System—will establish a mass transit system along the Hudson waterfront and link it to the existing commuter rail system; Waterfront Connection—recently opened line links Newark Penn Station to Hoboken Terminal, providing access to the Hoboken and Hudson waterfront area and improved access to lower Manhattan for passengers traveling through Penn Station; Kearny Connection—will link the Morris and Essex rail lines to the Northeast corridor, significantly improving rail access to Manhattan; Northeast Corridor Signal System—improvements to the Northeast corridor signal system from Trenton to New York and to the Penn Station New York concourse will ensure reliability on the Northeast corridor and passenger safety and convenience at Penn Station New York; Rolling Stock—new rail cars will be purchased to meet the new demands under the Urban Core project.

Under the Coast Guard, the bill contains $4.3 million for phase III of the New York Vessel Traffic Service, a project that I have worked over the last 3 years to fund and get in place. New York harbor is one of the busiest harbors in the country; this VTS will help protect against accidents that could have disastrous effects on our precious coastal resources. The bill also contains: $3.4 million to build a new patrol boat pier at Ft. Hancock in Sandy Hook; $300,000 to the New Jersey marine sciences consortium to develop an instructional curriculum and educational materials on fishing vessel safety; and $5 million for an applied training facility at the recruit training center at Cape May.

Finally, I would like to note that the bill contains $250,000 for the Department of Transportation to study the feasibility of using dyes to label different gasoline octane levels to prevent consumer fraud. This is an issue that is of serious concern to many in New Jersey, and I hope that the study can be of some benefit in addressing the situation.

Mr. President, as chairman of the Transportation Appropriations Subcommittee, I work hard to see that the transportation problems of New Jersey and the Nation are addressed. These projects are important ones that will provide significant benefit to the people of New Jersey, and to those who travel to and through our State.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined the conference report on H.R. 2942, the Transportation appropriations bill, and has determined that the report is under its 602(b) budget authority allocation by $3 million and under its 602(b) outlay allocation by $7 million.

I compliment the distinguished manager of the bill, Senator LAUTENBERG, and the distinguished ranking member of the Transportation Subcommittee, Senator D'AMATO, for all of their hard work.

Mr. President I have a table prepared by the Budget Committee which shows the official scoring of the Transportation appropriations bill and I ask unanimous consent that it be printed in the RECORD at this point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2942—TRANSPORTATION SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE

[In billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2942:		
New BA and outlays	14.3	12.2
Enacted to date	0.0	20.1
Adjustment to conform mandatory programs to resolution assumptions	−(*)	(*)
Scorekeeping adjustments/PLRs	0.0	0.0
Bill total	14.3	32.3
Senate 602(b) allocation	14.3	32.3
Total difference	−(*)	−(*)
Discretionary:		
Domestic	13.8	31.8
Senate 602(b)	13.8	31.8
Difference	−(*)	−(*)
International	0.0	0.0
Senate 602(b)	0.0	0.0
Difference	0.0	0.0

SENATE BUDGET COMMITTEE SCORING OF H.R. 2942—TRANSPORTATION SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE—Continued

[In billions of dollars]

Bill summary	Budget authority	Outlays
Defense	0.0	0.0
Senate 602(b)	0.0	0.0
Difference	0.0	0.0
Total discretionary spending	13.8	31.8
Mandatory spending	0.5	0.5
Mandatory allocation	0.5	0.5
Difference	0.0	0.0
Discretionary total above (+) or below (−):		
President's request	−0.8	0.6
House-passed bill	0.1	−(*)
Senate-passed bill	−0.1	−(*)

Mr. ADAMS. Mr. President, this appropriations bill holds major significance for the State of Washington. As I mentioned when the Senate passed its version of the transportation appropriations bill, rapid population growth in the Pacific Northwest is putting enormous pressure on the transportation infrastructure. This legislation contains a number of projects that will ease the strain on our transportation systems and infrastructure.

Of critical importance to Central Puget Sound is a provision to allocate $10 million to a commuter rail project between Seattle and Tacoma. The traffic on the I–5 corridor between these two cities gridlocks every day during the rushhours, and the rushhours continue to grow longer and longer. The railroad alone won't solve the whole traffic problem, but it will help a great deal. This funding will allow Seattle's metropolitan transit authority, Metro, to go forward with its environmental impact statement and negotiations with a private carrier to operate the trains.

Local communities, the transit districts and private businesses all favor the proposed commuter railroad. I want to emphasize that they will provide the lion's share of the funding. It is my hope that train service will begin as quickly as possible. When it proves successful—I hope it eventually will be extended to communities north of Seattle, too.

The bill also contains $800,000 for the construction of HOV lanes/park and ride lots in Snohomish County, WA. These funds will help link the northern section of the Seattle metropolitan area, located in Snohomish County, to the I–5 and I–405 HOV lanes in King County. Industrial development is occurring in this region and more HOV funding is desperately needed. The bill also provides $2.72 million for an I–5 Marysville interchange to relieve congestion on the ramps in this area and to facilitate the flow of traffic into a major industrial center.

The bill also includes funding to finish the Puget Sound Vessel Transit System [VTS]. Recently, a collision between two foreign ships in international waters damaged a large section of the pristine coastline along

Washington State. The VTS would help guard against similar collisions and spills in Puget Sound, which current technology is incapable of adequately cleaning.

Another provision, which the junior Senator from Washington State and I sponsored, would allow Washington State to use Federal emergency relief funds to repair a sunken portion of the I-90 bridge. The bridge section sunk during a major flood in Washington State last fall. The bridge is a vital link in Seattle's commuter highway network. Its expedited repair will be good news for the Seattle metropolitan area. Without this, commuters in the Seattle metropolitan area may have had to wait for years of civil litigation before repair work could begin. If cause for the sinking was human error, then the State will reimburse the Federal Government.

There is $480,000 in funding for a study of the Tacoma Narrows Bridge. Important engineering questions need to be resolved. This earmark, which will allow all the alternatives to be evaluated, will be money well spent.

Washington is a large and economically diverse State. It has pressing urban and rural transportation needs. I want to thank the conferees for acknowledging and funding many of our priorities. These projects include $1 million for the Pangborn Memorial Airport. A level I control tower is seriously needed for safety concerns at this airport in Wenatchee. There is also $270,000 for the Highway 101 tristate feasibility study. Part of these funds will go to the communities in southwestern Washington that have been heavily affected by the downturn in the timber industry. Among the UMTA bus and bus facility projects, $4.2 million has been designated to an intermodel facility in Spokane. These funds will be used to create a central transit depot for all the mass transit systems which includes space for commercial development. Also in western Washington, the bill designates $3.6 million for road access to the Bryden Canyon Bridge in Clarkston. Better access is necessary for both safety and economic reasons in this primarily rural region along the Washington-Idaho border.

Finally, I would like to thank Senator LAUTENBERG and the conferees in both chambers for the excellent work they have done in crafting this bill. I urge the President to sign this important legislation into law.

Mr. DANFORTH. Mr. President, I would like to ask Senator HOLLINGS to confirm and clarify, for the record, the intent of certain aspects of the drug and alcohol testing provisions contained in title V of the conference report.

Mr. HOLLINGS. I would be pleased to clarify certain provisions of title V.

Mr. DANFORTH. I thank the Senator. The drug and alcohol testing provisions contained in title V of the conference report to accompany H.R. 2942 are the same as those contained in S. 676, the Omnibus Transportation Employees Testing Act of 1991, which was reported by the Committee on Commerce, Science and Transportation (S. Rept. 102-54) and passed by the Senate as free-standing legislation earlier this year. Therefore, I assume that questions with regard to the background and intent of these provisions generally are addressed by that report.

Mr. HOLLINGS. The Senator's assumption is correct.

Mr. DANFORTH. Also, I understand that the enactment of this legislation is not intended to disturb the work already done by the Department of Transportation [DOT], both with regard to drug testing and also related to the use of alcohol in transportation.

Mr. HOLLINGS. The Senate language expressly was drafted to avoid upsetting the requirements that already are in place, whether or not they are addressed directly by the new mandates. DOT has done a great deal of work in the drug testing area, and the Senate language does not threaten the validity or the scope of the current regulations.

For example, under this legislation, new section 614(e)(2) of the Federal Aviation Act of 1958 would reaffirm the validity and scope of current regulations governing the use of alcohol and controlled substances by aviation personnel in safety-sensitive positions. New section 614(b)(3) would bar a safety-sensitive worker from the position he or she occupied at the time of a positive drug test until rehabilitation is completed successfully. The new 614(e)(2) language specifically is intended to allow FAA to continue to apply existing regulatory requirements, based on DOT's existing statutes which provide extremely broad authority to regulate safety in the various transportation modes, and to supplement them. Comparable language in the legislation applies to the other modes.

Similarly, the term "controlled substance" has been defined in this legislation as a substance listed in the Controlled Substances Act. However, at least one chemical already being tested for under DOT programs, PCP, is not listed in that act, although it has been designated a Schedule I controlled substance under Drug Enforcement Administration regulations. Again, because its intent is to allow DOT to build upon existing regulations and authority, the legislation would not affect DOT's ability to test for the five chemicals, including PCP, that the Secretary already has determined constitute a risk to transportation safety. Also, the legislation would not require another determination of such risk.

Mr. DANFORTH. Also, I ask to clarify the effect of the Senate language on the existing Federal Railroad Administration's drug and alcohol testing program.

Mr. HOLLINGS. I would be glad to do so.

The Federal Railroad Administration's [FRA] alcohol and drug testing regulations have been in effect since 1985. This legislation provides for the continuation of FRA's program, which includes preemployment, reasonable cause, random and postaccident testing, the latter of which has been recommended by the National Transportation Safety Board [NTSB] as a model for postaccident toxicology in the transportation industry. In fact, in the case of postaccident testing in all modes, it is intended that DOT retain its full authority to conduct full toxicological analysis related to accident investigations, and to use the results in accident investigation reports. The legislation would not disrupt FRA's approach to employee assistance through voluntary referral and coworker reporting, which is highly regarded by both railroad labor and management. Also, this legislation allows the Secretary to determine which positions, in addition to those who perform covered service subject to the Hours of Service Act—45 U.S.C. 61-64b)—should be considered safety-sensitive for purposes of testing. However, it does not require FRA to change its current level of coverage. Finally, this legislation would not prohibit FRA from continuing class exclusions for very small railroads.

Mr. DANFORTH. Let me ask about the existing DOT drug and alcohol testing regulations and court decisions concerning those rules. It is my understanding that the Senate language contained in new section 614(e)(2), and parallel language addressing other modes, is significant in regard to the judicial rulings that have been rendered concerning drug testing authority under the Federal Aviation Act of 1958, the Railroad Safety Act of 1970, the Commercial Motor Vehicle Safety Act of 1986, and drug testing for FAA employees with responsibility for safety-sensitive functions pursuant to Executive Order 12564.

A consistent series of rulings, including several by the Supreme Court, has upheld random drug testing of transportation workers and Federal employees where justified on the basis of assignment to safety-related tasks or security positions. Enactment of this legislation would not disturb these favorable holdings, and should not be read to give litigants a new bite at the apple in terms of challenging the meaning and content of what constitutes permissible random drug testing.

This legislation assumes that the meaning of "random drug testing" is settled. Therefore, the use of the phrase throughout title V refers to the type of testing that has been upheld by the courts. However, as made clear in

the conference report, DOT appropriately could limit the time during which random alcohol testing is conducted to ensure that it is closely related in time to the actual performance of safety-sensitive functions.

Mr. HOLLINGS. The Senator's understanding is correct.

Mr. DANFORTH. Title V of the conference report states that DOT must issue regulations for the various modes, providing for the opportunity for treatment of employees in need of assistance in resolving problems with alcohol or drug use. My understanding is that this does not mandate that rehabilitation be provided but does encourage companies to make such programs available. The legislation does not discuss who pays for treatment, wages during this period, or rights of reinstatement.

Mr. HOLLINGS. The Senator's understanding is correct. Such arrangement could be left to negotiation between the employer and employee, either through individual arrangement or collective bargaining, as appropriate, except for a number of limitations specifically included in title V.

Mr. DANFORTH. Mr. President, I want to ask my colleague from South Carolina his views concerning random testing required under the Senate language. I realize, as he does, that random testing is critical to this program and, in fact, has proven itself effective in the existing DOT drug testing rules.

Mr. HOLLINGS. I agree that it is an effective and necessary tool. For example, in the airline industry the number of positive drug tests has been less than one-half of 1 percent. That is good. The deterrence value of random testing must be maintained. DOT, under title V, has the authority to establish the random testing rate, which currently is 50 percent. It is the intent of the legislation that the rate be set to accomplish its goal—deterrence. DOT, of course, has the authority to choose a different rate, based on safety and efficiency. In addition, if DOT chooses to set different rates for different categories of workers, title V does not prohibit such action. Title V is not intended to heap unnecessary costs on the affected industries, but to ensure that the transportation system is as safe as possible. Finally, let me also state that if DOT chooses to combine the drug and alcohol test programs, and establish a single random testing rate, which may prove to be effective, title V does not prohibit such action.

Mr. DANFORTH. I appreciate this clarification. I would note that questions have arisen as to whether mandatory procedures for testing, included for each of the transportation modes, apply to both drug and alcohol testing in all cases.

Mr. HOLLINGS. In fact, the report accompanying S. 676 specifically addresses the procedures. For example, individual privacy obviously is of great concern, and must be promoted to the maximum extent possible.

In addition, confirmation of alcohol and drug tests must be by a scientifically recognized method capable of providing quantitative data. This clearly applies to both drug and alcohol tests. DOT already provides this for drug testing. However, in the case of alcohol testing, DOT will need to explore through rulemaking the actual means of implementing this requirement.

There are also requirements for split samples, primarily included in the legislation to allow urine samples to be retested. DOT would have the authority to determine that blood samples should be similarly handled. This specific requirement is not relevant in the case of breath testing for alcohol, but DOT is directed by this legislation to provide necessary safeguards in this area to ensure the validity of test results.

The report also emphasizes that the selection of employees for testing must be by nondiscriminatory and impartial methods. This applies to random testing for both alcohol and drugs.

Mr. DANFORTH. The legislation states that regulations must be "consistent with international obligations of the United States," and that the Federal Aviation Administrator must take into consideration any applicable law and regulations of foreign countries. Is this language intended to imply that the Secretary would have the authority to grant exemptions or waivers from U.S. rules where such action is justified, and to make allowances in regulations where necessary?

Mr. HOLLINGS. The legislation intends to strike a balance between the need to ensure that foreign transportation workers who affect public transportation in this country are not substance abusers, and the need to observe fundamental principles of international law.

Mr. DANFORTH. I thank the Senator for providing clarification with regard to these important drug and alcohol testing provisions.

Mr. D'AMATO. I appreciate this further clarification of the intent of this legislation as well. I would ask Senator HOLLINGS to comment on two additional issues. First, I note that mass transit operators clearly must establish a conforming testing program in order to receive Federal mass transit grants. I trust that this means that a program must be both established and implemented in order to continue to qualify for grants?

Second, it is my understanding that this legislation is intended to broadly cover all those involved in providing transit services to the public, and that drug and alcohol testing not be circumvented through contracting out of work. Safety-sensitive employees of recipients of the Federal grant money identified in the bill, and those safety-sensitive employees working for contracts of such recipients must be covered exactly to the same extent and in the same fashion. I know I speak for all conferees when I say that we will not tolerate a situation where employees performing substantially the same safety-sensitive function are covered or not covered depending on whether they work directly for a public authority or an outside contractor.

Mr. HOLLINGS. The Senator is correct. Enactment of this legislation is intended to ensure that effective drug and alcohol testing programs are in place for all providers of mass transportation services, whether they are employed by the transit authority directly, or are under contract to them. It was the intent of conferees to prevent tragedies like the one that occurred recently in the New York City subway.

I appreciate this opportunity to discuss with my colleagues this important legislation.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—95

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

NAYS—3

Helms	Roth	Smith

NOT VOTING—2

Pryor Wofford

So the conference report was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate concur, en bloc, in the amendment of the House to the amendments of the Senate.

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

The amendments agreed to, en bloc, are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2942) entitled "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1992, and for other purposes.".

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 24, 29, 31, 32, 85, 92, 113, 156, 158, 159, 160, and 161 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 7 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further*, That none of the funds in this Act shall be available for service to communities not receiving such service during fiscal year 1991, unless such communities are otherwise eligible for new service, provide the required local match and are no more than 200 miles from a large hub airport: *Provided further*, That none of the funds in this Act shall be available to increase the service levels to communities receiving service unless the Secretary of Transportation certifies in writing that such increased service levels are estimated to result in self-sufficiency within three years of initiation of the increased level of service".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "; *Provided further*, That none of the funds provided in this Act shall be available for the operation, maintenance or manning of land-based and sea-based aerostationary balloons, or E2C aircraft".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "$2,394,000,000, including $2,244,052,000 to remain available until September 30, 1994, and including $149,948,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: "$249,146,000, together with $4,628,000 to be derived by transfer from the "Nuclear Waste Transportation Safety Demonstration project" ".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 67 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

FEASIBILITY, DESIGN, ENVIRONMENTAL, ENGINEERING

For necessary expenses to carry out feasibility, design, environmental, and preliminary engineering studies, $18,448,000, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 68 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$148,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$12,600,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 70 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$2,700,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$7,200,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 72 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$4,800,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 73 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act, $78,528,000, to remain available until September 30, 1994.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: "$22,331,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 86 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Of the funds provided under this head, $2,500,000 is available until expended for grants to specific states to conduct detailed market analysis of potential maglev and/or high speed rail ridership and determine the availability of rights-of-way for maglev and/or high speed rail use: *Provided*, That any such grant shall be matched on a dollar for dollar basis by a State, local, or other non-Federal concern.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 104 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

DISCRETIONARY GRANTS

None of the funds provided in fiscal year 1992 to carry out the provisions of section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) shall be used for the study, design, engineering, construction or other activities related to the monorail segment of the Houston metro program.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 112 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first named in said amendment, insert: "$12,000,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 114 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: "$927,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 115 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: "$1,516,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 116 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: "$5,428,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 125 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: ", the strategic highway research program, the intelligent vehicle-highway systems program".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 128 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 325. Notwithstanding any other provision of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration, by February 14, 1992, enter into a full funding grant agreement with the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) for the construction of the locally preferred alternative for the Westside Light Rail Project, including systems related costs, as defined in Public Law 101–516. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension known as the Hillsboro project which extends from S.W. 185th Avenue to the Transit

Center in the city of Hillsboro, Oregon. Subject to a regional decision documented in the Hillsboro project's preferred alternatives report, the Secretary shall enter into an agreement with the Tri-County Metropolitan Transportation District of Oregon to initiate preliminary engineering on the Hillsboro project, which shall proceed independent of and concurrent with the project between downtown Portland, Oregon and S.W. 185th Avenue.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 133 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 330. SOUTH BOSTON PIERS TRANSITWAY.—Notwithstanding any other provisions of law, the Secretary shall, with regard to the Discretionary Grants program of the Urban Mass Transportation Administration—

(a) issue a letter of no prejudice, effective as of or retroactive to October 1, 1991, for preliminary engineering and final design, and enter into a full funding agreement, including system related costs, by June 1, 1992, for the portion of the South Boston Piers Transitway Project between South Station and the portal at D Street in South Boston, Massachusetts. That full funding agreement shall provide for a future amendment under the same terms and conditions set forth above, for the extension of the Transitway from South Station to Boylston Station; and

(b) issue a letter of intent by September 30, 1992, for the extension of the Transitway from South Station to Boylston Station.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 134 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "328", insert: "331".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 138 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "332", insert: "334".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 139 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 335. Notwithstanding any other provision of laws, payments to the City of Atlantic City relating to the transfer of Atlantic City International Airport shall not be considered airport revenues for the purposes of the Airport and Airway Improvement Act of 1982, as amended (49 U.S.C. App. 2201, et seq.)

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 140 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "334", insert: "336".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 141 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 337. None of the funds contained herein may be used to enforce the series of Airworthiness Directives, commencing with the notice issued on November 28, 1987, regarding cargo fire detection and control in aircraft that (1) are operated solely within the State of Alaska, and (2) operate in a configuration with a passenger and cargo compartment on the main deck, until a thorough safety analysis and an economic impact statement have been completed by the Federal Aviation Administration, and have been submitted to and reviewed by the Committees on Appropriations of the Senate and House of Representatives. However, if the Secretary certifies that clear and convincing evidence exists that such rules should be implemented on an emergency basis to prevent a clear and present threat to passenger safety, such rules may be implemented on a temporary basis pending the outcome of the safety analysis and economic impact statement.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 142 to the aforesaid bill, and concur therein with amendments as follows:

In lieu of the section number "336", insert: "338".

In lieu of "et cet", insert: "et seq.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 143 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "337", insert: "339".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 144 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "338", insert: "340".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 145 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "339", insert: "341".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 146 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "340", insert: "342".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 147 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 343. Section 402 of Public Law 97–102 is amended by inserting immediately before the colon a comma and the following: "except that exempt abandonments and discontinuances that are effectuated pursuant to section 1152.50 of title 49 of the Code of Federal Regulations after the date of enactment of the Department of Transportation and Related Agencies Appropriations Act, 1992, shall not apply toward such 350-mile limit".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 148 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "342", insert: "344".

Resolved, That the House recede from its disagreement to the amendment the Senate numbered 149 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "343", insert "345".

Resolved, That the house recede from its disagreement to the amendment of the Senate numbered 150 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "344", insert: "346".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 152 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 347. none of the funds provided, or otherwise made available, by this Act shall be used by the Secretary of Transportation or the Federal Aviation Administration to consolidate flight service stations (including changes in flight service station operations such as permanent reductions in staff, hours of operation, airspace, and airport jurisdictions and the disconnection of telephone lines), until after the expiration of the 9-month period following the date of the submission to Congress of the Auxiliary Flight Service Station plan required under section 330 of the Department of Transportation and Related Agencies Appropriations Act, 1991 (Public Law 101–516; 104 Stat. 2184). This section shall not apply to flight service stations in Laramie, Rawlins, and Rock Springs, Wyoming .

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 153 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "347", insert: "348".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 154 of the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 349. (a) Section 9308(d) of Public Law 101–508 is amended by striking the word "This" at the beginning of the first sentence thereof and inserting in lieu thereof the following—"Except for Hawaiian operations described in and provided for in subsection (i), this"

(b) Section 9308 of Public Law 101–508 is amended by adding a new subsection (i), to read as follows—

"(i) HAWAIIAN OPERATIONS—

"(1)(A) An air carrier or foreign air carrier may not operate within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous states a greater number of Stage 2 aircraft having a maximum weight of more than 75,000 pounds than it operated within the State of Hawaii or between a point in the State of Hawaii and a point outside the 48 contiguous states on November 5, 1990.

"(B) An air carrier that provided turnaround service within the State of Hawaii on November 5, 1990, using Stage 2 aircraft having a maximum weight of more than 75,000 pounds may include within the number of aircraft authorized under subparagraph (A) all such aircraft owned or leased by that carrier on such date, whether or not such aircraft were then operated by that carrier.

"(2) An air carrier may not provide turnaround service within the State of Hawaii using Stage 2 aircraft having a maximum weight of more than 75,000 pounds unless that carrier provided such service on November 5, 1990.

"(3) For the purpose of this subsection, 'turnaround service' means the operation of a flight between two or more points, all of which are within the State of Hawaii.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 157 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 351. (a) Notwithstanding any other law, the Secretary of Transportation shall construe all references in this Act to Title 23, the Urban Mass Transportation Assistance Act of 1964 as amended, and the Federal-Aid Highway Acts in a manner which continues to apply such references to the appropriate programs as may be authorized by a subsequent surface transportation assistance act.

(b) Section 329(a) of the Department of Transportation and Related Agencies Appropriations Act, 1988, Public Law 100-102, is amended by striking "and 1991" and inserting "1991, and 1992".

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I yield to the distinguished Republican leader.

Mr. LAUTENBERG. Mr. President, I believe that concludes the work of the Senate on the Transportation Appropriations bill for fiscal year 1992.

I would like to thank all the Senators for their cooperation, and in particular I would like to express my appreciation to the ranking member on our subcommittee, Senator D'AMATO, as well as to the chairman of the full committee, the President pro tempore, Senator BYRD, whose commitment to investing in our Nation's infrastructure is second to none, and to the ranking member of the full committee and distinguished member of the subcommittee, Senator HATFIELD, whose advice and assistance is always appreciated.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT REQUEST—S. 1791

Mr. DOLE. Mr. President, as I indicated earlier, I will make a unanimous-consent request, and I think Senator DURENBERGER may do the same. I ask unanimous consent that the Senate Committee on Finance be discharged from further consideration of S. 1791, a bill to provide emergency unemployment compensation, and for other purposes, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. MITCHELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota.

UNANIMOUS-CONSENT REQUEST—S. 1789

Mr. DURENBERGER. Mr. President, both the Republican leader and I had indicated that at the conclusion of this vote we would move to consider the amendments which both of us had circulated. So at this time, I ask unanimous consent that the Senate Committee on Finance be discharged from further consideration of S. 1789, a bill to provide emergency unemployment compensation, and for other purposes, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?.

Mr. MITCHELL. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The Senator from Missouri.

A TRIBUTE TO CERES MILLICENT HORN AND CHRISTINE BROOKS JOHNSON

Mr. DANFORTH. Mr. President, the Department of Transportation appropriations conference report, which the Senate approved today and sent to the President, contains provisions which will require random alcohol and drug testing for safety sensitive personnel in the aviation, rail, mass transit, and motor carrier industries. This legislation is a tribute to two exceptional young women by their fathers—fathers who loved them very much.

Sixteen-year-old Ceres Millicent Horn was a freshman honors student at Princeton. Her high school English teacher described her as "a spritely Ariel who beautifully balanced the cerebral and the corporeal." She was an athlete, an actress, a special, special person. Energetic. Ceres was enthusiastic about everything: about life, about learning. She was a loving young woman with a wonderful sense of humor and a way with words. Ceres dreamed of being an astronaut. She said that she could not think of a better way to reach out to God.

Twenty-year-old Christine Brooks Johnson was vibrant and vivacious, an avid and accomplished equestrian, an excellent student. She was compassionate and friendly, at ease with people of all ages. A junior honors student at Stanford, Christy was looking forward to a career in adolescent psychology. She found purpose in counseling troubled teenagers. She was a certified emergency medical technician. She wanted to help others, to make a difference in the world.

Friends and family agree. Ceres, Christy, these bright and shining young women. They were so very alive.

Early on the afternoon of Sunday, January 4, 1987, both Ceres and Christy were aboard the Amtrak Colonial bound from Washington, DC, to Boston. At the same time, a Conrail train made up of three locomotives was headed out of Baltimore's Bayview Yard toward Harrisburg. Ricky Gates and Butch Cromwell, the engineer and brakeman of the Conrail train, shared a marijuana cigarette as they began their work shift. About 15 minutes later, Gates and Cromwell ignored a series of warning signals. By the time they realized their mistake, they were already in the path of the Amtrak train.

Traveling at 120 miles per hour, the Amtrak engineer applied the emergency brakes as soon as he saw the Conrail locomotive. Fourteen seconds later, at the Gunpowder switch near Chase, MD, the Amtrak Colonial slammed into the Conrail locomotives. Ceres, Christy, and 14 others were killed, 170 were injured.

Tragedy destroys some families. Unable to cope with the finality of death, with the loss, with the pain, some individuals, some families take out their hurt and anger on each other. But Ceres Horn and Christy Johnson were not only very special young women, they had very special families. Ceres Horn and Christy Johnson sought through their lives to make the world a better place, and their dedication to others did not die on that cold winter day. For the love of their children, Roger Horn and Art Johnson vowed to carry on. They decided to change the world. Today, after countless obstacles and setbacks, they have done just that. They have forced the Congress and forced the country to face squarely the problem of alcohol and drug abuse in public transportation. They have overcome special interests, inertia, and delay. They have given to their girls a tribute like none other. Because of Ceres Horn and Christy Johnson, because of the dreams they dreamed, because of the families they inspired, others will live.

Mr. President, we know that today there are in heaven two young women looking down on this body, proud of their fathers and proud of their families, with one thought in their hearts: "Thanks, Dad."

Mr. President, today the Senate is sending legislation to the President which requires random drug and alcohol testing for safety-sensitive employees in the aviation, rail, motor carrier, and mass transit industries. This is landmark legislation that will save lives, and it would not have happened but for the work of Gerri Hall, Alan Maness, and Mary Pat Bierle of the Senate Commerce Committee minority staff. They have worked on this legislation for nearly 5 years and have been instrumental in 13 successful Senate votes on random testing. I want to recognize and thank them for their outstanding service.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I join in the statements made by my colleague, the Senator from Missouri. I thank him for his advocacy on this issue of drug testing in safety positions in public transportation.

The terrible tragedy that my colleague from Missouri, Senator DANFORTH, outlined occurred in my own home State of Maryland. Mr. President, I will never forget it because it was the weekend before I was to be sworn in to the U.S. Senate. It was a very happy weekend. I had gathered with family visiting an old friend. It was a foggy day in Maryland. And I will tell you, when we heard of the terrible crash, the mist never lifted. That night I was in the emergency room in Baltimore talking to the medical personnel because they were flooded with the injured from that terrible tragedy. It is seared forever in the minds of Marylanders about that event, and we often say when an event occurs, let us do something about it, let us make reforms. The world will never forget.

Sometimes, Mr. President, when all is said and done, more gets said than done. However, thanks to the Senator from Missouri and his colleague, Senator HOLLINGS, of South Carolina, of the Commerce Committee, they steadfastly pursued this drug-testing legislation. As a member of the Appropriations Committee on Transportation, I advocated it in the conference. Why? Because we never want that to happen again.

One of the advocates in Maryland was a family by the name of Horn, Roger and Susan Horn, parents of a young lady who was admitted to a prestigious Ivy League school and herself was going to attend college at the age of 16.

Now, 5 years have passed. This young lady would have been 21 years old, a graduate of Princeton, and probably would have been now working here on Capitol Hill. She was one of the best and brightest young woman coming out of Maryland and now she lies dead on a grassy knoll somewhere, and buried with her are the dreams that her own family had for her. We can never bring back Ms. Horn or the other people who were killed, but we can make sure that will never happen again.

I am pleased that we will now ensure that our people involved in transportation will be drug free, and in that we have also set up procedures that look out for their civil liberties as we are trying to look out for public safety.

Mr. President, it has been a long time in coming to pass this legislation, but now we know that the highways and byways, the rail lines and the subway lines will be a lot safer because of the transportation legislation we have passed and that hopefully will then have contributed significantly to the public good.

Mr. President, I yield back my time, and once again I thank all of my colleagues who have been so persistent in passing this legislation.

I thank the Chair.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will 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.

FEDERAL FACILITY COMPLIANCE ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at noon tomorrow, the Senate proceed to Calendar No. 99, S. 596, the Federal facilities bill.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. There is an objection heard.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I move to proceed to Calendar No. 99, S. 596, the Federal facilities bill, and I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m., Thursday, October 17; 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 there then be a period for morning business not to extend beyond 12 noon, with Senators permitted to speak therein, with Senator WOFFORD recognized to speak for up to 20 mintues; that on Thursday, at 12 noon, the Senate proceed to vote on the motion to invoke cloture, which I now send to the desk, on the motion to proceed to Calendar No. 99, S. 596, and that the mandatory live quorum be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will read the cloture motion.

The 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 the motion to proceed to the consideration of S. 596, Federal Facility Compliance Act of 1991:

George Mitchell, Daniel Patrick Moynihan, Quentin Burdick, Paul Simon, John D. Rockefeller IV, Terry Sanford, Max Baucus, Howard M. Metzenbaum, Edward M. Kennedy, Don Riegle, Frank R. Lautenberg, Alan Cranston, John F. Kerry, Albert Gore, Jr., Pat Leahy, Wendell Ford.

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

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

INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992

Mr. BOREN. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1539, the Intelligence authorization bill that, with the exception of the amendments reported by the Armed Services Committee, the only amendment in order to the bill be one offered by Senator GLENN to require Senate confirmation for the general counsel and five Deputy Directors of the CIA; that there be 4 hours of debate on the Glenn amendment, equally divided and controlled in the usual form; that there be 30 minutes of debate on the bill, including the committee amendments, equally divided and controlled between the chairman and ranking members of the Intelligence and Armed Services Committees;

That, after all debate has been completed on the bill and the Glenn amendment, and the committee amendments have been disposed of, the Senate vote on, or in relation to, the Glenn amendment, to be followed immediately by third reading and final passage of the bill, and that the preceding all occur without any intervening action or debate.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

The clerk will now report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1539) to authorize appropriations for fiscal year 1992 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services, with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italics.)

S. 1539

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act, Fiscal Year 1992".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1992 for the conduct of the intelligence activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1992, for the conduct of the intelligence activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany S. 1539 of the One Hundred Second Congress.

(b) AVAILABILITY OF THE SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations described in subsection (a) shall be made available to the Committees on Appropriations of the Senate and the House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers for such personnel authorized for fiscal year 1992 under sections 102 and 202 of this Act whenever he determines that such action is necessary for the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed 2 percent of the number of civilian personnel authorized under such section for such element. The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. PRESIDENTIAL BUDGET SUBMISSION.

Section 1105(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

"(29) a separate, unclassified statement of the aggregate amount of expenditures for the previous fiscal year, and the aggregate amount of funds requested to be appropriated for the fiscal year for which the budget is submitted, for intelligence and intelligence-related activities.".

SEC. 105. FUNDING OF INTELLIGENCE ACTIVITIES.

Section 502 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) Any bill reported by a committee of conference of the Congress which authorizes funds to be appropriated for *all* intelligence and intelligence-related activities of the United States shall contain an unclassified statement of the aggregate amount of such funds authorized to be appropriated.".

SEC. 106. EFFECTIVE DATE OF SECTIONS 104 AND 105.

The amendments made by sections 104 and 105 shall take effect on the date of the enactment of an Act authorizing appropriations for fiscal year 1993 for the conduct of intelligence activities of all of the elements of the United States Government referred to in section 101.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Intelligence Community Staff for fiscal year 1992 $28,832,000, of which amount $6,566,000 shall be available for the Security Evaluation Office.

SEC. 202. AUTHORIZATION OF PERSONNEL END-STRENGTH.

(a) AUTHORIZED PERSONNEL LEVEL.—The Intelligence Community Staff is authorized 240 full-time personnel as of September 30, 1992, including 50 full-time personnel who are authorized to serve in the Security Evaluation Office. Such personnel of the Intelligence Community Staff may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) REPRESENTATION OF INTELLIGENCE ELEMENTS.—During fiscal year 1992, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) REIMBURSEMENT.—During fiscal year 1992, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Intelligence Community staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

SEC. 203. INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.

During fiscal year 1992, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency are subject to those provisions.

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $164,100,000 for fiscal year 1992.

SEC. 302. SURVIVOR BENEFITS FOR CHILDREN WHO HAVE A SURVIVING PARENT.

(a) COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES.—Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (c)(1), by striking out "wife or husband and by a child or children, in addition to the annuity payable to the surviving wife or husband, there shall be paid to or on behalf of each" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant, there shall be paid to or on behalf of that surviving";

(2) in subsection (c)(2), by striking out "wife or husband but by a child or children, each surviving child shall be paid" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the annuitant, there shall be paid to or on behalf of that surviving child";

(3) by amending subsection (d) to read as follows:

"(d) On the death of the surviving spouse or former spouse or termination of the annuity of a child, the annuity of any remaining child or children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the participant. If the annuity to a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities to all currently eligible children were then being initiated.";

(4) by adding at the end thereof the following new subsection:

"(q) For purposes of this section—

"(1) the term 'former spouse' includes any former wife or husband of the participant, regardless of the length of marriage or the amount of creditable service completed by the participant; and

"(2) the term 'spouse' has the same meaning given the terms 'widow' and 'widower' in section 204(b).''; and

(5) in subsection (e), by striking out "under paragraph (c) or (d) of this section, or (c) or (d)" and inserting in lieu thereof "under subsection (c) of this section, or subsection (c) or (d)".

(b) DEATH IN SERVICE.—Section 232 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (c)—

(A) by striking out "wife or a husband and a child or children, each" and inserting in lieu thereof "spouse or a former spouse who is the natural or adoptive parent of a surviving child of the participant, that";

(B) by striking out "section 221(c)(1)" and inserting in lieu thereof "subsections (c)(1) and (d) of section 221"; and

(C) by striking out the last sentence;

(2) in subsection (d)—

(A) by striking out "wife or husband, but by a child or children, each" and inserting in lieu thereof "spouse or a former spouse who is the nature or adoptive parent of a surviving child of the participant, that";

(B) by striking out "section 221(c)(2)" and inserting in lieu thereof "subsections (c)(2) and (d) of section 221"; and

(C) by striking out the last sentence; and

(3) by adding at the end thereof the following new subsection:

"(e) For purposes of subsections (c) and (d)—

"(1) the term 'former spouse' includes any former wife or husband of the participant, regardless of the length of marriage or the amount of creditable service completed by the participant; and

"(2) the term 'spouse' has the same meaning given the terms 'widow' and 'widower' in section 204(b).".

SEC. 303. 18-MONTH PERIOD TO ELECT A SURVIVOR ANNUITY.

(a) Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) by redesignating subsection (q) (as added by subsection (a)) as subsection (r); and

(2) by inserting after subsection (p) the following new subsection:

"(q)(1)(A) A participant or former participant—

"(i) who, at the time of retirement, is married, and

"(ii) who elects at such time (in accordance with subsection (b)) to waive a survivor annuity for the spouse, may, during the 18-month period beginning on the date of the

retirement of such participant, elect to have a reduction under subsection (b) of this section made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for such spouse of the participant.

"(B) A participant or former participant—

"(i) who, at the time of retirement, is married, and

"(ii) who, at such time designates (in accordance with subsection (b)) that a portion of the annuity of such participant is to be used as the base for a survivor annuity, may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

"(2)(A) An election under subparagraph (A) or (B) of paragraph (1) of this subsection shall not be considered effective unless the amount specified in subparagraph (B) is deposited into the fund before the expiration of the applicable 18-month period under paragraph (1).

"(B) The amount to be deposited with respect to an election under this subsection is an amount equal to the sum of—

"(i) the additional cost to the system which is associated with providing a survivor annuity under subsection (b) and results from such election, taking into account (I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this title and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity, and (II) the costs associated with providing for the later election; and

"(ii) interest on the additional cost determined under clause (i), computed using the interest rate specified or determined under section 8334(e) of title 5, United States Code, for the calendar year in which the amount to be deposited is determined.

"(3) An election by a participant or former participant under this subsection voids prospectively any election previously made in the case of such participant under subsection (b).

"(4) An annuity which is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant or former participant whose annuity is so reduced.

"(5) Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations which would have resulted had the participant involved elected such annuity at the time of retiring.

"(6) The Director shall, on an annual basis, inform each participant who is eligible to make an election under this subsection of the right to make such election and the procedures and deadlines applicable to such election.".

(b)(1) The amendments made by subsection (a) shall take effect three months after the date of enactment of this Act.

(2)(A) Except as provided in subparagraph (B), the amendment made by subsection (a)(2) shall apply with respect to participants and former participants who retire before, on, or after such amendment first takes effect.

(B) The provisions of paragraph (1)(B) of section 221(q) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (as added by subsection (a)(2) of this section) shall apply to participants and former participants who retire before the date on which the amendments made by subsection (a) first takes effect. For the purpose of applying such provisions to these annuitants—

(i) the 18-month period referred to in section 221(q)(1)(B) of such Act shall be considered to begin on the date on which the amendments made by subsection (a) first becomes effective; and

(ii) the amount referred to in paragraph (2) of section 221(q) of such Act shall be computed without regard to the provisions of subparagraph (B)(ii) of such paragraph (relating to interest).

SEC. 304. WAIVER OF THIRTY-MONTH APPLICATION REQUIREMENT.

(a) WAIVER.—Section 224(c)(2)(A) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new sentence: "The Director may waive the 30-month application requirement under this subparagraph in any case in which the Director determines that the circumstances so warrant.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as of October 1, 1986.

SEC. 305. REIMBURSEMENT FOR DISABILITY EXAMS—DIRECTOR'S DISCRETION.

Section 231(b)(1) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (50 U.S.C. 403 note), is amended in the sixth sentence by striking "shall" and inserting in lieu thereof "may".

SEC. 306. TECHNICAL CORRECTIONS TO SECTION ON PREVIOUS SPOUSES OF CIARDS PARTICIPANTS.

(a) SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES.—Section 226 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in subsection (a)—

(A) by striking out "whose retirement or disability or FECA (chapter 81 of title 5, United States Code) annuity commences after the effective date of this section";

(B) by striking out "applicable to spouses" and inserting in lieu thereof "applicable to former spouses (as defined in section 8331(23) of title 5, United States Code)"; and

(C) by striking out "married for at least nine months with service creditable under section 8332 of title 5, United States Code" and inserting in lieu thereof "as prescribed by the Civil Service Retirement Spouse Equity Act of 1984"; and

(2) in subsections (a) and (b), by striking out "the effective date of this section" each place it appears and inserting in lieu thereof "September 29, 1988".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) The amendments made by subparagraphs (B) and (C) of subsection (a)(1) shall be deemed to have become effective as of September 29, 1988.

(3) The amendment made by subparagraph (A) of subsection (a)(1) shall be deemed to have become effective as of September 30, 1990, and shall apply in the case of annuitants whose divorce occurs on or after such date.

SEC. 307. TECHNICAL CORRECTION TO MANDATORY RETIREMENT PROVISION UNDER CIARDS.

Section 235(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) in the first sentence, by striking "grade GS–18 or above" and inserting in lieu thereof "of level 4 or above of the Senior Intelligence Service pay schedule"; and

(2) in the second sentence, by striking "less than GS–18" and inserting in lieu thereof "that of level 4 of the Senior Intelligence Service pay schedule".

SEC. 308. EXCLUSION OF CIA FOREIGN NATIONAL EMPLOYEES FROM CERTAIN CSRS PROVISIONS AND FROM FERS.

(a) DEFINITION OF "EMPLOYEE".—Section 8331(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of clause (xii);

(2) by striking the period at the end of clause (xii) and inserting in lieu thereof "; or"; and

(3) by adding after clause (xii) the following: "(xiii) a foreign national employee of the Central Intelligence Agency whose services are performed outside the United States and who is appointed after December 31, 1989.".

(b) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Section 8351 of title 5, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) A foreign national employee of the Central Intelligence Agency whose services are performed outside the United States shall be ineligible to make an election under this section.".

(c) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8402(c) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(7) The Director of Central Intelligence may exclude from the operation of this chapter a Central Intelligence Agency foreign national employee who is a permanent resident alien.".

(d) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall be effective as of January 1, 1990.

(2) The amendments made by subsections (b) and (c) shall be effective as of January 1, 1987.

(3) Any refund which becomes payable as a result of the effective dates made by this subsection shall, to the extent that such refund involves an individual's contributions to the Thrift Savings Fund (established under section 8437 of title 5, United States Code), be adjusted to reflect any earnings attributable thereto.

SEC. 309. CORRECTIONS AND CLARIFICATIONS TO QUALIFIED FORMER SPOUSE PROVISIONS UNDER FERS.

(a) SPECIAL RULES FOR FORMER SPOUSES.—Section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended to read as follows:

"SPECIAL RULES FOR FORMER SPOUSES

"SEC. 304. (a) Except as otherwise specifically provided in this section, the provisions of chapter 84 of title 5, United States Code, including subsections (d) and (e) of section 8435 of such title, shall apply in the case of an officer or employee of the Agency who is subject to chapter 84 of title 5, United States Code, and who has a former spouse (as defined in section 8401(12) of title 5, United States Code) or a qualified former spouse.

"(b) For purposes of this section—

"(1) the term 'employee' means an officer or employee of the Agency who is subject to chapter 84 of title 5, United States Code, including one referred to in section 302(a) of this Act;

"(2) the term 'qualified former spouse' means a former spouse of an employee who was divorced from the employee after November 15, 1982 and who was married to the employee for at least 10 years during periods of service by the employee which are creditable under section 8411 of title 5, at least five years of which were spent outside the United States by both the employee and the former spouse during the employee's service with the Central Intelligence Agency;

"(3) the term 'pro rata share' means the percentage that is equal to (A) the number of days of the marriage of the qualified former spouse to the employee during the employee's periods of creditable service under chapter 84 of title 5 divided by (B) the total number of days of the employee's creditable service;

"(4) the term 'spousal agreement' means any written agreement (properly authenticated as determined by the Director) between an employee and the employee's spouse or qualified former spouse that has not been modified by court order; and

"(5) the term 'court order' means any court decree of divorce, annulment or legal separation, or any court order or court-approved property settlement agreement incident to such court decree of divorce, annulment or legal separation.

"(c)(1)(A) Unless otherwise expressly provided by any spousal agreement or court order governing disposition of benefits payable under subchapter II or subchapter V of chapter 84 of title 5, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of all benefits otherwise payable to such employee under subchapter II or subchapter V of chapter 84 of title 5.

"(B) The share referred to in subparagraph (A) equals—

"(i) 50 percent, if the qualified former spouse was married to the employee throughout the entire period of the employees service which is creditable under chapter 84 of title 5; or

"(ii) a pro rata share of 50 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

"(2) The benefits payable to an employee under subchapter II of chapter 84 of title 5 shall include, for purposes of this subsection, any annuity supplement payable to such employee under sections 8421 and 8421a of title 5.

"(3) A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4)(A) the benefits of a qualified former spouse under this subsection commence on—

"(i) the day the employee upon whose service the benefits are based becomes entitled to the benefits; or

"(ii) the first day of the second month beginning after the date on which the Director receives written notice of the court order of spousal agreement, together with such additional information or documentation as the Director may prescribe;

whichever is later.

"(B) The benefits of such former spouse and the right thereto terminate on—

"(i) the last day of the month before the qualified former spouse remarries before 55 years of age or dies; or

"(ii) the date the retired employee's benefits terminate (except in the case of benefits subject to paragraph (5)(B)).

"(5)(A) Any reduction in payments to a retired employee as a result of payments to a qualified former spouse under this subsection shall be disregarded in calculating—

"(i) the survivor annuity for any spouse, former spouse (qualified or otherwise), or other survivor under chapter 84 of title 5, and

"(ii) any reduction in the annuity of the retired employee to provide survivor benefits under subsection (d) of this section or under sections 8442 or 8445 of title 5.

"(B) If a retired employee whose annuity is reduced under subparagraph (A) is recalled to service under section 302(c) of this Act, the salary of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(6) Notwithstanding paragraphs (1) and (4), in the case of any qualified former spouse of a disability annuitant—

"(A) the annuity of such former spouse shall commence on the date the employee would qualify, on the basis of his or her creditable service, for benefits under subchapter II of chapter 84 of title 5, or on the date the disability annuity begins, whichever is later; and

"(B) the amount of the annuity of the qualified former spouse shall be calculated on the basis of the benefits for which the employee would otherwise qualify under subchapter II of chapter 84 of title 5.

"(7) Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable, 50 percent of the employee's benefits under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(8) For purposes of the Internal Revenue Code of 1986, payments to a qualified former spouse under this subsection shall be treated as income to the qualified former spouse and not to the employee.

"(d)(1)(A) Subject to an election under section 8416(a) of title 5, United States Code, and unless otherwise expressly provided by any spousal agreement or court order governing survivor benefits payable under this subsection to a qualified former spouse, such former spouse is entitled to a share, determined under subparagraph (B), of all survivor benefits that would otherwise be payable under subchapter IV of chapter 84 of title 5, to an eligible surviving spouse of the employee.

"(B) The share referred to in subparagraph (A) equals—

"(i) 100 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 5; or

"(ii) a pro rata share of 100 percent, if the qualified former spouse was not married to the employee throughout such creditable services.

"(2)(A) The survivor benefits payable under this subsection to a qualified former spouse shall include the amount payable under section 8442(b)(1)(A) of title 5, and any supplementary annuity under section 8442(f) of title 5, that would be payable if such former spouse were a widow or widower entitled to an annuity under such section of title 5.

"(B) Any calculation under section 8442(f) of title 5, United States Code, of the supplementary annuity payable to a widow or widower of an employee referred to in section 302(a) of this Act shall be based on an 'assumed CIARDS annuity' rather than an 'assumed CSRS annuity' as stated in section 8442(f) of such title. For the purpose of this subparagraph, the term 'assumed CIARDS annuity' means the amount of the survivor annuity to which the widow or widower would be entitled under title II of this Act based on the service of the deceased annuitant determined under section 8442(f)(5) of such title.

"(3) A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4) If the survivor annuity payable under this subsection to a surviving qualified former spouse is terminated because of remarriage before becoming age 55, the annuity shall be restored at the same rate commencing on the date such remarriage is dissolved by death, divorce, or annulment, if—

"(A) such former spouse elects to receive this survivor annuity instead of any other survivor benefit to which such former spouse may be entitled under subchapter IV of chapter 84 of title 5, or under another retirement system for Government employees by reason of the remarriage; and

"(B) any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

"(5)(A) Except as provided in subparagraph (B), a modification in a court order or spousal agreement to adjust a qualified former spouse's share of the survivor benefits shall not be effective if issued after the retirement or death of the employee, former employee, or annuitant, whichever occurs first.

"(B) In the case of a post-retirement divorce or annulment, a modification referred to in subparagraph (A) shall not be effective if issued—

"(i) more than a year after the date the decree of divorce or annulment becomes final, or

"(ii) after the death of the annuitant,

whichever occurs first.

"(C) To the extent a modification under subparagraph (B) increases a qualified former spouse's share of the survivor benefits, the annuitant shall pay a deposit computed in accordance with the provisions of section 8418 of title 5, United States Code.

"(6) After a qualified former spouse of a retired employee remarries before becoming age 55 or dies, the reduction in the retired employee's annuity for the purpose of providing a survivor annuity for such former spouse shall be terminated. The annuitant may elect, in a signed writing received by the Director within two years after the

qualified former spouse's remarriage or death, to continue the reduction in order to provide or increase the survivor annuity for such annuitant's spouse. The annuitant making such election shall pay a deposit in accordance with the provisions of section 8418 of title 5, United States Code.

"(7) Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse to survivor benefits shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5 or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable, 50 percent of—

"(i) the employee's annuity under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), plus

"(ii) the survivor benefits referred to in subsection (d)(2)(A), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(e) An employee may not make any election or modification of election under section 8417 or 8418 of title 5, United States Code, or any other section relating to the employee's annuity under subchapter II of chapter 84 of title 5, United States Code, that would diminish the entitlement of a qualified former spouse to any benefit granted to such former spouse by this section or by court order or spousal agreement.

"(f) Whenever an employee or former employee becomes entitled to receive the lump-sum credit under section 8424(a) of title 5, United States Code, a share (determined under subsection (c)(1)(B) of this section) of that lump-sum credit shall be paid to any qualified former spouse of such employee, unless otherwise expressly provided by any spousal agreement or court order governing disposition of the lump-sum credit involved.

"(g)(1) Except as provided in paragraph (2) in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the provisions of sections 224 and 225 of this Act shall apply to such employees former spouse (as defined in section 204(b)(4) of this Act) who would otherwise be eligible for benefits under such sections 224 and 225 but for the employee having elected to become subject to such chapter.

"(2) For the purpose of computing such former spouse's benefits under sections 224 and 225 of this Act—

"(A) the retirement benefits shall be equal to the amount determined under subsection (c)(7)(A) of this section; and

"(B) the survivor benefits shall be equal to 55 percent of the full amount of the employee's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act.

"(3) Benefits provided pursuant to this subsection shall be payable from the Central Intelligence Agency Retirement and Disability Fund.".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2) of this subsection, the amendments made by this section shall be deemed to have become effective as of January 1, 1987.

(2) Subsection (g) of section 304 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by this section, shall be deemed to have become effective as of December 7, 1987.

SEC. 310. ELIMINATION OF OVERSEAS SERVICE REQUIREMENT FOR FORMER SPOUSES.

(a) ELIGIBILITY.—Section 204(b)(4) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (60 U.S.C. 403 note) is amended by striking out "at least five years of which were spent outside the United States by both the participant and the former spouse" and inserting in lieu thereof "at least five years of which were spent by the participant outside the United States or otherwise in a position whose duties qualified him or her for designation by the Director as a participant pursuant to section 203 of this Act".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply only to a former husband or wife of a participant or former participant whose divorce from the participant or former participant became final after the date of enactment of this Act.

TITLE IV—GENERAL PROVISIONS

SEC. 401. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

TITLE V—FEDERAL BUREAU OF INVESTIGATION PROVISIONS

SEC. 501. FBI CRITICAL SKILLS SCHOLARSHIP PROGRAM.

(a) STUDY.—The Director of the Federal Bureau of Investigation shall conduct a study relative to the establishment of an undergraduate training program with respect to employees of the Federal Bureau of Investigation that is similar in purpose, conditions, content, and administration to undergraduate training programs administered by the Central Intelligence Agency (under section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j)), the National Security Agency (under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 (note)), and the Defense Intelligence Agency (under 10 U.S.C. 1608).

(b) IMPLEMENTATION.—Any program proposed under subsection (a) may be implemented only after the Department of Justice and the Office of Management and Budget review and approve the implementation of such program.

(c) AVAILABILITY OF FUNDS.—Any payment made by the Director of the Federal Bureau of Investigation to carry out any program proposed to be established under subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.

TITLE VI—CENTRAL INTELLIGENCE AGENCY PROVISIONS

SEC. 601. AMENDMENT TO TITLE 5.

Section 5315 of title 5, United States Code, is amended to insert at the end thereof the following:

"Inspector General, Central Intelligence Agency".

TITLE VII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

SEC. 701. AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 is amended by adding at the end thereof the following new title:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS"

"SEC. 801. SHORT TITLE.

"This title may be cited as the 'National Security Education Act of 1991'.

"SEC. 802. FINDINGS.

"The Congress finds that—

"(1) the security of the United States is and will continue to depend on our Nation's international leadership;

"(2) United States leadership is and will increasingly be based on our Nation's political, economic, as well as military strength around the world;

"(3) recent changes in the world pose threats of a new kind to international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapon proliferations have dramatically increased;

"(4) the future national security and economic well-being of the United States will substantially depend on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries;

"(5) the Federal Government has a vested interest to ensure that the employees within its national security agencies are prepared to meet the challenges of this changing international environment;

"(6) the Federal Government also must address the fact that American undergraduate and graduate students are inadequately prepared to meet the challenges posed by increasing global interaction among nations; and

"(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, regional studies, and international studies to help meet such challenges.

"SEC. 803. PURPOSES.

"It is the purpose of this title—

"(1) to establish the National Security Education Trust Fund to—

"(A) provide the necessary resources, accountability, and flexibility to meet the Nation's security needs, especially as such needs change over time;

"(B) increase the quantity, diversity, and quality of teaching and learning of subjects in the fields of international studies, area studies, and foreign languages deemed to be critical to the Nation's interest;

"(C) enhance the pool of possible applicants to work in the national security agencies of the United States Government; and

"(D) in conjunction with other Federal programs, expand the international experience, knowledge base, and the perspectives on which the United States citizenry, government employees, and leaders shall rely; and

"(2) to permit the Federal Government to advocate the cause of international education;

"SEC. 804. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The National Security Education Board shall conduct a program of—

"(A) awarding scholarships to undergraduate students who are United States citizens or resident aliens to enable such students to study abroad, for at least 1 semester, in

countries identified by the Board as critical countries pursuant to section 805(c)(2);

"(B) awarding fellowships to graduate students who—

"(i) are United States citizens or resident aliens to enable such students to pursue education in the United States in the disciplines of international studies, area studies, and foreign languages, that the Board determines pursuant to section 805(c)(3) to be critical areas of such disciplines; and

"(ii) agree to work for the Federal Government or in the field of education, in the area of study for which the scholarship was awarded, in accordance with the agreement described in paragraph (3); and

"(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, and improve programs in international studies, area studies, and foreign languages that the Board determines pursuant to section 805(c)(4) to be critical areas of such disciplines.

"(2) RESERVATIONS.—The Board shall have as a goal reserving—

"(A) ⅓ of the amount available for obligation under section 806(f)(1) to award scholarships pursuant to paragraph (1)(A);

"(B) ⅓ of such amount to award fellowships pursuant to paragraph (1)(B); and

"(C) ⅓ of such amount to award grants pursuant to paragraph (1)(C).

"(3) AGREEMENT.—Each individual receiving a fellowship pursuant to paragraph (1)(B) shall enter into an agreement with the Board which shall provide assurances that each such individual—

"(A) shall maintain satisfactory academic progress; and

"(B) shall agree to work for the Federal Government or in the field of education, in the area of study for which the fellowship was awarded, for a period determined by the Board which shall at least be equal to the period that fellowship assistance was provided under this title and shall not exceed 3 times such period, upon completion of such individual's education.

"(b) CRITERIA AND INFORMATION.—The Board shall—

"(1) develop criteria for awarding scholarships, fellowships, and grants under this title; and

"(2) provide for the wide disbursement of information regarding the activities assisted under this title.

"(c) DISTRIBUTION OF ASSISTANCE.—The Board shall take into consideration providing an equitable geographic distribution of scholarships, fellowships, and grants awarded under this title among the various regions of the United States.

"(d) MERIT REVIEW.—The Board shall utilize a merit review process in awarding scholarships, fellowships, and grants under this title.

"(e) INFLATION.—The amount of scholarships, fellowships, and grants awarded under this title shall be annually adjusted for inflation.

"SEC. 805. NATIONAL SECURITY EDUCATION BOARD.

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Board shall be composed of the following individuals or the representatives of such individuals:

"(A) The Secretary of Defense, who shall serve as the chairperson of the Board.

"(B) The Secretary of Education.

"(C) The Secretary of State.

"(D) The Secretary of Commerce.

"(E) The Director of the Central Intelligence Agency.

"(F) The Director of the United States Information Agency.

"(G) 4 individuals appointed by the President, by and with the advice and consent of the Senate, who have expertise in the fields of international, language, and area studies education.

"(2) SPECIAL RULE.—Individuals appointed to the Board pursuant to paragraph (1)(G) shall be appointed for a period not to exceed 4 years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

"(c) FUNCTIONS.—The Board shall—

"(1) establish qualifications for students and institutions of higher education desiring scholarships, fellowships, and grants under this title;

"(2) identify as the critical countries described in section 804(a)(1)(A) those countries that are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying;

"(3) identify as the critical areas within the disciplines described in section 804(a)(1)(B) those areas that the Board determines to be critical areas of study in which United States students are deficient in learning;

"(4) identify as critical areas those areas of study described in section 804(a)(1)(C) in which United States students, educators, and government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training; and

"(5) review the administration of the program assisted under this title.

"SEC. 806. NATIONAL SECURITY EDUCATION TRUST FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Security Education Trust Fund'. The Fund shall consist of amounts transferred to it pursuant to subsection (b) of this section and amounts credited to the Fund under subsection (d) of this section.

"(b) TRANSFER OF AMOUNTS.—

"(1) TRANSFER.—The Secretary of Defense is authorized to transfer to the Trust Fund $180,000,000 from funds appropriated for fiscal year 1992 pursuant to section 101 of the Intelligence Authorization Act, Fiscal Year 1992.

"(2) RESERVATIONS.—From the amounts transferred pursuant to paragraph (1) for fiscal year 1992, the Board shall reserve—

"(A) $15,000,000 to award scholarships pursuant to section 804(a)(1)(A);

"(B) $10,000,000 to award fellowships pursuant to section 804(a)(1)(B); and

"(C) $10,000,000 to award grants pursuant to section 804(a)(1)(C).

"(c) INVESTMENT OF FUND ASSETS.—It shall be the duty of the Secretary of the Treasury to invest in full the amounts transferred to the Fund. 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 on original issue at the issue price or 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 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 ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

"(d) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(e) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(f) OBLIGATIONS FROM THE ACCOUNT.—The Board is authorized to obligate such sums as are available in the Fund (including any amounts not obligated in previous fiscal years) for—

"(1) awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

"(2) properly allocable administrative costs of the Federal Government for the activities described in this title.

"SEC. 807. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—In order to carry out this title, the Board may—

"(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case may an employee other than the Executive Secretary be compensated at a rate to exceed the maximum rate of basic pay payable for GS–15 of the General Schedule;

"(2) prescribe such regulations as the Board considers necessary governing the manner in which its functions shall be carried out;

"(3) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Board, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

"(4) accept and use the services of voluntary and noncompensated personnel;

"(5) enter into contracts or other arrangements, or make grants, to carry out the provisions of this title, and enter into such contracts or other arrangements, or make such grants, with the concurrence of two-thirds of the members of the Board, without performance or other bonds and without regard to section 5 of title 41, United States Code;

"(6) rent office space in the District of Columbia; and

"(7) make other necessary expenditures.

"(b) ANNUAL REPORT.—The Board shall submit to the President and to the Congress an annual report of its operations under this title. Such report shall contain—

"(1) an analysis of the mobility of students to participate in study abroad programs;

"(2) an analysis of the trends within language, international, and area studies, along with a survey of such areas the Board determines are receiving inadequate attention;

"(3) the impact of the Board's activities on such trends; and

"(4) an evaluation of the impediments to improving such trends.

"SEC. 808. EXECUTIVE SECRETARY.

"(a) APPOINTMENT BY BOARD.—There shall be an Executive Secretary of the Board who shall be appointed by the Board. The Executive Secretary shall be the chief executive officer of the Board and shall carry out the functions of the Board subject to the supervision and direction of the Board. The Executive Secretary shall carry out such other functions consistent with the provisions of this title as the Board shall prescribe.

"(b) COMPENSATION.—The Executive Secretary of the Board shall be compensated at the rate of basic pay payable for employees at level III of the Executive Schedule.

"SEC. 809. AUDITS.

"The activities of the Board under this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property belonging to or in use by the Board pertaining to such activities and necessary to facilitate the audit.

"SEC. 810. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Fund' means the National Security Education Trust Fund established pursuant to section 806;

"(2) the term 'Board' means the National Security Education Board established pursuant to section 805; and

"(3) the term 'institution of higher education' has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965.".

TITLE VIII—MISCELLANEOUS MATTERS

SEC. 801. TRANSPORTATION OF REMAINS OF CERTAIN NSA EMPLOYEES.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section.

"SEC. 17. (a) The Director of the National Security Agency may pay the expenses referred to in section 5742(b) of title 5, United States Code, in the case of any employee of the National Security Agency who dies while on a rotational tour of duty within the United States or while in transit to or from such tour of duty.

"(b) For the purposes of this section, the term 'rotational tour of duty', with respect to an employee, means a permanent change of station involving the transfer of the employee from the National Security Agency headquarters to another post of duty for a fixed period established by regulation to be followed at the end of such period by a permanent change of station involving a transfer of the employee back to such headquarters.".

SEC. 802. MINOR TRANSFERS OF INTELLIGENCE APPROPRIATIONS FOR OPERATIONAL EMERGENCIES.

(a) AUTHORITY TO TRANSFER.—Title V of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 503 the following new section:

"MINOR TRANSFERS FOR OPERATIONAL EMERGENCIES

"SEC. 504. (a) In addition to any other transfer authority provided in this or any other Act, the Director of Central Intelligence may transfer funds appropriated for the Department of Defense for an intelligence agency or program within the National Foreign Intelligence Program to another such agency or program in order to respond to unforeseen foreign intelligence operational emergencies.

"(b) Funds transferred under this section shall remain available for the same purposes, and for the same period, as the appropriation to which transferred.

"(c) The total amount that may be transferred under this section in any fiscal year may not exceed $10,000,000.

"(d) Funds transferred under this section may not be used to support any covert action of the United States.

"(e)(1) A transfer may not be made under the authority of this section until the fifth day after the Director of Central Intelligence submits a report on the proposed transfer to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) The report shall include a determination by the Director of Central Intelligence that the proposed transfer is necessary to meet a foreign intelligence operational emergency. Each determination shall contain all necessary programmatic data, a full description of the emergency, and a discussion of the consequences of not responding to the emergency.

"(3) The Director of Central Intelligence may not submit a transfer report under this subsection until the Director has consulted with and obtained the concurrence of the head of each department and agency affected by the transfer.

"(f) Not later than 90 days after the date on which a transfer report is submitted pursuant to subsection (e), the Director of Central Intelligence shall report in a timely fashion to the committees referred to in that subsection regarding the results of each foreign intelligence operational emergency for which funds were transferred as described in that transfer report.".

(b) TABLE OF CONTENTS.—The table of contents at the end of the first section of such Act is amended by inserting the following after the item relating to section 503:

"Sec. 504. Minor transfers for operational emergencies.".

SEC. 803. CLARIFICATION OF EXCEPTION FOR CERTAIN NATIONAL SECURITY INFORMATION FROM CERCLA DISCLOSURE REQUIREMENTS.

Section 120(j)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(j)(2)) is amended—

(1) by striking out "Atomic Energy Act and" and inserting in lieu thereof "Atomic Energy Act,";

(2) by inserting after "information," the following: "and all statutes or Executive orders that authorize the protection of specified types of unclassified information from disclosure,"; and

(3) by striking out "classified information" and inserting in lieu thereof "such information".

The PRESIDING OFFICER. The Senator from Oklahoma, the chairman of the committee.

Mr. BOREN. Madam President, the unanimous-consent request, which I just propounded a few moments ago and which was agreed to, had been previously cleared by the leadership on the other side of the aisle.

Madam President, it is an honor for me to present to the Senate today the intelligence authorization bill for fiscal year 1992. This is the 15th consecutive year, dating back to the creation of the Select Committee on Intelligence in 1976, where the Senate will have considered a separate authorization bill for U.S. intelligence activities.

I might add it has been my pleasure now to have presented at least five of these authorization bills.

Joining me in offering this bill is the distinguished Senator from Alaska, the vice chairman of the committee, Senator MURKOWSKI. This is his first year as vice chairman, and I want to express to him my appreciation for the cooperative spirit that he has brought to our work together on the committee.

In many ways, this has been a momentous year for both of us.

The committee began the year with intensive review of organizational arrangements for the intelligence communty, looking toward possible legislation on this subject later in this Congress. Indeed, the events that have taken place in the Soviet Union just since August have provided an even greater impetus for the review that we are already undertaking.

This summer, we enacted a comprehensive overhaul of the statutory framework for congressional oversight of covert actions, which addressed the key weaknesses in the current system revealed in the Iran-Contra affair some 5 years before. After literally years of negotiations, with the administration, with the executive branch, with two Presidents, we were finally able to arrive at a compromise, which I believe respects the institutional prerogatives of both the legislative and executive branches of Government.

It is good for this country that we were able to place those reforms, those lessons learned from the Iran-Contra affair into the statutory law of the United States so that they will be binding not only on this administration, but future administrations and Congresses as well.

Of course, we have only recently completed a series of hearings on the nomination of Robert Gates, to be Director of Central Intelligence, which are unprecedented really in the history of the committee. Never before have the American people had such a glimpse into the internal workings of the Central Intelligence Agency. While they have seen the tensions and the frustrations that exist within that community, they have been able to also see what the CIA contributes to the security of this country. I think these hearings may have done more to educate the American people about the role that the CIA has played and can continue to play than anything ever before made a matter of public record, and we are proud of that hearing record. As members or our committee, we are proud of the thoroughness and the fairness with which we attempted to proceed.

It is a timely point in evolution of the CIA that this should have been done. With the dramatic events unfold-

ing in the Soviet Union and Eastern Europe, the future role and the utility of the CIA is being called into question. The resources previously allocated to intelligence are being challenged not only by those on the outside but those on the inside as well, including the oversight committees of Congress. Indeed, the committee has recommended in this year's authorization bill a substantial cut in terms of the administration's request originally made to us.

Because of the sensitivity of the matters dealt with by the bill, we cannot, unfortunately, discuss in detail the nature of the specific reductions we are recommending. However, the committee's recommendations are set forth in a classified supplement to the committee's report on the bill, which has been available to all Members of the Senate since July 24, under the provisions of Senate Resolution 400.

But if cuts are in order, certainly the events of the past year have tempered our rush to slash away at budgets too precipitously without thinking where we are headed and without thinking through the ultimate framework that should be established. We must be prepared to anticipate events like the invasion of Kuwait, and we must have the intelligence capabilities needed to support military commanders in the field, wherever they might be deployed around the world.

The world of the 1990's is a hopeful, but uncertain place. Will the reforms in the Soviet Union succeed? What will be their implications for the United States? How will they effect other countries such as China, Cuba, or North Korea and others? Will we be able to detect and control threats to our security: nuclear, chemical and biological weapons, and the missile technology needed to deliver them? Can we detect and counter terrorist acts or narcotics trafficking?

The United States must be prepared to deal with these problems, to cope as best we can, with events around the world. While U.S. intelligence does not and cannot provide all of the answers, it does provide a capability, a resource, that the United States must preserve if we are to maintain our place of leadership in the world.

With that, Madam President, let me turn to the bill itself.

As we do annually, the committee has conducted a detailed, thorough review of the administration's budget request for the National Foreign Intelligence Program for fiscal year 1992, as well as a review of the tactical intelligence and related activities of the Department of Defense for the same period. This entailed document reviews, staff visits and briefings, and a series of formal hearings with witnesses from the intelligence community, as well as policy officials from the Departments of Defense and State. It also included an intensive look at the performance of intelligence agencies at both the national and tactical levels during Desert Shield/Desert Storm.

On the basis of this comprehensive review, we have arrived at our recommendations to the Senate, the budgetary portions of which, are, as I previously mentioned, contained in the classified annex of the committee's report. With respect to the public portions of the bill:

Title I authorizes the funds for the intelligence activities of the U.S. Government, incorporating by reference the classified schedule of authorizations. This title also contains two sections dealing with the public disclosure of certain information relating to the intelligence budget.

Section 104 provides that the President's annual budget submission to the Congress must include a separate, unclassified statement of the aggregate expenditures for the previous fiscal year, and the aggregate amount of funds requested for the fiscal year for which the budget is submitted, for intelligence and intelligence-related activities. Put another way, this section would require the President to disclose the total amount spent the previous year, and the total amount being requested for the next fiscal year, for both the National Foreign Intelligence Program and for DOD tactical and related intelligence activities.

This would mark the first time that this information would be put forward in a public forum and shared with the American people.

Section 105 is a companion to section 104. It would require any bill reported by a committee of Congress which authorizes funds to be appropriated for intelligence and intelligence-related activities to contain an unclassified statement of the aggregate amount authorized to be appropriated. It was intended that the annual intelligence authorization bill be the only bill that would meet the criteria of this section. Moreover, if enacted as written, this section would require such a disclosure in the next intelligence authorization bill, the intelligence authorization for fiscal year 1993.

So this would be prospective in its application. It would be 1 year before this particular provision, if enacted into law, takes affect.

Title II of the bill authorizes appropriations for the intelligence community staff for fiscal year 1992 in the amount of $28,832,000 and provides that $6,566,000 of this amount shall be allocated to the security evaluation office at CIA. This title also authorizes 240 full-time personnel for the intelligence community staff.

Title III of the bill authorizes appropriations for the CIA retirement and disability fund in the amount of $164,100,000 for fiscal year 1992, and contains a number of provisions pertaining to the CIA retirement and disability programs. Most of these provisions are technical in nature, conforming to changes in other federal retirement programs or to clarify elements within existing provisions. I highlight only section 310 which drops the requirement contained in existing law that in order for a former spouse of a CIA employee to qualify for a portion of the employee's retirement benefits, the divorced spouse must have been married to the employee for 10 years, 5 of which were spent outside the United States. As revised by section 10, the divorced spouse must have been married to the employee for 10 years, but only the employee must have served 5 years outside the United States. This change conforms to similar provisions in the Foreign Service Retirement System Act.

Title IV authorizes increases in personnel benefits where such increases have otherwise been authorized by law.

Title V provides that the Director of the FBI will undertake a study with respect to the establishment of an undergraduate training program to meet critical needs of the FBI, similar to other programs in effect at CIA, NSA, and DIA.

Title VI provides that the statutory inspector general at the CIA will be compensated at the same level as inspector generals at other departments and agencies of the Government.

The last title of the bill, title VII, amends the National Security Act of 1947 to create a new National Security Education Program.

I want to pause on this one, Madam President, and give my colleagues some additional background.

Several weeks ago, on September 26, 1991, I offered an amendment to the Defense appropriations bill to provide funding for a program that I do want to mention specifically, and that is a program to create a national security education program. it passed the Senate on a voice vote. The language in the intelligence authorization bill would specifically authorize the funds which have already been appropriated under the Department of Defense authorization bill. While I will later offer an amendment to conform the wording in the intelligence authorization bill to that contained in the amendment to the Defense bill, the basic thrust of these provisions remains, for the most part, unchanged.

I will not repeat today all of the justification I provided at the time my amendment was offered to the Defense bill. If any of my colleagues wish to refer to it, it can be found at pages 24301-24302 of the CONGRESSIONAL RECORD of September 26, 1991.

Suffice it to say, this title of the bill would specifically authorize the use of $180 million of the intelligence budget to create an international education trust fund to help the United States and its national security agencies meet

the challenges of the postcold war period.

It provides funding for graduate fellowships and grants to universities for foreign language studies and area studies programs. It also provides undergraduate scholarships for study abroad, programs in countries that are now under-represented in terms of American studies at this time.

It is tragic indeed that while we have 386,000 foreign college undergraduate students studying in the United States, coming here to learn about our language, to learn about our culture, to learn about our economic system and our markets, that we have only about 50,000 American students studying in the rest of the world, and most of those are concentrated in only three countries.

It is a sad thing that we are about the only leading country in the world that provides no Government help to allow our students to gain the skills they need by studying abroad, learning other languages and other cultures firsthand. Only those from affluent families or those that receive special kinds of scholarship help from nongovernmental sources are able to have that opportunity to study abroad today, Madam President. It is time that the United States filled that gap and provided that opportunity for all of our young people, so that we can begin to build the kinds of international skills that are going to be so necessary in a world environment in which we are getting ready to move in the next century.

So this bill would do that. After the launching of Sputnik, we had the National Defense Education Act. We all remember the good that it did to prepare our country in the fields of math and science and many other fields. Many talented people who later came into Government services were educated through the aid provided by the National Defense Education Act.

We again face a new world, a new challenge, a new situation, that is going to demand that the next generation of Americans speak the languages of the world, understand how people think, understand their cultures, are able to relate to them. We cannot begin to compete in the world's markets, for example, if we do not speak the world's languages.

Gone is the time in which we could sit back, smug in our knowledge that others would have to come to us, learn our language, and learn about our culture without us having to bother ourselves to know about them. The private sector, the Government itself, in sensitive agencies like the Defense Department, the State Department, the Central Intelligence Agency, is having a harder and harder time finding those people with the skills and the education and the training necessary in these particular areas.

So it is time, as we passed the National Defense Education Act in an earlier period, to now pass the National Education Security Act, as we propose in this particular piece of legislation.

It is the first major national security education initiative undertaken in this country since the passage of the National Defense Education Act, and it is included in this bill.

It will provide out of the trust fund in the first year $35 million in fiscal year 1992. That will be broken down as follows: $15 million for study abroad for undergraduate students; $10 million for grants to colleges and universities to strengthen and improve their courses of study and curriculum in foreign languages, area studies and international studies; and $10 million for graduate fellowships.

A board of trustees is established by the bill to advise the Secretary of Defense with respect to the administration of the trust fund, and to develop specific criteria and guidelines for the distribution of grants, fellowships, and scholarships. The Secretary of Defense or his designee will chair the board, which will also include the Secretaries of State, Education, and Commerce, and the Director of Central Intelligence, and the Director of the U.S. Information Agency, or their respective designees. The program would be administered through the defense intelligence college.

Madam President, at the committee's recent hearing on the Gates nomination, I had the opportunity to ask a number of our witnesses for their opinion of this proposed program.

The PRESIDING OFFICER. The Senator has spoken for 15 minutes.

Mr. BOREN. Madam President, I ask unanimous consent I might be able to complete my remarks without it counting against the time to run on the bill.

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

Mr. BOREN. These included not only the nominee himself, but also Adm. Bobby Inman, the former Deputy DCI and Director of the National Security Agency, and Richard Kerr, now currently serving as Acting Director of Central Intelligence. All testified that it would meet a clear need of the intelligence community, a need that was likely to grow in the future.

It is my hope that with the significant degree of cooperation we have had to date in developing this proposal and bringing it to fruition in the Senate—particularly from the Committee on Armed Services and the Committee on Appropriations—we will be able to reach agreement in conference to make this program a reality. I am convinced that in the long run, it will make a difference, in terms of both the quality and quantity of those who serve the Government in the area of national security.

So, Madam President, I urge my colleagues to act favorably on the legislation which we present with great pride, a product of the bipartisan work of all of the members of our committee and staff.

I will conclude my remarks and yield the floor to the vice chairman for his opening remarks, the distinguished Senator from Alaska [Mr. MURKOWSKI]. But before I yield the floor, I ask unanimous consent that a letter from the Congressional Budget Office on cost estimates for S. 1539 be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 12, 1991.

Hon. DAVID L. BOREN,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate of S. 1539 except for Titles I and IV, the Intelligence Authorization Act for Fiscal Year 1992, as reported by the Senate Select Committee on Intelligence on July 24, 1991.

The bill would affect direct spending and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985. Should the Committee so desire, we would be pleased to provide additional information on the estimate.

Sincerely,

ROBERT D. REISCHAUER.

COST ESTIMATE

1. Bill number: S. 1539 (Except for Titles I and IV).

2. Bill title: Intelligence Authorization Act for Fiscal Year 1992.

3. Bill status: As reported by the Senate Select Committee on Intelligence on July 24, 1991.

4. Bill purpose: To authorize appropriations for fiscal year 1992 for the intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

5. Estimated cost to the Federal Government of S. 1539 except for titles I and IV:

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Direct spending:					
Estimated budget authority	−(1)	−(1)	−(1)	−(1)	−(1)
Estimated outlays	−(1)	−(1)	−(1)	−(1)	−(1)

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995	1996
Amount subject to appropriations:					
Stated Authorizations:					
Authorization level	193	0	0	0	0
Estimated outlays	183	8	1	*	0
National Security scholarship fund:					
Estimated authorizations	9	12	10	7	5
Estimated outlays	−107	6	34	37	41
Total:					
Estimated budget authority authorizations	202	12	10	7	5
Estimated outlays	77	13	35	37	41

[1] Less than $500,000.

BASIS FOR ESTIMATE

The CBO was unable to obtain the necessary information to estimate the costs for Titles I and IV of this bill because of the classified nature of the material. The estimated costs in the table above, therefore, reflect only the costs of Titles II, III, and V through VII of the bill. The information about the budget functions in which some of these costs would fall also is classified. Therefore, a functional distribution of these costs has been excluded from this estimate.

Direct Spending

Title III contains several provisions that could directly change federal spending by altering entitlement of federal government employees or their survivors. Most of these provisions would not increase the spending of the federal government because they either put into law current practices of the Central Intelligence Agency (CIA), or distribute current retirement payments between divorced spouses. Two sections would bring about savings to the federal government. Section 302 would reduce the survivor benefits paid to children of deceased participants in the CIA Retirement and Disability System (CIARDS) if they have another surviving parent. Under current law these children are paid as if both parents are deceased. This provision is expected to save approximately $700 per year per child; total savings would not exceed $10,000 in any year of the estimate period.

Section 305 would remove the requirement that the CIA pay the full cost for disability exams at the retirement of a CIARDS employee. If enacted, some portion of the costs of these exams could be paid by the employees' health insurance providers. The CIA estimates that savings associated with this provision would not be significant.

Title VII of the bill contains the National Security Education Act of 1991, which would establish a National Security Education Board to oversee a program of scholarship, fellowship and grant awards for foreign language studies. The administrative provisions of the Act would allow the Board to accept gifts and to use or sell these gifts to carry out its functions. This would grant direct spending authority for the Board, though the CBO estimates that the net outlay effect would be zero since over time the spending cannot exceed the receipts.

The administrative provisions in Title VII also would provide the Board with the authority to enter into contracts to carry out the provisions of the title. This is similar to the authority regularly granted to new agencies, commissions, and boards as part of their administrative provisions. These new entities normally do not use this contract authority to enter into obligations in advance of receiving appropriations, thus the CBO does not expect this to increase outlays.

Amounts Subject to Appropriations

This estimate assumes that funds will be appropriated for the full amount of the authorization and that all resources will be available for obligation by October 1, 1991. Outlays are estimated based on historical outlays rates.

Titles II and III of the bill state fiscal year 1992 authorizations for appropriations for the Intelligence Community Staff of $28.8 million and for the required contribution to the Central Intelligence Agency Retirement and Disability Fund of $164.1 million.

The National Security Education Act in Title VII would create a National Security Education Trust Fund and would authorize the transfer of $180 million from intelligence activities funding for fiscal year 1992 to the fund. The amounts in this fund are to be invested in Treasury securities and the balances would be available for scholarships, fellowships and grants for foreign language studies, and for the administrative expenses of the fund. The fund is to disburse $35 million in fiscal year 1992 for the foreign language studies. In the future, these scholarships, fellowships and grants are to be adjusted for inflation. This estimate assumes inflation rates and interest rates that are consistent with rates in the CBO summer baseline, and that the timing of interest payments would be the same as that for similar trust funds. The net change to federal outlays from this transfer were calculated as the difference between spending for intelligence activities (using the outlay rate for operations and maintenance for the Defense Department) and spending from the fund.

6. Pay-as-you-go-considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The direct spending costs of this bill for provisions that are known to CBO and that are subject to the pay-as-you-go procedures are shown in the following table. CBO was unable to obtain the necessary information to review the full text of the bill and the reports accompanying it because they are classified at a level above the clearances now held by CBO employees. Consequently, CBO does not know if the bill contains additional provisions with pay-as-you-go implications.

[By fiscal year, in millions of dollars]

	1992	1993	1994	1995
Change in outlays	*	*	*	*
Change in receipts	.....	(1)	.....	.....

[1] Not applicable.

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO cost estimate: None.

10. Estimate prepared by: Barbara Hollinshead (226-2840) Kent Christensen (226-2840).

11. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

Mr. BOREN. Madam President, I now ask unanimous consent the distinguished vice chairman be recognized following a brief motion that I will make on another matter, and that whatever time is used by the vice chairman for his opening remarks not be counted against the time to run on the bill.

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

Mr. BOREN. Madam President, this bill was reported last July 24 as an original bill by the Select Committee on Intelligence. It was subsequently referred to the Committee on Armed Services for a period of 30 days for matters within the jurisdiction of that committee.

The Committee on Armed Services reported out this bill on October 3, 1991, Senate Report No. 102-172, with several amendments.

It is my understanding that all of these amendments are acceptable to both sides of the aisle, and I therefore ask unanimous consent that they be considered en bloc.

The first of these amends section 105 of the bill which provides that any bill reported by a conference committee which authorizes funds to be appropriated for intelligence and intelligence-related activities of the United States shall contain an unclassified statement of the aggregate amount of the funds to be appropriated. The Armed Services amendment inserts the word "all" before "intelligence and intelligence-related activities," making it clear that only the annual intelligence authorization bill is subject to the disclosure requirement contained in section 105. This is agreeable to us.

The second amendment also relates to the disclosure of the aggregate number for the intelligence and intelligence-related budget, and would delay the effective date of the disclosure requirements until the enactment of next year's intelligence authorization. Thus, it would delay the effective date of the budget disclosure provisions for approximately a year. This amendment is also agreeable to the committee.

Finally, the Armed Services Committee added three new provisions to the bill.

The first, found in section 801, would provide authority for the Director of the National Security Agency to pay the costs of transporting the remains of employees who had died while on ro-

tational assignment within the United States to their home for burial.

The second, set forth in section 802, would permit the Director of Central Intelligence to transfer funds between accounts in the National Foreign Intelligence Program to meet operational emergencies. Such transfers would be permitted, however, only for amounts less than $10 million, and only where prior notice had been provided the relevant congressional committees, and where the head of the department or agency concerned had provided concurrence to the transfer.

The third provision, set forth in section 803 of the amended bill, would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide that where unclassified information is protected from public disclosure by law or Executive order, that any such information furnished under the act will be handled in accordance with such laws or Executive orders.

Madam President, it is my understanding that these amendments are acceptable to both sides of the aisle.

I therefore ask unanimous consent that the amendments reported by the Committee on Armed Services be agreed to en bloc.

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

The question is on agreeing to the committee amendments en bloc.

The committee amendments were agreed to en bloc.

AMENDMENT NO. 1256

(Purpose: To require the establishment of a national security scholarships, fellowships, and grants program)

Mr. BOREN. Madam President, I now send to the desk an amendment in the nature of a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to considering the amendment? Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] proposes an amendment numbered 1256.

Mr. BOREN. Madam 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:

Title VII of S. 1539 is amended by striking section 701 in its entirety and inserting in lieu thereof the following:

SEC. 701. (a) The Congress finds that—

(1) the security of the United States is and will continue to depend on the ability of the United States to exercise international leadership;

(2) United States leadership is and will increasingly be based on the political and economic strength of the United States, as well as United States military strength around the world;

(3) recent changes in the world pose threats of a new kind to international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapon proliferations have dramatically increased;

(4) the future national security and economic well-being of the United States will substantially depend on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries;

(5) the Federal Government has a vested interest in ensuring that the employees of its national security agencies are prepared to meet the challenges of this changing international environment;

(6) the Federal Government also has a vested interest in taking actions to alleviate the problem of American undergraduate and graduate students being inadequately prepared to meet the challenges posed by increasing global interaction among nations; and

(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, area studies, and other international fields to help meet such challenges.

(b) The purposes of this section are as follows:

(1) To provide the necessary resources, accountability, and flexibility to meet the national security education needs of the United States, especially as such needs change over time.

(2) To increase the quantity, diversity, and quality of the teaching and learning of subjects in the fields of foreign languages, area studies, and other international fields that are critical to the Nation's interest.

(3) To produce an increased pool of applicants for work in the national security agencies of the United States Government.

(4) To expand, in conjunction with other Federal programs, the international experience, knowledge base, and perspectives on which the United States citizenry, Government employees, and leaders rely.

(5) To permit the Federal Government to advocate the cause of international education.

(c)(1) The National Security Act of 1947 (47 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"SEC. 801. SHORT TITLE.

"This title may be cited as the 'National Security Education Act of 1991'.

"SEC. 802. PROGRAM REQUIRED.

"(a) PROGRAM REQUIRED.—

"(1) IN GENERAL.—The Secretary of Defense; in consultation with the National Security Education Board established by section 803, shall carry out a program for—

"(A) awarding scholarships to undergraduate students who are United States citizens or resident aliens in order to enable such students to study, for at least 1 semester, in foreign countries;

"(B) awarding fellowships to graduate students who—

"(i) are United States citizens or resident aliens to enable such students to pursue education in the United States in the disciplines of foreign languages, area studies, and other international fields that are critical areas of such disciplines; and

"(ii) pursuant to subsection (c)(1), enter into an agreement to work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded; and

"(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, and improve programs in foreign languages, area studies, and other international fields that are critical areas of such disciplines.

"(2) RESERVATIONS.—The Secretary shall have a goal of reserving for each fiscal year—

"(A) for the awarding of scholarships pursuant to paragraph (1)(A), ⅓ of the amount available for obligation out of the National Security Education Trust Fund for such fiscal year;

"(B) ⅓ of such amount for the awarding of fellowships pursuant to paragraph (1)(B); and

"(C) ⅓ of such amount to provide for the awarding of grants pursuant to paragraph (1)(C).

"(b) CONTRACT AUTHORITY.—The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in subsection (a) in accordance with the provisions of this title. The Secretary may enter into such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law that requires the use of competitive procedures.

"(c) SERVICE AGREEMENT.—In awarding a fellowship under the program, the Secretary or contract organization referred to in subsection (b), as the case may be, shall require the recipient of the fellowship to enter into an agreement that contains the assurances of such recipient that the recipient—

"(1) will maintain satisfactory academic progress; and

"(2) upon completion of such recipient's education, will work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded for a period specified by the Secretary, which period shall be equal to not less than one and not more than three times the period for which the fellowship assistance was provided.

"(d) DISTRIBUTION OF ASSISTANCE.—In selecting the recipients for awards of scholarships, fellowships, or grants pursuant to this title, the Secretary or a contract organization referred to in subsection (b), as the case may be, shall take into consideration the extent to which the selections will result in there being an equitable geographic distribution of such scholarships, fellowships, or grants (as the case may be) among the various regions of the United States.

"(e) MERIT REVIEW.—A merit review process shall be used in awarding scholarships, fellowships, or grants under the program.

"(f) INFLATION.—The amounts of scholarships, fellowships, and grants awarded under the program shall be adjusted for inflation annually.

"(g) ADMINISTRATION OF PROGRAM THROUGH THE DEFENSE INTELLIGENCE COLLEGE.—The Secretary shall administer the program through the Defense Intelligence College.

"SEC. 803. NATIONAL SECURITY EDUCATION BOARD.

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Board shall be composed of the following individuals or the representatives of such individuals:

"(A) The Secretary of Defense, who shall serve as the chairman of the Board.

"(B) The Secretary of Education.

"(C) The Secretary of State.

"(D) The Secretary of Commerce.

"(E) The Director of Central Intelligence.

"(F) The Director of the United States Information Agency.

"(G) Four individuals appointed by the President, by and with the advice and consent of the Senate, who have expertise in the fields of international, language, and area studies education.

"(2) TERM OF APPOINTEES.—Each individual appointed to the Board pursuant to paragraph (1)(G) shall be appointed for a period specified by the President at the time of the appointment but not to exceed 4 years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

"(c) FUNCTIONS.—The Board shall—

"(1) develop criteria for awarding scholarships, fellowships, and grants under this title;

"(2) provide for wide dissemination of information regarding the activities assisted under this title;

"(3) establish qualifications for students and institutions of higher education desiring scholarships, fellowships, and grants under this title;

"(4) make recommendations to the Secretary regarding which countries are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying, and are, therefore, critical countries for the purposes of section 802(a)(1)(A);

"(5) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(B) are areas of study in which United States students are deficient in learning and are, therefore, critical areas within such disciplines for the purposes of such section;

"(6) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(C) are areas in which United States students, educators, and Government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training and are, therefore, critical areas within such disciplines for the purposes of such section; and

"(7) review the administration of the program required under this title.

"SEC. 804. NATIONAL SECURITY EDUCATION TRUST FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Security Education Trust Fund'.

"(b) AVAILABILITY OF SUMS IN THE FUND.—(1) To the extent provided in appropriations Acts, sums in the Fund shall be available for—

"(A) awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

"(B) properly allocable administrative costs of the Federal Government for the program under this title.

"(2) Any unobligated balance in the Fund at the end of a fiscal year shall remain in the Fund and may be appropriated for subsequent fiscal years.

"(c) INVESTMENT OF FUND ASSETS.—The Secretary of the Treasury shall invest in full the amount in the Fund that is not immediately necessary for obligation. 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 on original issue at the issue price or 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 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 ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

"(d) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(e) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"SEC. 805. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—In order to conduct the program required by this title, the Secretary may—

"(1) prescribe regulations to carry out the program;

"(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purpose of conducting the program required by this title, and to use, sell, or otherwise dispose of such property for that purpose;

"(3) accept and use the services of voluntary and noncompensated personnel; and

"(4) make other necessary expenditures.

"(b) ANNUAL REPORT.—The Secretary shall submit to the President and to the Congress an annual report of the conduct of the program required by this title. The report shall contain—

"(1) an analysis of the mobility of students to participate in programs of study in foreign countries;

"(2) an analysis of the trends within language, international, and area studies, along with a survey of such areas as the Secretary determines are receiving inadequate attention;

"(3) the impact of the program activities on such trends; and

"(4) an evaluation of the impediments to improving such trends.

"SEC. 806. AUDITS.

"The conduct of the program required by this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property of the Department of Defense pertaining to such activities and necessary to facilitate the audit.

"SEC. 807. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Board' means the National Security Education Board established pursuant to section 803;

"(2) the term 'Fund' means the National Security Education Trust Fund established pursuant to section 804; and

"(3) the term 'institution of higher education' has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965.".

(2) The table of contents for such Act is amended by inserting at the end the following:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"Sec. 801. Short title.
"Sec. 802. Program required.
"Sec. 803. National Security Education Board.
"Sec. 804. National Security Education Trust Fund.
"Sec. 805. Administrative provisions.
"Sec. 806. Audits.
"Sec. 807. Definitions.".

(d) Of the amounts made available in the National Security Education Trust Fund for fiscal year 1992 for the scholarships, fellowships, and grants program provided for in title VIII of the National Security Act of 1947, as added by subsection (c), the Secretary shall reserve—

(1) $15,000,000 for awarding scholarships pursuant to section 802(a)(1)(A) of such Act;

(2) $10,000,000 for awarding fellowships pursuant to section 802(a)(1)(B) of such Act; and

(3) $10,000,000 for awarding grants pursuant to section 802(a)(1)(C) of such Act.

Mr. BOREN. Madam President, this amendment amends title VII of the bill by substituting the language that was passed by the Senate on September 26, 1991, as an amendment to the Defense appropriations bill. As my colleagues will recall, this amendment established a national security education fund to provide for scholarships, fellowships, and grants to educational institutions to encourage and develop scholarship in language studies, foreign area studies, and international studies.

As I explained in my opening statement and when this amendment was considered as part of the debate on the Defense appropriations bill, I believe there is a critical need for this type of educational assistance program in the national security area.

The purpose of this amendment is simply to conform the language in the intelligence bill with the language which has already passed the Senate in the Defense bill. The basic purposes and framework of the proposal remain the same.

We have also been advised by the Office of Management and Budget that if this legislation is enacted, the appropriation would be scored within the 0–50 account, consistent with the budget agreement.

I, therefore, urge the adoption of this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1256) was agreed to.

Mr. BOREN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BOREN. Madam President, I move to reconsider the amendments adopted en bloc as part of the conforming amendments earlier to the Armed Services Committee.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1257

(Purpose: To provide for the consolidation of certain airborne reconnaissance programs within the General Defense Intelligence Program)

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

The PRESIDING OFFICER. Is there objection to considering the amendment? Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] proposes an amendment numbered 1257.

Mr. BOREN. Madam 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:

Add at the appropriate place in the bill the following new subsection:

( ) The Secretary of Defense shall take appropriate action to ensure that included within the budget submitted to Congress for the General Defense Intelligence Program for fiscal year 1993, and for every fiscal year thereafter, shall be the amounts requested to be authorized and appropriated for the (1) the TR-1 airborne reconnaissance platform and related sensor programs; and (2) the Airborne Reconnaissance Support Program. The Secretary of Defense is further directed to consolidate management during fiscal year 1992 of the TR-1, U-2, and Airborne Reconnaissance Support Programs within the General Defense Intelligence Program.

Mr. BOREN. Madam President, this year, in their reports on the Department of Defense authorization and appropriations bills, both the Senate Armed Services Committee and the Senate Appropriations Committee recommended the transfer of funds for the TR-1 airborne reconnaissance platform and related sensor programs from the Tactical Intelligence and Related Activities Program [TIARA] to the General Defense Intelligence Program [GDIP]. The committees further directed the consolidation of the TR-1 and U-2 programs within the GDIP, and recommended that advanced sensor, data-link and ground station resources from another TIARA program—the Airborne Reconnaissance Support Program—also be transferred and managed as part of a consolidated U-2/TR-1 program.

The Select Committee on Intelligence endorses these recommendations. Indeed, the committee had previously recommended this course of action to the Senate Armed Services Committee as part of our independent review of the fiscal year 1992 TIARA request, both to improve program management and achieve savings in a period of declining defense resources. Because the Intelligence Committee does not have jurisdiction over TIARA, however, we could not direct the transfer of the appropriate funds to the GDIP in our own authorization bill without the agreement of the Armed Services Committee.

As I have indicated, that agreement, as well as the agreement of the Senate Appropriations Committee, is now a matter of record. Accordingly, the committee now wishes to offer an amendment to the fiscal year 1992 Intelligence authorization bill to mirror the actions already taken by the Senate Armed Services and Appropriations Committees in their reports on the Defense authorization and appropriation bills, respectively.

Madam President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? There being no further debate, the question is on agreeing to the amendment.

The amendment (No. 1257) was agreed to.

Mr. BOREN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BOREN. Madam President, this concludes the opening comments that I have to make and also the housekeeping business that it is necessary for us to undertake.

I have been joined on the floor by my distinguished colleague, the vice chairman of the committee, the Senator from Alaska. As I have indicated, it is my privilege to work with him. We have carried forward a tradition in this year that was begun by Senator COHEN and myself, when we served together in previous years, of a bipartisan approach to the sensitive issues we must face on the Intelligence Committee, a common commitment to be truly trustees for the rest of the Senate and the American people in overseeing these very sensitive activities.

I again want to express my appreciation to him for the spirit that he has brought to this process, for the bipartisan spirit with which he has approached these challenges, for his diligence in trying to ensure that the oversight which our committee provides will be as thorough as possible and as efficient and effective as possible for the American people. I, again, want to express my appreciation to him. We have already obtained unanimous consent that his opening remarks not count against the time on the bill.

I happily yield the floor at this time so that the vice chairman can make his opening remarks.

The PRESIDING OFFICER. The Senator from Alaska, the vice chairman of the committee.

Mr. MURKOWSKI. Madam President, if I may just for a moment embellish the extraordinary relationship that exists with the chairman and, as a consequence of this relationship, I think that we have worked together in a manner that I think reflects professionalism on behalf of an extraordinary staff on both sides and have been able to fashion harmoniously, for the most part, an agenda that represents a consensus of the committee. As we look forward to the increasing responsibility associated with this oversight by the Intelligence Committee and look to new challenges ahead, I think we both agree that the efforts to achieve accountability within the agencies is something that both the chairman and I are dedicated to achieve in a greater degree, as well as the staff.

So I am very pleased to join with the distinguished chairman of the Select Committee on Intelligence and the other Members on our side as a cosponsor of the fiscal year 1992 intelligence authorization bill.

As we all know, Madam President, the world has changed more dramatically in the last year than any time probably since the Second World War. Nowhere are the effects and challenges of these changes felt more acutely than within the intelligence agencies. We have seen that in the hearings held in the committee for Mr. Gates.

Almost overnight, the great adversary against which we built the CIA and other components of the intelligence community seems to have disappeared. Threats to our national security that were acute just 2 or 3 years ago have now faded to the point where they might be considered invisible. As a result, questions that were unthinkable a short time ago are now asked seriously, including whether or not we even need a Central Intelligence Agency any more in this Nation.

Madam President, I and my colleagues on the committee will not hesitate to answer: Of course, we need the continuity, the commitment, and the capabilities of the Central Intelligence Agency to serve this country.

The world remains a very dangerous place, as our recent military involvement in Iraq makes clear. The threat from the Third World countries is a very real one and the world is aware of it. New perils are emerging as the alarming revelations about the Iraq nuclear program indicate. Each day we are hearing more and more about what their capability was at a crucial time of that conflict. Whether the challenge is the proliferation of weapons of mass destruction or terrorism or economic competitiveness or monitoring of arms

control, information, accurate information, is vital. We cannot act to forestall dangers we are unaware of or do not understand.

The criticism has been laid to the agency from time to time about the adequacy of information. But as the chairman and I, and members and staff of the Intelligence Committee are well aware of, if you begin to disclose the extent of your information, you also begin to disclose the sources, and if you disclose the sources, why, more often than not, it is quite likely that you can lose those sources, or even a worse set of circumstances.

Having said this, I think it is also clear that ways will have to be found to conduct the Nation's intelligence business at less cost. Basically, Madam President, we should be able to get better intelligence for less money through the process of consolidation, and I think this is a pledge that has been made in the hearings that we have had so far by the President's nominee, Dr. Gates.

The bill before this body has made major cuts in the budget request of the President. The committee made some very, very hard choices and some of the cuts will clearly hurt, but the committee, I think, did a responsible job in a time of increasing budget constraints.

I think it important to point out that we had a discussion on the floor with the Armed Services Committee. I, as one, regret, and I regret deeply, that the committee was unsuccessful in persuading the Armed Services Committee to pass on all of the savings directly to the Treasury, and these were savings that were made within the committee. I think it is a matter that we are going to have to revisit next year with the Armed Services Committee in a more diligent and forceful manner because it is appropriate that if these savings are made by the committee, they be passed on for the benefit of the bottom line and not necessarily incorporated in some aspects of the budget in the Armed Services Committee.

Further, Madam President, in addition to budget cuts, the new environment requires us to reexamine the whole structure of the intelligence community, look for opportunities to reorganize and streamline these agencies. The staff of the Intelligence Committee has already undertaken a major effort to identify the available options.

Chairman BOREN and myself have conducted lengthy conversations with Senator NUNN and Senator WARNER, and because of the complexity of the issue and the time that was unavoidably lost in the dealing of the confirmation of the new DCI, we have agreed, somewhat reluctantly, certainly on my part, to defer most of the reorganization initiatives to the fiscal year 1993 authorization bill. My feeling is the longer we put things off, the less likely we are to complete them with diligence. But my staff assures me otherwise. So I am going to hold my staff to that. I trust that the chairman will, as well.

It is also important that the committee hear from the new DCI before it acts, and we hope to have that opportunity in the not-too-distant future, assuming that we can wind up our confirmation process in an expeditious manner, not follow the most recent pattern we have seen here in this body. But let me emphasize that we have already done much of the spadework needed for the initiatives with regard to increasing the efficiency of the agency.

The bill before us contains many, many provisions, some of which will be discussed at great length on the floor this afternoon. We anticipate a number of amendments with regard to the increased number of confirmations that should be made within the agency. It is my understanding that there was some talk of an FBI amendment being offered relative to the Thomas case concerning leaks. It is my understanding that has been dropped and will be pursued on other legislation at a more appropriate time.

Clearly, it is an obligation of the committee to address matters of intelligence, and the FBI is certainly under our oversight. But as we reflect on the significance of the charge of those leaks, why, I think it references a responsibility that we all have, particularly on the Intelligence Committee, to have the assurance from our staffs that leaks will not occur and we certainly should be setting an example for all committees. Of course, there is absolutely no excuse for leaks of any kind.

So I think the point is well taken. But clearly it is going to get more attention by this body as a consequence of what happened with the Thomas and the Professor Hill incident.

Madam President, the bill before us, as I have said, contains many of the provisions that I think are important, and I know the chairman believes they are important. The chairman already spoke of the educational program which is designed to put significant resources into international education to better prepare our population, as he indicated, to cope with the kind of changes that are occurring in the world. And I mentioned this in the previous part of my opening statement.

The committee has crafted this program under an endowment concept. It is a departure from the normal activities of the committee. Yet, the merits of reaching out and meeting the obligation, of having trained people, I think, is certainly meritorious and deserves the support of the committee.

The idea of a self-sustaining source of income in the years ahead under the endowment concept certainly has an application.

I understand that there has been general thought and some acceptance to require recipients of graduate fellowships to work for the Government in the area of study at least for which the fellowships were awarded. The chairman and I have had some conversations about this. I would like to see this at further levels. I believe the chairman still has somewhat of an open mind to it. But I think it is fair to say that since we no longer have a mandatory draft type of an arrangement—yet we have the ROTC, NROTC, all of which requires some kind of contribution back to the Government for the educational opportunities—I think some type of service commitment is an appropriate responsibility for the recipient of these types of grants or scholarships, as the case may be. I urge my colleagues to give that consideration.

But overall it is an important initiative. It is worthy of careful consideration.

I encourage that consideration also be given that these scholarships and basic opportunities for higher education in the sense of an international opportunity be extended to regional institutions throughout the country as opposed to the more traditional recognition that the larger, more well-established Eastern schools more traditionally are favored with this type of endowment.

I think consideration should be given to those educational institutions which interact more directly with some of the new and exciting regions of the world that are opening up as a consequence of may changes which have occurred in Eastern Europe and the Soviet Union. I refer specifically to the Pacific rim activities associated with the situation as it unfolds in Vietnam, Cambodia. Clearly we are going to want people who have an expertise and an interest in that part of the world; Eastern Siberia, where in my State of Alaska, through the University of Alaska, we have exchange programs set up; we have probably 40 students from Siberia in residence in Fairbanks, AK; Alaska Pacific University specializing in the Pacific rim countries.

We need to see that these endowment scholarships are spread out to areas for regional coverage and provide these educational institutions with opportunities to provide even more and better programs in serving, if you will, the needs of communication between our two peoples. I have talked with these students who have been over in Siberia, Alaskans, young people from the State of California who have gone to our schools. When they live in a Soviet home in Siberia, they have a different appreciation and understanding not only of Western values but an appreciation of the trials and tribulations of our Soviet neighbors and have a tremendous contribution that they can make in the sense of easing tensions and establishing a better world understanding.

So I hope that I can appeal to my good friend, the chairman, the senior Senator from Oklahoma, to encourage universities in regional areas that have an expertise to step up and become involved in this program.

Finally, Madam President, I would also stress that the existence of this body of anticipated trained intelligence specialists will not only benefit the Government agencies, including the intelligence community, but also the business community as well.

I think it is critical to our national future that American business become more equipped to compete in the international marketplace. Oftentimes, this is difficult because of antitrust regulations. One only has to follow the effectiveness of a Japanese trading corporation and the interlock, the linkage between their ability not only to manufacture raw materials but produce, advertise, finance, transport, you name it. We are precluded from those kinds of things, so how are we going to be competitive in an international marketplace?

We have to have people who are versed in business as well as diplomacy representing us in our missions overseas. This will require more skilled managers, analysts, knowledgeable people about foreign countries and international conditions and, most of all, fluent in language.

It is a terrible thing to observe, Madam President, but you know and I know it is so easy to do business overseas because your hosts understand English and the American person doing business overseas being conversant certainly pays off.

Another difficulty we have, and it has been expressed by a number of colleagues on the committee, is the question of just how we handle information that is gathered from an intelligence source and made available to our private sector when more often than not we have two or three competing businesses and how do you share the information. It is a very difficult thing to do. But it is commonplace. And we are aware that the other countries are very much involved in their intelligence-gathering process in determining advantages in the U.S. marketplace and they share that with firms in their country. Unfortunately, more often than not, many of these firms are partially owned by the Government or participated in substantially through financial commitments by that Government. It is easier for them to provide the intelligence.

But this is a world of survival, Madam President, and if we are going to survive in the international marketplace we must have the capability of playing on a level field, and that means competing in an international marketplace in a different manner than we compete domestically. And this is going to put not only a challenge on the committee and the staff but all Members of the Senate to recognize that we must maintain an international competitiveness if we are to prosper as a nation.

I thank the Chair. I thank my colleague and good friend, the chairman of the committee, for his diligence in proceeding to get our bill up today, and I look forward to the process ahead.

Madam President, I yield the floor.

Mr. BOREN. Madam President, I thank my colleague for his generous remarks. As I have said, it is, indeed, a pleasure to work with him in these constructive endeavors.

We have talked a lot in our opening remarks about the new educational initiative proposed by the committee, one already acted upon in the appropriations bill on the floor earlier. It is an exciting proposal.

As I have indicated, it is the first major educational initiative of this type understanding that the national security interests of the United States cannot be defined in very narrow terms, technical terms, dealing only with items of military hardware, for example. But the national security interests of the United States, especially in these changing times, must be viewed broadly and making certain that we have the human resources we need, that we have the well-trained people coming out of the next generation in the field of foreign languages, the understanding of various religions and cultures and other communities around the world is absolutely essential and vital to our national security in the broadest sense of that term and in the most meaningful sense of that term.

We are, indeed, proud of the National Security Education Act and the initiative our committee has taken.

I should also indicate that while we have not been able to discuss in detail the cuts we have made in the original administration request in the intelligence bill and have not been able to describe, because of reasons of classification, the detailed nature of the shifts of priorities we have undertaken also in the intelligence bill, this bill does reflect a greater emphasis on improving our human intelligence source capability.

As many of us have said, with all the changes in the world, we are going to be facing a situation where we will have fewer troops stationed around the world in forward positions.

This means that we will need to have earlier warning of the intentions of those that might inflict danger on the world, that might cause regional conflicts. We learned very painfully with the situation in the Middle East, with the Iraqi invasion of Kuwait, that by the time we can learn through national technical means of the movement of forces on the ground that it is often too late to give the policymakers a whole range of actions that they might take to avoid a conflict.

Had the President of the United States had good human source intelligence about the intentions of Saddam Hussein, for example, 6 months before the invasion of Kuwait, he could have considered a whole range of policy options that might have enabled us to avoid that war, that conflict—perhaps joint exercises with Saudi Arabia in the forward positionings of aircraft and supplies, sending a signal a Saddam Hussein, a very clear signal that any attempt at aggression would be resisted.

These are the kinds of actions that, had we had intelligence warning from human sources early enough, might have enabled us to avoid the Persian Gulf conflict, costly as it was both in material goods, and even more important, in terms of the cost of precious lives. Perhaps it could have been avoided with earlier warning.

In this kind of early warning, this kind of understanding of the intentions of potential adversaries, direct inside information from human sources becomes even more important. The nature of the threat also changes. We cannot, from satellite photography, have a good idea of what is going on in some tiny garage behind some residence where a terrorist group might be putting together a very potent but small explosive or chemical device to be used by the terrorist organizations.

This kind of information basically must come from human sources through development of the expertise, both in terms of language and ethnic understanding and background, to make it possible to have very legitimate and credible human source intelligence in various areas of the world given the nature of the challenges we face.

So the committee has undertaken in this bill to shift some priorities to continue the very strong emphasis on improvement of our human source intelligence, the human resources available, into the intelligence community that we began over 2 years ago.

This bill continues to reflect that shift of priorities. It makes some initial changes that reflect the changes that have gone on in the Soviet Union. More will remain to be done on this score. It does also reflect the fiscal environment, the very difficult fiscal environment in which we are now living and trying to get the most to the American taxpayers for the dollars spent in the intelligence field.

It does represent not only a major new educational initiative, but also some substantial adjustments of priorities within the intelligence budget that we provide in this bill.

Madam President, I see the distinguished Senator from Ohio is on the floor. Under the previous unanimous-consent request entered into, he will be

offering an amendment on which the time limitation has been set.

I will yield the floor so the Senator from Ohio might have an opportunity to offer his amendment.

Mr. MURKOWSKI. Madam President, if I may just make an inquiry from the standpoint of the agreement, would the Chair state the agreement on time that remains between the two sides?

The PRESIDING OFFICER. The time on the Glenn amendment is limited to 4 hours, equally divided, under control.

Mr. MURKOWSKI. Madam President, it is my understanding it is limited just to the Glenn amendment. And is there any time agreement pending on the bill?

The PRESIDING OFFICER. There is a time agreement. The Senator from Alaska controls the remaining time, which is 15 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1258

(Purpose: To provide for appointment by the President, by and with the advice and consent of the Senate, of certain officials of the Central Intelligence Agency)

Mr. GLENN. Madam President, I send an amendment to the desk on behalf of myself, Senator SPECTER, Senator HARKIN, Senator BYRD, Senator AKAKA, Senator BRYAN, Senator CRANSTON, and Senator ADAMS, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, and Mr. SPECTER, Mr. HARKIN, Mr. BYRD, Mr. AKAKA, Mr. BRYAN, Mr. CRANSTON, and Mr. ADAMS, proposes an amendment numbered 1258.

On page 34, between lines 18 and 19, insert the following new section:

SEC. 602. APPOINTMENT OF CERTAIN OFFICIALS BY THE PRESIDENT.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by inserting at the end thereof the following new section:

"SEC. 18. APPOINTMENT OF CERTAIN OFFICIALS BY THE PRESIDENT.

"(a) PRESIDENTIAL APPOINTMENTS.—The President shall appoint, by and with the advice and consent of the Senate, the following officers of the United States who shall serve within the Central Intelligence Agency:

"(1) the Deputy Director for Operations.

"(2) the Deputy Director for Intelligence.

"(3) the General Counsel.

"(b) BASIS FOR REMOVAL.—Notwithstanding section 102(c) of the National Security Act of 1947 (50 U.S.C. 403(c)), any individual appointed pursuant to this section shall serve at the pleasure of the President and may be removed from office only by the President.".

Mr. GLENN. Madam President, the amendment I am offering today is a modified version of S. 1003, legislation which would require Presidential nomination and Senate confirmation of certain senior officials at CIA.

Currently, there are only three CIA officials, the Director of Central Intelligence, the DCI; the Deputy Director of Central Intelligence, DDCI; and the Inspector General, the IG; that are confirmed by the Senate.

Madam President, I ask unanimous consent that, at the conclusion of my remarks, the following documents be entered into the RECORD: A July 2 letter from Judge Webster; September 6 letter from former Secretary of State Cyrus Vance in support of this legislation; and the prepared statements of Dr. Richard Betts of Columbia University, Gen. William Odom of the Hudson Institute, and Dr. Allan Goodman of Georgetown University, as well as several press clippings.

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

(See exhibit 1.)

Mr. GLENN. I note that this amendment is the same as S. 1003, but with several modifications.

First, the original legislation, S. 1003, called for Senate confirmation of six senior officials, CIA's General Counsel, and the five Deputy Directors of CIA: the Deputy Director for Operations; the Deputy Director for Intelligence; the Deputy Director for Science and Technology; the Deputy Director for Administration; and the Deputy Director for Planning and Coordination.

I modified this amendment so that it requires Senate confirmation of only three of these senior CIA officials: the General Counsel, the Deputy Director for Operations, and the Deputy Director for Intelligence. Clearly, these positions are the most important of the second-tier management positions at CIA.

Second, I have deleted subsection (b) of the legislation, which specifies that appointments for these positions:

* * * shall be limited to persons with substantial prior experience and demonstrated ability in the field of foreign intelligence or counterintelligence.

This provision was originally placed in the legislation because of the concern that appointing nonprofessionals could cast doubt on the objectivity of intelligence judgments and the independence of intelligence leadership.

Some have argued that this provision does not permit sufficient flexibility to bring in qualified individuals from the outside of the intelligence community. So I have been persuaded by this argument, and therefore have deleted the subsection (b) provision from the amendment that I am offering today.

In striking this provision, I note that the confirmation process merely provides a Senate check on the President's judgment in selecting a nominee. It cannot compel the President to nominate a particular individual. Assuring that the nominee is qualified for a position is the primary objective of the confirmation process.

If the individuals holding top positions at CIA are subject to confirmation, the Senate will make the determination whether the individual nominee is sufficiently qualified for the position in question. Ultimately, such a determination must be made on a case-by-case basis.

If a majority of this body is convinced that a nominee for a particular position must be a career intelligence professional, such a view can be enforced whenever a confirmation vote comes before the Senate Select Committee on Intelligence or before the full Senate.

It is important to note that on the infrequent occasion when a Presidential nominee is rejected, it is often because the nominee is considered to lack the requisite professionalism for the position. Hence, the confirmation process tends to support professionals against administration efforts to place unqualified nonprofessionals into senior positions in the Federal Government.

Also on occasion, there may well be a legitimate reason to have a well-qualified outsider in one of these three positions.

As Robert Gates recently responded to a question by me:

I would obviously prefer to have senior CIA positions filled with individuals with substantial prior experience and demonstrated ability in the intelligence field. However, I do believe that the DCI should have some flexibility in this respect, recalling that DCI Turner appointed a very distinguished scholar as head of the analytical directorate [Robert Bowie of Harvard University]. * * * Also, several fine CIA general counsels have had little or no direct intelligence experience. I would not consider, under any circumstances, appointing someone as Deputy Director for Operations without substantial prior experience and demonstrated ability in the intelligence field.

Undoubtedly, it would be more the exception rather than the rule for the President to nominate an intelligence outsider for one of these positions. Traditionally, DCI's have relied on intelligence professionals for the senior positions at the CIA. As Judge Webster conceded in his July 2, 1991, letter to me, of "CIA's 47 Deputy Directors, spanning more than 40 years, only 7 did not have extensive intelligence experience. Of those seven, only three were appointed within the last 14 years." Clearly, intelligence professionals are preferred for these key senior positions.

Nevertheless, should the President make a mistake in appointing an outsider to one of these positions, it is the purpose of the confirmation process to reveal that mistake.

Madam President, the amendment I offer today will help ensure that only well-qualified individuals serve in these posts and prevent the possibility of appointments made by DCI's which might be based on political factors or personal and business ties. Such appointments could ultimately be damaging to the CIA, its mission, and most of

all, the confidence of the American people and the Congress in this important agency.

For example, shortly after he assumed his position as DCI, William Casey appointed Max Hugel as Deputy Director for Operations—one of the most-sensitive positions in American intelligence. Mr. Hugel, a friend of Mr. Casey's who had no experience in covert action or clandestine human intelligence, was ultimately forced to resign after 2 months as DDO amid allegations of business-related improprieties. While the allegations against Mr. Hugel were apparently baseless, many believe his brief tenure at the CIA was damaging to that vitally important directorate's effectiveness and morale.

I believe such an appointment would have never been confirmed by the Senate, and a President knowing this would have been highly unlikely to submit such a nomination to the Senate in the first place. In other words, one of our very prime purposes with this is to cut the chance of politicizing the CIA.

Confirmation can also serve to protect career professionals from political leaders in the executive branch who may be tempted to corrupt intelligence processes, and could make senior CIA personnel think twice about circumventing congressional oversight when they are pressured to do so from the executive branch.

For instance, during the Iran-Contra affair, CIA general counsel, Stanley Sporkin, provided a highly dubious legal rationale for the administration's ill-conceived arms-for-hostages policy by drafting a retroactive finding for President Reagan's signature that directed: "The Director of Central Intelligence not to brief the Congress of the United States * * * until such time as I may direct otherwise." The final version of this finding was not reported to the Congress for almost a year.

Had the general counsel and other senior agency officials gone through the Senate confirmation process, they would have undoubtedly been more sensitive than they apparently were to the fact that Congress shares both the power and the responsibility for our Nation's foreign policy. And they would have been much less inclined to look the other way while laws requiring notification to the intelligence committees were deliberately ignored.

(Mr. LIEBERMAN assumed the chair.)

Mr. GLENN. Mr. President, Senate confirmation is a constructive means of enhancing public and congressional confidence in the senior leadership of the CIA. That is the reason we do it for all of the other agencies of Government where it is required. This is accomplished not only by ensuring that the nominee has the necessary qualifications for the job, but that the nominee is also firmly committed to the intelligence oversight laws and will be truthful, candid, and forthcoming in dealing with Congress.

In the course of his confirmation hearings, Mr. Gates has declined to either endorse or oppose S. 1003, but he has stated that:

> * * * It is hard for me in principle to quarrel with the idea of senior officials of a Government agency not being subject to the confirmation process.

Senator SPECTER and I sponsored this legislation because we are convinced that the confirmation process has become an increasingly important means to insure the accountability of senior level executive branch officials to the American people through their duly elected representatives in the Congress. This is particularly true of the CIA, which plays a special role in our Government.

Indeed, the CIA is unique among all Federal agencies in the level of trust it demands from the American public and the Congress. And the CIA is unique from other intelligence agencies such as the Defense Intelligence Agency [DIA], the National Security Agency [NSA], and the FBI.

Although the CIA is not charged primarily with policymaking, it plays a significant role in the formulation of national security policy. The close relationship between the CIA and policymakers is recognized in the legislation that established the CIA. The National Security Act of 1947 specifically places the CIA under the National Security Council. The first two duties of the CIA under this Act specify that the Agency is:

> First, to advise the National Security Council in matters concerning such intelligence activities of the Government Department and Agencies as relate to national security; and second, to make recommendations to the National Security Council for the coordination of such intelligence activities of the Departments and Agencies of the Government as relate to the national security.

Among the duties assigned to the CIA by section 102(d) of the National Security Act of 1947 is "to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." This broad provision has been interpreted to include, among other things, the CIA's role in planning and implementing various types of sensitive activities overseas—including covert action, which is, need I remind my colleagues, operational U.S. policy.

As the CIA has grown over the years, its support for U.S. national security policies has broadened into many different areas. The individuals who hold these three positions advise the DCI and the DDCI about policy. The DCI and the DDCI are in turn responsible for providing leadership and direction not only to the CIA, but the entire U.S. intelligence community as well. Thus, the Deputy Director for Operations, the Deputy Director for Intelligence, and the CIA general counsel play a significant role supporting the entire national security infrastructure of our Nation.

For example, the CIA's general counsel is responsibile for providing legal advice to the DCI and the Agency as a whole on all matters and is responsibile for determining the legality of CIA activities and for guarding against any illegal or improper activity, and that is an enormous responsibility.

The Deputy Director for Operations has responsibility for clandestine human source intelligence collection and is responsible for extraordinarily sensitive and highly classified operations such as covert action.

The Deputy Director for Intelligence has responsibility for producing intelligence assessments in support of U.S. policymakers. These intelligence estimates form the foundation of our foreign policy and define the threat to U.S. national security that is the basis of our defense spending.

Unlike other intelligence agencies such as NSA, DIA, or the FBI, the CIA is not organizationally subordinate to another department of the Federal Government—by statute, it directly supports the National Security Council. NSA and DIA are Agencies of the Department of Defense, and the FBI is subordinate to the Department of Justice. In addition, the CIA, unlike the NSA, DIA, FBI, and all other components of the intelligence community, is the only intelligence agency—and indeed the only Federal agency—that is not subject to GAO audits.

Former DCI William Colby has stated that the CIA "was supposed to be above the other departmental intelligence centers. It wasn't coequal. It is a Central Intelligence Agency and not something off by itself." This organizational centrality places the CIA in a different category from other components of the intelligence community and argues for a greater degree of scrutiny of high-level agency officials.

Mr. President, in view of their responsibilities in supporting the National Security Council in sensitive areas of policy formulation, I believe that Senate confirmation of these three senior CIA officials will ultimately serve to create confidence and rapport between the nominees and the legislative branch. Through the record established during confirmation, the nominee and the Senate Select Committee on Intelligence could clarify and establish a common understanding of the position's role and responsibilities, develop a constructive working relationship, and define the appropriate constraints on CIA activities. This process will go a long way toward avoiding problems as a result of mis-

understandings, which in turn could lead to abuses of authority.

Senate confirmation could also bring greater stability to the CIA-congressional relationship by avoiding the adversarial oversight which replaces normal oversight after abuses of authority occur such as after the Iran-Contra affair. Such adversarial oversight is damaging to the intelligence process.

In addition, the Senate confirmation process provides a second forum to assess the competence of an individual for a high-ranking post in the Federal Government—serving as a check against possible executive branch politicization of these positions. And that is basically the purpose of this legislation today.

As Dr. Richard Betts of Columbia University has stated in expressing his support for this legislation, confirmation "should do more to prevent politicization than to promote it." This is because:

* * * The confirmation process can * * * only block the Executive from appointing a given individual, it cannot force the appointment of anyone with a particular viewpoint or loyalty preferred by Congress. * * * Under current practice, nothing at all stands in the way of politicization of these offices by the administration. Considering the difference between the power to appoint and the power to review the appointment, politicization comes from the Executive more readily than from Congress. If a President or * * * DCI wish to put unqualified political cronies in sensitive CIA positions, they can do so, as of now, without challenge.

And that is really at the heart and soul of what we are talking about here.

I repeat the last sentence. "If a President or * * * DCI wish to put unqualified political cronies in sensitive CIA positions, they can do so, as of now, without challenge."

It should also be noted that the confirmation of senior officials in Government has traditionally worked to protect against the politicization of these positions, while failure to confirm has worked to protect politicization. For example, senior Government officials who are not confirmed, such as the White House Chief of Staff and the Assistant to the President for National Security Affairs, have been exempted from the confirmation process precisely to prevent Congress from interfering with the President's political control of these positions.

Mr. President, there have been various criticisms made about this legislation which I would like to address.

It has been argued that Senate and White House involvement in the selection of these senior CIA officials would somehow compromise the CIA's ability to provide objective intelligence to policymakers. Nothing could be further from the truth.

The CIA and its top officials give policy advice to the President and others, and conduct operations and activities that give them important roles and responsibilities in the field of policy development. Confirmation of three additional officials at the CIA would be no more likely to politicize the organization or impede the objectivity of its analyses than would the longstanding requirement to confirm the DCI, the DDCI, and the inspector general.

Indeed, Senate confirmation will help prevent politicizing these posts by raising the standards of these important deputy directorships. Because they must appear before the Senate Select Committee on Intelligence [SSCI], the nominees are more likely to be scrutinized carefully—by both the executive branch and the Congress—than otherwise. This process would help preclude a hasty or ill-considered appointment by a single individual—the DCI.

Mr. President, it has also been argued that this proposal could somehow adversely affect the DIC's managerial control over these senior officials and have a negative impact on CIA relationships abroad. Once again, I see absolutely no foundation for these concerns.

We should remember that ultimately all employees of the executive departments and agencies are under the authority of the President—whether or not they are directly appointed by the President. Commissioned officers of the armed services, even at lower ranks, are appointed by the President and confirmed by the Senate. As a 23-year veteran of the U.S. Marine Corps, and as chairman of the Senate Armed Services' Subcommittee on Manpower and Personnel, I feel confident in stating that there appears to be no evidence that this formal selection process has ever hindered commissioned officers' ability or willingness to respond to their immediate superiors.

Furthermore, it is extremely doubtful that the distinction between Presidential appointment and more routine methods of selecting senior intelligence officials is apparent to representatives of foreign governments. This is particularly true in the Third World, where much of America's intelligence activity will be focused in the years ahead. In Third World nations, control over intelligence agencies by the chief of state is pervasive. It would not be unusual, for example, for a chief of state to personally approve the appointment of comparatively junior intelligence officials.

In addition, it is quite likely that many foreign intelligence representatives already assume that senior U.S. intelligence officials are Presidential appointees. Indeed, foreign officials may even regard Presidential appointment and Senate confirmation as a mark of prestige and heightened status.

Mr. President, it is also argued that this legislation would somehow preempt the DCI from reorganizing the agency to meet future, unknown changes. I just find that concern as being baseless.

I would simply note that this amendment does not call for any specific organization within the agency, it simply establishes three statutory positions in addition to the three that already exist. It does not prevent the director from appointing other senior officials to serve in the agency in other capacities that the DCI may wish to designate.

I stress to my colleagues that this legislation merely recognizes positions that already exist—it does not create any new positions. These directorates have existed for at least 40 years: The First Deputy Director for Operations was appointed in 1951 and the First Deputy Director for Intelligence was appointed in 1952. The General counsel position was in existence when the agency was established in 1947.

Thus, the basic CIA organizational structure of the Directorate of Operations, the Directorate of Intelligence, and the general counsel's office implied in this measure has stood the test of time, and it is unlikely that a future DCI would choose to alter the broad organizational scheme which has been essentially in place virtually since the inception of the CIA. In any event, within this general framework, the DCI would be free to make numerous modifications as he or she may see fit.

If the DCI decided to eliminate these two directorates or the general counsel's office—and I think that would be extremely unlikely—the director would request the appropriate legislative authorization from the two intelligence committees. And this is precisely as it should be. Congress should be involved in approving the elimination or consolidation of any of these vitally important offices.

An additional concern has been raised about conducting public confirmation hearings for these officials which could harm the sensitive missions of these directorates.

Mr. President, I am sympathetic to this concern, and I would anticipate that these hearings would, for the most part, be conducted in the committee's secure hearing room in the Hart Building. If any Senator who does not serve on our committee wishes to review the nominee's background and the hearing transcript, they may review this material at our committee's secure spaces. Mr. President, this very procedure is followed at present when any Senator wishes to review the lengthy classified annex of our markup of the intelligence authorization bill before it reaches the Senate floor every year.

Finally, opponents of this amendment argue that this legislation is premature in light of the Senate Intelligence committee's reorganization effort.

Mr. President, I would only note that the prospect for reorganization is a

constant fact of life in modern American Government. If the possibility of reorganization is an excuse for failure to address the issue of Senate confirmation of these senior CIA positions, it could easily become a permanent excuse.

Over 1 year ago, the SSCI announced its effort to begin a review of intelligence organizations internal to the Department of Defense. Between that time and this year's markup of the fiscal year 1992 intelligence authorization bill, the committee held precisely two hearings on intelligence reorganization. In its markup of the fiscal year 1992 intelligence authorization bill, the SSCI overwhelmingly voted to create a brandnew position at the CIA—an assistant deputy director for operations. This was done without any hearing. This amendment, however, does not go as far as to create new positions. No new organizations or positions are created by this legislation. This legislation merely mandates that three existing positions are appointed by the President and confirmed by the Senate.

Furthermore, the confirmation of these three senior CIA officials can hardly be considered a major or dramatic change as opponents assert. In fact, this is an extremely simple and straightforward proposal.

I would note that the precedent for White House and Senate involvement in the selection of senior CIA officials was established at the inception of the present-day U.S. intelligence establishment. The National Security Act of 1947 provided for Presidential nomination and Senate confirmation of the DCI, and the same procedure for selection of the deputy director of central intelligence [DDCI] was established in 1953. In 1989, President Bush signed legislation into law which created a statutory inspector general [IG] for the CIA with a requirement that the nominee be confirmed by the Senate.

Confirmation of the CIA general counsel has also been proposed over the years. As early as 1976, the church committee recommended Senate confirmation of the general counsel, and a similar recommendation was made by the congressional committees investigating the Iran-contra affair in 1987.

I want to repeat that. The Iran-Contra committee in 1987 made a similar recommendation with regard to confirmation of the General Counsel at CIA.

Several distinguished past and current members of our Intelligence Committee served on the Iran-Contra Committee—such as Senator BOREN, Senator RUDMAN, and Senator COHEN. And I would also note that 17 general counsel positions, or the equivalent in other departments and agencies are confirmed by the Senate.

Mr. President, it is important to note that there are over 1,000 positions in the Federal Government requiring Senate confirmation, and that of that more than 1,000 positions in the Federal Government requiring confirmation, these three officials at the CIA are at least as high in rank and as high in importance of their position as officials in similar roles in other Federal agencies and departments.

Here are just a few of them: State has 187 positions that require confirmation. Many of those are Ambassadors, of course. But just for regular administrative purposes within these agencies, Energy has 20 confirmed positions, Commerce has 30 confirmed positions, Defense has 53 confirmed positions plus all the general officers in addition to that number. I believe the Governmental Affairs Committee I chair is responsible for over 30 confirmed positions that we oversee.

So confirmation is not an unusual thing that we are asking for in Government. Quite the opposite. Confirmation is very common, with the over 1,000 positions requiring Senate confirmation. Requiring Presidential appointment and Senate confirmation of these positions would merely validate this standing.

As Cyrus Vance has stated in endorsing this measure:

> I have served for many years in various positions in the Federal Government requiring Senate confirmation. I have worked with officials of the CIA serving in the . . . designated positions during my tenure as Secretary of the Army, Deputy Secretary of Defense, and Secretary of State. On the basis of my experience, I can see no harm and only good coming from the proposed legislation.

Mr. President, in his response to the Senate Select Committee on Intelligence [SSCI] questionnaire for his current confirmation hearings to become DCI, Robert Gates stated:

> Accountability—with respect to adherence to the law, relevant executive orders, guidelines, and regulations, as well as effective management and preformance—is in my judgment, the fundamental purpose of congressional review of intelligence activities.

I strongly agree with that statement.

Intelligence oversight imposes a unique burden on the two congressional intelligence committees which serve as surrogates, not only for the Congress as a whole, but the American people. because Congressional oversight of the CIA and the rest of the intelligence community must necessarily be conducted in the black box of secrecy, the committees must demand accountability and possess the will to conduct thorough oversight. I would also point out to my colleagues that the CIA is the only intelligence agency over which the Senate Select Committee on Intelligence has sole and exclusive jurisdiction.

Before the two intelligence oversight committees were created in the mid-1970's, Congress conducted what I refer to as "oversight by oversight" of U.S. intelligence—preferring to know little more than it was told by the CIA. As one Senator stated some years ago:

> It is not a question of reluctance on the part of CIA officials to speak to us. Instead, it is a question of our reluctance, if you will, to seek information and knowledge on subjects which I personally * * * would rather not have * * *.

Mr. President, this is an attitude that this body can ill afford, particularly in the post-cold war era.

I am second to no one in my support for a strong, effective, and responsible CIA. Nevertheless, the Central Intelligence Agency, like any large bureaucracy, is capable of waste, abuse, mismanagement, and incompetence. Because the CIA is such a vast and secretive organization, it is essential that it be made fully accountable for its actions.

Intelligence activities are consistent with democratic principles only when they are conducted in accordance with the law and in an accountable manner to the American people through their duly elected representatives. I am convinced that the confirmation process is a constructive means of demanding accountability, thereby enhancing public and congressional confidence in the senior leadership of the CIA.

Senate confirmation of the CIA's general counsel, the deputy director for operations, and the deputy director for intelligence will serve to strengthen the accountability of the CIA—and ultimately enhance the effectiveness of this important agency.

Mr. President, I urge my colleagues to support this amendment and I reserve the remainder of my time.

EXHIBIT 1

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, July 2, 1991.

Hon. JOHN GLENN,
Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR SENATOR GLENN: I am writing in response to your letter of 17 June 1991 in which you requested my assistance in obtaining information about past and current CIA Deputy Directors and General Counsels. Enclosed are a chronology of CIA's senior management structure since the beginning of the Agency and a separate list of those individuals (along with biographic data) who were appointed to senior Agency management positions and who did not possess substantial intelligence-related experience prior to attaining those positions.

Of CIA's 47 deputy directors, spanning more than 40 years, only seven did not have extensive intelligence experience. Of those seven, only three were appointed within the last 14 years.

I hope this information responds to your questions. I appreciate the candid way in which we have been able to communicate on some difficult issues during my tenure as Director of Central Intelligence. I would hope that you will accord my successor the same channel of communication on this issue following my departure from this office.

I am forwarding a copy of this letter and the enclosures to the Chairman and Vice

Chairman because I believe this topic is also of interest to them.

Sincerely,

WILLIAM H. WEBSTER,
Director of Central Intelligence.

CHRONOLOGY OF CIA'S SENIOR MANAGEMENT STRUCTURE

General Walter Bedell Smith, in his tenure as DCI (1950–1953), first organized the Agency into deputy directorates: the first Deputy Director for Administration (DDA) was appointed on 1 December 1950; the first Deputy Director for Operations (DDO—then titled Deputy Director for Plans) was appointed on 4 January 1951; and the first Deputy Director for Intelligence (DDI) was appointed on 1 January 1952. John McCone appointed the first Deputy Director for Science and Technology (DDS&T—then titled Deputy Director for Research) on 19 February 1962; and on 5 September 1989, I appointed the first Deputy Director for Planning and Coordination (DDP&C). The General Counsel position was transferred to the CIA from the Central Intelligence Group when the Agency was established in September 1947.

DEPUTY DIRECTOR FOR ADMINISTRATION

DDA, established effective 1 Dec 50.

Title change from Deputy Director for Administration to Deputy Director for Support was effective 3 February 1955.

Title change for Deputy Director for Support to Deputy Director for Management and Services was effective 22 March 1973.

Title change from Deputy Director for Management and Services to Deputy Director for Administration was effective 19 August 1974.

Murray McConnel, 1 Dec 50–30 Mar 51.
Walter Reid Wolf, 1 Apr 51–30 Jun 53.
Lawrence K. White (Col., USA Retired) Acting DDA, 1 Jul 53–21 May 54.
DDA, 21 May 54–5 Jul 65.
Robert L. Bannerman, 5 Jul 65–31 Dec 70.
John W. Coffey, 1 Jan 71–17 Mar 73.
Harold L. Brownman, 17 Mar 73–3 Aug 74.
John F. Blake, 3 Aug 74–12 Jan 79.
Don I. Wortman, 13 Jan 79–16 Jan 81.
Max Hugel, 13 Feb 81–11 May 81.
Harry Fitzwater, 11 May 81–31 Dec 84.
Richard J. Kerr, 1 Jan 86–21 Apr 86.
William F. Donnelly, 21 Apr 86–18 Jan 88.
R. M. Huffstutler, 25 Jan 88.

DEPUTY DIRECTOR FOR OPERATIONS

DDO, established effective 1 Dec 50.

Although the Office of the Deputy Director for Operations was established 1 December 1950, by the time Allen Dulles was appointed as the first incumbent the title was changed to Deputy Director for Plans.

Title change from Deputy Director for Operations to Deputy Director for Plans was effective 4 Jan 51.

Title change from Deputy Director for Plans to Deputy Director for Operations was effective 1 Mar 73.

Allen W. Dulles, 4 Jan 51–23 Aug 51.
Frank G. Wisner, 23 Aug 51–1 Jan 59.
Richard M. Bissell, Jr., 1 Jan 59–17 Feb 62.
Richard M. Helms, 17 Feb 62–28 Apr 65.
Desmond FitzGerald, 28 Jun 65–23 Jul 67.
Thomas H. Karamessines, 31 Jul 67–27 Feb 73.
William E. Colby, 2 Mar 73–24 Aug 73.
William E. Nelson, 24 Aug 73–14 May 76.
William W. Wells, 15 May 76–31 Dec 77.
John N. McMahon, 11 Jan 78–12 Apr 81.
Max Hugel, 11 May 81–14 Jul 81.
John H. Stein, 14 Jul 81–1 Jul 84.
Clair E. George, 1 Jul 84–1 Dec 87.
Richard F. Stolz, 4 Jan 88–31 Dec 90.
Thomas A. Twetten, 1 Jan 91.

DEPUTY DIRECTOR FOR INTELLIGENCE

DDI, established effective 1 Jan 52.

Title change from Deputy Director for Intelligence to Director, National Foreign Assessment Center (NFAC) was effective 11 Oct 77.

Title change from Director, National Foreign Assessment Center to Deputy Director for Intelligence was effective 4 Jan 82.

Loftus Becker, 1 Jan 52–30 Apr 53.
Robert Amory, Jr., 1 May 53–30 Mar 62.
Ray S. Cline, 23 Apr 62–17 Jan 66.
R. Jack Smith, 17 Jan 66–15 May 71.
Edward W. Proctor, 15 May 71–1 Jun 76.
Sayre Stevens, 1 Jun 76–11 Oct 77.
Robert R. Bowie, 11 Oct 77–17Aug 79.
Bruce C. Clarke, Jr., 18 Aug 79–12 Apr 81.
John N. McMahon, 12 Apr 81–4 Jan 82.
Robert M. Gates, 4 Jan 82–21 Apr 86.
Richard J. Kerr, 21 Apr 86–13 Mar 89.
John L. Helgerson, Acting DDI: 13 Mar 89–20 Mar 89.
DDI: 20 Mar 89.

DEPUTY DIRECTOR FOR RESEARCH

DDR, established effective 19 Feb 62.
Herbert (Pete) Scoville, 19 Feb 62–15 Jun 63.

DEPUTY DIRECTOR FOR SCIENCE AND TECHNOLOGY

DDS&T, established effective 5 Aug 63.

Title change from Deputy Director for Research to Deputy Director for Science and Technology was effective 5 Aug 63

Albert D. (Bud) Wheelon, 5 Aug 63–26 Sep 66.
Carl E. Duckett, Acting DDS&T: 26 Sep 66–20 Apr 67.
DDS&T: 20 Apr 67-1 Jun 76.
Leslie Dirks, 1 Jun 76—3 Jul 82.
R. Evans Hineman, 3 Jul 82—5 Sep 89.
James V. Hirsch, 5 Sep 89.

DEPUTY DIRECTOR FOR PLANNING AND COORDINATION

DDP&C, established 5 Sep 89.
Gary E. Foster, 5 Sep 89.

GENERAL COUNSEL

CIG, 1947; CIA/DS, 1955, established effective 27 Jan 49.

The functions of the General Counsel were transferred from the Personnel and Administrative Branch to the Office of the Director, Central Intelligence Group, effective 1 Jul 47.

The General Counsel was placed under the Office of the Deputy Director for Support, effective 3 Feb 55.

The General Counsel left the Directorate of Support and came under the Office of the DCI, effective 1 Jul 62.

Lawrence R. Houston, 27 Jan 49–29 Jun 73.
John S. Warner, Acting: 30 Jun 73–14 Jan 74
GC: 14 Jan 74–1 Apr 76
Anthony A. Lapham, 1 Jun 76–9 May 79
Daniel B. Silver, 27 May 79–30 Apr 81
Stanley Sporkin, 18 May 81–10 Feb 86
David P. Doherty, 10 Feb 86–16 Jan 88
Russell J. Bruemmer, 16 Jan 88–16 Apr 90
Elizabeth R. Rindskopf, 16 Apr 90.

CURRICULUM VITAE OF CIA DEPUTY DIRECTORS AND GENERAL COUNSELS WHO DID NOT HAVE SUBSTANTIAL PRIOR INTELLIGENCE-RELATED EXPERIENCE

A. DEPUTY DIRECTOR FOR ADMINISTRATION

Murray McConnel (1 December 1950–30 March 1951): McConnel was a businessman brought in by DCI Walter Bedell Smith and his DDCI, William Jackson, first as CIA Executive, 16 October 1950, and then appointed as first DDA on 1 December 1950. Remaining only until the spring of 1951, he left CIA to return to private business.

Walter Reid Wolf (1 April 1951–30 June 1953): Wolf, another businessman, joined CIA on 16 February 1951 as a Special Assistant to DCI Smith, who a few weeks later appointed him as the second DDA, to succeed Murray McConnel. Wolf also returned to private business when he resigned as DDA in mid-1953.

Don I. Wortman (12 January 1979–16 January 1981): Wortman was proposed as DDA by Frank Carlucci, Stansfield Turner's DDCI. In 1972–1974 Carlucci had been Under Secretary of the Department of Health, Education and Welfare where Wortman had been a career civil servant. At the time appointed DDA, Wortman was Deputy Commissioner of Social Security, and Acting Commissioner. Resigning as DDA at the end of the Carter Administration, he left CIA to become head of the national United Fund in Alexandria, Virginia.

Max Hugel (13 February 1981–11 May 1981): Hugel served in the U.S. Army in World War II, and in 1954 founded Brother International Corporation, an importing and distributing firm, which he headed until selling his interest in 1975. He was Executive Vice President of the Centronics Data Computer Corporation in New Hampshire before taking leave to join the Reagan campaign in April 1980. On his appointment as DCI in January 1981, William Casey brought Max Hugel into CIA as Special Assistant to the DCI, and two weeks later appointed him DDA. As noted below, on 11 May 1981 DCI Casey appointed Hugel DDO.

B. DEPUTY DIRECTOR FOR OPERATIONS

Max Hugel (11 May–1 July 1981): Having joined CIA in January 1981, and served (as noted above) as DDA from February to May 1981, Hugel was then appointed DDO by DCI Casey. After a series of press reports of alleged improper stock-trading practices, Hugel resigned from CIA on 1 July 1981. Hugel subsequently won a libel judgment against the individuals who had made the accusations against him.

C. DEPUTY DIRECTOR FOR INTELLIGENCE

Loftus Becker (1 January 1952–30 April 1953): Becker, a lawyer who had served as a military adviser at the Nuremberg War Trials, was brought into CIA on 29 November 1951 by DDCI William Jackson. Before becoming CIA's first DDI he served a month as Assistant to the DCI and in the Office of the Deputy Director for Plans (the 1951–1973 title for the DDO). When Becker resigned in February 1953 he was replaced as DDI by *Robert Amory*, anothr Harvard-educatted lawyer whom Becker had recruited into the Agency in 1952 with such a role in mind. On leaving CIA, Becker became a Washington partner of the law firm of Cahill, Gordon, Reindel & Ohl, and later served as a legal adviser to the Department of State, 1957–1959.

Robert R. Bowie (11 October 1977–17 August 1979): Robert Bowie was a graduate of Princeton and Harvard Law School who after serving in the Army in World War II, had been a Harvard Law professor, General Counsel to the U.S. High Commissioner for Germany, Director of the Policy Planning Staff and Assistant Secretary of State, as well as founder and director of Harvard's Center for International Affairs. He was a Professor of Government and International Affairs at Harvard when Stansfield Turner appointed him Director, National Foreign Assessment Center (D/NFAC—the title for the DDI, 1977–1982) in October 1977. He resigned as D/NFAC and left CIA to return to Harvard in August 1979.

D. GENERAL COUNSEL

Anthony A. Lapham (1 June 1976–9 May 1979): Lapham did his enlisted service in an Army intelligence detachment (doing photo

interpretation). This brief Army exposure probably would not be considered to be "substantial" intelligence-related experience. Before joining CIA as General Counsel, Lapham practiced law with the Washington litigation firm of Shea & Gardner, where he returned after CIA and remains today. Lapham was selected as a result of a systematic search in early 1976 by then-DCI George Bush to find a new General Counsel from outside of the intelligence world. This presumably had its roots in Bush's efforts to restore congressional and public confidence in CIA, in the wake of the Church and Pike Committee investigations.

Stanley Sporkin (18 May 1981–10 February 1986): After graduating from Penn State in 1953 and Yale Law School in 1957, Sporkin clerked for the presiding judge of the U.S. District Court for Delaware and had a solo practice in Washington, D.C. before joining the Securities and Exchange Commission (SEC) in 1961 as a Staff Attorney. Sporkin became Deputy Director of SEC's Division of Enforcement while William Casey was SEC Chairman, 1971–1973, then served as Director of that division from 1974 until DCI Casey appointed him CIA General Counsel in May 1981. He left CIA in 1986 on his appointment as a judge in the U.S. District Court for the District of Columbia.

Russell J. Bruemmer (16 January 1988–16 April 1990): After graduating from the University of Michigan Law School in 1977, Bruemmer served as law clerk to the Honorable William H. Webster, United States Court of Appeals for the Eighth Circuit. In February 1978, after Judge Webster became Director of the FBI, Bruemmer was appointed as his Special Assistant until June 1980, when he became the FBI's Chief Counsel for Congressional Affairs. In 1981 he went into private practice with the Washington firm of Wilmer, Cutler & Pickering, where he worked primarily in corporate and commercial areas (including federal regulation of financial institutions and commercial financing transactions). Bruemmer joined CIA in September 1987 as Special Counsel to DCI Webster, to investigate allegations of misconduct by CIA employees in the Iran-Contra affair. Judge Webster then appointed him General Counsel in January 1988. Resigning as General Counsel in April 1990, Bruemmer returned to Wilmer, Cutler & Pickering.

New York, NY, September 6, 1991.

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

DEAR JOHN: I am very sorry that I will not be able to appear before the Intelligence Committee at the scheduled hearings. I am pleased, however, to express my views with respect to the proposed legislation contained in S. 1003.

I concur with the view expressed in your "Dear Colleague" letter dated May 21, 1991, to the effect that the Senate confirmation process provides an important forum to assess the competence of individuals for high-ranking posts in the Federal Government, and to serve "as a check against possible executive Branch politicization of these posts." I support wholeheartedly the provisions of S. 1003 requiring presidential appointment by the President, with the advice and consent of the Senate, of the six officials of the Central Intelligence Agency specified in the bill. These officials not only advise the Director of Central Intelligence about critical elements of policy, but also play a significant role supporting the entire national security infrastructure. The roles they play in the national security system are of signal importance. Moreover, as you state in your letter of May 21st, Senate confirmation of these positions will also serve to create confidence and improved understanding between the nominees and the Legislative Branch. Contrary to the argument advanced by some, the Senate confirmation process will help to prevent politicization of these positions.

As you know, I have served for many years in various positions in the Federal Government requiring Senate confirmation. I have worked with officials of the CIA serving in the six designated positions during my tenure as Secretary of the Army, Deputy Secretary of Defense, and Secretary of State. On the basis of my experience, I can see no harm and only good coming from the proposed legislation.

Sincerely yours,

CY VANCE.

BIOGRAPHICAL INFORMATION RICHARD K. BETTS

Richard K. Betts is Professor of Political Science and member of the Institute of War and Peace Studies at Columbia University. Born in 1947, he received his B.A., and Ph.D. in Government from Harvard University. He was a Senior Fellow at the Brookings Institution (1976–90) and adjunct Lecturer at the Johns Hopkins University's Nitze School of Advanced International Studies (1978–85 and 1988–90). He also served on the Harvard faculty as Lecturer (1975–76) and Visiting Professor of Government (1985–88).

Betts' first book, "Soldiers, Statesmen, and Cold War Crises" (first edition, Harvard University Press, 1977; second edition, Columbia University Press, 1991) won the Harold D. Lasswell Award for the best book on civil-military relations. He is also the author of "Surprise Attack" (Brookings Institution, 1982) and "Nuclear Blackmail and Nuclear Balance" (Brookings 1987); coauthor of "The Irony of Vietnam" (Brookings, 1979), which won the Woodrow Wilson Prize for the best book in political science, and "Nonproliferation and U.S. Foreign Policy" (Brookings, 1980); and editor of "Cruise Missiles: Technology, Strategy, Politics" (Brookings, 1991). His next book, to be published by Brookings in 1992, is on military readiness and U.S. strategy.

Betts has also published numerous articles on foreign policy, intelligence operations, conventional forces and strategy, nuclear weapons, arms trade, security issues in Asia, and other subjects in professional journals and edited volumes. He serves on the editorial boards of International Security, Orbis, The Journal of Strategic Studies, and Intelligence and National Security.

A former staff member of the Senate Select Committee on Intelligence, the National Security Council, and the Mondale Presidential Campaign, and consultant to the National Intelligence council and Central Intelligence Agency, Betts has lectured frequently at schools such as the National War College, Foreign Service Institute, and U.S. Military Academy. He is a member of the Council on Foreign Relations, International Institute for Strategic Studies, International Studies Association, and several other professional organizations. He is married to Adela M. Bolet, has two children, and lives in Teaneck, New Jersey.

AUGUST 1991.

STATEMENT OF VIEWS ON S. 1003

(By Richard K. Betts, Professor of Political Science, Columbia University)

(Prepared for Testimony to the U.S. Senate Select Committee on Intelligence, September 11, 1991)

Thank you for the invitation to testify. I favor the provision of S. 1003 that would mandate Senate confirmation of principal officials in the Central Intelligence Agency (CIA), but I do not favor the provision in the current version that would limit appointments for those positions to individuals "with substantial prior experience and demonstrated ability" in intelligence work. My remarks will focus primarily on the issue of confirmation.

Senate confirmation is the norm for high-level positions in executive branch agencies. This reflects the essence of the American Constitution, its emphasis on checks and balances and shared powers between separated branches of government. Unless we are to question this most basic aspect of our political system, therefore, the reasoning in favor of S. 1003 does not need justification as much as do the arguments against confirmation of high CIA officials. The burden of proof should lie on the opposition to this measure.

I will discuss in turn three general arguments that might be cited in opposition to S. 1003:

(1) The special need to maintain secrecy means that intelligence is not one of the functions of government that should be subjected to open scrutiny in the manner that we normally expect; special standards must apply. Especially in regard to the position of CIA's Deputy Director for Operations (DDO), publicity and open discussion of the role itself should be minimized.

(2) Because of the unique sensitivity of intelligence functions, extraordinary measures should be taken to prevent the "politicization" of CIA; normal confirmation proceedings would encourage politicization.

(3) Legislating the requirement of confirmation prejudices current reconsideration of the basic organizational structure of CIA.

SECRECY AND PUBLICITY

The first of these objections, in my view, has been met and settled over the past fifteen years by the development of the institutionalized oversight process. It is possible to argue that we should not have moved in this direction, but most of the water is over the dam. For better or worse, the existence and functions of CIA's Operations Directorate have already been admitted in official government documents. Requiring confirmation of the Deputy Director would add nothing to the problem, if there is one. If we can assume that confirmation hearings would be in executive session, and that transcripts of hearings on the Director of Operations need not be published, the confirmation process itself should not aggravate the long-standing tensions between secrecy and democracy.

POLITICIZATION

The second objection deserves the most careful consideration, and I will devote most of my remarks to it. By the term "politicization" I mean the imposition of partisan or ideological criteria on intelligence work. To argue that a process of confirmation would politicize the positions in question, it seems to me, has the point backwards. Confirmation should do more to prevent politicization than to promote it, for two reasons.

First, the confirmation process can only check, not compel. That is, it can only block

the executive from appointing a given individual, it cannot force the appointment of anyone with a particular viewpoint or loyalty preferred by Congress. And in practice, the legislative check is not used frivolously. While many may get an uncomfortable grilling before committees such as this one, it is extremely unusual for a presidential appointee in the executive branch to be rejected, and then rarely if ever on ideological grounds alone. (The situation may be tougher for judicial appointees, but probably because of the lifetime tenure attached to such positions.)

The second reason is that, under current practice, nothing at all stands in the way of politicization of these offices by the administration. Considering the difference between the power to appoint and the power to review the appointment, politicization comes from the executive more readily than from Congress. If a President or Director of Central Intelligence (DCI) wish to put unqualified political cronies in sensitive CIA positions, they can do so, as of now, without challenge. This has not happened often, but it has happened. The unfortunate case of Max Hugel's brief tenure as DDO in 1981 is the unavoidable example. How much more politicized could we get than to have as the person in charge of covert action a man whose principal qualification was campaign work for the President?

If the confirmation process has any political effect, it is usually to give appointees who rise from career services some protection from being muscled politically by the leaders of the administration. Consider the example of chiefs of staff of the military services. While the confirmation of these Generals and Admirals is usually perfunctory, Senators in the past have sometimes used the occasion to get the service chiefs' agreement that they would testify frankly about their own views if they conflicted with those of the Secretary of Defense. This may not have made Presidents or their civilian lieutenants in the Pentagon happy, but that was because it limited their ability to force a career professional to compromise his professional judgment according to the partisan agenda of the administration. If any of the chiefs do not serve the administration effectively the President can get rid of them, but he cannot use them easily for his own political purposes. The process of confirming members of the Joint Chiefs of Staff and establishing their accountability to Congress, in short, helps safeguard the military against politicization.

In contrast, there are some important positions in the executive branch that are not subject to confirmation, because they are not expected to be accountable to Congress. These, however, are usually the officials most politically identified with the administration's program, such as the White House Chief of Staff and Special Assistants. It is assumed that they are intimate political confidants of the President, involved in advising him on policy goals and political strategy for achieving them, so having them accountable to Congress would compromise their ability to serve the administration. At the same time, since they are essentially personal advisers or assistants, in principle, and are not responsible for administering large agencies or supervising the performance of expensive legislated programs, there is less need to subject them to oversight. The Assistant to the President for National Security Affairs has been exempt from confirmation on such grounds. Other positions which began in that mold, such as the Director of the Bureau of the Budget or the Chairman of the Council of Economic Advisers, later were made subject to confirmation when their roles had evolved beyond personal advice and staff assistance.

The point in short is that the high-level positions exempted from confirmation have usually been exempted so that Congress could not interfere with the President's political control of those appointments, because it was recognized that those positions are and should be politicized, and the President's discretion in dealing with them should not be compromised. Conceivably one could argue in opposition to S. 1003 that high CIA positions should fall in that category, but that would hardly be a persuasive or popular position in the wake of the Iran-Contra scandal. (Moreover, the positions named in S. 1003 are major administrative ones rather than purely advisory.) If the argument against politicization is on grounds that professionalism in intelligence should be safeguarded and loyalty to the law rather than to a political group should be the norm, then confirmation is the solution, not the problem. Which should be the model for the principal positions in CIA—the military service chiefs, or the White House Chief of Staff?

On the other hand, we should also recognize that in reality several of the CIA positions in question are inevitably entangled in policy, whether we prefer the principle of rigid separation of intelligence and policymaking or not. The Directorate of Intelligence produces estimates that are not policy documents, yet cannot help but have implications for policy and cannot help but be criticized politically if their conclusions are unwelcome. The Directorate of Operations, in turn, embodies the most sensitive and controversial instruments of U.S. policy abroad, most notably the capacity to execute missions that are illegal in the countries in which they are carried out, and for which the United States would not wish to admit responsibility in public.

With luck, the supervision of these units will never be contaminated by partisan political manipulation. But as the Founders understood, we would be foolish to trust in luck, and would do better to rely on institutional checks and balances. Past controversies over allegations of improper politicization of DDI analyses or DDO covert action projects did not occur because questioning or pressure from the legislative branch corrupted the objectivity or wisdom of these units' activities. They occurred because there appeared to be insufficient control of these activities by the executive, or too much of the wrong kind of control. Second-guessing by Congress may not always help, but it is more likely to limit political pressure on intelligence agencies than to cause it.

REORGANIZATION

This could be the most practical immediate reason to defer requirements for confirmation, if it is really probable that the positions named in S. 1003 might be abolished and replaced by others. The units in question, however, are the most basic organizational entities in CIA, and most of them have existed for decades. Moreover, the main issue should take precedence—the issue of whether the high-level positions in CIA that are comparable to Under or Assistant secretaries in the State and Defense departments or chiefs of staff in the military services should be subject to confirmation. If that issue is settled by passage of S. 1003, it should not have to be a major legislative matter to approve a reorganization and redesignation of positions requiring confirmation if the reorganization goes so far as to change the identities of the principal directorates. The possibility of reorganization, in fact, is virtually constant in modern American government (indeed, one of the crosses the intelligence community had to bear from the late 1960s to the early '80s was the rash of major reorganizations that kept disrupting the pace of work). If the possibility of reorganization is an excuse for avoiding the issue of legislative confirmation of executive appointments, it could be a permanent excuse.

LIMITATION OF QUALIFICATIONS FOR APPOINTMENT

In its current form, S. 1003 stipulates that the appointments in question "shall be limited to persons with substantial prior experience and demonstrated ability in the field of foreign intelligence. * * *" This is not a good idea. First, it is not necessary in order to prevent abuses of appointment power; second, it would be a step backward by precluding the occasional choice of first-rate candidates who would be the best for the job.

On the first point, the logic of the confirmation process is that it provides a check on executive judgment, not that it threatens to substitute legislative appointment power for the authority of the executive. If appointees are subject to confirmation, then the Senate can assure itself that any nominee has satisfactory professional qualifications. That judgment can and should be made individually. If a majority of senators believe that only career professionals in the intelligence business should fill these positions, they can enforce that view anytime the question comes to a vote. There is no need to chisel the requirement in stone.

There is, on the other hand, a good reason not to chisel it in stone. Once in awhile there may be legitimate grounds for having a well-qualified outsider in one of these positions. The best example I can think of is Robert R. Bowie, who in the late 1970s was Director of the National Foreign Assessment Center (the temporary redesignation of the Deputy Director for Intelligence in that period). Bowie was not an intelligence professional, but he was superbly qualified for the job. He had wide-ranging high-level experience at the policy level during the occupation of Germany, as Director of Policy Planning in Eisenhower's State Department, and as State Department Counselor under Dean Rusk. That background enhanced his ability to understand how the policy level deals with intelligence analyses, and to make policymakers aware of critical analyses that they otherwise often ignore.

In addition Bowie was a law professor and director of the Center for International Affairs at Harvard, academic credentials quite relevant to the problems of marshalling good analysis in the service of government policymaking. (A similar example in a Republican administration would be Henry Rowen, a chairman of the National Intelligence Council under DCI Casey, after a distinguished career in the Defense Department, as President of the Rand Corporation, and at Stanford Business School. Chairman of the NIC, it is true, would not be subject to the provisions of S. 1003, but the principle I am getting at is the same.)

Cases like these would not be common, but in the uncommon instances when such an individual is available, he or she should not be barred by legislation from serving. If the President or DCI makes a bad call in appointing an outsider, let the confirmation process itself reveal the mistake. To sum up, the solution is not to prevent the nomina-

tion of anyone by statute, but to prevent unchecked appointments—to give the Senate a chance to review the nominations of both the Hugels and the Bowies, not to keep the executive from nominating either sort.

I would delete the section in S. 1003 on "Qualifications for Appointment." If it is felt that the presumption in favor of appointing career professionals needs to be reinforced, perhaps a compromise would be to insert the word "normally" or some other such qualifier in the phrase "shall be limited" in section (b). The principle would be underlined, but a loophole would be left for special cases that might warrant it.

The reason to approve S. 1003's provision regarding confirmation and to disapprove the one stipulating professional qualifications is not that we should treat CIA just like any other agency. In important respects, obviously, the delicacy of CIA's missions is extraordinary and requires the greatest care in administration and oversight. Such sensitivity, however, does not mean either that the executive should be given more autonomy or less flexibility in staffing sensitive positions than it has with other bureaucracies. It is precisely because intelligence is an important and sensitive business that the classic rationales for checks and balances should apply. Loopholes can be left for special circumstances (such as appointment of non-professionals) if the legislative branch is guaranteed the chance to review the circumstances; loopholes are dangerous only where the executive could exploit them without the knowledge of Congress. By affirming the checks, it is more reasonable to preserve the flexibility, since the executive flexibility is harder to abuse than it is when the legislative check is absent.

LT. GENERAL WILLIAM E. ODOM, DIRECTOR OF NATIONAL SECURITY STUDIES

Lt. Gen. William E. Odom, USA (Ret.) is Director of National Security Studies for Hudson Institute and an adjunct professor at Yale University. He is stationed in the Washington office of the Indianapolis-based Institute.

As Director of the National Security Agency from 1985 to 1988, General Odom was responsible for the nation's signals intelligence and communications security.

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During the Carter administration, from 1977 to 1981, General Odom was a senior member of the National Security Council Staff and military assistant to the President's Assistant for National Security Affairs, Zbigniew Brzezinski. At the NSC, General Odom worked on strategic planning, Soviet affairs, nuclear strategy, telecommunications policy, terrorism, and Persian Gulf security issues.

General Odom graduated from the U.S. Military Academy in 1954. He received an M.A. in Political Science from Columbia University in 1962, and a Ph.D. in 1970. He also attended the Army Language School and the U.S. Army Russian Institute. His military education includes the Armor Officer's Advanced Course, Airborne School, Ranger School, and the Command and General Staff College.

After troop duty in Germany, General Odom completed the Army's 4-year Russian Area Specialty Program, which included his master's work at Columbia. He served as a member of the U.S. Military Liaison Committee to Soviet Forces in Germany and as Assistant Army Attache in Moscow. General Odom also taught Soviet Studies at the U.S. Military Academy and served as a Senior Research Associate at Columbia University's Research Institute on International Change.

General Odom has written widely on Soviet political and military affairs. His book, "The Soviet Volunteers," was published by the Princeton University Press, and his articles have appeared in such journals as World Politics, Foreign Affairs, The National Interest, Foreign Policy, Problems of Communism, The Washington, Quarterly ORBIS, Military Review, and others.

General Odom is a member of the Council of Foreign Relations, the International Institute for Strategic Studies, The American Political Science Association, and the American Association for the Advancement of Slavic Studies. He holds an honorary degree from Middlebury College.

TESTIMONY FOR THE SENATE SELECT COMMITTEE ON INTELLIGENCE

(By Lt. Gen. (ret.) Wm. E. Odom)

SEPTEMBER 11, 1991

Good afternoon Mr. Chairman and members of the committee. It is always an honor and a challenge to appear before this committee. Today is no exception in your tradition of asking hard questions.

You have asked me to comment on the draft legislation, S. 1003, which would require Senate confirmation of several additional officials of the Central Intelligence Agency. Is it desirable that they be added to the long list of executive branch officials already requiring confirmation? Would it strengthen the committee's oversight of the CIA? Would it help avert irregular behavior by these officials? Would it tend to politicize or professionalize those positions?

My first reaction to the proposed legislation is ambivalent. While I do have enthusiasm for it, I cannot say that it will inevitably be harmful. I can understand the motivation for it in light of the Iran-Contra affair. If it is your judgment that public perceptions make it imperative for confidence in the CIA, I am in no position to challenge that view. Being invited to testify, however, has forced me to think through some of the likely consequences and dynamics if the bill becomes law. I propose to share those thoughts with you, not as a strong advocate either for or against legislation.

On the positive side, the bill does make it appear that the Senate is pursuing oversight of the CIA more aggressively. That in turn, should allow the Senate to defend CIA activities more effective to the public. Perceptions are important. That should be acknowledged.

It can also be argued that confirmation would prevent the appointment of nonprofessional outsiders whose claim to the posts owes more to their political ties than their competence. That has not been a big problem in the past, but in principle it could become one.

Finally, it can be claimed that Senate scrutiny of appointees will identify potential weaknesses in competence and character, making it less likely that the incumbents will violate either policies or laws.

On the negative side, I first see a number of problems. First, Senate confirmation is no assurance against deviant behavior by officials. The committee has occasionally been unhappy with incumbents whom it confirmed.

Second, while Senate confirmation can be used to insure high standards of professional competence in an appointee, confirmation also inherently politicizes a post, making it possible for the President to treat it as justly part of the political spoils that go to the winner of an election. In that event, political loyalty is likely to stand above professional competence as a criterion for appointment. Furthermore, a confirmed official is generally expected to serve only as long as the President, leaving when the President leaves.

I seriously doubt that the committee intends this kind of outcome. The Deputy Directors of Intelligence, Operations, and Science and Technology are positions that would be greatly damaged by that kind of practice. Continuity between administrations, not change, is more appropriate. Moreover, the possibility that political criteria could undermine the professional criteria now attached to these posts would, I am sure, disturb the members of this committee.

As I am sure you have noticed, this argument is precisely opposite to the one I made for favoring the bill; that is, the Senate could insure that the President or the DCI does not undercut professional standards in making these appointments. Here you find the basis for some of my ambivalence. I believe both arguments have merit. Yet they are incompatible arguments. As you force me to think about the problem, I see it as a matter of choosing between two kinds of risks and two kinds of advantages. In making a choice, one ought to be mindful that the Senate now confirms the DCI and the DDCI.

The Senate already has a lot of leverage with those two. Extending the list could be seen as a sign that the confirmation process has not worked well with the DCI and DDCI. You confirm appointees whose judgment in making lower level appointments you do not respect or trust. The remedy would seem to be better standards in their confirmation or resort to impeachment, not the expansion of a procedure that failed to prevent the source of the problem.

I do not, however, believe the arguments against the bill apply to all six of the positions proposed for confirmation. The general counsel seems to me to fall in a different category and involve a different set of competences. In fact, I do not see good arguments against confirmation of that position. The case I am making applies to the other five.

A third argument is that the CIA is not like other agencies, and the personal and professional lives of its officials are necessarily kept out of the public eye to the extent possible. If the confirmation process involved looking back into the behavior of an official while he served in a clandestine post, this could present a security problem, not just in the revelation of activities but also in providing foreign intelligence services with a better idea of the personality and experience of the nominee. That information can be of value to them.

Fourth, I am concerned about the possible adverse incentive structure Senate confirmation could create for CIA officials who aspire to these posts. They must not only perform well in the eyes of their superiors; they are also likely to believe they must cultivate a political constituency among members of the Senate and their staffs. The leadership of an intelligence organization is difficult in its own right. It is different from most other executive branch agencies. Its personnel are required to live out of the public view, even keeping their families uninformed of their professional lives and achievements. Among the more senior officials, who believe they could be candidates for these posts that

would require Senate confirmation, there would be more than the normal incentive to become publicly known. I do not see how this could fail to make the job of the Director of the CIA more difficult.

It can be instructive to realize that a similar kind of problem exists for the military services. Institutional discipline would be undercut if ambitious officers believed their political standing in the Senate were a critical factor in their careers. You now have a way of handling that problem with commissioned officers. There is a formal process for approving promotions for all ranks up to major general. And a similar process is followed for position appointments to three- and four-star posts.

I would find a similar process for CIA personnel far more acceptable than the one proposed in S. 1003. Until the National Security Act of 1947 and the creation of the CIA, of course, the OSS personnel were military, and they fell under the military promotion confirmation system.

A case for re-militarization of the CIA could be made. Intelligence is a kind of combat, a part of warfare. The appropriate discipline and professional standards of personal honor have always appeared to me to be the same as for the military. There is, however, no military-like ethos for such standards among civilian employees of the intelligence community, and there is no formal institutionalization of it with ranks and formal responsibilities. Nor, insofar as I know, are intelligence operatives of the CIA under anything like the Uniformed Code of Military Justice. Lacking both the instruments of the military for positive incentives and the UCMJ for negative incentives, the leaders of civilian intelligence agencies have an especially difficult task. Certainly the Director of the CIA has more special sanctions over personnel matters than the Postmaster General or the Secretary of Agriculture, but the personnel management system there is closer to those departments than it is to the armed services in most ways except for security clearances. The security standards may be very high, but they relate to loyalties to foreign states, not to loyalties to informal groups and values within an intelligence agency that conflict with organizational values. The very essence of the professional military ethos is that an officer subordinate his loyalties to informal small groups to the larger institutional values. The service academies, ROTC programs, and officer candidate schools strive to inculcate the ethos from the day a young person is sworn in. The academies, but they nonetheless seek to recover from those setbacks, and they institutionalize and sustain that ethos. There is no equivalent formalized and institutionalized ethos for the intelligence agencies.

I am not proposing this solution. I am only pointing out that there are alternatives to S.1003 that might promise far greater substantive results for the ends your committee seeks.

Now I would like to step back from the particular case we are discussing and reflect on the larger trend in congressional-executive relations concerning confirmation of senior officials. The numbers, I believe, have grown, and they probably will continue to grow. What are the larger implications of such a trend? It seems to me to have invited a higher degree of politicization of appointments and to have left the President with a weakened ability to implement both the laws the Congress passes and the policies he pursues.

The popular view is often expressed that the executive branch has grown much stronger vis-a-vis the Congress. Admittedly, where one stands on such issues depends on where one sits. As a serving military officer deeply engaged in the interaction between the two branches, I was always impressed by the greater strength of the Congress. Both continuous and periodic monitoring of program development and policy implementation cause a diffusion of power in that process, not only in the administration but also within the Congress, a diffusion that has weakened the Senate and House leadership and the chairman of several of the committees. Where this diffusion is reflected in the growing number of positions requiring Senate confirmation, the impact has not always been the appointment of more effective officials. It has been paralysis on occasions, leaving positions unfilled, or confusion about Presidential policy because the incumbent must satisfy two sources of policy direction, one from the President and one from the Congress, or sometimes several conflicting ones from the Congress.

Perhaps this kind of effect will not result from S. 1003, but I am inclined to believe it could. Let me explain. Last spring I testified before this committee on intelligence community organization. I noted that unlike other intelligence organizations, which are institutionally within the major users of the intelligence product, the CIA is not. That separate status inherently gives it more discretion than any other intelligence agency in responding to users of its products. One of the major consequences of the emergence of the congressional intelligence committees has been to encourage the CIA to use that discretion for serving congressional intelligence interests, sometimes above executive, branch interests. Making additional CIA officials subject to Senate confirmation certainly will not retard that tendency, and it could increase it.

I am not suggesting that the CIA should not provide the Congress with intelligence products it may demand. But I am suggesting that the first purpose of intelligence is in support of executive branch operations. And when those operations are not successful because of apparent intelligence failures, the Congress is among the first to condemn the intelligence community for poor performance. Thus it is clear that Congress sees the priority of the intelligence community's services as first to the executive branch. I do not believe, however, that the intelligence committees in Congress are always aware of the negative impact they sometimes have in the incentives they create for the CIA to shift those priorities. This is not to blame the CIA for the shift. It is to identify the incentive structure that almost insures it no matter who the incumbents are at the CIA. Their lot in this regard is not enviable. They face strong cross-pressures.

Let me offer another line of thinking about the wisdom of adding positions at the CIA to the list for Senate confirmation. I have long been puzzled by the legal concept of oversight. In principle I strongly support checks that make irregular behavior in all parts of the intelligence community difficult and sure to be discovered if they occur. I deeply share James Madison's view of human nature and the necessity for checks and balances. In principle, congressional oversight of the intelligence community should provide that kind of balance.

In practice, however, it seems to me to have failed at times and also to have generated a lot of activity that has little to do with achieving the real intent of oversight. To elaborate, is oversight really presight or aftersight? It has moved strongly toward presight. Yet aftersight within a reasonable period of a few week or months is certainly adequate to prevent any intelligence agency from subverting the constitution in an irreparable way.

When it is presight, it can easily become sharing in and approving executive branch decisions and directions. Not only does such a practice seem to violate the spirit of the separation of powers, but it also makes the Congress politically responsible if a directive it has approved goes awry and produces an untoward outcome. One can, of course, cite the Legislative Reorganization Act of 1946 which tells the standing committees to "exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject of which is within the jurisdiction of such committee." That guidance essentially calls for fairly close involvement in policy formulation and implementation.

In the domestic agencies, I see little argument against this kind of a competitive process. In national security, particularly military and intelligence affairs, it seems to me to need limits. Intelligence is a type of military operation. I do not believe that anyone wanted congressional presight of General Schwarzkopf's war plans or second guessing in his operations center as he conducted the war. Nor would anyone want Senate confirmation of his J-3, that is, his chief of operations, if he decided to change the incumbent. There is a point, therefore, beyond which congressional participation is quite different from domestic policymaking and implementation, even different from many aspects of foreign policymaking. In these operations, it makes better sense to take our chances while they are in progress. We can resort to political and professional accounting after we are sure of the outcomes.

In observing members of the intelligence committees over time, it has been apparent to me that some of them soon realize the dangers of encumbering themselves with presight and the political responsibility that inherently goes with it. They become comfortable with aftersight especially because its discovery of irregularities and bad outcomes puts them in a strong position to criticize the executive branch. At the same time, some members have been adamant that they share in the executive decisionmaking process. In a few instances, they have indeed had to take some of the public blame for poor executive branch decisions.

A former high-level legal counsel in the government, upon hearing me make this point, said that the Justice Department had looked at the legal origins and status of the concept of oversight. It is not explicitly in the Constitution. There one finds the power of purse for the Congress and the power to impeach. Oversight is a term of fairly recent use and ambiguous legal status in congressional-executive relations. Now this is only one legal opinion, but I believe it is useful in making us reflect. Moreover, a student of the Congress, writing about oversight in 1976, notes that scholars ". . . assess oversight differently at times because they are not talking about the same thing." He also observes that "the Joint Committee on Organization of the Congress worried at some length about appropriate terminology to describe the oversight function. . . . Their choice of 'review' to replace 'oversight' clarified very little."[1]

[1]Morris S. Ogul, Congress Oversees the Bureaucracy (Pittsburgh: The University of Pittsburgh Press, 1976), pp. 5-7.

Oversight, whatever its origins and definitions, is here to stay. I do not see how we could go ahead without it because it seems to inhere in our constitutional structure. The question I raise is how best to define it and make it effective for the intelligence community. If it only amounts to increasing congressional infringement on executive prerogatives and an accumulation of small laws and practices created incrementally without reflection on their overall direction and consequences, it has fewer prospects of being effective. I do not pretend to have the answers from a reflection on the overall direction it has taken, but I do want to suggest that "aftersight" deserves your consideration in such a reflection.

This committee's oversight of the intelligence community is not unlike the relation of a corporate board to a business's management personnel or a university board to its president and administration. Its major tasks are to raise money and change the management when it fails to produce the desired outcomes. When boards drift into micromanagement of institutions, involving themselves in the day-to-day business of decisions, siding with different factions within the management, they soon find themselves with two unhappy circumstances. First, they are part of the management problem that disturbs them. Second, they lack the independence to impeach the management. Boards, to be sure, cannot sit back and simply wait to see what happens. They must stay informed and involved in selected ways. They must find a proper balance between the extremes of excessive passivity and excessive involvement.

Against this larger picture of the Congress's relations with the executive branch in general and the intelligence community in particular, I believe you can see why I have a mixed reaction to S. 1003 except where it concerns the general counsel at the CIA. At the same time, I admit that it is not easy to apply.

The great virtue I see in the proposed legislation is not in its details or in whether or not it becomes law. Rather it is in the set of critical questions it forces one to think about and to struggle to answer. The bill's author, Senator Glenn, has performed a great public service in causing us to address them. Perhaps others who are wiser can find unambiguous answers. I cannot. The questions keep forcing me to see the difficult search for balance between power and possibility, between political trust and professional integrity, and between institutional exigencies and the public good.

Thank you for the honor of appearing before you in such important deliberations, and I have the highest confidence that you will bring them to a sound conclusion.

ALLAN E. GOODMAN, WASHINGTON, DC

Allan E. Goodman is Associate Dean of the School of Foreign Service at Georgetown University, Director of the Master of Science in Foreign Service Program and Professor of International Affairs. He teaches courses on the theory and practice of international negotiation and the future of the international system. In addition, he conducts specialized research on intelligence problems and systems and their influence on U.S. foreign relations and policy development.

Since assuming the position of Director of the Master of Science in Foreign Service Program at Georgetown in 1980, Dr. Goodman has built the course into one of the premier institutions for professional, graduate-level training in diplomacy and international relations. He also founded the "Women in Foreign Service Program" designed to enhance the operational effectiveness of women in international service careers, and the Georgetown Leadership Seminar which annually brings to the School of Foreign Service key younger leaders from the public and private sectors to discuss the forces and trends likely to shape the international system in the 21st century. To date, some 260 leaders, representing 74 countries have participated in the seminar. Dr. Goodman is also a guest lecturer at the Foreign Service Institute of the Department of State and is Co-Chair of the IBM International Personnel Institute and the IBM Educational Symposium, hosted by Georgetown University.

Prior to joining the Georgetown faculty in 1980, Dr. Goodman served as Presidential Briefing Coordinator for the Director of Central Intelligence and as Special Assistant to the Director of the National Foreign Assessment Center. Dr. Goodman was Chairman of the Department of Government and International Relations at Clark University (1971–74) and a National Fellow at Stanford University's Hoover Institution (1974–75). He received his Ph.D. in Government from Harvard University in 1971, and is the author of ten books and over fifty articles on international affairs. He was awarded a Doctor of Laws Degree, honoris causa, from Mount Ida College in May of 1991.

From 1972–74 Dr. Goodman was also a guest columnist for the Christian Science Monitor, a consultant to the Department of State, and a witness on WGBH–TV's "The Advocates." He has also served as an advisor to the U.S. Information Agency, to the WGBH–TV Vietnam History Project, and as commentator on NBC Radio. He is a frequent guest on the Voice of America's "Encounter" program which is broadcast to 120 million listeners worldwide, and contributes columns on intelligence and foreign policy problems to the Los Angeles Times and its syndicate.

Dr. Goodman's publications include: The Lost Peace: America's Search for A Negotiated Settlement of the Vietnam War (called by Stanley Karnow in his Vietnam: A History, "an excellent correction to [Henry] Kissinger's own account of the Vietnam Negotiations" and cited as major "Book of Reference" in The Statesman's Yearbook) and Negotiating While Fighting: The Diary of Admiral C. Turner Joy at the Korean Armistice Conference. He is co-author of Strategic Intelligence and American National Security, published by the Princeton University Press in January 1989, (now in its third printing), and co-editor of the recently declassified The Central Intelligence Agency: An Instrument of Government, to 1950, by Arthur B. Darling, and General Walter Bedell Smith as Director of Central Intelligence, October 1950–February 1953, by Ludwell Lee Montague.

JUNE 1991.

[Statement Before the Select Committee on Intelligence, U.S. Senate, September 11, 1991]

THE CASE FOR S. 1003

(By Dr. Allan E. Goodman, Associate Dean, School of Foreign Service, Georgetown University)

Mr. Chairman, I greatly appreciate the chance to testify in support of S. 1003. I know this legislation is opposed by the top management of the intelligence community and that some members of this committee have doubts about enacting it until a major review can be completed of how U.S. intelligence should be funded and organized in the wake of Iran/Contra, and until more is known about the significance of the end of the Cold War and the breakup of the Soviet system and empire. But this bill is one immediate step to take that would substantially improve and benefit the management of the intelligence community, however such a review comes out.

As the attached will substantiate, I have been in favor of Senate confirmation of the top managers at the CIA since 1981. The reasons I advanced at that time are no less valid today. It is an anomaly that the DDO, DDI, and DD S and T, particularly, are not subject to Senate confirmation. They have far more power over and impact on American foreign policy, and expenditure of government resources, and relationships with other countries and their leaders than most of the Assistant Secretaries at the Departments of State and Defense and virtually every serving ambassador. Few outsiders appreciate the extent of the relationships that the top intelligence officers maintain with key officials in other countries, the degree to which such officials view our intelligence leaders as representatives of the highest echelons of the U.S. government, or the impact that their actions can have on the foreign policy and national security of the United States. Appointment to positions requiring the advice and consent of the Senate means that the executive will take those extra and careful steps to ascertain that the nominee—regardless of his or her politics—is fully qualified for the job and can withstand independent scrutiny. Furthermore, the privilege of appearing before a Committee of this body to assure the members that the appointment is proper and appropriate reinforces in the nominee a recognition of the constitutional role of Congress as an integral part of the U.S. governmental process. The top leaders of the CIA—unlike those at DIA and NSA who, as serving military general officers are at least theoretically subject to Senate review—need to come in from the cold and fully embrace our democratic process. S. 1003 in my view is, thus, long overdue.

What I want to focus on today is why intelligence professionals—the most likely pool of candidates from which such appointments will be made—should actually want to be confirmed.

Congress is rapidly becoming a major consumer of the intelligence product. It makes good sense to know these customers and to start out by winning their confidence. Numerous laws now require that Congress be kept informed of all anticipated intelligence activities in a timely fashion. This creates a clear requirement for the top management of the CIA to be candid with this committee. Nothing helps more to reinforce this notion than starting in the job with an appearance before Congress and assuring them that the appointed individual will consider it a part of his or her personal responsibility to make sure that such communication will take place and that the truth will be told. Congress funds the CIA. The ups and downs of the intelligence budget reflect both the real needs that the intelligence community has for resources and also the confidence that Congress has in the Agency's agenda. And that confidence can best be fostered by the relationships that are developed between the oversight committees and top Agency officials. Too often, in the past, these relationships have been adversarial, and far too often the top echelon of the Agency's management have felt that they owed their jobs and loyalties exclusively to officials in the executive branch.

I feel quite strongly that we should not have DDOs and DDIs who enter office with these presuppositions. But the present system creates the impression that the CIA should be exempted from the process of checks and balances by which our nation is governed.

I can foresee no downside to S. 1003. The legislation will not result in politicizing the corps of professionals who collect and produce the intelligence product. Most intelligence officers today realize that the thrust of this Committee's studies and those conducted by the HPSCI is to alert policy makers to and caution them against any practice that would breach the line between intelligence and partisan policy advocacy. So, the argument that S. 1003 would suddenly reverse this trend—or cause the executive to appoint only persons who were known to hold particular political views on national security questions—is unconvincing to me.

Equally unconvincing is the argument that enacting this legislation should be postponed until such time as the intelligence community has completed its own review of how it should be organized in a post Cold War environment. Short of disestablishing the CIA, the collection and analysis of information will remain at the core of CIA functions. There will always be a head of operations and of intelligence analysis, no matter how greatly the scope or nature of such work varies.

Finally, S. 1003 makes sense because it proposes a safeguard against the abuse of the resources and power of the intelligence community. Such safeguards are always timely. There have been far too many abuses of intelligence in recent years to assume that even the aftermath of and penalties associated with a scandal as egregious as the Iran/Contra Affair will prevent others from happening. At the core of most of these scandals have been individuals who have thought they were at liberty to set themselves above laws made by Congress. In part, I think this happened because they were not required to come before this committee in order to get their job in the first place. I hesitate to speculate whether the passage S. 1003 would have prevented Iran/Contra. But I am certain that without S. 1003 we invite future trouble that the nation, and especially the CIA, can ill afford.

[From the Baltimore Sun, August 26, 1981]

M IS NOT FOR MAX

(By Allan E. Goodman)

WASHINGTON.—Americans probably know more about "M," Ian Fleming's fictional British spymaster, than they do about any man who has served in that capacity in the United States. As he appears in the James Bond movies, "M" is a man whose business practices and language are above reproach. In the Fleming novels, "M" is portrayed as a senior civil servant with a strong political base in Parliament and close relations to key Cabinet ministers.

America has not had a spymaster with such political influence since Benjamin Franklin! In 1775, Franklin masterminded a plan to steal gunpowder from the British arsenal in Bermuda and was the chief U.S. operative in Europe in 1776 (under orders of the Committee of Secret Correspondence). Lincoln, in contrast, hired the Pinkertons to conduct his intelligence operations, preferring to keep clandestine operations at arm's length from his government.

General William Donovan, head of the wartime Office of Strategic Services, appointed close personal associates from both his law practice and his service at the Justice Department to lead the first U.S. efforts at intelligence operations on the eve of World War II. All had political connections and influence with key European leaders that served General Donovan and the OSS well. But since the creation of the Central Intelligence Agency in 1947, the clandestine service has been headed by professionals brought up through the ranks.

The emphasis on professionalism in the choice of DDO (Deputy Director for Operations) has produced uneven results. The Bay of Pigs fiasco was hatched under the leadership of the DDO. Some DDOs have also been quite public and controversial. For example, Thomas Karamessines figured prominently in Church Committee revelations of CIA involvement in planning the coup against the government of President Salvador Allende in Chile and of the agency's failure to destroy snake venom poisons despite presidential orders. Two DDOs have graduated to become director of central intelligence, or head of the CIA: Richard Helms and William Colby. Both were more controversial after their tenure than during it. Mr. Helms were severely criticized by congressional investigations for keeping too many secrets; Mr. Colby by his associates for keeping too few.

Judged by any standard, Max Hugel, a New England businessman, was singularly miscast as head of operations. He lacked relevant or recent experience in a very complex and sophisticated craft. He apparently was not a discreet person to do business with, as the published excerpts of his telephone calls and corrspondence suggest. If Mr. Hugel had a close personal relationship with CIA Director William Casey, it proved insufficient to win his initial acceptance by the rank and file in the agency or, later, to shield him from essentially the same type of "investigation" that Richard Allen, the president's national security adviser, survived in 1980 during the campaign. Mr. Hugel resigned.

What should the president and the public now learn from the Hugel Affair?

The most fundamental lesson is that head of operations at CIA is too sensitive an appointment to be left entirely to the discretion of either the head of the CIA or the professionals in operations. The person in this position has far more of an impact on national security and the conduct of foreign relations than most assistant secretaries (who require Senate confirmation) at the State or Defense departments. The deputy director for operations should, therefore, also be subject to Senate confirmation.

Why hasn't this been considered before? With the end of World War II, the Congress (and President Truman) couldn't wait to get out of the wartime spy business and the ranks of the OSS were severely pruned as a new "Central Intelligence Group" was formed. When the CIA was created in 1947, the clandestine operations section was a relatively small unit, and Congress was much more concerned with such issues as whether the director of central intelligence would be a military man or a civilian, and how he would relate to the departmental intelligence units that served the secretaries of State and Defense. My review of the congressional hearings surrounding the establishment of the CIA, moreover, suggests that in 1946 and 1947 Congress had little conception of how large the operations part of the agency would become or what impact its activities could have on the conduct of foreign relations. For almost three decades thereafter, Congress regarded the head of operations as a preserve for careerists rather than as a political appointment.

But the Hugel Affair suggests that Congress cannot count on this always being the case. In addition, the Congress and the public, too, require more accountability than ever before from the leaders of the intelligence community, among whom the spymaster is a key figure.

The experience of the past several years of congressional oversight suggests that such accountability can be had without jeopardizing national secrets. The Senate Select Committee on Intelligence—the committee which would logically hold hearings on a prospective DDO appointment—has effective and well respected security procedures. By going into executive session when appropriate, this committee could keep secret the things that need to be kept secret (e.g., the nominee's past involvement in missions and projects, the details of which are still classified).

Congressional scrutiny over such a key appointment would also help to assure that the person who occupied the post was known by the president and had his confidence. In Mr. Hugel's case, the confirmation process would have had a greater chance of uncovering the questionable activities that led to his resignation.

The Hugel Affair also raises questions about the thoroughness of the CIA background investigation and security clearance process. These are significant questions because of the serious damage that could be done to U.S. security if the CIA were penetrated by the KGB (or any other intelligence service, for that matter). It would be a mistake, however, to put too much emphasis on this particular episode. There was precious little time for professionals to conduct their investigations. There is a saying at CIA headquarters in Langley that "If the boss wants it real bad, he will get it real bad." This, apparently, was what happened in Mr. Hugel's case.

The Hugel Affair, in sum, gives the president a further chance to shape directly the development of U.S. intelligence services. Part of his interest is already evident in drafts of a new executive order governing intelligence activities and in the soon-to-be reconstituted President's Foreign Intelligence Advisory Board. President Reagan should now take a long overdue look at not only how the nation's clandestine services are run, but who is running them.

[From the Washington Post, Sept. 7, 1991]

EX-CIA COVERT CHIEF INDICTED

(By George Lardner Jr. and Walter Pincus)

Clair E. George, former chief of the CIA's covert operations directorate, was indicted yesterday on 10 felony counts accusing him of lying and obstructing congressional as well as grand jury investigations of the Iran-contra scandal.

A federal grand jury returned the indictment after a closed session with prosecutors from Independent Counsel Lawrence E. Walsh's office that lasted almost six hours. The charges were leveled little more than a month before a five-year statute of limitations would have started to come into play, barring prosecution of most of them. Each of the counts carries a maximum penalty of five years in prison and fines of $250,000.

George, 60, is the highest-ranking CIA veteran to be indicted in Walsh's re-energized investigation into the involvement of agency officials in efforts to cover up the Iran-contra scandal.

In a statement issued by his lawyer, George, now a security consultant after 32 years at the CIA, vowed to contest the

charges vigorously. Later, he appeared on the front lawn of his Bethesda house and called himself "a pawn in a continuous drama of political exploitation."

A major portion of the indictment rests on the testimony of Alan D. Fiers, former chief of the CIA's Central American task force and a one-time top deputy of George. In July, Fiers surprised prosecutors when he agreed to plead guilty to two counts of illegally withholding information from Congress and pledged to cooperate fully in winding up Walsh's 4½ year investigation.

Prosecutors had hoped, in turn, to be able to get George's cooperation in moving against higher-ups who might have been involved in illegally covering up the Reagan administration's worst scandal. According to informed sources, George notified Walsh's office Thursday that he would not cooperate.

George's lawyer, Richard Hibey, said yesterday, "this prosecution should never have been brought" and went on to describe George's past contributions to the nation's security. Hinting at the kind of defense he plans to make. Hibey said George has "risked his life" and "has not profited one iota" from his service with the CIA. Echoing a theme that has been raised before on behalf of other Iran-contra defendants, the lawyer asserted that George was a victim of "complex and tortuous policy differences between Congress and the Executive Branch."

Eight of the 10 charges against George stem from allegedly false testimony he gave to three congressional committees that were investigating early elements of what turned out to be the Iran-contra scandal. The last two counts charge that George lied again in an appearance last April before the federal grand jury and thus attempted to obstruct justice.

As deputy director for operations, George was one of the agency's top four officials and had charge of the CIA's worldwide activities in covert action, intelligence collection and counterintelligence. A favorite of the late CIA director William J. Casey, he held the post from 1984 until December 1987 when he was allowed to resign following criticism of his Iran-contra role by House and Senate investigating committees.

The first three counts against George involve a Senate Foreign Relations Committee hearing on Oct. 10, 1986, which inquired about the CIA's knowledge of the shootdown five days earlier of an aircraft carrying military supplies for contra rebels operating in Nicaragua.

According to the indictment, George ordered Fiers the day before that hearing to make changes in a draft of George's opening statement in order to prevent disclosure of the role that then-White House aide Oliver L. North was playing in the contra resupply effort.

The grand jury also accused George of lying about his knowledge of other Americans involved in the resupply effort, including retired Air Force Maj. Gen. Richard V. Secord, who played a role in both the resupply effort and the covert sale of U.S. arms to Iran.

Asked about U.S. citizens who were supporting the resupply flights for the contras, George told senators at the closed hearing that "we were not aware of their identities." But according to yesterday's indictment, George had met Secord in a high-level staff meeting in the White House Situation Room on Jan. 20, 1986, and knew that Secord was involved with North "in efforts on behalf of the contras."

The next three counts deal with George's appearance on Oct. 14, 1986, before the House intelligence committee which was also investigating the Oct. 5 shootdown. The indictment accused George again of obstructing a congressional inquiry and making two false statements about his knowledge of individuals involved in the resupply effort.

The third congressional hearing cited in the indictment was held Dec. 3, 1986, by the Senate intelligence committee. There, George was questioned specifically about Secord and said he could not tell the committee what role the general played in the resupply operation.

But the indictment said George had complained about Secord's involvement in the "Iran initiative" to both Casey and to then-White House national security adviser John M. Poindexter shortly after the Jan. 20 meeting with the general.

George is also charged with impeding the investigation by not disclosing that he knew of the diversion of Iranian arms sales profits to the contra cause before the diversion was publicly disclosed on Nov. 25, 1986. Fiers, in pleading guilty last July, said that he told George of the diversion in the late summer of 1986 after being told about it by North.

Another two counts against George involve his repeating to the grand jury some of the alleged false statements he first made at the Oct. 10, 1986, Senate hearing.

[From the Washington Post, Oct. 10, 1990]

CIA DEPUTY DIRECTOR LINKED TO IRAN ARMS, TESTIMONY SHOWS

(By Walter Pincus)

Thomas A. Twetton, recently named as the Central Intelligence Agency's deputy director for operations, was deeply involved in the secret arms-for-hostages dealing with Iran, according to testimony before the congressional Iran-contra committees and former CIA officials.

Twetton, who in 1985 and 1986 was deputy and then chief of covert activities for the CIA's Near East division, dealt regularly with former White House aide Oliver L. North as the agency "case officer," handling the logistics and funds for the initial transfer of U.S. arms to Iran.

Twetton's 1987 testimony before congressional Iran-contra investigators was released to the public in 1988, but his name was deleted from the published version because he held a covert operations position. He was identified only by the abbreviation "C/NE," representing his job at the time as chief of the Near East division.

In his testimony Twetton outlined how he:

Worked to try to prevent then-CIA director William J. Casey from getting involved in an arms-for-hostages scheme using Iranian middleman Manucher Ghorbanifar in the summer of 1985.

Informed North in September 1985 of Ghorbanifar's questionable record in CIA's files.

At North's direction, set up with the Pentagon in January 1986 the first shipments of U.S. TOW antitank missiles that were to gain release of U.S. hostages held in Beirut.

Carried North's message to the Defense Department that the price for each weapon should come down from $6,000 to $3,000 apiece.

Was with North and others when they met with Iranian middlemen in February 1986 in Frankfurt, March 1986 in Paris and April 1986 in Washington.

Briefed former White House national security adviser Robert C. McFarlane prior to McFarlane's secret trip to Tehran in May 1986.

Knew of the overlap that North created by using retired Maj. Gen. Richard V. Secord and businessman Albert Hakim in both the Iran arms sales and aid to the Nicaraguan rebels in Central America.

Twetton testified that although he was aware that excess money was being generated by the arms sales, "it never occurred to me . . . that North was raking it off [for the contras]. That was beyond the pale."

Twetton's promotion, announced last month and effective Jan. 1, is not subject to Senate approval.

Robert M. Gates, who was Casey's deputy at the CIA for most of the Iran-contra affair, failed to get Senate approval to the Casey's successor, but was named by Bush as deputy national security adviser in the White House.

A handful of other CIA officials, linked to questioned contra activities, took early retirement or were penalized with reprimands or forced retirement when William H. Webster took over as CIA director.

Twetton's Iran-contra committee testimony includes several instances where he could not recall events that are still subject to dispute.

He could not, for example, remember a memo written by a CIA colleague in March 1986 that described how Ghorbanifar told North that the Iranian arms sales could be used in Central America for the Nicaraguan rebels.

"Well," Twetton said upon being shown the memo. "I don't know whether I saw that or not. If I had, I assure you that I would have regarded it like everything else that Ghorbanifar said."

Twetton also testified that he never tried to find out what caused the wide difference in the price charged the Iranians, about $20.5 million for weapons that had cost the CIA $6.5 million.

In the CIA announcement of Twetton's appointment, Webster said he was "very pleased that Tom has accepted this appointment. He has a very distinguished record of service, and I'm fully confident that he will do an outstanding job in leading the operations directorate."

[From the Washington Post, Jan. 8, 1987]

CIA SOUGHT RETROACTIVE APPROVAL

(By Dan Morgan and Bob Woodward)

In late November 1985, CIA Director William J. Casey and his general counsel, Stanley Sporkin, proposed to the White House an intelligence authorization that would retroactively legalize any "prior actions taken by government officials" in the secret sale of weapons to Iran, according to two sources who have read the document.

When asked by the Senate Select Committee on Intelligence in a recent closed hearing about the legal reasoning behind the Central Intelligence Agency's proposal, Sporkin testified that the president has constitutional powers to grant pardons and therefore could declare an action legal after the fact.

Sporkin, now a U.S. District Court judge here, confirmed last night in a telephone interview that he had written such a draft intelligence order. "I was given fragmentary information at the time which led me to the conclusion that we needed a presidential finding to authorize the agency's activity, and ratify all action that had been carried out," he said.

Sources said Sporkin testified before the Senate intelligence committee that it was not unusual in the corporate world for someone in authority to bless an activity retroactively. The alternative, Sporkin told the committee, would be to back date documents, which Sporkin said he would consider improper.

The proposed "finding," as a presidential authorization for an intelligence action is officially known, was sent by Casey to Vice Adm. John M. Poindexter, who was then deputy national security adviser.

President Reagan never signed this draft; a revised version dated Jan. 17, 1986, was signed by the president, secretly authorizing the sale of U.S. weapons to Iran and ordering the CIA not to disclose the operation to Congress, which didn't learn of it until last November.

Retroactive approval was not included in the Jan. 17 finding that Reagan signed, sources said.

Sporkin's draft finding regarding Iranian arms transactions was a one-page order dated Nov. 25, 1985, which said that "prior actions taken by government officials are hereby ratified." The document was drafted after then-CIA Deputy Director John N. McMahon discovered that the agency had provided assistance to Lt. Col. Oliver L. North, then a staff aide of the National Security Council, in shipping missile parts to Iran as part of an attempt to free American hostages held in Lebanon.

U.S.-made missiles had first been shipped to Iran by Israel with secret White House approval in September 1985. Subsequent shipments of more than 2,000 TOW antitank missiles were made in 1986 until the operation was publicly disclosed last November.

The draft order written by Sporkin—which is documented in a lengthy but still unreleased report of the Senate intelligence committee—was indicative of what one former CIA official yesterday described as "bad legal advice" provided to Casey by Sporkin and the CIA general counsel's office during the early months of the Iran operation.

Sporkin testified that he wanted to ensure that the CIA was properly protected legally because he understood that the assistance provided North had been authorized by the White House and conformed with Reagan's wishes, according to informed sources. It is unclear whether Casey, who is recuperating from recent brain tumor surgery, was questioned about the document when he appeared before the Senate committee.

It was also learned yesterday that CIA officials at the operational level had "clues" earlier than has been publicly acknowledged that money generated from U.S. arms sales to Iran was moving into nonagency accounts abroad.

A former CIA official who has seen the stacks of documents and testimony provided to the Senate committee, said, however, that there was no indication in this record that the CIA was involved in the diversion of the funds or that intelligence officials knew that the money was being diverted to aid the contra rebels fighting the government of Nicaragua, as Attorney General Edwin Meese III said in November.

"Every so often there would be a glimpse of money moving into accounts other than CIA accounts," the former agency official said. "They knew that outside the government, money was going somewhere."

Information available up to now has suggested that the CIA's first knowledge that funds were being diverted abroad through the arms sales to Iran came early last October. Casey said last month that his first tip about this occurred at that time, when a Canadian business acquaintance, Roy Furmark, told him some of the profits earned by middlemen involved in the arms sales may have been diverted to aid the contras.

The CIA's role in the secret shipment of U.S. arms to Iran in 1985 and 1986 is detailed in the Senate committee's declassified report. On Monday, the report was caught up in partisan wrangling in the Senate, when Republicans on the intelligence committee were unable to muster enough votes to force its release, despite a plea from the White House.

Overall, according to the source, the report depicts the CIA, as too passive in not maintaining control of U.S. covert operations and relinquishing some of that responsibility to the National Security Council staff. Once Casey gave his backing to the Iranian initiative, the agency began to play an active supporting role.

The Senate report portrays the agency as providing logistical backup, such as setting up bank accounts into which money to reimburse the U.S. government could be paid, but apparently not raising serious questions about the NSC's covert program until at least the middle of 1986.

The agency's role in the covert Iranian program will be a prime focus of the coming House and Senate special inquiries into the Iran arms sales-contra aid affair. Under the 1989 law that gives Congress oversight of covert actions, the CIA is supposed to provide timely notification of all such clandestine operations; there has been bipartisan criticism of the administration in this episode for at least 10 minutes.

Accordingly to one source familiar with the Senate committee's report, the panel did not determine what happened to the funds raised privately on behalf of the contras. One reason was that the CIA was cut out of this knowledge under the system of middlemen through which the NSC carried out the arms sales to Iran.

[From the Washington Post, June 25, 1987]

THE TAKEOVER OF STANLEY SPORKIN

(By Mary McGrory)

Fans of Stanley Sporkin during his time as the Securities and Exchange Commission's chief enforcer often wondered what happened to him after he followed William J. Casey over the river to Langley and became general counsel for the CIA.

Now, thanks to the Iran-contra hearings, they know more. Among other things in his days with the spooks, he took orders from Ollie North. Sporkin didn't blink an eye when in January 1986 North called him up and told him to stitch up an "expanded finding" on the arms sales to Iran.

Sporkin, a voluble and assertive man, whose name struck terror into malefactors in Wall Street, was cordially hated as a meddler, a stickler and a menace. His tenacity and zest for hounding people who jiggled their accounts and bribed their customers made him an ogre in the takeover set.

But Sporkin, who left the Central Intelligence Agency last year to become a federal judge, seems to have loosened up considerably at Langley. When he was leaving the SEC, there was much speculation that a man who had spent 20 years training bright lights on dark corners of American business would be out of sync with an agency that operates in secrecy.

Known as a liberal Democrat with a strict Republican view of law and order, Sporkin once said that "morality was going the way of detente."

But he fitted in with the spooks better than anyone could have thought.

When, for instance, he was told on Nov. 25, 1985, that the Reagan administration was covertly selling arms to the ayatollah—and, in fact, had sent two batches—the only thing he thought of was that "this kind of activity . . . should have a finding by the president."

A finding, he explained to the committees, "is a determination by the president of the U.S. that a certain activity in a foreign country, which is undisclosed, is necessary in the interest of national security."

Not everyone in his then-new circle felt that a finding was necessary. There was no argument, of course, on not notifying Congress.

"It was stiff legal advice, believe me," said Sporkin. He added with some complacency, "It's not the everyday legal advice I gave."

It certainly wasn't the kind of advice he gave when he was reading the riot act to greedy brokers. But by Langley standards, apparently, it was tough stuff, and Sporkin saw himself at the barricades. "Some people think I might have pulled the trigger too soon."

The committee lawyer who questioned him, Tim Woodcock, pointed out that the Hughes-Ryan law, which even spies are supposed to observe, calls for presidential approval of a covert action before it actually occurs.

Sporkin, who spoke in the loudest voice yet heard in the hearing room, obviously thought that the counsel was being picky and just a little bit unrealistic: "Well, I think it is important, obviously, in the perfect world. . . . to have the president authorize it, everything, in writing beforehand."

But he didn't "flyspeck" it, and he retroactively authorized the third shipment, which had occurred within hours of his decision on the finding.

Sen. William S. Cohen (R-Maine) said that he had backdated the ratification of something that occurred without a presidential finding.

Said Sporkin, showing the cavalier spirit that informed the North-Casey orbit: "You can't straitjacket the president. . . . Someone can go out and do it, and later on you can do the paperwork." Strains of Fawn Hall's seminal declaration that "sometimes you have to go above the written law."

Sporkin gave the committee its second glimpse of backdating in 48 hours. The day before, another ex-official of the CIA had been on the stand telling how he had backdated two bills for North's security system.

The bill had already been paid by sorcerer North's apprentice, Richard V. Secord, but Glenn A. Robinette, a veteran of 20 years' service at Langley, didn't quibble. Without hesitating, he sent out two bills dated at appropriate intervals and got in return two fanciful missives from North, one typed on a machine that had its letters filed down to show the passing of time.

Robinette, who has an aureole of white hair and watery blue eyes, is the antithesis of Sporkin, being small, meek in manner and almost inaudible.

In the end, though, they sounded much the same. There was the same rueful, limited, situational contrition.

Asked if he did the right thing, Robinette said, "In sending the bills to Col. North? No, I wouldn't be sitting here. . . ." His voice trailed off.

Invited to voice second thoughts, Sporkin replied with a nervous laugh, "If this is what it has caused, obviously that is an easy decision."

There must be something in the air at Langley.

[From the New York Times, July 19, 1981]

A DEPARTURE LEAVES FEW REGRETS AT THE C.I.A.

(By Philip Taubman)

WASHINGTON.—At the end of June, expressing confidence that his stewardship of the

Central Intelligence Agency was progressing smoothly, Director William J. Casey sent a memorandum to all employees, notifying them that the agency was lowering its public profile. "The difficulties of the past decade are behind us," Mr. Casey said.

He had spoken too soon. In a sudden upheaval last week, the director of clandestine operations, Max C. Hugel, was forced to resign amid charges that he had participated in fraudulent securities transactions when he managed an electronics business in the 1970's. Mr. Hugel called the allegations "unfounded, unproven and untrue."

To many, the sudden departure of Mr. Hugel was a relief of sorts. By most accounts, he had disrupted the agency since arriving there in January as a special assistant to Mr. Casey. For some C.I.A. officials, Mr. Hugel's appointment, after his stint as a lieutenant in Mr. Regan's election campaign, raised questions about political directions the agency might be taking. Mr. Casey, before being named Director of Central Intelligence, managed Mr. Reagan's presidential campaign.

Even before his resignation, Mr. Hugel had been blamed for damaging the agency's relations with Congress and with foreign intelligence services. "Max Hugel was the wrong man for the job," said one member of the Senate Intelligence Committee. "Every time he came up here for executive sessions, he seemed to lack a grasp of his business." Consequently, Mr. Hugel won't be missed by many within the agency and on Capitol Hill.

The securities fraud charges, made by two former business associates of Mr. Hugel, did not involve any wrongdoing while he was at the intelligence agency. But there was some concern about the combination of the Hugel affair and disclosures last week that a Federal judge, ruling on an old lawsuit, had found that Mr. Casey had once knowingly misled investors in a business that went bankrupt in 1981. "If Casey's effectiveness is hurt," said one official, "and he loses influence at the White House and on the Hill, then it's clearly a serious setback to the rebuilding of the agency."

THE CRISIS WITH A SILVER LINING

With the exception of Watergate-related abuses, including President Nixon's use of the C.I.A. to thwart Federal investigations of the original burglary at Democratic National Committee headquarters, the agency has remained relatively aloof from domestic politics. When Mr. Casey named Mr. Hugel Deputy Director for Operations, making him responsible for managing clandestine and covert operations, it appeared to some officials that the political contamination had spread to the agency's uppermost sanctum.

The timing could not have been worse. After taking over the C.I.A., Mr. Casey made the rebuilding of its clandestine services his highest priority. All the collection of intelligence by human agents, including American "moles" inside enemy governments, and covert actions by American agents, fall within the purview of the operations division.

The division has been drawn down over the years by budget cuts and has been plagued by a continual crisis of confidence that began in the mid-1970's with Congressional investigations that disclosed the use of violent and bizarre operations, including the assassination of foreign leaders.

Mr. Casey apparently thought that Mr. Hugel, a brash, hard-driving dealmaker, possessed the right qualities to inject efficiency and imagination into the clandestine services. Moreover, Mr. Hugel was unswervingly loyal to Mr. Casey. Colleagues described their relationship as much like that between a father and son.

Privately and publicly, Mr. Casey was an enthusiastic supporter of Mr. Hugel, repeatedly praising his deputy's abilities. "Bill thought Max would be great at developing and running covert operations," said an intelligence official. "He forgot that half of Max's duties would involve dealing with Congress and foreign services. In the latter, his personal style couldn't have been less helpful."

Mr. Hugel's tenure coupled with the manner of his departure, probably set back the operations division, officials at the agency said. Morale may be bucked up, however, by the rapid appointment last week of John H. Stein, a well-regarded agency veteran, as Mr. Hugel's replacement.

Liaison with foreign services has also suffered. Long distrustful of the C.I.A. because of uneven leadership and seemingly constant leaks of information, foreign intelligence agencies were apparently appalled at Mr. Hugel's lack of experience and finesse. Several Israeli officials were so shaken by their first encounter with Mr. Hugel, officials said, that they refused to provide him with the identities of colleagues in Israeli intelligence.

For some members of Congress, the Hugel affair has reawakened concerns about the management of the C.I.A. and prompted discussion about reasserting Congressional oversight. In recent years, the Senate Intelligence Committee has backed away from the kind of intense oversight favored in the period following the disclosure of C.I.A. abuses.

The departure of Mr. Hugel, once the controversy subsides, could ultimately work in Mr. Casey's favor. Assuming he survives the fallout, and recovers any influence lost at the White House and Congress, Mr. Casey may be better able to advance the agency's interests without the distraction and irritation generated by Mr. Hugel.

For example, Mr. Casey and Admiral Bobby R. Inman, the Deputy Director of Central Intelligence, have struggled for several months to gain agreement from other agencies and the White House on a new executive order to govern the activities of United States intelligence services. The issue, officials said, has often pitted C.I.A. leadership against the White House's National Security Council staff, with the C.I.A. generally favoring continuation of prohibitions against domestic spying, according to White House aides.

Mr. Casey has also attempted to improve the quality of intelligence analysis after discovering that many of his agency's analysts neither know the languages of the countries they watch nor have traveled to those countries.

For the moment, however, the main concern for officials at the agency's headquarters in Langley, Va., is to get the Hugel affair behind them. "Everybody, especially Bill Casey, is a little dazed," said one official.

[From the New York Times, July 15, 1981]

EX-C.I.A. DEPUTY IS VIEWED AS LACKING PROFESSIONALISM

(By Robert Pear)

WASHINGTON, July 14.—Before his resignation today, Max C. Hugel was in charge of the largest directorate in the Central Intelligence Agency, the branch responsible for covert action and clandestine counterintelligence overseas.

Mr. Hugel did not fit the mold for that job in two respects: He had not had a career in professional intelligence work; instead, he had been a businessman in New Hampshire and worked on the Reagan campaign staff in last year's Presidential election. And, unlike most of his predecessors, he did not come from an Ivy league-style "gentleman's club" background.

Mr. Hugel's title was Deputy Director for Operations. Before March 1973, the job bore the title of Deputy Director for plans. William E. Colby, who held the position in 1973 before he became Director of Central Intelligence, said in an interview today that he had asked James R. Schlessinger, then Director of Central Intelligence, to change the name because "plans" was a euphemism for what that part of the agency really did.

Besides Mr. Colby, two other men who had previously been in charge of the directorate for plans, or operations, were promoted from within the agency to Directors of Central Intelligence. They were Allen W. Dulles and Richard Helms. Mr. Dulles and Mr. Colby were graduates of Princeton, and Mr. Helms was a graduate of Williams College, an old liberal arts college in northwestern Massachusetts.

THE HEART OF THE AGENCY

"It would be very unusual to have a nonprofessional, a businessman, an ordinary civilian running the directorate for operations," said Thomas Powers, author of a recent biography of Mr. Helms. "That's certainly never happened before. That's one position where you want a professional. That's where the heart of the agency always was, and that's the office in which Presidents were always most interested."

Presidents took an interest in the office because its covert agents could, at the President's behest, foment unrest in foreign countries. In addition, the Deputy Director for Operations supervised the recruitment of spies overseas, collecting minutely detailed information about low-level clerks in Soviet embassies abroad.

The Deputy Director also had authority over counterintelligence operations designed to learn about Soviet activities in general, and supervised all forms of psychological warfare conducted and information disseminated by the agency overseas.

Officials in the Reagan Administration said that William J. Casey, the Director of Central Intelligence, had recruited Mr. Hugel because Mr. Casey thought his rough-and-tumble style was exactly what was needed to rebuild the clandestine service. Some agency officials had become extremely cautious about conducting covert operations after years of Congressional investigations exposing unsuccessful and aborted projects, including plans to assassinate foreign leaders.

ADEPT AT COMMERCIAL COVERS

In addition, Mr. Casey was said by agency officials to have believed that Mr. Hugel would be adept at helping develop commercial covers for American intelligence agents operating overseas.

Mr. Hugel, according to a biography distributed by the intelligence agency, specialized in Japanese economics at the University of Michigan, from which he was graduated in 1953. Earlier, he established a company, Brother International, to sell Japanese-made sewing machines in the United States.

Former intelligence agencies have criticized Mr. Hugel's appointment, saying he was an amateur in a job held in the past by seasoned professionals. Their animosity was so strong that a White House official suggested today that former intelligence officials might have encouraged disclosure of

the information about Mr Hugel's stock dealings, which forced him to resign.

All of Mr. Hugel's predecessors had experience in intelligence work before they took charge of clandestine operations. Those who have held the position since Mr. Dulles are Frank G. Wiener, from 1952 to 1958; Richard M. Biseal Jr., 1958 to 1962; Mr. Helms, 1962 to 1965; Desmond FitzGerald, 1965 to 1967; Thomas Karameesines, 1967 to 1973; Mr. Colby, 1973; William E. Nelson, 1973 to 1976; William Wells, 1976 to 1977, and John McMann, 1977 to 1980.

[From the New York Times, May 22, 1981]

THE COMPANY MR. CASEY KEEPS

A certain skepticism is in order when the intelligence brotherhood complains that amateurs are taking over the Central Intelligence Agency. The Bay of Pigs wasn't exactly an amateur production, save in its humiliating outcome. Nor were the abortive attempts to assassinate Fidel Castro in the 1960's. But in the matter of Max Hugel, a New Hampshire businessman now turned spymaster, the consternation among old C.I.A. hands is surely understandable.

Mr. Hugel's most visible qualification is has long-time friendship with the C.I.A.'s Director, William Casey. According to his official biography, Mr. Hugel served as a junior Army intelligence officer during World War II. He has had three months' experience as a middle-echelon administrator at the agency's Langley headquarters, a.k.a. The Company. With only this background, he has now been promoted to head the agency's directorate of operations, which controls covert actions and clandestine intelligence overseas.

Plainly, Mr. Casey wants a loyal associate in this peculiarly sensitive post, which has been described as the most difficult and dangerous in the Government after that of the President. And Mr. Hugel earned that confidence when he resigned as an electronics company executive to help win the crucial New Hampshire primary victory just as Mr. Casey assumed command of the Reagan campaign. Mr. Hugel's political skills impressed old hands in that state, though they otherwise know little about him.

Still, winning votes in New Hampshire is one thing. Knowing the national security byways of Washington is quite another. And presiding over spy networks requires even more sophisticated knowledge and experience. Mr. Hugel's appointment is not subject to Senate confirmation, unlike the positions of C.I.A. Director and Deputy Director. So as a matter of law, Mr. Casey has every right to appoint a chum as spymaster. As a matter of policy, the appointment is questionable.

The C.I.A. is unlike any other agency in the degree of trust it demands from Congress and the public. That trust was grievously abused in a period not long ended. Who can be surprised if there are fears of a replay in an Administration that talks loosely about "unleashing" the C.I.A.? These fears are fanned when an outsider with tenuous credentials is given command of The Company's most free-wheeling division.

For security reasons, the Senate Intelligence Subcommittee has been reluctant to delve too deeply into the agency's secret operations. But the command structure is a different matter. Mr. Casey—even the President—have an obligation to explain what prompted the Hugel appointment, and to spell out the constraints on covert operations. That much light won't compromise the agency and would allay justifiable fears. In a double sense, The Company that Mr. Casey keeps is the public's business.

[From the Washington Post, July 15, 1991]

THE HUGEL FILE

The Max Hugel file, it turned out, was a little thicker than the CIA realized when it signed up the erstwhile New Hampshire businessman and Reagan campaign aide as deputy director of operations in May. The check that the agency ran on Mr. Hugel failed to pick up the tangled skein of certain of his business affairs that this newspaper brought to light yesterday morning. In the story, two former associates, tapes in hand, accused the nation's chief spymaster of engaging in improper or illegal "insider" stock market practices. Mr. Hugel denied all charges and, within hours, resigned.

The episode is a pie in the face of the CIA and its director, William J. Casey, who had rocked the agency's old-boy network, and raised eyebrows elsewhere, by choosing as his aide for covert operations and clandestine intelligence-gathering someone with no previous experience in those fields. The CIA is not the first organization to hire a bit hastily. Still, it has better reason and resources than most to proceed carefully. It is not hard to imagine scenarios—several novelists are probably at it already—with far graver endings than the resignation of an official whose difficulties lay entirely in his business past. That these difficulties were of a sort unquestionably familiar to Mr. Casey, a former chairman of the Securities and Exchange Commission, sharpens the question of how Mr. Hugel passed through the CIA screen.

In some quarters, Mr. Hugel's departure is being taken, and even celebrated, as vindication of the folly of bringing in an outsider to run the country's agents and spies. But, the tinge of social snobbism aside, this is a narrow view. His trouble came not in intelligence, in which he was an outsider, but in business, in which he was an insider. It has to be put down as a moot question whether the street-smart, free-wheeling Mr. Hugel would have done better or worse as a spymaster than those intelligence insiders whose shortcomings had made it seem sensible enough to install an outsider in the first place.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, I listened closely to the statement of my friend, Senator GLENN. I am sorry to say I must rise in opposition to the pending amendment which requires the Senate to confirm an additional three officials to the Central Intelligence Agency, those three described as the Deputy Director for Operations, the Deputy Director for Intelligence, and the general counsel.

As has been noted, currently the Senate only confirms the Director, Deputy Director, and inspector general. I think the points raised by my colleague from Ohio are good ones. He clearly is interested in good, efficient government. We all have that in mind. And when he argues that the Senate confirmation process will ensure that high officials in the Agency will not be swayed by political consideration in doing their job, I know he has that intent. And it is certainly a noble goal and objective. But I seriously question whether the amendment itself is going to achieve that goal.

I think the amendment very well may inject political considerations in the process. It would, in the opinion of the Senator from Alaska, vice chairman of the Intelligence Committee, force three more persons to go through a political process when they are nominated by the President, and I think we l ave to recognize the process of nominating and confirming takes two steps.

The first is for the nominee to pass muster downtown at the White House. At times this involves, frankly, political considerations. I do not think there is any secret about it and every Member of this body would be naive to think otherwise.

The second step of the process involves the Senate confirming the nominee. Rarely do nominees fail to gain Senate confirmation. Sometimes, as noted yesterday, votes are quite close.

However, Mr. President, if the process starts with a political consideration at the White House, which it certainly does, these considerations will not necessarily be eliminated merely because the nominee comes before the Senate Intelligence Committee for confirmation.

What this means in reality is that career CIA employees, some of whom deal in the Nation's most sensitive intelligence collection activities in the Directorate of Operations, will have to be sensitive to political matters in attaining the highest position in the Central Intelligence Agency.

In other words, we are going to have to see they are elevated or they are going to have to be elevated or they are going to consciously be elevated to that political sensitivity. Otherwise, they are simply not going to be able to have, if you will, the visibility to be included in the selection process. They will have to understand that their career goals in reaching the top position in the Agency will not be realized unless, somehow, they get themselves enough attention so there is some political connection with the White House.

I fear for that. I think that in itself is the very issue here and the very concern we have.

So I do not simply understand how the argument of my friend from Ohio eliminates the political consideration from this appointment process.

Some would argue that confirming these three people will make them more accountable. Clearly, we all want accountability. It is so frustrating to see in the Agency the lack of accountability. One only has to look at the Soviet Moscow Embassy fiasco to wonder where the accountability went. Where did it go to the point where we allowed pouring of concrete forms offsite so the foundation could basically be bugged? You go in today and neither the Agency nor the State Department can address the issue of responsibility.

So, clearly, the question of accountability is important. But the problem is that there will be accountability to the White House and not necessarily to the oversight committee, because the White House is nominating the individual. I fail to see what we are attempting to fix here.

Senator GLENN has argued, strongly and very well, that one prior appointment in the early days of the Reagan administration was unfortunate. We would acknowledge that. While others may agree with the assessment, I have not discovered that there is any pattern of similar appointments made in the Central Intelligence Agency, and I think that was one of the arguments used yesterday on the floor in the Thomas matter—Was there a pattern?

To get back to the point, I see a pattern in this case of high-quality appointments in the Central Intelligence Agency in the top positions. For example, if we look at the current cadre of personnel, the current general counsel, Elizabeth Rindskopf, an outstanding civil servant who has provided enormous assistance to our committee on some of the most difficult legal questions that we face.

Tom Twetten, the present Director of Operations is a career professional who literally rose from the ranks of the most secret of all our services. It is no offense to Tom Twetten to wonder whether the personnel office in the White House, including those who are concerned with the issue, and that is politics, would even recognize his name let alone his accomplishments as an operations officer overseas.

I think we are unlikely to get people who have had a depth of training in senior positions to simply come in and take those positions as a consequence of the appointment process. It is more likely that the special nature of this type of intelligence gathering addresses the theory of coming from within the Agency; knowing the Agency; understanding its uniqueness, and, as a consequence, moving up.

Finally, Mr. President, the issue of micromanaging bothers me a great deal.

So, overall, I do not understand the problem we are trying to solve here. By and large, the quality of the deputies at the CIA has been, I think, very, very high. They appear to me at least to be professionals in their fields of endeavor. Persons who head the various directorates at the Agency should not be wondering whether they are pleasing somebody down at the White House who helped them get their jobs. And I think that is an important point to recognize. They should not have to have allegiance, otherwise they lose some of their objectivity.

There is another reason to oppose the measure. It weakens the DCI's ability, the Director of Central Intelligence, to manage the Agency itself. Under this proposal the Director of Central Intelligence would not be able to select or remove his subordinates.

I, having spent a lifetime in senior management, cannot imagine working under conditions of that nature. Those he wanted to promote would have to pass muster through the White House Personnel Office and the political process. In addition, this proposal would restrict his or her ability to remove those who are not doing their jobs.

I grant you the provision is in other agencies. But, let us face it, our Agency is different. It is structured to be different. Its budget is different. It is handled here on the floor in a different manner, and it warrants, I think, a different type of structure within. We only have to go back to the Agency's organizational chart to recognize that there are appropriate actions that have been taken relative to the confirmation process, by adding the inspector general, which was done a short time ago.

The appropriateness of that was questioned by some of my colleagues. But, clearly, if you are going to have an inspector general, you better have him independent of the DCI. That is a good argument. It is an argument that I accepted. But you just simply cannot accept the same application of principle in the case pending before us on the amendment.

So, as a consequence, at this time, the Intelligence Committee is trying to develop proposals to strengthen the authority of the Director of the Central Intelligence Agency to enable him to better manage the community.

I think the proposal before us, in contrast, would weaken the authority of the Director of Central Intelligence. It would not allow him or her to select the most important deputies of the agency. This seems to fly in the face of what our committee is trying to accomplish in our reorganization initiatives.

However, Mr. President, our committee, as many of my colleagues know, is in the midst of trying to determine the best structure and the best organization for the Central Intelligence Agency and the community in general to meet the challenges of the 1990's and beyond. We have not completed that process. As far as I am concerned, we are not far enough along in that process, but it is fair to say we have initiated collectively the determination to begin.

But the reason we have not is primarily because we have been involved in confirmation hearings. The chairman and I intend to redirect our energies after we vote on the Gates nomination and move to the reorganization initiative priority. But it seems to me that we should certainly include the proposal of my colleague from Ohio, the Glenn proposal, as one of several matters to consider in terms of the management structure at the CIA. However, I think it is inappropriate to adopt it now, at a time when we are talking about a new head of the organization. Adopting it in piecemeal fashion I think will defeat the objective of our committee to take a comprehensive look at all aspects of the intelligence community and to make sure that whatever changes we propose will make sense in the overall structure.

Mr. President, the chairman and I have been in discussion with our counterparts in the House and with Senator NUNN, Senator WARNER, and others on the reorganization initiatives. Our goals on many of the proposals are the same. But the means of attaining these goals is where I think we sometimes differ, and I think we do today. It is for this reason we tentatively agreed to delay the implementation of the reorganization initiatives until next year. This will provide us time with our hearings to think through in an orderly fashion those proposals that will have long-term impacts on the intelligence communities.

In addition, Mr. President, I am anxious to have the next Director of the Central Intelligence Agency confirmed and to then confer with him to get his views on reorganization initiatives. After all, Mr. President, we are going to hold him responsible and he should certainly have the opportunity to comment on the proposed reorganization initiative.

Finally, Mr. President, I believe that the Senate has to act to defeat this measure now and not wait to see the change that the Glenn proposal would provide. Simply put, Mr. President, the House of Representatives has no stake in the question of confirmation. Confirmation is our responsibility. I believe the Senate must act now to defeat the proposal.

Mr. President, I ask unanimous consent that the position of the President by letter dated October 16, which I intend to read in the RECORD, be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, DC, October 16, 1991.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: The Intelligence Authorization Act (S. 1539) will shortly be considered by the Senate. I understand that an amendment will be offered that would require Presidential appointment and Senate confirmation of six senior positions at CIA. Before the Senate takes action on the legislation, you should be aware of my strong opposition to this proposal.

The proposed amendment is unnecessary and would create the opportunity for the politicization of the intelligence process. Politicization of intelligence is unacceptable, and I am pleased that the intelligence provided by CIA to me and my predecessors has been straight and objective. CIA has been able to provide objective intelligence by

being insulated from political pressure. The Director's ability to appoint his immediate subordinates has been critical in insulating CIA from political pressure. As a former DCI, I know how critical it is that these positions be filled with qualified individuals irrespective of their political associations or beliefs. My concern is that the confirmation process itself will inevitably create pressure on qualified candidates—either real or imagined—to conform their views to correspond to those that are perceived to be necessary to win confirmation.

My objectives to this amendment are shared on a bipartisan basis. I agree with Senators Hollings and Chafee that it is "premature to enact such legislation at a time when the Senate Intelligence Committee has just begun a comprehensive review of the structure and organization of the U.S. Intelligence Community." At the very minimum, the Senate Intelligence Committee should closely examine the need for this proposal and its possible unintended adverse consequences before action is taken by Congress.

I hope that I can count on your support to defeat this amendment when the Intelligence Authorization Act comes to the floor.

Sincerely,

GEORGE BUSH.

Mr. MURKOWSKI. Mr. President, this is a letter to the Senate majority leader dated October 16:

DEAR SENATOR MITCHELL: The Intelligence Authorization Act (S. 1539) will shortly be considered by the Senate. I understand that an amendment will be offered that would require Presidential appointment and Senate confirmation of six senior positions at CIA.

I will reference here that this is three as proposed in the Glenn amendment.

I continue the letter:

Before the Senate takes action on the legislation, you should be aware of my strong opposition to this proposal.

The proposed amendment is unnecessary and would create the opportunity for the politicization—

Or close to it—

of the intelligence process. Politicization of intelligence is unacceptable, and I am pleased that the intelligence provided by CIA to me and my predecessors has been straight and objective. CIA has been able to provide objective intelligence by being insulated from political pressure. The Director's ability to appoint his immediate subordinates has been critical in insulating CIA from political pressure. As a former DCI, I know how critical it is that these positions be filled with qualified individuals irrespective of their political associations or beliefs. My concern is that the confirmation process itself will inevitably create pressure on qualified candidates—either real or imagined—to conform their views to correspond to those that are perceived to be necessary to win confirmation.

My objections to this amendment are shared on a bipartisan basis. I agree with Senators Hollings and Chafee that it is "premature to enact such legislation at a time when the Senate Intelligence Committee has just begun a comprehensive review of the structure and organization of the U.S. Intelligence Community." At the very minimum, the Senate Intelligence Committee should closely examine the need for this proposal and its possible unintended adverse consequences before action is taken by Congress.

I hope that I can count on your support to defeat this amendment when the Intelligence Authorization Act comes to the floor.

Sincerely,

George Bush, President of the United States, with copies to the Honorable DAVID BOREN and the Honorable FRANK MURKOWSKI.

So, in conclusion, Mr. President, I think our obligation is to have a management structure for the Director of the Central Intelligence that provides for accountability, not one to micromanage the agency within the dictates of this body.

I see a number of Senators on the floor. It is my understanding that Senator DANFORTH would like to address the pending amendment.

I ask how much time remains on both sides Mr. President? It is my understanding we had 4 hours equally divided. Can you give us some idea of where we are?

The PRESIDING OFFICER. The time in opposition is 103 minutes. The time in favor is 85 minutes.

Mr. MURKOWSKI. I thank the Chair. I ask my colleague about how much time he might require.

Mr. DANFORTH. Maybe 10 minutes.

Mr. MURKOWSKI. I yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri [Mr. DANFORTH].

Mr. DANFORTH. Mr. President, it is one of those rare ironies in the Senate that less than 24 hours after voting on the Thomas nomination, we are now debating whether to add three more positions in the Federal Government where the Senate is going to be involved in confirming the people who have been appointed to those offices.

We have just concluded yesterday a very tense debate in the U.S. Senate. Two strongly held views were expressed, but one thing that was held in common on both sides of the aisle is that something has gone very wrong with our confirmation process. I think all of us, Republicans and Democrats, believe that something was seriously wrong with the Thomas confirmation process and, as we reflect on what it was that was wrong, it included the participation of interest groups who were scouring the country for information, the use of confidential information by Senate staff, and the releasing of that information to members of the press.

Unfortunately, what happened with the Thomas confirmation was not unique in the recent history of the U.S. Senate. It has become something of an art form. If you want to accomplish your political objective, you leak confidential material, get it out to the press, and the press is very good at protecting confidential sources. That is what a free press does, and I understand that.

The fact of the matter is the method works. It brings results. To leak information to the press and to build a public uproar as a result changes votes in the U.S. Senate. It is a tried-and-true method of accomplishing political results. It has happened as recently as within the past 2 weeks. At the same time that the Judiciary Committee was considering the Thomas nomination, the Intelligence Committee was considering the Gates nomination. As part of that consideration, a closed meeting was held one night in the Intelligence Committee's room in the Hart Building, and it is my understanding from talking to the chairman of the Intelligence Committee that no sooner did we have that meeting, a confidential, closed meeting of the Intelligence Committee, than the contents of that meeting were leaked to the press. Where confirmations are concerned, the Senate leaks like a sieve.

A year or two ago, we had the confirmation of Mr. Ryan to be the Chairman of the Resolution Trust Corporation, and during the process of that confirmation the contents of his FBI report were leaked to the press at great embarrassment to Mr. Ryan and to his family. It was a violation of Senate rules, but Senate rules mean nothing, apparently, in protecting confidentiality. A complaint is made to the Ethics Committee. The Ethics Committee does its best, does not find out what happened, and that is the end of it.

I do not know; maybe there is some time in the Senate history when the leaking of confidential information has caused some sanction to occur, but it has not been in my time.

So we now have a situation where the method of operation among some of our people, either staff or Members—who knows who they are—is to get confidential information out in the public, get it in the public domain in order to accomplish the destruction of a nominee. And it has happened several times.

How ironic it is that less than 24 hours after voting on the Thomas nomination, we now have a matter on the floor of the Senate which would add three new positions for confirmation. I thought that what we were saying yesterday, Republicans and Democrats alike, was something has gone terribly wrong with our confirmation process. I thought that what we were saying was that we had to clean up our act in the Senate.

And now without cleaning up anything at all, without even getting out a dustpan, we have a proposition on the floor of the Senate to add three more people to the list of those who are to be confirmed, as though we are saying the present situation is not only just fine but it does not go far enough; we need more people to confirm.

Mr. President, these are not just any old souls who would be confirmed by the Senate. We are not talking about some Commission or some Assistant

Secretary of Labor, for example. We are talking about the Central Intelligence Agency and three of the most sensitive positions that there are in the Federal Government.

As a matter of fact, the Director of Operations is the most sensitive person in the Federal Government. The Director of Operations is a person who almost certainly has spent his or her entire career in the operations half of the CIA. This is a person who has spent an entire career not in the public eye but avoiding the public eye, as a matter of fact. And now we are supposed to have confirmation hearings on the Director of Operations.

I suppose someone would say, well, they do not have to be public hearings.

I must say, Mr. President, that in the real world of the Senate, the difference between public hearings and closed hearings has begun to escape all of us. The object is, apparently, to leave a closed hearing and blurt it out to the press. If you have gone to a closed hearing, it increases the value of the information you are going to leak. It is the law of supply and demand. The supply of information is limited, the demand is infinite, and the value of what you are spilling increases.

Mr. President, I hope before we start adding to the list of confirmable positions, and particularly before we add these three very sensitive positions to the list of those that are confirmable, we will in fact cleanup our own act. I think the time has come for a very close look at how we conduct our own business in the Senate. I think the time has come for a very careful analysis of how we conduct the confirmation process.

I believe that we, not only we in the Senate but the country at large, should focus on the process of confirmation. I believe that we should ask ourselves whether in the confirmation process anything goes, whether in the confirmation process there should be any limit at all on what we are willing to do to destroy a nominee. I believe we should focus on how we conduct ourselves here in the Senate before we exacerbate the problem and add to the list of positions in which we muck around.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS and Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. HOLLINGS. Mr. President, will the Senator yield 15 minutes?

Mr. MURKOWSKI. I will be happy to yield 15 minutes. Might I ask how much time remains on the opposing side?

The PRESIDING OFFICER. The Senator has 92 minutes remaining.

Mr. MURKOWSKI. I thank the Chair. I yield to my friend from South Carolina.

Mr. HOLLINGS. I thank the distinguished ranking member of our Intelligence Committee. Let me add in the same breath, under his leadership, under the leadership of our chairman, Senator BOREN, and the former ranking member, Senator COHEN of Maine, as the ranking member on the Intelligence Committee, we have had a very tight, operative ship.

And when I had been on the committee before their particular leadership, when there were some leaks, I deplored them. I tried to insist, but unsuccessfully, that we would take lie detector tests. There has been a lot of discussion about lie detector tests. They do not tell us necessarily whether you tell the truth or not. But it gives an indication from the responses whether a further probing is required and desired, and we use it with respect to the CIA, the FBI, the National Security Agency, and the Secret Service.

You cannot get that job right out there at the door, on the Capitol Police force, if you do not take a polygraph. I went down and took one myself. I do not want, ever, to ask the troops to do something I do not do. I flunked, I say to the Senator from Rhode Island. The very first question I started to answer, "In my humble opinion," and the needle just went right off the chart.

But in all candor and seriousness, I have been in this field 35 or more years as a member of the Hoover Commission task force. Can you imagine me appointed by a Republican President?—President Herbert Hoover. Gen. Mark Clark was the chairman of the commission; Capt. Eddie Rickenbacker, and others also served. We worked together in the McCarthy days. We got McCarthy's papers in 1954 and 1955. We had Richard Helms, Sherman Kemp, Bob Avery, Allen Dulles, and others in it at that time.

Now, I look advisedly at that era and at security today, and say, yes, we are doing well. But there is a point to be made that the Senator from Missouri has pointed out. That is, when these things become partisan, the leaks start. I have an outstanding staffer, and it is invariably a foot race, if I have missed an Intelligence Committee session, when I have had to be at another committee event—to see if he briefs me or if I brief him—because I have read the New York Times. Just 3 weeks ago we had such an occurrence. I quote from the New York Times of September 26, 1991: The headline reads, "Ex-CIA Official Is Said To Testify***Gates Cut Dissent." The very first paragraph reads.

> A former Central Intelligence Agency official asserted in Senate hearings today that Robert M. Gates actively suppressed dissent, slanted intelligence conclusions, and intimidated analysts who disagreed with his views in his years as a senior intelligence official, according to people familiar with testimony he presented before a closed session of the Senate Select Committee on Intelligence.

We are getting leaks like this all over now. It is just unfortunate. When we have nonpartisan private matters, we have not had that particular problem. But I note it now has surfaced with respect to the partisanship of the Thomas hearings before the Judiciary Committee, and the partisanship in the Gates hearings before our Intelligence Committee, which we will vote on in the committee on Friday.

I am shocked in the sense that, heavens above, do we never learn? I am like the Senator from Missouri. I believe that public hearings, confirmation hearings for the three top officials, under the Director of Central Intelligence, should be totally unheard of. This is not a policy body, the Central Intelligence Agency. As its title denotes, "intelligence" and factual findings are its mission, never, never, policy. That is one of the faults we find at this particular time—in the Robert Gates confirmation process—because there is no question in anybody's mind around here, 100 Members, that Bill Casey fashioned his intelligence to the policy, to the preconceived policy. That is counter to intelligence work. It never should happen, it never should be allowed. It violates the professional ethics of intelligence work.

What happens if we have confirmation proceedings for these officials? Try it on for size, Mr. President. Here I am, I come into clandestine service, and I operate there 10, 20 years, working my way up to the top, doing a good job, wherever they send me. I can be selected by a Director without the politicization, without the public hearings, and know I will not be barred. But if we had confirmation proceedings on these officals, I can tell you categorically that a top man in the clandestine service could not be appointed under this particular amendment. I happen to know the present top man in that service. He is outstanding, with years in this particular work. But I doubt if he could pass political muster because he has too much clandestine knowledge. He is bound to be examined.

Do not tell me about handling these confirmations in closed hearings because I just read a news story from the closed hearings. The closed hearings are sieves, as the Senator from Missouri said. Information goes out like gangbusters. You have to race your staffer and brief him for the New York Times and the Washington Post before he can brief you.

It is ludicrous to bring forth such a proposal for intelligence work. It is not as if the President would appoint a Secretary of Agriculture for farm policy or Secretary of Commerce or Deputy Secretary of Commerce for business policy. This particular agency is for naught policy, nonpolicy, no policy. Politicization of intelligence is our problem right at the moment. Why did we flunk in Afghanistan, Iran, Angola,

Ethiopia, Iraq, Kuwait, the fall of the wall, the Soviet Union? Why do you think we have that sorry track record? Because of Casey. He was adamant in his view of the Soviets, and you had to play his game at the expense of your ethics.

Suppose I want to come along as a career man. I am aware that the Presidential appointment has to have senatorial confirmation. Why, I must start watching my P's and Q's politically because we have seen what can happen with a particular nominee here on national TV all over the weekend. So there is an old political adage: When in doubt, do nothing, and stay in doubt all the time. As a result you have, as a nominee one of these brilliant fools that smile, condescend, and obsequiously go along. You get nothing out of them. You certainly get nothing meaningful out of them. I think in essence that is what Schwarzkopf was saying to us from the gulf. He could not depend on the CIA intelligence. If he had waited for CIA to give the word, he would never have gone forward. They took the sharp edges of factual intelligence, shaved here smoothed here, and produced, in his words, "mush."

Now you want to institutionalize mush with this amendment.

Mr. President, there are letters here. The Senator from Rhode Island, Senator CHAFEE, yielded to me, because I have to get back in this conference on appropriations. But he has letters from the President, and the former Directors and others, that are very, very significant on this score.

But let us not, for Heaven's sake, go along with an amendment of this kind and really politicize the Central Intelligence Agency. It is bound to happen if we pass this amendment. We are not going to be able to really clean it up at CIA as we proposed to do.

I can be categorical in this sense because I publicly said I am worried about my friend, Bob Gates, because I do not think he is the proper man at this time. Too many, not just in the Soviet section, but in many analytical sections, say that he, to put it crudely, "cooked the books", adopted the intelligence, pressured that intelligence to conform to the Casey policy. So to go in there, he would have a tough time for 2 or 3 years to get things straightened out.

But I will bet this: I bet he will get a majority vote of our committee on Friday. I will bet also this, that he will probably get a majority vote in this Senate.

So I do my job conscientiously. I am not the mother superior around here on the mistakes we make. But I will back Bob Gates to the hilt on appointing his team. I do not want to be brought up here next year at this time and say, "Bob, what about so and so?" And he said, "Well, you know, you gave me some political appointments for Deputy Director for Intelligence, Deputy Director for Operations, and general counsel. I had to take them and put them through those hearings, and I am having a problem."

I want him to have a strong directorship. I can tell you, if you really want to weaken him, go along with this amendment. It is totally out of order and never should be brought up, particularly at this time with the track record of the confirmation process over the weekend.

I thank the distinguished Senator from Alaska. I yield the floor.

Mr. MURKOWSKI. I thank my friend from South Carolina and the Senator from Rhode Island.

I yield as much time as I think the Senator from Rhode Island might need.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. If I could be reminded at 20 minutes, I would appreciate it.

Mr. President, I have the greatest respect for the intelligence, integrity, and judgment of the distinguished Senator from Ohio. When he comes up with an amendment like this, Mr. President, I just say to myself, what can he be thinking of?

If I have ever seen an amendment that was the wrong amendment at the wrong time, this is it. Mr. President, I am not just talking about the wrong time being what Senator DANFORTH was referring to earlier—the bitter experiences we have been through in this Chamber and in this body, the whole U.S. Senate, over the Thomas confirmation. But it is the wrong time for a series of other reasons.

I want to point out to my colleagues in the Senate that right now in the Intelligence Committee we are contemplating a total reorganization of the intelligence community. Already we have held three hearings on this issue, and many more are expected this year. You might say: Oh, three hearings, what is that? You folks cannot be very serious. After all, why can't you finish by the end of this year?

Well, I want to point out that the most comprehensive and intelligent review of the reorganization of the Defense Department was the so-called Goldwater-Nichols Act. That took 3 years, 25 hearings, 10 markup sessions, and when it was done, it was done right. It is one of the finest things we have done in the Senate and the Congress for the benefit of the Defense Department.

So to say at this time that we are going to step in, we are going to have three more positions over there, setup in law, appointed by the President, sent up to the Senate for confirmation—the general counsel, the Deputy Director of Intelligence, and the Deputy Director of Operations—at the time while we are reviewing the whole agency, in my judgment makes no sense.

On another point, when you put somebody in charge, you want them in charge, and you want to hold them responsible. It is what we call "accountability." So we have, over there in the intelligence community, the Director of Central Intelligence. We confirm him. He is appointed by the President, subject to confirmation, and he is held responsible for what takes place.

Now we are saying: Oh, by the way, the President is going to appoint not only a general counsel, the person you have to turn to for advice on legal matters, but also two of the most important deputy directors you have, namely those for operations and intelligence. These are going to be political appointments.

You might say, well, we really do not intend them to be political appointments. Of course, they are going to be political appointments. What is the White House all about? They are going to send up political appointees for these positions. If I am correct, there have been some revisions. I would like the sponsor to tell me if I am correct—has the Senator altered his bill as originally presented? Am I correct that the individual appointed pursuant to this section shall serve at the pleasure of the President, and may be removed from office only by the President; is that the language still present?

Mr. GLENN. That is correct.

Mr. CHAFEE. I thank the Senator very much. So, furthermore, we end up with a situation where not only can the director not appoint his subordinates, he cannot even get rid of them. They serve at the pleasure of the President. Only the President can get rid of them. This includes the person the OCI is relying on for legal advice and counsel, and there is plenty of that which comes up in that agency. What is legal? How do I observe the Boland amendment? How do I not? What does it provide. When do I have to have a finding? When do I not need a finding? All of these are very important. He gets somebody in there whom he did not want to begin with and, once more, he cannot get rid of him.

Mr. President, we are in the process of selecting a new Director of that Agency. If all goes well, Mr. Gates will be confirmed very shortly. Or, if he is not, another name will come up and, presumably, that individual will be confirmed before too long. I certainly think we ought to let that individual get into the department, into the Agency, give us his views, come up with his thoughts, and let us hear them.

Now we are in a peculiar situation. For some reason, the CIA is singled out for these additional confirmations. There are no such confirmations in the National Security Agency, or in the FBI, or in the Defense Intelligence Agency. I do not know why in the Central Intelligence Agency we have

this, without the others. There is only one thing we can assume: That hard on the heels of the approval of these three additional politically appointed positions we will start doing the same thing with the other agencies—the FBI, NSA, and the DIA.

One of the arguments that was made by the distinguished Senator from Ohio—and I will say this: Any time he is supporting an amendment on the floor, there is something to be heeded. He is a Senator who has been here a good deal of time, and who has given this some thought, so his views carry weight. He has just pointed out that in all the other departments, the Department of State, the Department of Defense, the Department of Treasury, the Department of Transportation, the Department of Housing and Urban Affairs, you name it, they are appointed positions.

So what is the matter with doing the same thing in the CIA?

Well, there is a world of difference. I served as a political appointee of the President in the Department of Defense. I was the Secretary of the Navy for 3½ years. Why was I appointed to that position? I was appointed to that position by the President in order that the President's policies could be carried out in the Navy Department. I got my orders from my boss, the Secretary of Defense—the Deputy Secretary of Defense, David Packard, and Secretary of Defense, Melvin Laird. They got their orders from the President of the United States.

Those orders came to me, and we would meet every Monday morning at 8:30 in the office of the Secretary of Defense. There we got our marching orders for the week. "You are going to reduce the size of the Navy." That is what I was told. "We have to get rid of a lot of those old ships. We have to cut the budget, and you ought to do it." I was carrying this out. I was a policymaker. Those were my instructions. I was a political appointee carrying out the orders of the elected official of the United States of America, the President.

That is exactly what we do not want in the CIA. We do not want somebody who is carrying out Presidential policy in the CIA, in the director of operations and in the director of intelligence. What is the director of intelligence? That is a fancy name. That means somebody who is head of all the analysts.

And the analysts are given a chore: Analyze what is going to happen in the Soviet Union, or do you see a breakup of the Soviet Union coming? Or, let us look into the future. Analyze what is going to happen in these Republics. Are they going to fly off by themselves and remain independent? Will they come back together in a confederation? Are they going to have problems with minorities within the various Republics? Are they liable to go to war with each other?

That is an order that is issued to the analysts, and they are to come up with a dispassionate, objective appraisal of what is going to happen.

They are not meant to be carrying the water for the administration and say that the President has come out very strongly that these Republics are going to be off on there own as independent entities, he has said that in a speech, and so forth, therefore you should come up with a justification for that speech. That is not what we want from those serving in the intelligence directorate. That is what we call politicization.

Mr. President, we have been through stormy hearings on the confirmation of Bob Gates, and what have been the charges? The charges have been Mr. Gates has politicized, the term is "cooked the books." There is no way in the world if this amendment is enacted, that a political appointment down in the next echelon below would not be liable to be charged, and probably accurately, of politicizing what came up.

Worse than that, Mr. President, if we have this confirmation process and the political appointment of those top jobs, anybody who wants to get ahead in the CIA in the lower echelon is going to know how to get ahead, and the way you get ahead is make points with the administration, tell them what they want to hear. They do not want to hear bad news, nobody wants to hear bad news. Tell them good news. Tell them what they want to hear, and they will think you are pretty good.

By golly, if you keep that handle on the front door polished up, pretty soon you will be appointed to one of these positions by the President. That is the danger of this amendment.

Mr. President, I feel very strongly, as you can gather, that what we would be doing if we adopt this amendment is fostering politicization within the very agency where we do not want it. There is a world of difference between the CIA, where you are seeking objective analysis, and policy making organizations. Indeed, Mr. President, I would point out that for many years the Director of CIA, that is the head of the CIA, was not a position that changed with administrations. Dick Helms stayed there. So did McCone. So did Bedel Smith. So did Alan Dulles. The whole purpose of the agency was not to have turmoil when a new administration came in.

The reason you have turmoil in the other departments is because you want policy carried out. If a new President comes in he does not want somebody that he is not acquainted with heading the Treasury Department, or heading the Defense Department, or the State Department. He wants his policy carried out.

But the CIA is an entirely different agency. I think it is more akin to the Federal Reserve. There you want the Federal Reserve to be an objective agency, not one that is jumping and leaping to the whims of the President, whoever the President might be, or change when the head of the party in power changes.

Now, for some reason the distinguished Senator from Ohio cut back his original bill. Originally he had six positions confirmed, and now he has cut it back to three. I do not know why three. If you are going to do it, do it. If you are going to have political appointees, have them right through. There are in effect six Deputy Director positions, and for some reason he cut it back to three. Why he cut the others I do not know.

Maybe he felt it would be a little more palatable, take it in small bites. But the principle is the same.

Mr. President, these are just my thoughts.

Yes, I am serving in my second term in the Intelligence Committee. I served 8 years before, and I have served about a year now.

I have here, Mr. President, letters of opposition to this proposal of the distinguished Senator from Ohio from three former Directors, Admiral Turner, Bill Colby, and the President of the United States, George Bush, who was a Director, as we know.

I also have letters of opposition from the current acting Director Richard Kerr, who was Deputy Director, and two other former Deputy Directors, who stand in tremendous esteem not only before this Senate but especially before the Intelligence Committee. I am referring to Adm. Bobby Inman and to John McMahon.

Mr. President, I would just briefly like to read to you from several of these letters.

Admiral Stansfield Turner, October 14, 1991:

DEAR SENATOR CHAFEE:—

And I will put this letter in the RECORD. I shall point out several things.

With this bill, the DCI would feel inhibited in changing subordinates. He might even be pressured by the White House or the committee to appoint particular people. And, he will be prohibited from appointing someone who had no prior experience in intelligence.

I believe that that provision has been changed by the distinguished Senator from Ohio.

Two of the deputy directors I appointed would have been excluded by that rule.

Now, Mr. President, I next read from a letter dated October 8, 1991, from William Colby.

You very kindly solicited my opinion. * * * In brief, I oppose it.

Referring to the Glenn amendment.

These positions traditionally have been the pinnacles of the career services of the Agency, operations, analysis, technology, and ad-

ministration. While I understand that the amendment would require the nominees have some intelligence experience, I think both familiarity with the duties and the morale of the services would be adversely affected by such a requirement, since the practice would probably grow filling these posts with a number of individuals who have not served in the services involved.

If congressional committees disapproved of an individual assuming such a post—or continuing in it—there are a variety of channels—

Meaning if you do not like who is in there, if the director has appointed someone you do not approve of, you do not need the Presidential appointment system, the confirmation system.

there are a variety of channels through which they—

Meaning the Senate or the committees—

could indicate their opinion, and even enforce it.

Mr. Colby disapproved.

A letter from the White House, the President of the United States: Most of this letter has been read by our distinguished vice chairman of the committee, in which he concludes:

I hope I can count on your support to defeat this amendment when the Intelligence Authorization Act comes to the floor.

I read now from Adm. Bobby Inman. All of us who served in that committee and many who have not know Admiral Inman. He served as the Deputy Director of Central Intelligence.

I do not believe it would be wise to enact such proposed legislation.

This is dated today.

A. The temptation to politicize the process would be high.

And then he deals with the experience factor.

Am I correct, I would like to ask the distinguished Senator from Ohio, that he has eliminated the experience section that the Senator had in there—the requirement for experience?

Mr. GLENN. Yes, we did, because there was some objection. It was thought that it might eliminate experienced outsiders who would be of value to the Agency. And rather than trying to defend a claim that we were doing that, we eliminated that particular provision.

And in response to the comment made a few moments ago by my distinguished colleague, the reason we cut back on the numbers of positions affected by this bill was because these three positions were the most sensitive and important, and so we thought it was better to tailor it down to just those three.

Mr. CHAFFEE. So, Mr. President, Admiral Inman. He concludes:

If I had more time I would write a better memo. In summary I accept that legislation has been proposed with the best of intentions, but I believe it would prove counterproductive over time.

Mr. President, the next letter is from John McMahon, dated October 15, 1991. This is what John McMahon says.

I fear enactment would create the very condition the Senate is trying to avoid, namely the politicization of intelligence.

Bear in mind that it would be the White House that would be making the nominations—thus giving the White House the opportunity to infiltrate the Agency at several levels across the spectrum of Agency activities.

It further runs the risk that the change of administrations would sweep the top leadership out thus denying the Agency the top professionals presently on board.

Carrying this thought forward, the amendment provides the framework for not only politicizing intelligence—

That is what I was talking about with regard to analysis, but Mr. McMahon refers to the operations side as well.

it also establishes the threat of a short-term outlook, namely the duration of the administration not what is in the best interest of the Agency in the long run. Would the Agency really be in position to make long-term trade-offs? Beyond administrations?

The Agency, under the amendment, would run the risk of becoming just another policy organization, stripped of its independence, objectivity and "tell it like it is."

In sum, the downside far outweighs what might be gained. Political appointees make policy along administration desires.

This is a very, very important point that John McMahon makes. "Political appointees make policy along administration desires." Of course they do. That is why they are there.

They are not there to go against the administration. They are not appointed to get in there and throw a monkey wrench into the gears of the administration. They are there to carry out the administration's desires.

Do you think I would have lasted long as Secretary of the Navy when my orders were to cut the size and number of ships in the Navy if I said no and went out and gave a speech saying no we are not going to cut it, we are going to increase it? I would not have had time to clean out my desk; I would have been gone.

Political appointees make policy according to Administration desires and party platforms. You don't want intelligence so constrained or so directed.

Finally, a letter from the Acting Director, Mr. Kerr. This is what Mr. Kerr says in a letter of which I have a copy directed to the chairman of our committee dated October 10.

And they keep getting back to this point which we cannot avoid.

First and foremost, I am concerned that Senate confirmation of the CIA Deputy Directors and General Counsel would increase the risk of politicization of the intelligence process. CIA is not a policymaking agency.

And then he touches again on the experience factor which the distinguished Senator has removed. And then he touches on a final point.

My final concern is that the Presidential appointment and Senate confirmation of our senior managers could have adverse consequences on foreign intelligence liaison relationships. If a perception develops that our managers are beholden to political interests, foreign intelligence liaison services could be less willing to share information with us. Public hearings in which details about individual Directorates are disclosed would also be inconsistent with secret intelligence service, and would have negative effects on our ability to persuade other nations that we can keep their information confidential.

So, Mr. President, I find very, very strong arguments against proceeding with the amendment proposed by the distinguished Senator from Ohio. I hope very much for a whole variety of reasons, one of which we never even had any hearings on this. Now I am not blaming the Senator for that. He attempted to have hearings. Due to the Gates hearings, it was not possible. But the fact is that we have had no hearings on this particular measure.

So for all the reasons I have listed—the politicization, the fact that this is unlike what we have in any of our other intelligence agencies, be it the FBI, be it the Defense Intelligence Agency, be it in the National Security Agency—this would be absolutely unique. We are not trying to carry out policy there. And, furthermore, the fact is that we are in the midst of a study and I believe a well-motivated and thorough study and it will take us time to decide where we are going with the intelligence community.

For all those reasons, I think it is inappropriate to act on this amendment at the present time, and I do most sincerely hope that it will be defeated.

Mr. President, I ask unanimous consent that the letters to which I referred be printed in the RECORD.

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

OCTOBER 14, 1991.

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

DEAR SENATOR CHAFEE: I have recently studied the draft bill before your Select committee on Intelligence which requires Senate confirmation of an additional six officials of the CIA. I would like to offer some comments.

In the wake of exposures of the CIA's role in Iran-Contra, the Fiers' case and the recent allegations before your committee of politicization of the CIA's analysis, I can readily understand why the committee wants to establish more firm oversight of the CIA. Too tight a control could discourage risk taking in both the collection and the analysis of intelligence, however. I suggest that you will want to be quite careful that any additional controls are likely to enhance oversight sufficiently to be worth it.

You already have a good check on the appointment of DCIs (I would not have been DCI had your committee not balked at President Carter's first nominee for the position.) That, I believe, must be your principal control over the CIA's personnel. If a DCI is going to ensure that the CIA is administered legally and within ethical bounds, he must have personal confidence and the loyalty of his immediate subordinates. Because of the secrecy involved, there is more weight on the DCI's shoulders as to the performance of his subordinates than in almost any other agen-

cy of our government. He should be able to appoint or dismiss them on the basis of his instincts as to their ethical standards and their respect for law. It would be unfair for your committee to hold his feet to the fire, as it should, for the ethics and legality of the CIA if he must place trust in people he does not quite trust.

With this bill, the DCI would feel inhibited in changing subordinates. He might even be pressured by the White House or the committee to appoint particular people. And, he would be prohibited from appointing someone who had no prior experience in intelligence. Two of the deputy directors I appointed would have been excluded by that rule and both did excellent jobs. There are times, in my opinion, when it is highly desirable to bring in outside blood with new, open viewpoints. Three of the deputy directors operate in areas where their required skills are interchangeable with people from outside: Research and Development, Analysis, and Administration.

As a case in point, I did not support much of what Mr. Casey did, but I did publicly back his appointment of Max Hugel. It was an appropriate time for an outsider to be the DDO. It just turned out that Casey's judgment of character was poor; not his decision to reach outside the agency.

The issue here is one face of how the congressional committees go about the process of oversight. I believe the practices of select committees on intelligence need to differ from those of standing committees more than they presently do, as in this instance. I hope we can discuss the broader issue also some day.

With warmest regards.

Yours,

ADM. STANSFIELD TURNER,
U.S. Navy (retired).

LAW OFFICES OF DONOVAN LEISURE,
ROGOVIN, HUGE & SCHILLER,
Washington, DC, October 8, 1991.

Hon. JOHN H. CHAFEE
U.S. Senate, Washington, DC.

DEAR SENATOR CHAFEE: You very kindly solicited my opinion on the amendment suggested by Senator John Glenn, for whom I have the greatest respect, which would require that the Deputy Directors for Operations, Intelligence, Science and Technology, Administration and Planning of the Central Intelligence Agency be confirmed by the Senate.

In brief, I oppose it. These positions traditionally have been the pinnacles of the career services of the Agency, operations, analysis, technology, and administration (I am not informed on the make up of the Planning Directorate). While I understand that the amendment would require that nominees have some intelligence experience, I think both familiarity with the duties and the morale of the services would be adversely affected by such a requirement, since the practice would probably grow of filling these posts with a number of individuals who have not served in the services involved (as I think can be seen in the Department of State, where many Assistant Secretaries—and Ambassadors—come from outside the Foreign Service). There was one experiment along this line under Director William Casey, and I understand the results were not positive. Certainly if the Congressional Committees disapproved of an individual assuming such a post—or continuing in it—there are a variety of channels through which they could indicate their opinion, and even enforce it, without a confirmation process.

Thank you for the opportunity to express my views.

Respectfully,

WILLIAM E. COLBY.

THE WHITE HOUSE,
Washington DC, October 16, 1991.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: The Intelligence Authorization Act (S. 1539) will shortly be considered by the Senate. I understand that an amendment will be offered that would require Presidential appointment and Senate confirmation of six senior positions at CIA. Before the Senate takes action on the legislation, you should be aware of my strong opposition to this proposal.

The proposed amendment is unnecessary and would create the opportunity for the politicization of the intelligence process. Politicization of intelligence is unacceptable, and I am pleased that the intelligence provided by CIA to me and my predecessors has been straight and objective. CIA has been able to provide objective intelligence by being insulated from political pressure. The Director's ability to appoint his immediate subordinates has been critical in insulating CIA from political pressure. As a former DCI, I know how critical it is that these positions be filled with qualified individuals irrespective of their political associations or beliefs. My concern is that the confirmation process itself will inevitably create pressure on qualified candidates—either real or imagined—to conform their views to correspond to those that are perceived to be necessary to win confirmation.

My objections to this amendment are shared on a bipartisan basis. I agree with Senators Hollings and Chafee that it is "premature to enact such legislation at a time when the Senate Intelligence Committee has just begun a comprehensive review of the structure and organization of the U.S. Intelligence Community." At the very minimum, the Senate Intelligence Committee should closely examine the need for this proposal and its possible unintended adverse consequences before action is taken by Congress.

I hope that I can count on your support to defeat this amendment when the Intelligence Authorization Act comes to the floor.

Sincerely,

GEORGE BUSH.

OCTOBER 16, 1991.

For: Senator John Chafee.
From: Admiral B.R. Inman, USN (Ret).
Subject: Proposal to require Senate confirmation of six CIA officials.

1. On reflection of your notification of a proposal to require Senate confirmation of CIA DDO, DDS&T, DDI, DDA, DDP&C, AND GC, I have concluded that I do not believe it would be wise to enact such proposed legislation. My quick reaction is based on the following thoughts:

A. The temptation to politicize the process would be high. I can remember clearly the 1980 transition process when members of the transition team for CIA wanted to replace most if not all of the individuals in those jobs with persons considered "politically reliable." Some of their candidates had long experience in intelligence, but they had moved beyond the spirit of the Hatch Act. I was able to head off this effort with the threat to publicly charge politicization. If the billets had been expected to change and had been part of the confirmation process, I doubt that I would have prevailed.

B. The DCI and DDCI have responsibilities that extend beyond CIA, and their being subject to confirmation is entirely appropriate. It is my view that CIA should not be considered to rank above DIA and NSA, but should be seen as coequal. Requiring six CIA officials to be confirmed will be used inside the community to assert congressionally mandated superior status. Either plan to confirm like billets at DIA and NSA, or don't do it at CIA.

C. The level of experience varies with the experience level of the DCI and DDCI, and of the immediate requirements of the job. Several of those assigned as General Counsel have come with little past experience and have done a superb job—Dan Silver immediately comes to mind. Similarly, depth of knowledge in science and technology is more important than past time in the intelligence community for DDS&T. The other four need very competent individuals with substantial experience in the intelligence community, and the DDO should always be a career DDO officer. But for reasons of cover I would not want a public confirmation process when I think about getting the best talent in place as DDO.

2. If I had more time I would write a better memo. In summary I accept that legislation has been proposed with the best of intentions, but I believe it would prove counterproductive over time.

B.R. INMAN.

OCTOBER 15, 1991.

My comments on Senator Glenn's amendment—

I fear enactment would create the very condition the Senate is trying to avoid, namely the politicization of intelligence.

Bear in mind that it would be the White House that would be making the nominations—thus giving the White House the opportunity to infiltrate the Agency at several levels across the spectrum of Agency activities.

It further runs the risk that change of Administrations would sweep the top leadership out thus denying the Agency the top professionals presently on board.

It also runs the risk of not only politicizing the intelligence product but also Agency operations; to wit, Agency DDO division chiefs interact with Asst Secretaries in State, DOD, and the NSC staff. Any Division Chief aspiring to be the DOD might be torn in running operations along pure professional lines versus slanting them to carry political support from the other political appointees.

Carrying this thought forward, the amendment provides the framework for not only politicizing intelligence but OPS as well.

It also establishes the threat of a short term outlook, namely the duration of the Administration and not what is in the best interest of the Agency in the long run. Would the Agency really be in the position to make long term trade-offs? Beyond Administration?

The Agency, under the amendment, would run the risk of becoming just another policy organization, stripped of its independence, objectively, and "tell it like it is."

In sum, the downside far outweighs what might be gained. Political appointees make policy along Administration desires and party platforms. You don't want intelligence so constrained or so directed.

JOHN MCMAHON.

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, October 10, 1991.

The Hon. DAVID L. BOREN,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate will take up the Fiscal Year 1992 Intelligence Authorization Act in the near future. I understand Senator Glenn intends to offer as an amendment to that Act his Bill, S. 1003, that would require Senate confirmation of officials appointed to six senior positions at CIA. I had hoped that I would be able to provide my views directly to the Committee in a hearing that was scheduled on this Bill. However, because of the press of other business, the Committee was not able to conduct such a hearing. I am, therefore, providing my views directly to you and other members of the Intelligence Committee.

I have the highest regard for Senator Glenn and for the goals that he seeks to further—the accountability of CIA and the nonpoliticization of those appointed to guide it. It saddens me to say that I do not believe enactment of S. 1003 would contribute to the realization of these goals. I am convinced that this legislation would lead to unintended negative consequences that would far outweigh any benefits it might otherwise achieve. By far, the most damaging is the increased risk of politicization of the intelligence process. I am also concerned that the proposal would diminish the DCI's authority to manage CIA, and have an adverse impact on our foreign intelligence liaison relationships. Below I have described each of these concerns in more detail.

POLITICIZATION OF INTELLIGENCE

First and foremost, I am concerned that Senate confirmation of the CIA Deputy Directors and General Counsel would increase the risk of politicization of the intelligence process. CIA is not a policymaking agency. We support the policymakers by providing them intelligence that is as accurate and objective as possible. Right or wrong, we call them as we see them. As you know well, this wins us some praise and some criticism from all sides. To ensure that our intelligence remains objective, we have been insulated from institutionalized political pressure.

One way we have minimized political pressure is by giving the DCI direct authority to appoint his immediate subordinates. Fourteen DCI's have had the freedom of appointing their senior managers of operations, analysis, technical collection and administration. These officers have been chosen, with practically no exceptions, irrespective of their political associations or beliefs. I do not believe a future DCI would be as free to choose a Deputy Director without consideration of his political association or beliefs, or his position on international issues, if this proposal is enacted.

I know that the proposed attempts to limit this problem by requiring that "appointments shall be made without regard to political affiliation and shall be limited to persons with substantial prior experience and demonstrated ability in the field of foreign intelligence or counterintelligence." Despite this provision, it is my view that the confirmation process itself, no matter how well handled, creates an opportunity for politicization that does not now exist. I fear that qualified candidates will perceive themselves to be under pressure—either real or imagined—to conform their views to correspond to those that are perceived to be necessary to win confirmation. The potential for politicization of intelligence thus increases enormously, an no requirement regarding appointment qualifications can alleviate this risk. Among similarly qualified potential nominees, politically acceptable views could take on overriding importance if this proposal becomes law.

LIMITATION ON DCI ABILITY TO MANAGE CIA

I am also concerned that the proposal limits the flexibility and authority of the DCI in managing the CIA. When CIA was created over 40 years ago, the Director was given authority to pick the senior leadership of CIA because it was presumed that the Director would be in the best position to know the qualities needed for senior Agency positions. I know of no reason why this judgment should be altered today.

I am also worried that the bill could impede the Director's authority to create or alter senior positions within CIA. For example, if this proposal had been enacted into law several years ago, some may have argued that the Director would have had to seek legislation before establishing the position of Deputy Director for Planning and Coordination. During a period where we are facing unprecedented changes in the world situation, I do not think it wise to limit the DCI's flexibility to change our organizational structure. We will need to adapt to a radically changed world, and the process has already begun through studies underway to reorganize the Intelligence Community. Now is not the time to limit the DCI's flexibility to make necessary changes that might be called for in the near future.

The proposal also could have a significant adverse effect on the continuity of CIA management. If the proposal is enacted, it is possible—and I believe would come to be expected—that our senior managers would be asked to step down with the coming of a new Administration. The resulting loss of experience and knowledge from such a wholesale change of our top leadership would be profound. Changing CIA management with a new Administration would also contribute to the danger of politicizing the intelligence process. Certainly the perception of politics would be there.

Finally, I object to the proposal's requirement that appointments as Deputy Director or General Counsel "shall be made without regard to political affiliation and shall be limited to persons with substantial prior experience and demonstrated ability in the field of foreign intelligence or counterintelligence." I understand that this requirement is of dubious constitutionality; under the Appointments Clause, the only qualifications that the Congress may require of persons appointed with the advice and consent of the Senate are those that the Senate considers appropriate in the context of considering individual nominations. Congress may not be law require the President to nominate only those persons with congressionally-specified qualifications.

Further, this requirement may have the effect of making it more difficult to assemble the most qualified management team for CIA because there may be instances in which the requirement purports to prevent the appointment of highly qualified individuals from the outside. While in most instances individuals selected to fill the position of a Deputy Director or General Counsel will have substantial prior experience in the field of intelligence or counterintelligence, or related area of law, there have been instances where highly capable and talented individuals who have not had such experience have been selected for these positions and served with distinction.

FOREIGN INTELLIGENCE LIAISON RELATIONSHIPS

My final concern is that Presidential appointment and Senate confirmation of our senior managers could have adverse consequences on foreign intelligence liaison relationships. If a perception develops that our managers are beholden to political interests, foreign intelligence liaison services could be less willing to share information with us. Public hearings in which details about the individual Directorates are disclosed would also be inconsistent with a secret intelligence service, and would have negative effects on our ability to persuade other nations that we can keep their information confidential.

THE NEED FOR LEGISLATION

Given the potential for harm posed by this proposal, it should not be adopted unless compelling reasons are established to show that it is actually needed. I am not convinced that such a need has been demonstrated.

It has been argued that Senate confirmation is necessary to ensure accountability of senior CIA officials to the American people. The need for accountability is indisputable. It is essential to our health as an American institution, and our success as an intelligence agency. But the provision under consideration is neither the only way, nor the best way, to achieve this objective. One effective means of ensuring accountability exists through the exercise of vigorous oversight by the Intelligence Committees. If members of the Committee believe that there needs to be further communication with the CIA Deputy Directors on the role and functions of their respective positions, they can use the existing oversight mechanism to obtain this information rather than requiring Senate confirmation for these positions.

It has also been suggested that the confirmation process will help ensure that only the most qualified individuals will be selected to fill senior positions at CIA. To the contrary, I believe that requiring CIA senior managers to be confirmed will have at best a marginal impact on their overall quality, and in fact, has the potential to backfire if politicization fears are borne out. To be sure, any candidate totally unqualified for CIA management positions would be identified and, hopefully, eliminated through the process of confirmation. But this is not an Agency problem requiring a solution. The record demonstrates that during the last 40 years, the vast majority of individuals appointed to senior management positions have had extensive intelligence experience and were well qualified to assume their duties. There exist by any standard only isolated examples of individuals so lacking in qualification that they might have been excluded through confirmation. In short, the problem addressed by the proposal appears far less serious than the problems created by the proposed solution.

Finally, it is argued by analogy that CIA Deputy Directors should be confirmed because comparable positions in DoD and State require confirmation. This comparison misses the mark. The Departments of State and Defense are policy-making Departments, central to the political process. In contrast, CIA operates outside the policy realm. Indeed, as I stated earlier, it is critical to the intelligence function of CIA that it be outside the policy arena and free from political "taint". A more appropriate comparison, in this regard, would be to agencies like NSA or FBI. This bill would treat CIA as a policy agency.

In summary, I do not believe the proposal is necessary and I am very concerned about the unintended consequences that could result from its enactment. At the very least, I would hope that the Senate would not approve this proposal without the Committee first conducting a careful examination of the need for the legislation and the effect of the legislation on CIA.

Sincerely,

RICHARD J. KERR,
Acting Director of Central Intelligence.

Mr. CHAFEE. I thank the Chair and thank the floor manager on this side.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. There are 57 minutes.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may reserve the remainder of our time.

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

Mr. GLENN. Mr. President, I yield myself such time as I may need.

Mr. President, when I listened to some of the things being charged against this very simple and straightforward amendment, I must say I have trouble recognizing my own amendment.

What we are trying to do really is increase accountability. Bill Casey's name was brought into this debate by the distinguished Senator from South Carolina, and I think very properly so. He was worried about what would happen under Bill Casey at the CIA. And I too was worried about that.

In retrospect, I wonder if we did not come closer to a disaster in the intelligence community during his tenure perhaps than we realized. And we saw the impact of Iran-Contra on the CIA's credibility with Congress and the American people who were not being told what was being done. This was done because one person, the DCI, made political appointments to some extent at the CIA. That was not the cause of Iran-Contra. I do not mean to imply that. But there were political appointments made at that time that were disturbing.

We are trying to protect against that happening. We are trying to make sure that qualified people are out there.

We are also trying to make certain that there is not any politicization to tailor things just to suit a preconceived administration policy. In every other department of Government and most agencies, we require confirmation.

Let me point out one thing to my colleagues who are so unhappy with the confirmation process. And I join them in being unhappy with the confirmation process. But how do you carry out one balance of powers responsibility? Our President is not omnipotent; nor is the single head of the CIA an omnipotent person whose judgment we trust in all matters. The President of the United States is not a prime minister, I would point out. And that galls a lot of Presidents of the United States.

But we operate in this country with a separation of powers, and a balance in which the Congress has some of that balance of power and part of that is the confirmation process. Is it perfect? No. And of all times for this to come up, adding people to confirmation, there probably could not have been a worse time in the history of the Nation than bringing it up today after the Thomas vote.

Is the confirmation process very popular at the moment? I would say it is about as unpopular as anything I can think of at the moment because of all the trauma and drama of this past weekend.

But we have a balance of powers in this country. We have a separation of powers in this country. We try our level best, imperfect though it is, to go through this confirmation process and to make certain that neither a President nor a head of CIA has the authority to do irreparable damage to this country and making solely political appointments.

Bill Casey's name was brought up by another Senator here this afternoon. He made a political appointment out there to the DOD, something that was remedied in a short period of time.

But was it right that that could happen? Could we have been able to prevent that had we had the confirmation process? I think it would have been far less likely to happen had we had this confirmation process. It was pointed out by my distinguished colleague, the floor manager of the bill on the other side, that they say there was some difficulties with one case in the last administration, and he sort of dismisses it. I believe that example shows what can happen. This is what we are trying to protect against. This is anything but politicizing the CIA. It is exactly the opposite.

Now, considerable comment was made about the ability of the DCI to manage. Well, why does that not apply then to every other agency in the Government?

Every other agency of Government that has anywhere from 15 to 100 positions seems to be able to be managed by the person on top.

It is true, as my distinguished colleague from Rhode Island says, that maybe all of those persons are in there to carry out political functions, and that is their purpose. And he met at the Pentagon every Monday morning, he said, at 8:30, and they got their marching orders politically during that time.

I was a little surprised at that, but let us accept that and say that is the way things work at DOD. But here we have CIA that is not subordinated to another agency of Government. That is the reason why it is unique. Yet at the same time we have the responsibility here to perform an oversight function of that most unique agency.

NSA and DIA report to the Department of Defense. FBI reports to the Department of Justice. So there are people there who are responsible to the Congress and whom we confirm in their nomination and approval process.

It is different at CIA. They have no one overlooking them. Their oversight does not flow through any other organization to us. We do not appoint. We do not confirm the head of NSC that they report to.

What we are saying here is there should be a process by which we exercise our advice and consent role.

Let me run through some of these issues very briefly. Would this proposal undermine the management role? No more so than it does for any other branch of Government, as I see it.

Would this politicize the CIA? Absolutely not. What we are trying to do is exactly the opposite.

Could it adversely affect DCI control and CIA relationships abroad? I would not be surprised, if you polled some of these foreign intelligence agencies or their governments or their Departments of State, that they already think that all these positions are already confirmed, having observed our Nation for many years.

Another charge being made: This measure does not allow the DCI to bring in highly qualified individuals from outside. This is just not true. The DCI could bring in whomever he or she wanted from outside. But we hope they would be qualified people.

But at least in these areas where we have had, in the Gates nomination process and in the hearings, so much concern about intelligence being politically slanted out there—and the jury is still out on that as far as I am concerned—but when we have that as one of the main concerns, certainly we should be concerned about it to conduct our oversight function. We must make sure that the CIA has qualified people for the job.

Another charge made against us: the bill effectively legislates the organization of the agency. It does this no more than it does to any other agency of Government. Certainly no one is proposing to change the general counsel role or doing away with the general counsel at the agency. Nor is anyone proposing that we do away with the directorate of operations or of intelligence. Those have been in existence for many years and those are the only ones we are addressing with this provision.

Another criticism was that this is premature action in light of the Senate Select Committee on Intelligence reorganization effort. I would say with regard to that, if we wait all those years,

we will not get much action. We have had two hearings in the last year or so. It is going to be a long, long time before we get around to an overhaul of the whole intelligence community.

I can understand the concern of my distinguished colleague from Missouri, Senator DANFORTH, about the confirmation process. This is not a Thomas-type situation that we are talking about. And much was made of leaks by my distinguished colleagues, Senator DANFORTH and Senator HOLLINGS. I do not see what that really has to do with leaks.

I do not think anyone, including those who oppose this amendment, would say that the alternative should be no oversight whatsoever of the CIA, and no advice and consent role. I do not think anyone would say that. So I just do not see that those arguments about leaks are relevant in this case.

I am just as concerned about leaks out of the Intelligence Committee and out of the classified sessions we have just as much as anyone here. I have spent a good part of my life in the military. I have a very great appreciation of what happens when you have leaks like this. I am for investigating these leaks as aggressively as possible, just as the majority leader stated on the floor yesterday afternoon before our vote. And I will support whatever investigation he wants to make into where these leaks come from and how they occurred.

But this amendment was also talked about as institutionalizing mush. That is ridiculous. It will simply mean that we will be performing our oversight role, our role in making sure there are qualified people, and there are people there who are fully qualified to carry out their duties, and that they are going to do that without fear or favor to what the administration's views may be.

This would not result in checking in every morning to get political marching orders.

My distinguished colleague from Rhode Island also said, as far as putting one person in charge, that we could not effectively operate unless a person in charge had full authority—or I believe there were words to that effect. Yet, the President of the United States does not have that kind of complete authority. The President does not operate solely as a prime minister does in a parliamentary system where the Prime Minister operates with pretty much complete authority, and is tossed out of office if his party or the people do not like what he or she has done.

We, have a system of separation of powers, advice and consent. That is our end of the avenue. The President makes his nominations. It is up to us to see that we feel that we have the right person at the right time for a particular job. And I do not believe anybody would propose that we change that balance. That is a continual tug and haul, back and forth on Pennsylvania Avenue as to who has the most power in Government. Does the legislative branch or the executive branch have the most power at any particular given moment? And I am not proposing that we upset that.

But I think the arguments made on the other side of how we have to have one person in charge, and we cannot exercise any review of the people that might be put in under that person, just does not fit in with how all the rest of the Government operates.

I would say there is not a single department head in Government who does not hate the confirmation process, because it limits what he or she can do. But it is the Congress, exercising its role of advice and consent in the confirmation process. This is as it should be.

I do not think most people realize how much we do in the confirmation process. Do they realize that there are 1,065 positions that we confirm in our monitoring of appointments that are going to run Government? That does not prevent them from being good people. It does not mean we tell the President who goes into a certain job. Quite the opposite. We never do that.

There has never been a person voted on here, and proposed that the President then should nominate that particular person. The President has full choice of making his nominations.

But the Senate, under the Constitution of the United States, has a role to play in this process. And in one of the most critical agencies of Government, the CIA, I see no reason why we should not have this confirmation process. We have 1,065 confirmed positions. The CIA has only three of those. The Department of Agriculture—16; U.S. Trade Representative—4; Office of Science and Technology Policy—3; OMB—4; Department of Commerce—30 positions that have to come before us for confirmation. Are we proposing we do away with all those positions? At the Department of Defense—53; Department of Education—32 positions come before us for confirmation; the Department of Energy—20; Health and Human Services—17; Department of Housing and Urban Development—13; and the Department of Justice—159.

I think that it is necessary that we carry out our role under this separation of powers. All we are trying to do is make certain that we not politicize the CIA. I think it came closer than maybe many of us realized in the recent past. I do not want to take that chance again. The CIA is too important.

We have gone through a long series of hearings on the Senate Select Committee on Intelligence to determine in our own minds—and each person has to make up his own mind on that committee—as to whether there was politicization going on out there, tailoring views at the top echelons of the CIA to reflect what they knew the President wanted to hear.

I do not know how the confirmation process would tend to make this a more leaky Government. We have hearings on the very most sensitive pieces of information in this Government. We have them in committee, and I think the committee has done a pretty good job of keeping secrets secret.

The distinguished Senator from South Carolina mentioned there had been leaks back some time ago. There had, indeed. But there are occasionally leaks out of the Pentagon, leaks out of one place and the other, and I think this committee, by and large, has been very responsible in keeping secrets.

Mr. President, those are a few comments with regard to statements made regarding this amendment. I urge my colleagues to vote for this amendment. I think it is the right thing to do, in spite of coming the day after we went through such unpleasantries with regard to the Thomas nomination.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I yield the distinguished Senator from Maine such time as he desires.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I find myself in a somewhat unique position. I have the pleasure of serving with the Senator from Ohio on the Armed Services Committee and the Governmental Affairs Committee. When I was a member of the Intelligence Oversight Committee, I had the privilege of serving with him on that as well. I usually find myself in agreement with him. I regret to say that today I do not.

First, I would suggest to the Senator from Ohio he is absolutely right. This is not about leaks. There is, in my judgment, no suggestion or substantiation of the fact that any confirmation proceedings for any of the deputies that have been designated in this amendment would lead to leaks coming out of the Intelligence Committee.

Senator BOREN—Chairman BOREN—myself, Senator MURKOWSKI, and others have worked during recent years to adopt procedures which I believe have stemmed the possibility of leaks coming out of that committee. We have done a very good job, so this is not a matter of whether we would enhance the possibility of leaks coming out of the Intelligence Committee.

It does have to do with the question of balance of power. I do not think there is any question about that. Mr. President, when I first came to Congress, we talked a great deal at that time about balance of power, checks and balances.

We have a Government of checks and balances. We have the House that

checks the Senate; we have the Senate that checks the House; we have the Congress that checks the President; we have the President who checks the Congress with his veto power; and we have the U.S. Supreme Court that checks all of us.

The problem has become for me that everyone is in check, but no one is in charge. And that is one of the reasons today why the wheel of Government seems to be cracked, why the axle is broken. The wheel of Government is not turning very smoothly any longer. We seem to be bogged down, almost paralyzed, incapable of dealing with the great issues of the day. And the American people sit back in wonderment as to what has happened to this great institution; why is it we are not dealing with issues; why is it we are squabbling; why is it there is so much conflict?

It seems to me that something happened back when I first came to Congress, just before the Watergate incident. There used to be a time when the chairman of the various committees could hold their hearings, conduct their deliberations, listen to all of the evidence, make a judgment in the committee, and then come to the House or Senate floor and have that legislation considered rather expeditiously.

Today, that no longer applies. Today, the Senate Armed Services Committee, under the leadership of Senator NUNN, a recognized expert in the field of defense matters with, I think, quite a competent committee, can deliberate for days and weeks and months and come to the floor, and the minute the bill hits the floor, we have 200 amendments pending. Everybody has become an expert. Everyone knows as much as any member of any other committee. As a result, it now takes not hours or days to debate a bill, but weeks, and possible even longer. That is true not only of the Armed Services Committee, but virtually every other committee in the Senate, and indeed in the House of Representatives. Every Member now has become an expert. Every Member has his or her own little fiefdom. And so, as a result, we no longer delegate any responsibility to our superiors, those who serve as chair men and women. They no longer can control the vote; they are simply another member of the committee.

It seems to me that this is taking place more and more, and what we are seeing is that the leaders can no longer lead because they do not have any followers.

That is what I am referring to in terms of the balance of power. Here we have a situation where it is almost glasnost run amok. We have shown this in the confirmation of more and more CIA personnel.

I remember reading one time a statement about a river, the definition of a river. A river has to have banks. A river without a bank is not a river; it is a flood. What we are witnessing is a floodtide of authority resulting in a diffusion of accountability.

When I run for office, the people of Maine elect me, and they expect me to set up my office in a way that will make me responsive to their particular needs, hopefully to reflect what I think will be the prevailing philosophy, if one can do so with the people of Maine. I do not want them, I do not want BOB DOLE, I do not want President Bush, I do not want the Republican National Committee to tell me who my legislative assistants should be or who my administrative assistant should be. I want to determine that.

I think I am capable of deciding who the top policy people within my office are going to be, what their qualifications are, what their philosophies might be, and, indeed, whether or not I have the right to hire or fire them or whether they serve at the pleasure of the people of my State. I want that responsibility. I want that accountability.

If I hire good people, if I hire bright, intelligent, hardworking people who are accountable to me, and if they do a good job, I will do a good job and the people of my State will be satisfied with my performance. And if I do not, they will know that, and they will seek to remove me from office at my next election cycle.

Maybe that is not entirely applicable here. There are some obvious distinctions, but it does come back to a question: Are we diffusing accountability in our system by insisting on more and more—and I hate to use this word because it is thrown so often in my face—micromanagement? Every time we start to look at an executive branch department or organizational setup, we are accused of micromanaging executive affairs.

Sometimes we have done good things. The Senator from Rhode Island pointed out something that is very important. We went through an extensive examination of the reorganization of the Department of Defense. It took 3 years, as the Senator from Rhode Island pointed out. There were many, many hearings.

Even prior to that time, and to me equally as important, was the fact that we had a study group that was set up well in advance of this. Senator TOWER, who was then the chairman of the committee, recommended the staff conduct an analysis of a reorganizational scheme for the Department of Defense, reorganizing the Joint Chiefs of Staff.

And concomitant with that particular study we had an outside group, the CSIS group, that consisted of a number of Members of the Senate and the House. Senator NUNN was on it, I was on it; Congressman Les ASPIN was on it. We were members of the Center for Strategic Studies at the time. But, more important, former members of the Joint Chiefs of Staff, former chairmen were also on the committee, and a year prior to that we started our analysis of what needed to be done.

What was interesting about that particular study is the expertise of those people who had been in the executive branch, who had been in the Department of Defense, who had been members of the Joint Chiefs, who had been chairmen of the Joint Chiefs of Staff, and that is quite different than what we are saying here.

Here we are attempting in a fashion to intervene in this reorganization process at a time when it has not really been undertaken, when every former Member that we have respect for has voiced his opinion in opposition to this—unlike the reorganization of DOD where the significant expertise that was brought to us said, yes, we need change. We have seen the flaws. We need change. And this is what has to be done. We have to give the chairman of the Joint Chiefs of Staff more power. We have to get more accountability out into the field. And they strongly supported these changes.

Just the contrary has taken place here where those former experts, those who have served in the field, who have no vested interest in this legislation or in the Agency as such have said it is a bad idea, it is an absolutely bad idea. Whether it is Colby or Helms or Turner, McMahon, or Bobby Inman, to a person, they say do not do this.

The question about experience was raised earlier today. That has been dropped apparently from the legislation because initially it was thought we should have some criteria that would at least include experience. Well, it has been dropped, and I think it was good it was dropped because some people think that if Bob Gates is not the man to be confirmed as the Director of the CIA, we need some kind of outside executive, some top CEO, someone who has managed a large corporation—bring him in or bring her in and take an outside look at this particular Agency. That may or may not be a good idea.

I happen to think Bob Gates will bring the experience necessary to that position, but there is some division, obviously, within the Senate about that. How about philosophy? Should we look at the nominee's philosophy? Should they be Republicans, Democrats? Should we try to get a balance? Should we be concerned about what their political philosophy is? Are they hawkish? Are they dovish? Are they agnostic pigeons? What exactly is the lens through which they look at the world? Do they see a Soviet Union in the advanced stages of disintegration or of rebirth? Exactly what is their world view? Do we want to strike a balance among those who have a much harsher view perhaps, less benign view of the Soviet Union or China or all of

those other countries on the world scene, or someone who has a moderate view? Indeed, balance, is that something we want to look at during this confirmation process?

What I suggest, Mr. President, is there something inherently pernicious involved in this legislation in the sense that if the DCI cannot remove his top aides, his top subordinates, his DDI, his DDO, then it seems to me we are inviting the emasculation of the DCI himself. If he is not in a position to say to his director of intelligence or director of operations, "You are fired, I disagree with what you are doing," because that person serves only at the pleasure of the President, then what we have set in motion is some sort of a division of power within the directorate itself. He no longer can make the decisions about the quality of the work, the quality of the intelligence, the integrity of the intelligence, the integrity of the operations. That individual can then perhaps even go around the DCI, make a little visit not only to Capitol Hill to talk with the oversight committee but to talk to the National Security Adviser, saying, "Mr. National Security Adviser, I don't think the President is getting the information straight. I think there might be a little shading here on the intelligence. I think he is not fully aware of what is going on in the operation field. I think we have to get around the DCI, let this be known to the security adviser and maybe the President and let him know what is really going on in the operation of the agency."

That, to me, is one of the most potentially destructive situations that I can imagine, where the DCI, in effect, does not have control over his top subordinates. In this amendment they are relegated to a position which, if not coequal, nonetheless insulates them against the type of direction he may want to give them.

The accountability belongs to the President of the United States. His direct subordinate is the DCI. That direct subordinate also is accountable to us in a very real sense, and that is the person we should exercise oversight upon.

I rise in strong opposition to the legislation that will be offered by my friend from Ohio because I believe that we have not achieved more accountability. In fact, this amendment would undermine the accountability of the top intelligence official within the executive branch, and that is the DCI. For that reason I urge my colleagues to vote against the amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. GLENN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 66 minutes and 3 seconds.

Mr. GLENN. I yield such time as the Senator from Pennsylvania might require.

Mr. SPECTER. I thank my distinguished colleague from Ohio.

Mr. President, I support this legislation, and in fact am an original cosponsor of it, because I believe that the additional oversight which would be provided by confirmation would be desirable.

I could not be present for much of the debate today because we have a conference on the Labor, Health and Human Services, Education appropriations bill. I have just heard the comments by the distinguished Senator from Maine, and I must say that I am impressed by the quality of his argument, but I ultimately disagree on drawing a judgment as to what oversight is desirable and what independence is desirable.

I support this legislation because I am not satisfied with the oversight which the Congress has on the intelligence operations in this country. Since the Iran-Contra affair had come to light, it seemed to this Senator that more by way of oversight was necessary.

While the Senator from Maine is still on the floor, I would recollect his strenuous efforts, joined in by many of us on the Intelligence Committee at that time, to try to provide a statutory requirement for notice of covert activities. The Senator from Maine had introduced legislation calling for 48 hours' notice. This Senator had introduced legislation calling for 24 hours' notice. Neither legislation was never enacted. One bill did come out on the inspector general, which this Senator introduced after some very fine staff work by my liaison, Charles Battaglia. After considerable deliberation by the Intelligence Committee and considerable analysis at the White House, we do have confirmed by the Senate an inspector general at CIA who can provide some independent oversight. That is a step forward but only a small step forward. I think more is necessary.

The arguments which have been advanced here against the legislation do have some merit, and earlier today when I talked to the distinguished Senator from Rhode Island [Mr. CHAFEE], who raised the issue of concern about politicizing the appointees since they would be Presidential appointees, it seems to me that they could still be selected as they are now, as the Director of Central Intelligence may choose, with the significant change being that they would be confirmed by the Senate.

When the Senator from Maine raises the concern that the Director of Central Intelligence cannot fire them because they would have to be fired by the President, I respond that as a practical matter they can be fired by the Director because he runs the operation much like the Secretary of Defense. If he is dissatisfied with one of his subordinates who has been appointed by the President, confirmed by the Senate, he can in fact have that official fired.

So the situation, I suggest, would be about the same as it is now with the one additional factor that there would be confirmation.

This is a bad day to talk about the confirmation process. I think my colleague from Ohio could have picked a better day to bring this to the floor than the day after the proceedings on Judge Thomas were concluded, given the last weekend that we all went through, or at least those of us on the Judiciary Committee went through. This is not the best of all days to urge expansion of the confirmation process. But we have the confirmation process, and I think it ought to be extended here.

I add, Mr. President, that I believe that a comprehensive analysis of the intelligence community is necessary, and toward that end, again with the assistance of my liaison in the Intelligence Committee, Charles Battaglia, I introduced Senate bill 175 in the 101st Congress, now Senate bill 421 in this, the 102d Congress, which would provide for a separation of authority between the Director of the CIA and a new director of national intelligence.

Right now the Director of CIA also functions as the Director of Central Intelligence. And, as Director of Central Intelligence he directs all the other intelligence agencies of the Government. It is a responsibility that is too vast for any one man. In addition, this dual-matter position has led to the problems of cooking the intelligence which we have heard so much about during the nomination proceedings of Mr. Robert Gates.

I shall not discuss that issue at any length today except to note that former Secretary of State Shultz testified very emphatically on the point. The Secretary of State was very much involved in the use of intelligence information and was concerned that the intelligence gatherers were also the policymakers; there was an inclination to have the intelligence correspond to the policy which they wanted.

I have written to the chairman and the ranking member of the Intelligence Committee asking that we have a hearing on S. 421. We had a date earlier this year which had to be postponed, I do think that kind of an analysis of the DCI responsibilities is very, very important.

As for today, I commend the Senator from Ohio for this legislation. I think it is an important step forward, and therefore I support it.

Mr. President, I am an original cosponsor of S. 1003, a bill which would require Presidential appointment and Senate confirmation of three senior po-

sitions in the Central Intelligence Agency. Currently, the total number of Presidential appointments, by and with the advice of the Senate is 1,065. Three of these appointments are for positions in the CIA. They are the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the inspector general.

If the hearings on the nomination of Mr. Robert Gates to be the Director of Central Intelligence have demonstrated anything, they have shown the need for an extension of intelligence oversight through the advise-and-consent process of confirmation. Therefore, in S. 1003, we are seeking confirmation of the following additional senior CIA positions: Deputy Director for Operations, Deputy Director for Intelligence, and general counsel.

The Iran-Contra hearings and both Gates confirmation hearings have done much to elucidate and educate the American public and the Congress on the capabilities, contributions, limitations, and deficiencies of intelligence and our intelligence agencies. They have also served as a reminder that we still have a great deal more to learn about these institutions if we are to assure the American public that their tax dollars are being spent wisely and that the intelligence arm of Government is functioning within the parameters of American law and regulation.

When the Senate established the Senate Select Committee on Intelligence it did so because of a public outcry of abuses of authority, of illegalities and violations of basic civil liberties by intelligence agencies. In 1975, not only the public but also the Congress of the United States knew very little about the world of intelligence, especially the Central Intelligence Agency. Over the past 15 years, we have increased our institutional knowledge and we are still learning. The Iran-Contra and Gates confirmation hearings have borne out this learning process. But equally, confirmation hearings have served two important roles. First, they help ensure that individuals nominated are qualified. Second, they serve as a means of transmitting a very important public message. The message is that their failure to conform to laws and regulations will jeopardize not only the effectiveness of their position, but also will raise a cloud of doubt over the credibility of their institution. In short, they will be harming national security. In my view, this is the principal message emanating from the confirmation hearings of CIA officials including those of Robert Gates.

The senior managers of the CIA constitute a common denominator in that they represent the strengths and weaknesses of that institution. In confirming them, we oversee intelligence law, regulations, policy, budget, and programs of clandestine intelligence collection, covert actions, and analyses. In confirming them, we are able to assess in advance their qualifications, their understanding of laws and regulations governing intelligence activity, and their commitment to intelligence oversight. While the confirmation process cannot guarantee the truth of their responses, it does serve as a very important baseline upon which to assess future performance. This has certainly been the case with Directors of Central Intelligence.

Now, however, Senate confirmation of the senior management positions at the CIA is especially needed. The CIA is a large, independent organization. Unlike other intelligence agencies, there is little external oversight. For example, the General Accounting Office cannot inspect or investigate the CIA. The intelligence oversight committees are not large enough nor do they have sufficient resources to do other than selected inspections and investigations. I am hopeful that the new inspector general position at the CIA will help fill this void.

As the agency responsible for a policy implementing arm of national security; namely, covert action, such oversight is especially important. But there is another reason.

Fifteen years of congressional oversight have confirmed the view that the CIA consists of four semiautonomous directorates—for operations, for analysis, for science and technology, and for administration. The fifth directorate for planning and coordination is relatively new and not large. Each directorate is headed by a Deputy Director of the Central Intelligence Agency who, by tradition, functions somewhat independently. On this basis alone, it is surprising that Senate confirmation of these positions was not instituted long ago.

Second, hearings before the Senate Select Committee on Intelligence have indicated that senior CIA intelligence officials are not as well versed in intelligence law and regulations as they should. The failure of senior officials in the CIA's Directorate of Operations to recognize that it should have first sought a Presidential finding before providing propriety aircraft assistance to Lieutenant Colonel North to ship arms to Iran is a case in point. Therefore, it would seem to me to be in the best interest of the CIA if the Congress were assured that future appointees to these senior CIA positions had a clear understanding of the laws and regulations governing their activity.

The American public and the Congress are often caught up in the necessary secretiveness and wonderment of spying and as a result, we raise the art to the near occult and supernatural. Spying is the stuff made glamorous by novelists. But, analysis, I would submit, is a world without glamor. Nonetheless, it is the essence or substance of intelligence; it is what intelligence is really about. The primary purpose of analyzed intelligence is to provide the President and his policymakers and military leaders clear and objective information upon which to base policy and planning. If the process of spying or the very information collected is faulty, analysis may be inaccurate.

However, if the basis of intelligence analysis rests in the preconceived judgments or perceptions and fears of a senior official or an analyst, no amount of information will matter and objectivity will be lost. As Senator BOREN indicated during the recent Gates confirmation hearings, if such is the case, the intelligence community will have wasted billions of taxpayer dollars over the years in collection systems.

A third problem has long existed. It lies in getting the finished analysis to policymakers in a timely manner and in a useful form.

There is a fourth problem. In essence, it is akin to taking a horse to water. If the horse is not going to drink, there isn't much you can do. The same holds true in getting policymakers to read and respond to intelligence reports. But, if the horse believes the water is foul, he may have good reason for not wanting to drink.

During the Iran-Contra hearings, former Secretary of State George Shultz testified about foul intelligence, in his distrust of some of the analytical reporting he was receiving from the CIA on Iran because of the CIA's involvement with the policy affecting that analysis.

The Gates confirmation hearings have raised many questions on the objectivity of analysis and the responsibility for such objectivenness. One question raised in my mind is why we have not subjected the position of authority which, by design, shapes national security and foreign policy, to confirmation?

Similar arguments can be made for the other CIA directorate positions.

In regard to confirmation of the position of the general counsel, I would remind my colleagues that this recommendation is not new. In its final report of April 26, 1976, the select committee to study operations with respect to intelligence activities recommended that the general counsel of each intelligence agency be nominated by the President and confirmed by the Senate. That committee cited the extraordinary responsibility of that position, the fact that senatorial confirmation would increase the stature of the office and protect the independence of its judgment.

Today, we have solid reasons for wanting to increase the stature and independence of that office. During the Iran-Contra affair, CIA's general counsel provided a highly dubious legal rationale for the administration's ill-conceived arms-for-hostages policy in drafting a retroactive finding.

Senate confirmation is a fundamental element in the oversight process of ensuring public and congressional confidence in the CIA. Indeed, during his recent confirmation hearings, Mr. Gates stated that—

It is hard for me in principle to quarrel with the idea of senior officials of a government agency not being subject to the confirmation process.

In addition, I would argue that total responsibility and accountability to the American public for the effectiveness and credibility of the CIA cannot rest solely with the CIA if the Congress neglects to review each senior official through the nomination and confirmation process.

Congress shares a constitutional responsibility for national security; it reviews the CIA budget in advance. It reviews CIA programs in advance. It should assess in advance prospective CIA officials who will be responsible for these budgets and programs.

Some will charge that to require Senate confirmation of the senior CIA officials outlined in S. 1003 is to politicize intelligence. If that is the case, then we should consider not subjecting CIA Directors and Deputy Directors to confirmation. Are there a majority of Senators prepared to recommend this? The confirmation process will do more to prevent the politicization of intelligence than to promote it. Further, as we all know, the confirmation process can only block the President from appointing a given individual; it cannot force the appointment of an individual with a particular viewpoint or loyalty preferred by the Congress.

The criticism is that the legislation, if enacted, would preempt the DCI from reorganizing to meet the future structural changes. S. 1003 does not establish new positions nor does it prevent the DCI from reorganizing and creating new positions. Today, over 40 positions at the Defense Department and 30 positions at the State Department require Senate confirmation. Their ability to reorganize has not been barred by the confirmation process.

As Senator GLENN and I have stated in our "Dear Colleague" of October 2, 1991, intelligence activities are consistent with democratic principles only when they are conducted in accordance with the law and in an accountable manner to the American people through congressional oversight. We are convinced that the confirmation process is a constructive means of demanding accountability and enhancing public confidence in the senior leadership of the CIA.

In closing, I wish to give public thanks to Senator GLENN for the yeoman work he has conducted on this legislation. He has worked hard and tenaciously to bring it to the fore.

I urge support for its passage.

I thank the Chair. I yield the floor.

Mr. CHAFEE. Mr. President, I note that the distinguished floor leader on this side is absent and I would suggest a brief quorum call perhaps to be equally divided, and we will try to move this right along shortly. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll, and without objection, it will be charged equally to both sides.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. I think the Senator from Rhode Island would like 2 minutes on the subject. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 41 minutes, 29 seconds.

The Senator from Rhode Island is recognized for 2 minutes.

Mr. CHAFEE. Mr. President, I think this is a very, very serious amendment. I think those who have listened have gotten an indication of the concern with which I view this amendment.

The principal problem I have with this amendment, Mr. President, is that I am absolutely convinced it will lead to politicization of the agency. It will mean that those who wish to get ahead within the agency—I am talking down in the lower levels, and let us particularly concentrate on what we call the intelligence section; namely, the analysts—those individuals who seek to get ahead are going to make certain that they trim their sails to the views of those who subsequently will have the political power to make the appointments; because to get ahead in the agency, it is going to require that an individual ingratiate himself with the powers that be on the political side, with the security advisers to the President, or with the President himself, or with those individuals in the White House who are going to control appointments.

To me this is a very, very dangerous proposition.

So, Mr. President, I believe the basic question before us this evening is what kind of an agency do we want? Do we want an agency that is subordinate to the wishes of the administration and will carry out the policies of the political leaders?

If that is what we want, then vote yes on the amendment.

But, Mr. President, if we want an intelligence agency that is independent and objective, that is going to give us the hard facts, tell it as it is, if we want an agency that is indeed faithful to its motto, "Ye shall seek the truth," then, Mr. President, we should vote against this amendment.

Then, Mr. President, we should vote against this amendment. To me, it is that simple. For the amendment encourages politicization. To oppose the amendment is to encourage independence, objectivity, and the ability to tell it as it is. To me, it is that simple.

I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I was interested in the remarks of Senator COHEN, who talked about our system of government, the way people view it from all over this country as being sort of bogged down, that we need people with authority, and we have a situation where leaders cannot lead. I am sure that Senator COHEN would not propose doing away with the advise-and-consent role that the Constitution gives to the Congress.

This is not like Goldwater-Nichols that he mentioned. This is not a reorganization of the CIA. It is very simple. What we have seen during the hearings with the Gates nomination are charges that perhaps there was "cooking of the books," the worst sin in all of the intelligence community. That has been the charge.

Yet, we have a case where in the recent past, where a head of the CIA may have appointed people that were not qualified for either personal reasons, the friendship reasons, for political reasons, or whatever. That is all this is supposed to prevent. It is to make sure that under our separation of powers, our balance of powers, we have a role in this, as the Constitution provides.

Much was made out of the fact that every former Director of the CIA, or a number of the former Directors of the CIA, said they would not like this. They did not want to see this go in.

I repeat what I said a little while ago on the floor: Have you ever seen a manager, or the head of any department, that wanted any oversight over that person's authority and ability to do something? Yet, if that person is misguided, if that person has his own agenda, of his own ideological bent that he is trying to carry out, then great and grievous damage can be done to the United States of America.

All this does is try and say that we have our role to play in this, and the DO, DI, and the general counsel are extremely important positions, far more important than many that are in the confirmation process in other agencies or departments of Government.

It was mentioned that this might politicize people. We have such notables as Mr. McMahon and Bobby Inman, who have done such a superb job out there at the Agency. They went through the confirmation process and did not find themselves politicized. They did not find themselves being forced to carry out some preconceived administration position. Nor do I believe this amendment would force anyone to do that either.

I want to say one other word before we wind down here and go to our vote

today. I have been cast in a light here today as perhaps someone who could be construed as being anti-CIA. Nothing could be further from the truth. I wanted to make that very clear before I yield the floor and yield back the time before the distinguished chairman of the committee has time to make his remarks.

I have been one of those on the committee who, when proposals were made to cut back on the CIA budget, was the one that was fighting to keep the budget up there, because I believe we need the strongest intelligence community in the world, and we need it more now even than before. Before the demise of the Soviet Union, before we had the Persian Gulf situation, and before we started a pulldown of our military strength. We are reducing, over the next 4 years—we already started the process—494,000 people out of a 1.2 million person military. That is the regulars. I do not have any doubt that, in years hence, the Congress will require more pull down than that.

I submit that that is the time you need better intelligence, not less. I have fought in the committee to keep that intelligence budget up there, and I might have to admit that I lost, also. I wanted the budget this year to be higher than it is.

History is replete with examples of where we have pulled down the military and had to rebuild them again, and I pray along with everybody else that is not the case this time out; but if that is the case, and we have to rebuild, we had better do it from the best intelligence base and the best information we can have on what is going on around the world. We better do it with the most advanced warning system, which means good intelligence of who is developing what weapons, whether chemical, biological, nuclear, missiles, who is doing what around the world that we may not know, unless we have a strong intelligence community.

So I wanted to make sure that was on the record and stated very clearly, because I favor a stronger CIA, particularly when we are pulling down much of our military strength.

I believe this amendment strengthens the CIA, because it helps the Congress and the people to have a confidence that we do not have a rogue Director of the CIA, or a rogue top group out there. There are people that we will have had through the confirmation process that gives us more confidence in our ability to work with them. I did not want someone out there who is off running as a single entity, directing the Agency to that person's own ideology, nor do I want someone that is overly subordinate and supportive of the President, which has been the charge in the Gates hearings, that there was too much slanting of the intelligence information to support an administration's preconceived view.

What I am talking about is accountability for these three very important positions. That is the issue here. Our confirmation process says, as we follow it under the advise and consent of the Constitution, we follow it under all the separation of powers, that the confirmation process is about accountability. It is that simple.

That is the reason for this amendment. It is nothing else. It is not to weaken the CIA. It is to strengthen the CIA, in my view, because the CIA, with something like this in place, will have more believeability in their objectivity than would otherwise be the case. That is what this is all about.

I know the distinguished chairman desires some time to speak on this, and I am glad to yield.

Mr. BOREN. Mr. President, I thank my colleague from Ohio, and I apologize for being absent from the floor during some of the debate.

When the Senator from Ohio first described his amendment to me, I must confess that I was not totally enthusiastic about it. My first reaction to it was that we do not want to get into the micromanagement of the Agency. We do not want to confirm too many people that we will deprive the Director of the Agency of the authority and the responsibility for picking good subordinates to carry out the key positions, the work of the key positions of the Agency, in a way that he will not be able to run it, since the Director ultimately is held accountable for the quality of the product.

Certainly, the experience that we have been through in other confirmation processes has not always been a happy one, as we have seen this past week. No one has been more outraged than I by what we have viewed in terms of the lack of responsibility of those who are part of the system. We do not yet know their identities, but whether it was a staff member, or a Senator, or whether it was someone associated with this institution who leaked information in the recent confirmation process of Judge Thomas, it must be determined.

We will not have met our responsibility to the American people until the identity of those parties is determined and until those people are held accountable, and to my way of thinking, if they are employees of this institution until their employment with this institution is terminated.

I am one of those who feels very strongly that the integrity of the confirmation process is so important that even if it takes outside help in terms of conducting an investigation to determine the parties responsible, it should be done. We felt very strongly about that in our committee. We adopted strong committee rules and made it clear we would dismiss staff members or ask members of the committee to step down if they were found responsible for leaking sensitive information without authorization of our committee.

So I understand that in some ways this perhaps is not the best moment of timing for the Senator from Ohio to present this amendment since all of us have just been through a process that did not work very well because at least in part of the irresponsibility apparently of someone associated with this institution that we all love and cherish and this institution which belongs to the American people. It would be easy, I suppose, having come through this experience, atypical as it is, to then take the point of view that we should start reducing rather than increasing the numbers of positions subject to Senate confirmation.

I think that would be a mistaken lesson from this process. This lesson is that the Senate should not have a part in advice and consenting to the nomination of people nominated for important posts—like membership on the Supreme Court of the United States, a lifetime appointment, or appointment to the directorship of the Central Intelligence Agency, sensitive as it is, operating very often in secret beyond the knowledge of most people in this country, subject only to scrutiny of a small number of people, primarily members of the two Intelligence Committees.

The lesson to be drawn from what we have been through is that not that we should do away with the advice-and-consent role set forth in the Constitution for the Senate of the United States. The lesson we should learn is we should do it much more effectively, much more carefully, and much more responsibly. Another lesson we should perhaps learn is that we need to take a look at reform of Congress as a whole as an institution.

And I think when we have committees with over 100 employees and staff members, that probably much of the work of committees, even offices, sometimes in an individual office, is turned over to those who have not been elected by the people and not directly accountable to them, that it is the mistake.

We need to look at the whole process. Whether or not we should have a good confirmation is not the issue here. Whether or not we wanted to give the Director of Central Intelligence Agency enough authority to run his agency or her agency as the case may be is not the issue here. The question is whether or not the positions that are described in the Glenn amendment are sensitive enough and important enough to merit the requirement that confirmation should be required.

When I first became chairman of the Senate Intelligence Committee, I would have answered that question probably in the negative. It is enough for the Intelligence Committee to be involved and the Senate to be involved

in the process of confirming the Director and the Deputy Director.

Over the years, because of problems that arose during the Iran-Contra affair, we all learned from our experience. We came to understand the importance of oversight, in terms of preventing the politicization of the intelligence community, in terms of even making certain that laws were not violated and that is why this body wisely decided to pass a statute which the President signed which set up an independent inspector general for the Central Intelligence Agency.

We decided that for that particular position to be assured of independence and objectivity it was important that the Senate act to confirm the person named as inspector general.

Over the last few months, and perhaps even more importantly, over the last few weeks, as we have dealt with the confirmation process as it relates to the nomination of Robert Gates to be Director of Central Intelligence, we have become even more sensitive to the fact that other positions within the agency are extremely important. If we spent billions and billions of dollars in the area of providing the equipment and personnel and other tools for the intelligence community only to have the intelligence product politicized or skewed to tell the policymakers what they want to hear, the integrity of the whole process is undermined. It does not take an expenditure of billions of dollars to simply write down on a sheet of paper what the policymakers already want to hear. We could certainly have saved a lot of money in the budget if that is all that was to that.

So the person who holds the position of Deputy Director for Intelligence holds the post of tremendous importance and sensitivity in terms of ensuring the integrity of the intelligence product.

Likewise, the Deputy Director for Operations, often called the spy master in the popular press, is also a position of immense responsibility.

When you look at the history of the Central Intelligence Agency and look at those moments that have been most embarrassing to the agency, most damaging to the United States, and our national security interests in terms of mistakes that have been made, most of them had to do with operations.

Whether we are talking about the mining of harbors in Nicaragua or other instances that have occurred in terms of mistakes being made in the past that have embarrassed this country, most of them related to operations.

There have also been a tremendous number of successes, and that always has been my frustration as chairman of the Intelligence Committee that by their very nature successes never become public and there are probably a hundred successes for every failure we know about that eventually finds its way into the media.

So I cite the failures not to show the importance of this position but I also could cite the successes as well to show the importance of the position of Director of Operations. It is absolutely essential that we have a good person in that position.

In 1981, that position was not a confirmable position, and we all remember that Mr. Casey at that time appointed a man Max Hugel at that position who was clearly disqualified for it and to his credit the then Deputy, one step below the Director of Operations, at that time Mr. Dick Stolz, decided to retire from the agency rather than continue to work in those circumstance. To the credit of Judge William Webster when he became the Director he asked Stolz to come out of retirement, a man who demonstrated tremendous personal integrity, a man later recognized to receive the National Intelligence Medal from the hand of the President of the United States agreed to come out of retirement and become Director of Operations again.

I can tell you that as chairman of the Senate Intelligence Committee, knowing that a man of the character and ability of Mr. Stolz was the Director of Operations for the agency made me sleep a lot better at night and made me much more certain that I could look to the American people and tell them I thought all was well in that particular highly sensitive, very important division of the Central Intelligence Agency.

If the Director had been a different kind of person than Judge Webster and the President had been a different kind of man, if we had another situation where there was an attempt made to appoint someone like Mr. Casey's choice of Mr. Hugel there is simply no legal remedy to prevent such an appointment in the future short of confirmation by the Senate of the United States and scrutiny by the Intelligence Committees of the Congress.

Therefore, I have come to the conclusion, just as one individual—the other members of our committee who feel quite strongly to the contrary, and this is certainly not a matter that ought to be politicized. It is not a matter on which I would attempt to sway the vote of any other Senator. Senator CHAFEE has spoken on this issue. Senator COHEN who served as vice chairman for 4 years of our committee has spoken on this issue as have other members of the committee, people for whose judgment I have immense respect.

This is a very close question. There are very strong arguments on both sides and my only hope is that Members would think about it before they vote and will carefully weigh the arguments before they vote, and I think again it is not the kind of thing that I can say with great force and vehemence that I am sure that it is absolutely right and essential that this amendment be adopted.

But having thought about it, having lived with the experience of being chairman of the Senate Intelligence Committee, and having been responsible for the effectiveness of the oversight process, and having realized how sensitive these positions are and what abuse can occur and what damage can be done to the interests of the United States if the wrong person occupies the position of being Deputy Director for Operation or Deputy Director for Intelligence of the CIA or general counsel because the general counsel often gives advice to the leaders of the agency about what the law is in terms of what is legal and illegal for the CIA to do, oftentimes out of public view, another very important position, I simply believe I would be more comfortable in the long run knowing that the committee and the Senate had an opportunity to at least make a judgment about the quality of the persons appointed to these three positions. It ought to be done with great care. The confirmation process should never be a circus. It should not be politicized.

Most Members of the Senate will not even recall that we had a public hearing on the confirmation of the inspector general or the current Deputy Director of the Central Intelligence Agency, and that is the way most confirmation processes go on. There are over 60 key positions in the defense establishment that are confirmed by the Armed Services Committee, and when you consider the size of the intelligence operations in this country and you consider the budget of this operation, and the sensitivity of it, I do not believe it would be out of line to say that we should have six positions in the Central Intelligence Agency subject to Senate confirmation.

As I say, Mr. President, this is a matter upon which honest men and women may differ in their opinions. It is certainly a matter of which there is a difference of opinion between people I respect, people who have every bit as much experience in this field as I have. They come down on the other side.

But I intend to vote for the Glenn amendment because I think it is an important protection for the American people in an agency that has to operate out of the public view. And I think if we are to error on one side or the other of strengthening the oversight process, strengthening a check and balance system, since we are dealing with an agency whose budget is not out in the open, whose operations are not out in the open, who mainly act in secret, even with the kind of hearing we have had on the confirmation of Robert Gates, extraordinary hearings that have done more to educate the American public about the intelligence community than

any other set of public hearings probably in the history of this country, still even with that kind of process and that kind of determination to have effective oversight that is shared in a very bipartisan way by the members of our committee, most of what the CIA does is still secret and will probably continue to be. And that is why if we are to error on one side or the other, let us error on the side of accountability, let us error on the side of making sure that we have enough checks in the system as opposed to too few.

I think that the Glenn amendment, as it has been modified to include only three positions, strikes that balance. I intend to vote for it myself. I do not intend to try to twist arms or influence the outcome of the vote on this amendment. It is something each Member should weigh very carefully. I just urge my colleagues to think about it in a very serious way—it is a substantial issue of importance—before they cast their votes.

I thank my colleague from Ohio for yielding to me and giving me the opportunity to share these brief thoughts about the amendment which he has put forward.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

I thank the distinguished chairman of the committee for his remarks and for his support for this amendment. I concur wholeheartedly with the remarks he made and the rationale behind them. I think they were very good.

Mr. D'AMATO. Mr. President, I rise today in strong opposition to the amendment by my distinguished colleague from Ohio to make additional Central Intelligence Agency positions subject to Presidential nomination and Senate confirmation. I share my colleague's concerns about the operation of the CIA, but I believe that his amendment will cause more trouble than it will cure.

I understand that the committee has received a communication from the White House indicating that the President will be advised to veto S. 1539 if this amendment should become a part of this bill. In addition, the Acting Director of Central Intelligence, Mr. Richard J. Kerr, has written a letter to the chairman dated October 10, 1991, opposing this amendment.

As we are about to finish the committee's action on the nomination of Mr. Robert M. Gates to be Director of Central Intelligence, we have fresh in our minds the problems associated with the confirmation process. This amendment would add the CIA's general counsel, Deputy Director for Operations, and Deputy Director for Intelligence to the three positions which are already subject to the confirmation process—the DCI, DDCI, and inspector general.

Having just completed a most thorough and painful review of internal Directorate of Intelligence disputes in the course of the Gates hearings, it is clear that the people of the United States, the U.S. Government as a whole, and the CIA would have little or nothing to gain from this amendment. In fact, this amendment would invite initiation of more internal disputes throughout the Agency, and would provide aid, comfort, and encouragement to the inception and growth of factions within the Agency.

Rather than curing the problems we found, I believe extending the confirmation process further will increase the risk of politicization of the organization and increase the chances that CIA analysis will be regarded as untrustworthy by policymakers. I want to make clear, in this regard, that politicization does not always come from the top. Sometimes, it grows from within when a particular faction resists, for whatever reason, legitimate management direction of its activities.

If a new DDI comes before the committee for confirmation, we will likely be faced with officers coming forward to attack the nominee. Extending the confirmation process to the DDI will just encourage the growth and entrenchment of factions in the CIA's analytic community in particular. If that happens, the effect on the CIA's written intelligence product will be strikingly negative.

Publicly airing the Directorate of Intelligence's internal disputes was troubling. The proposal to subject the Deputy Director of Operations to confirmation is simply impossible. It is impossible because of our responsibilities to conduct a fair and open confirmation process.

I believe we have an obligation to conduct as much of our government in public as possible. Accordingly, we should hold as much of our confirmation hearings in public as possible. I do not know how we do that with the DDO.

Mr. President, let me remind my colleagues that the Deputy Director of Operations at the CIA is in charge of the most sensitive U.S. intelligence activities. Human lives literally hang in the balance on many decisions he has to make. Our most sensitive intelligence sources and methods are directly involved in the activities for which he is responsible.

I do not think we can meet our constitutional obligations to the people of the United States if too much of the confirmation process must be held behind closed doors. I want to remind my colleagues and the citizens who may be watching this floor debate on C–SPAN that the vast majority of the Gates hearings were held in public. I think that is very important.

I do not believe we could hold public hearings on the DDO, at least not in any meaningful way. Any serious, substantive questions would have to be asked and answered behind closed doors. Otherwise, the CIA would not be able to conduct its legal, authorized, and necessary activities.

Mr. President, let me turn for a moment to institutional considerations. Because of the necessarily secret nature of intelligence, the Senate Select Committee on Intelligence and our counterpart, the House Permanent Select Committee on Intelligence, have a more significant role in oversight of activities under their jurisdiction than have other committees of matters within their respective jurisdictions. Let me explain why.

In matters that are not secret, interested parties, the media, and citizens at large are able, if they choose to spend the time and effort to do so, to become very well informed on the facts and circumstances surrounding any public policy issue. They are then free to form conclusions and to advocate specific policy directions and choices. This large community of interested and informed people is a key element of successful oversight by other committees of activities under their respective jurisdictions.

This community of informed people is necessarily largely absent in secret intelligence matters. The two committees and their staffs must do what other committees do, but they must do it better. They must find out in detail what is going on and they must be able to form sound judgments on the information they gather, without much aid from public policy debates in the public arena that form the environment in which other oversight committees operate.

This situation has very strong implications for the way we do our business. It is essential that we sustain the trust and confidence of the people in the intelligence community in our oversight process.

If we extend the confirmation process to the DDO, the DDI, and the general counsel, we risk having partisan confirmation battles on an annual basis. Then, the President may choose to nominate people more on the basis of how their nominations will play with the committee and the Senate than on the basis of how well they will perform in the positions to which they have been nominated.

I believe that passage of this amendment would so seriously complicate our oversight process as to put it in danger of becoming ineffective. Nominees chosen to suit the confirmation process could alienate and factionalize the various professional communities within the CIA. Repeated partisan confirmation hearings run the clear risk of undermining and even destroying the cooperative nature of the intelligence oversight process on the committee itself. If that happens, we can anticipate even sharper conflicts between the executive and legislative branches over

intelligence policy and operations, with potentially serious negative effects on our national security.

Mr. President, I hope my colleagues will agree with me that now is not the time to enact this amendment. I ask that they join with me in opposing this amendment.

Mr. GLENN. Mr. President, we have no one else on this side waiting to speak. I am prepared to yield back all time and go to a vote on this if the other side is willing to yield back time.

Mr. MURKOWSKI. Mr. President, I concur with my friend from Ohio. We are willing to yield back the remainder of our time.

I would just like to reiterate the opposition that this side has to the Glenn amendment. We have heard the statements by Senator DANFORTH, Senator HOLLINGS, Senator CHAFEE, Senator COHEN. I think I can best, in summary, say, "If it's not broke, don't fix it."

With that, I, too, yield back the remainder of my time.

Mr. GLENN. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. GLENN. 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.

The PRESIDING OFFICER. There is time remaining on the bill under the control of the ranking member, as I understand it.

Mr. BOREN. Mr. President, I know I have no time remaining. I might suggest to my colleague that he could yield back the remainder of his time on the bill, so that, immediately after the vote on the amendment—I do not anticipate that there will be a rollcall on final passage unless someone makes that request.

Mr. CHAFEE. Mr. President, I do not think we should at this time suggest that there will not be a rollcall on final passage. I would prefer to hold back on that if we might.

Mr. BOREN. Perhaps I might ask my colleague to just reserve his time on the bill until after the vote occurs on this amendment. Because if indeed there is a request for a rollcall vote, there might be a need for final debate before the passage of the bill.

Mr. MURKOWSKI. The Senator from Alaska would concur.

The PRESIDING OFFICER. Without objection, the time on the bill will be reserved until after the vote on this amendment.

The question is on agreeing to the amendment of the Senator from Ohio [Mr. GLENN]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Arkansas [Mr. PRYOR], and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—38

Adams	Glenn	Moynihan
Akaka	Gore	Nunn
Baucus	Graham	Pell
Biden	Harkin	Riegle
Bingaman	Johnston	Robb
Boren	Kennedy	Rockefeller
Bryan	Kerrey	Sanford
Bumpers	Lautenberg	Sarbanes
Burdick	Leahy	Sasser
Byrd	Levin	Simon
Cranston	Lieberman	Specter
Daschle	Metzenbaum	Wellstone
DeConcini	Mikulski	

NAYS—59

Bentsen	Ford	McConnell
Bond	Fowler	Mitchell
Bradley	Garn	Murkowski
Breaux	Gorton	Nickles
Brown	Gramm	Packwood
Burns	Grassley	Pressler
Chafee	Hatch	Reid
Coats	Hatfield	Roth
Cochran	Heflin	Rudman
Cohen	Helms	Seymour
Conrad	Hollings	Shelby
Craig	Jeffords	Simpson
D'Amato	Kassebaum	Smith
Danforth	Kasten	Stevens
Dixon	Kerry	Symms
Dodd	Kohl	Thurmond
Dole	Lott	Wallop
Domenici	Lugar	Warner
Durenberger	Mack	Wirth
Exon	McCain	

NOT VOTING—3

Inouye	Pryor	Wofford

So the amendment (No. 1258) was rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I am advised by the managers that no Senator has requested a rollcall vote on final passage. If that is the case, then I am advised by the managers that they can proceed promptly to complete action on the bill by voice vote. Therefore, the vote just having occurred will have been the last roll call vote of the day. I take the current lack of response to mean that no Senator does request a rollcall vote.

Accordingly, Mr. President, unless someone does so at the last moment, the managers can now proceed to complete action on the bill by voice vote, and there will be no further rollcall votes this evening.

Mr. MURKOWSKI. Mr. President, the majority leader is correct. I know of no one asking for a rollcall vote at this time.

The PRESIDING OFFICER. The ranking member of the committee has 15 minutes left on the bill.

Mr. MURKOWSKI. Mr. President, we on this side yield back the remainder of our time.

The PRESIDING OFFICER. All time on the bill has been yielded back. The question is on the engrossment and the third reading of the bill.

The bill (S. 1539) was ordered to be engrossed for a third reading and was read the third time.

Mr. BOREN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be discharged from further consideration of H.R. 2038 and that the Senate proceed to the immediate consideration of H.R. 2038, the companion bill to S. 1539; that all after the enacting clause be stricken, and that the text of S. 1539, as amended, be inserted in lieu thereof and that the bill be considered read three times.

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

The bill having been deemed read the third time, the question is, Shall the bill pass?

So the bill (H.R. 2038), as amended, was passed.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. BOREN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BOREN. Mr. President, I ask unanimous consent that the Senate insist on its amendments, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer [Mr. WELLSTONE] appointed Mr. BOREN, Mr. NUNN, Mr. HOLLINGS, Mr. BRADLEY, Mr. CRANSTON, Mr. DECONCINI, Mr. METZENBAUM, Mr. GLENN, Mr. MURKOWSKI, Mr. WARNER, Mr. D'AMATO, Mr. DANFORTH, Mr. RUDMAN, Mr. GORTON, Mr. CHAFEE, and from the Committee on Armed Services, Mr. EXON, and Mr. THURMOND, conferees on the part of the Senate.

Mr. BOREN. Mr. President, I ask unanimous consent that S. 1539 be indefinitely postponed.

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

Mr. BOREN. Mr. President, I thank all of my colleagues for their interest in this piece of legislation. I particularly thank the members of the Intelligence Committee who have labored long and hard to produce this legislation.

As I have indicated, in many ways it is a landmark piece of legislation. It includes in it the first major new national security education initiative for

more than two decades, since the passage and implementation of the National Defense Education Act, following the launching of Sputnik by the Soviet Union. It will provide for the first time grants for college undergraduates to study overseas to learn about other cultures, to learn other languages. It will provide grants to colleges and universities to increase courses and improve curriculum in international studies, area studies, foreign studies. It will also provide grants in these fields to those who agree to spend some time in Government service after they receive those graduate degrees.

It helps enhance the human source base and talent of this country in fields that are critical to the national interest, not only to our security, as most broadly and realistically defined, but also for the economic and social strength of this country as well, as we enter a new and very much more international environment, as we approach the next century.

It is also a bill that begins the process, which will rapidly accelerate by next year, to change the budgetary priorities within the intelligence field. It continues the initiative of our committee commenced over 2 years ago to rebuild the human source intelligence capability in the intelligence community, the kind of strengths that are going to be badly needed in a new world environment in which regional conflicts rank high as a risk to this country, where we will need earlier warning of the intentions of potential adversaries so that we will not only have the ability of forceful intervention such as after the invasion of Kuwait, but we can have early knowledge of possible intentions such as those of Saddam Hussein who might threaten our interests, and be able to take other actions short of war to deter aggression in advance, also to penetrate terrorist cells and those trafficking in narcotics and those responsible for the proliferation of weapons, nuclear, chemical, and biological. All of these kinds of challenges.

In addition, the challenge of economic information to combat theft of our economic secrets in the counterintelligence field and to make sure we have a level playing field in terms of the actions of other governments, so that we can compete in the international economy on a fair basis.

All of these areas will demand an improvement in our human source intelligence capability, and this legislation moves us in the right direction in terms of putting more emphasis, a greater budgetary priority on that kind of skill and on that kind of resource.

I thank my colleague, the vice chairman, especially for his leadership in assisting the committee and preparing this legislation. I thank the majority staff director, Mr. George Tenet and the minority staff director, Mr. John Moseman. As I have said many times, these are the only two persons of our committee staff designated as majority and minority. We have a totally unified staff. We do not have a majority and a minority staff. Uniquely, as a committee, we have an American staff. I do not even know the political affiliation of most of the staff members. It is an example I hope perhaps will be taken up by others in the Senate in other areas of jurisdiction because we must find ways to work together more closely and the members of our committee try to do that. As chairman and vice chairman, Senator MURKOWSKI and I try do that. Mr. Tenet and Mr. Moseman set an admirable example to the rest of staff in terms of their own cooperative, bipartisan approach.

Among the other members of the staff I particularly want to thank our general counsel, Mr. Britt Snider; Regina Genton, Gary Sojka, Terry Ryan, Mary Sturtevant, Jim Martin, John Eliff, Chris Straub, Chris Mellon, David Garman, Don Mitchell, Ed Levine, Mr. Keith Hall, who for many years was the budget director of our staff, who is now serving as deputy secretary for intelligence at the Department of Defense, and many other members of the staff that I could mention on this occasion who have given important support to us in preparing this legislation. They have my deep appreciation and they have made a real contribution to their country in the process of working on this legislation.

I also thank my colleagues on the Armed Services Committee and on the Appropriations Committee. Senator BYRD and his committee have been extremely cooperative with us in terms of tracking the anticipated language in our authorization bill and their appropriations bill. They have been fully supportive, enthusiastically supportive of the new directions we are taking in intelligence, of this important education initiative, and I thank my colleague from West Virginia and those who serve with him on the Appropriations Committee.

I also thank my colleagues, Senator NUNN and the ranking member, Senator WARNER, on the Armed Services Committee likewise for their cooperation with us. The work on this bill has been a model of cooperation, not only between the two parties, as we have been virtually unanimous in our deliberations in the intelligence committee, Democrats and Republicans alike, it has also been a model of cooperation between committees of the Senate, especially the Intelligence Committee, the Appropriations Committee, and the Armed Services Committee. I thank all of my colleagues who have been an important part of this process and who have contributed so much to it.

I thank the Chair. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair. I will not duplicate the remarks of the chairman other than to add in the case of one of the staff members, Mr. Keith Hall, who has moved to the Department of Defense. He was our budget officer. We wish him well in his new responsibility.

I think the chairman has adequately recognized all of the fine work of our staff on both sides and, needless to say, we expect that caliber of work to continue and perhaps even excel, and with a little more praise, why, perhaps that would be accomplished.

But seriously speaking, Mr. President, it has been a pleasure to work with the chairman and the members of the committee as well. I think that we function in a responsible manner and with dispatch, and with that last word I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is my pleasure to serve as a member of this committee with our distinguished chairman and distinguished ranking member. As the chairman and the ranking member pointed out, we have a very close working relationship with the Senate Armed Services Committee, on which I am also privileged to serve.

I am confident that the work of our committee reflects not only the charter that we have but also the goals that we have set under the new leadership in this committee. I pay my respects to our chairman and distinguished ranking member for seeing us through some troubled waters this past year, in laying the foundation for what I hope will be a very effective and, I think, Mr. President, necessary reorganization of the Central Intelligence Agency and other aspects of our overall intelligence network.

I look forward to the coming year and working with my distinguished chairman and ranking member.

Mr. BOREN. Mr. President, I want to thank my colleague from Virginia, Senator WARNER, and of course my colleague, Senator MURKOWSKI, the vice chairman, for the kind remarks which they have made.

As I indicated a moment ago I really believe that the cooperation not only in a bipartisan sense within our committee but the special cooperation that we have had with the Armed Services Committee, the leadership of Senator WARNER and Senator NUNN, has really been to the benefit of this country and will enable us I think in the years ahead to make the changes that are going to be necessary.

We built the foundation, as the Senator from Virginia has said. We have already charted a new course. We have

set new priorities. We are beginning to move in that direction. We made important progress on this bill, and it really is the building block upon which we can make truly major changes in a constructive way next year. I want to thank him for his words, and certainly for the immense contribution that he has made to this process personally.

Mr. SEYMOUR. Mr. President, in the wake of the way that the U.S. Senate has handled—or I should say mishandled—the nomination of Judge Clarence Thomas, one of the tasks we have before us is how we repair the confirmation process that has clearly broken down.

Mr. President, today, I am proposing the first step in bringing some sense of order and fairness into the way the Senate conducts itself on the confirmation of nominees. I am submitting for the record the text of an amendment that calls on the FBI to undertake an investigation of the leak of the FBI report from the Senate Judiciary Committee concerning Prof. Anita Hill's allegations.

If states that the FBI will have authority to subpoena the attendance of witnesses and all relevant documentation pertaining to this leak. It also requires the FBI to submit its report to Congress no later than 30 days after the enactment of this act. It is simple. It is straightforward. And it is intended to clean out the stench that today hangs over this highest elected body in our country.

I want to put my colleagues on notice that I intend to offer this amendment to bills that the Senate will be considering in the coming days. And I sincerely hope that when that happens, we will have support on both sides of the aisle. Because it is not just the reputation and credibility of my Democrat colleagues that has been tarnished by this episode. It is not just the reputation and credibility of my Republican colleagues either. It is the credibility of this institution—the U.S. Senate—that has suffered as a result of this national disgrace.

Mr. President, I am circulating a letter to all Senators today on this matter, and I urge them to review it and join with us in supporting this amendment.

One of the things that the American people have complained about in this whole ordeal is that the process is out of order. And they have a clear understanding of what the new rules of the game appear to be. If a nominee can't be challenged on his or her views or opinions, then he or she can be torpedoed, can be defamed, can have their character besmirched and dragged through the public sewer. And all of this by the deliberate and calculated leaking of information, with the clear intent of creating an ethical cloud that's sufficient to sway some votes.

Now, there's been a lot of talk around this town that "well, everyone leaks." "It's just the way things are done." "You can't stop people from leaking." 'It's normal." But what happened over the past week and a half is anything but normal.

We've heard it a lot these past few days, but it bears repeating today: FBI reports contain raw, unsubstantiated, confidential allegations. Without investigation, the charges are inconclusive. Left unsubstantiated, they can be damning. Leaked, they are damning, and they can permanently destroy a person's reputation.

As Senator DANFORTH reminded us last week and again today, leaking an FBI file is not a trivial matter. It is an extremely serious violation of Senate rules. It subjects a Member of the Senate to expulsion from this body. It subjects a staff member of the Senate to termination.

It's one of the main reasons why the American people are so outraged with what has gone on here the past 10 days. If you doubt it, just look at the polls that are in the newspapers and the news magazines. The vast majority believe that we are incapable of conducting the business of confirming nominees in a fair and responsible manner.

That is what we witnessed when the FBI report containing Professor Hill's allegations was leaked. It has caused severe and lasting damage to Judge Thomas, to Professor Hill, and to the Senate. Everybody looks bad because of the reckless action that was taken when this document was leaked. It is unfair, it is unjust, it is unconscionable, and it cannot be permitted to go on. We must do all that we can to ensure that in the future, no human being again goes through what Professor Hill and Judge Thomas were forced to endure.

That's why I will be offering this amendment in the coming days. It begins the process of repairing the damage that this entire episode has created. And it will send a message to the American people that we take this matter, very, very seriously, and that we will not tolerate it in the future.

Now that the vote has been taken on Judge Thomas' nomination, the question people are now asking is: What can we do to get our house back in order. This FBI investigation is the first step in that process, and I hope that my colleagues will join with me in working for its swift approval.

Mr. COATS. Mr. President, I want to join my colleague from California in his efforts to raise what I think is a very important question before this body. The long ordeal which we have just been through here with the Thomas nomination is over, I think much of the relief of the Senate, and certainly to the relief of the American people.

It is not my intention to rehash that debate this evening, but I want to join my colleague from California in raising an issue that I think is unresolved. It is very troubling, and that deserves the Senate's attention.

What we have just completed can only be described as a cheap melodrama. We have conducted our constitutional duties with a decorum of a Phil Donahue Show or Oprah Winfrey Show. We have been trading in allegation and innuendo, and we have decisively and unfortunately rejected the long history of careful deliberation in the nomination process.

There is going to be a great tendency around here to think that is behind us, that is done, let us just put it aside, and everybody will forget about it.

The Members of the Senate may forget about it, or at least want to forget about it, but the American public will not and has not. The process is broken. And our continued participation in it dignifies what I think many consider a sham.

So we are presented with a pretty stark choice. We can either pursue change, pursue reform, or we can further allow further damage to what has been a very badly damaged body.

Mr. President, from discussions with Senators on both sides of the aisle, I know that this is a frustration that is just not reserved to one party, but I think it is essential that our discontent be transformed into a constructive reform effort. I am not exactly sure what final shape this reform effort should take but I think we have some ideas about the direction it ought to go.

First, I think we need to establish clearly a process where the standards of our judgment are clear before we reach conclusions. We have to have some procedural firewalls that prevent lurid allegations from becoming media events and dominating our deliberations. In the case of Clarence Thomas the accusations were both very late and very public, and smelled of obvious political manipulation.

Surely there is some middle ground here, a middle ground where the charges come early enough to be examined, where a committee is trusted to determine which charges are serious enough to merit sustained attention, and where the ploys of ideologs are banished and fair rules of evidence are applied. Without a context for our deliberations with set procedures the nomination process can quickly degenerate from hearing, to inquisition, to character assassination.

Second, we can no longer allow Senate staff to destroy the credibility of this process with unethical and illegal leaks. Staff are not paid by the public to serve a personal political agenda at the expense of this institution and its deliberations or as opposed to what the American people expect of us. In the case of Clarence Thomas it is clear to me that staff has exhibited an exagger-

ated sense of power and a very deficient sense of mission. It is unvarnished arrogance. And I am convinced that those who are responsible have to be held accountable.

So I support the efforts of my colleague from California to request an FBI investigation into what has taken place, and then the Senate after reviewing that can determine what action we ought to take.

Why do we need a fair, predictable, regular process? Because reputations are valued and allegations are cheap. Something is badly wrong when it becomes this easy to discredit or ruin a nominee, and when it becomes this difficult to find out the truth.

When Senate decisions or nominations are made on the weight of allegations and not on the weight of evidence, the potential for abuse is enormous, and the sifting of evidence requires a process with predictable standards of judgment. We demand it in the Court, and we should expect it in a confirmation. Without this, the Senate is going to be subjected to continuing tyranny, the tyranny of scheming staffers, of last-minute allegations, tyranny of being driven by every media tempest, the tyranny of self-doubt, knowing in the end that we have not been fair, or just, or true to the standards that we ought to be exercising.

So I hope the Senate will join Senator SEYMOUR and I and others in reexamining the process that is deeply flawed. We owe it to good men and good women who seek to serve this Nation. We owe it to the future of this institution.

In the final analysis, we must make changes so that posterity may know we have not loosely through silence permitted the things to pass away as in a dream."

That was a statement by Richard Hooker, and I think it is a statement that this Senate ought to take very, very seriously.

Mr. President, I yield the floor.

Mr. GRAMM. Mr. President, tomorrow when the distinguished Senator from California offers his amendment demanding an FBI investigation of those factors surrounding the Clarence Thomas nomination that had to do with the breach of Senate rules and breach of confidence, I am going to be proud to join him in that process.

I want to make it clear that there is a problem. We have had speculation now around here for several weeks as to what all this has done to the reputation of Clarence Thomas or Anita Hill. My guess is if you did a poll tonight on reputations, and you included the Senate, that they would both outpoll us. We have an opportunity to do something about it.

What the distinguished Senator from California is going to do is offer an amendment calling for an independent investigation centered outside the Senate by the FBI to gather the facts as to what happened, how Senate rules were violated, and how we had a breach of trust and confidence.

I think it is vitally important that we adopt that amendment. Let me make it clear that the amendment is going to be offered on the first bill that comes along, and it is going to be offered over and over and over again until, finally, we have an opportunity to vote on it.

I know the American people are for it. I hope the majority of the Members of the Senate are for it.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I will join my colleague from California in this effort. I think one of the untold stories is how Anita Hill was mistreated by the U.S. Senate. The simple facts are these:

First of all, she was assured by Senate staff that there were rumors circulating about sexual harassment at the EEOC and an implication was made that they involved her. In effect, they urged her to make a statement to protect against the rumors that they said were circulating. The tragedy of this is that the story they told her was untrue.

Second, there is a report that those staffers, who the committee declined to question, assured Anita Hill that if she would simply sign the affidavit, it was quite likely that Judge Thomas would withdraw his nomination, and the matter would be settled. That was obviously untrue, as well.

Third, Anita Hill was assured by those people that her affidavit and her statement would be treated in confidence. The simple fact is that that was untrue, as well. A witness came forward to provide the U.S. Senate with vitally needed information, whether you favored Clarence Thomas or opposed him, and the simple fact is that this was relative information, and it was significant information. That witness, who put her faith in the U.S. Senate, was let down by this body in a direct violation of our rules.

The simple fact is that we, as a body, cannot afford to simply ignore the rules that we have passed. We either ought to amend the rules, or we ought to abandon the commitment to keep some communications in confidence, or we ought to enforce them. I see this as an essential ingredient in saying to the American people that we intend to stand by the rules we passed. It is a commitment of honor.

I believe and hope this body will stand behind the initiative of the Senator from California.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, on Tuesday last, as the Senate went in recess, pending the final hearings on the Supreme Court nominee's case, I was here on the floor, because by then we were aware of the fact that the rules of the U.S. Senate had been violated and that a breach of confidence had occurred. I said then—and I do not repeat in exact words—that we cannot let this happen if we expect our rules to mean anything. Frankly, if you have U.S. Senate rules that do not mean anything, you probably do not have much of a Senate.

So that night, as forcibly as I could, I suggested that while the proceedings might go on, the U.S. Senate ought to undertake some way to find out who breached the confidence. It had to be a Senator, or a staff person either of the committee, or of one of the committees that a staffer might have shared it with.

Frankly, I compliment the Senator from California, and I will be on his amendment. If it were a bill, I would be on it, because it probably is a simple and, if properly worded, ingenious way to get reliable, trustworthy third parties who do not breach their confidences but have the authority, if the U.S. Senate says, by law, we want you to do this, then they will have all of their authority. And I believe there is a reasonable chance that they will succeed.

On the other hand, if there is not a reasonable chance, it is better by anything we have by way of our committee structure, because it has never worked with this kind of a breach of confidence.

So I say that the Senator from California may be new to the Senate, but he has more than a new idea here tonight. He has one that will work. It is simple, straightforward, and to the point. Once a few words are added to it to make sure everybody understands what they are doing, I think it can have a timeframe to it and get done rather quickly. Frankly, there are a lot of ways to make sure that every single staff person is subjected to the inquiries and subjected in such a way that they would be vulnerable to our rules if, in fact, it is ascertained that they do not cooperate, or that they were the culprit in these breaches of confidential information.

I agree with the Senator from Colorado that the thing that is lost in all of this is that Anita Hill was given some very, very strong what I consider confidential information assurances that I believe might have been part of her reasons for giving her statement. She found shortly thereafter that it meant almost nothing. I just do not believe that is the way the U.S. Senate ought to leave this matter. We ought to at least try, even if we do not succeed, to get to the bottom of it. If nothing else, tonight's words might suggest to somebody around here—if not in this building, maybe in one of the three where

we house people, or to the ones that did it—that they ought to be careful, because this time the Senate is going to try to find out who they are.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I commend the Senator from California for the amendment which has been described here on the floor of the Senate in the last few moments and indicate my wholehearted support for that, and I will ask that I be added as a cosponsor when it is subsequently added.

I might say, Mr. President, that the Senator from California is right on the mark. The first problem before us is to figure out what happened in the case of the leak of the information provided by Anita Hill.

Beyond that, Mr. President, it is a question of the future. What the Congress has done so often in the past is exempted itself from legislation applying to everybody else. There are two pieces of legislation, Mr. President, that makes it a crime to leak FBI reports—the Privacy Act and another piece of legislation. What Congress has essentially done is exempt itself from the operation of this statute so that for anybody else in the Federal Government to leak an FBI report is a crime. For a Member of the Senate or a Senate staffer to do, it is not a crime, apparently, but simply a violation of Senate rules.

So, at the appropriate time, I will be offering an amendment on some vehicle dealing with the broader problems of how we deal with this in the future. It seems to me that it is quite simple. The Congress and Members of Congress, all staff, should not be exempt from the criminal laws of this country. It is a crime for an FBI agent to leak an FBI report to the press, and it ought to be a crime for a Senator, or a Senate staffer, to do it.

So I commend the Senator from California for his approach to getting at the problem that has already occurred. But in addition to that, Mr. President, we need to deal with the problem as it may occur in the future, because this is not the first time we have had an FBI report leak out of this body. The Congress should not be treated any differently from any other person in America when it comes to the criminal laws of this country. So there are two ways of getting at the problem.

As I said, I commend the Senator from California for his approach. I, too, will be offering an amendment along the lines I just suggested to legislation coming down the pike in the next few weeks.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I will join my colleague from California as a cosponsor of his amendment. The Senator from Alaska came back for the proposed vote a week ago Tuesday, and prior to that vote, after about 10 hours on the airplane, I went in and read the FBI report, and the accompanying report that Professor Hill had provided that was attached to it. And after reading the periodicals, the newspapers, watching television, and so forth, on the way down, I was struck by the reality that the trust of the Senate had been broken, and certainly the rights of Anita Hill had been violated by this body directly and indirectly through its agents.

I was struck by the significance of that because I felt it was a credibility, if you will, of the Senate itself that had been violated.

I think that, in the last 11 years the Senator from Alaska has been here, we have had leaks in this body before. There has been talk about manner of redress but we have not followed up on it for reasons that I am still a bit perplexed about. So I think there is a frustration now. We have seen this leak of the FBI report.

This is a body that operates under rules, otherwise we will have chaos and, as a consequence, the American public will show its frustration, as it should.

So I think that we are approaching this in a responsible manner. I would hope that we would approach it in a bipartisan manner. I think that we certainly owe it to people who come forward, whether they are asked or come forward voluntarily, and have the assurance from this body or its agents that they will remain confidential. When, through leaks in this body, that confidentiality is broken, it is clearly a case of their rights being violated.

I would only offer one bit of advice to my colleague from California, that I would hope that the special investigator, if indeed it goes that route, does not follow the course of the special investigator in the Iran-Contra affair which has been going on since 1987; and I know my colleague, the chairman of the Intelligence Committee, could wish that as well.

So with that observation, Mr. President, I think we are about ready to go into wrap-up.

I will defer to my colleague, the Senator from Oklahoma, and my good friend, the chairman of the Intelligence Committee.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I have been listening with great interest to my colleagues who have been discussing the problem of leaks during the Thomas confirmation process and, as I have indicated earlier, it is a matter about which I have very strong feelings. I also believe we must have a complete investigation of this matter. It strikes at the heart of the integrity of this institution and the confirmation process.

Many people have been damaged as a result, including both Judge Thomas and Professor Hill. I think we have a responsibility not to rest until those who have been responsible for this leak are determined and are held accountable for it and held responsible for it. As I said, if I had my way, the very smallest amount of accountability that would occur would be that they would be immediately terminated as employees of this institution. I think that is the least that should be done. I could not feel about it more strongly.

I also indicated we followed this kind of process in our committee. I am proud of the fact that in the Intelligence Committee we have established I believe over the past 5 years a very good record in terms of stopping the leaking of sensitive information. We do not even allow Members to take sensitive reports and classified information out of our space.

Most recently, in terms of the Gates confirmation process, we have not allowed staff members to look at FBI reports; Members only will have looked at those reports. And they have never been able to look at those reports except in the presence of agents of the FBI who have been instructed to stay with the documents, the phone calls, or any other matter in the reports, the reading of the reports; the agent has maintained custody of the reports at all times, and also custody of any notes or records that Members might take as they are reading the reports.

So I feel very, very strongly, as do my colleagues on the other side of the aisle who have spoken about it. I talked with the distinguished majority leader, Senator MITCHELL, about it. He made comments on the floor about his view. And he shares that strong determination to bring those responsible for this act to justice. He also shares the determination that we build discipline back into this institution and to all the operations of all the committees of this institution. And so I think it would be only appropriate, as he suggested, that we not simply investigate this one matter, but that we also adopt a systematic approach, generic approach, establishing a right framework of rules and right enforcement procedures that will assure that we have some accountability and this discipline built back into the entire process.

There is no difference of opinion on the two sides of the aisle about that matter, and I commend my distinguished colleague, the Senator from Maine, the majority leader, for the leadership which he has already taken.

We have had a very tragic affair, one that has tarnished the reputation of this institution and I think quite probably tarnished the reputation of many.

I am not one of those who cannot understand why the public is angry about what they have seen. I understand why they are angry. I think they have every right to be angry. I think Professor Hill has every right to be angry. I think Judge Thomas had every right to make the comments that he made about the way he had been treated by the Senate of the United States—or more appropriately, not by the Senate of the United States, but by whomever was responsible for that leak. He was victimized. The members of the committee themselves were victimized, and this institution has been victimized and suffered as a result.

But I think we should view this not as one incident to be dealt with but as a general problem that must be dealt with, a cancer eating away at the reputation of this institution.

The use of leaks—and it occurs, I might sadly say, in the legislative branch; it occurs in the executive branch as well, for those who lose internal debates within the executive branch also leak information as a way of getting their way if they cannot prevail in terms of internal arguments. That happens all too often in this city. It is a matter that needs to be addressed by those in public office and addressed by members of the media who need to set professional standards for themselves as well, and to think long and hard about whether or not it is appropriate for them to be used by people with their own political agendas to distort the integrity of a process.

I do not say that to point the blame at the media. All I say is that we have a problem that is a real serious problem and involves individuals and interest groups with their own agendas. It involves the Congress of the United States and involves the journalistic community. It involves many of us in this country, and we have to do something about it.

Senator DANFORTH once said in the course of this debate that we had gotten into a political climate in this country where it is not enough to beat someone, it is enough to beat them on an issue, it is not enough to have a political triumph; we have the kind of mean-spirited politics now developing where the destruction of the individual is now the accepted means of getting a desired political result.

Nothing is worse than that. Nothing will do more to undermine the public confidence in our Government. Nothing will do more to undermine the moral authority of our Government, or to undermine and tear apart the social fabric of this country than that kind of mean-spirited action that any means is justified by the ends, even the destruction of individuals who are entitled to respect and the treatment of dignity that should be accorded to any individual, the presumption of innocence of individuals, the right of privacy of individuals.

A terrible thing has happened. It has affected many individuals, in fact, on both sides of this issue involved in the Thomas confirmation. It is a sad day. But hopefully from what has happened we will learn some lessons and we will, all of us together, without regard to partisan difference, all of us together will decide to do something to start curing this sickness in our system and in our society, and work together to do it.

Another discouraging element of the division and divisiveness which has occurred is that we have divided people along party lines—some agreed we have been divided by race, divided by gender—at the very time in which our country faces immense challenge. And the only way that we are going to rise to these challenges, the only way we are going to get the country ready for the next century to rebuild the spirit of community in this country is when we stop thinking of ourselves as Democrat or Republican, male or female, members of one racial group or another and start to understand we are part of one American family and that each person in this American family is entitled to respect and fair treatment, and that no one political agenda, no one political agenda on the right or the left justifies inhuman treatment of people, of individuals. We have too much of that in this community.

As I said when we began the confirmation process related to Mr. Gates to be Director of CIA, I was determined that process would be one aimed at weighing the qualifications of an individual person, a human being, with children and parents and a spouse and neighbors and friends, whose reputation, whose respect for his own personal reputation he values. Every person who comes into a confirmation process or involves himself or herself in the political process is entitled to that respect and entitled not to be treated as a pawn in a political chess game as some symbol for some political issue. And that is sadly what we have seen again and again and again; people, whether they are on the right or the left, Democrats or Republicans, male or female, not being treated as individuals but being treated as pawns in a political chess game that has become more and more mean-spirited with lower and lower standards of personal integrity and less and less responsibility being exercised by those who are part of the process, even some of those in this institution and employees of this institution.

And it has to stop. It should be stopped and it should be dealt with in a systematic way, not isolated to this issue alone and this case alone.

But let us work together in a bipartisan way to find a system of appropriate rules and appropriate enforcement, an investigative mechanism to deal not only with the Thomas affair but also with other leaks that have occurred in the past or those that might occur in the future, so that we will create a climate in the entire Senate, as we have tried to create in the Intelligence Committee, with some level of success; not perfect success by any means, because I still find myself very frustrated by some of the things that happen even in the course of our progress. But at least we have made some progress in changing the climate. We must try to do that across the board in this institution.

I join in expressing my concern with my colleagues across the aisles. I want to assure them that I now have spoken with the majority leader, having heard his words on the floor that it is a concern that he shares. It is a matter of deep conviction with him and absolute sincerity with him. I know that he, along with the distinguished Republican leader and others, will be getting together to work for a solution, not to score a political point on this matter, not to score some partisan advantage on this matter, but to find a constructive solution to a very, very real problem.

Mr. President, one of these days we are going to have to get on to the broader tasks of reforming this institution. The distinguished Senator from New Mexico [Mr. DOMENICI] and I have joined with Congressman HAMILTON and Congressman GRADISON on the House side in calling for a new commission along the line of the Monroney-LaFollette Commission, which helped to organize Congress in 1947.

There is so much work to be done. We have gone from 38 committees to 310 committees and subcommittees. Staff has mushroomed all out of control. Procedures have become unmanageable. We have campaigns that are tainted in a way, giving aid and advantage to incumbents.

One of these days, and it is not going to be far off, the American people in utter frustration are going to say: Those people are never going to reform themselves. Those people are never going to reform their institution. We will have to turn to the radical solutions of term limitations to do it.

That is going to happen. There is not going to be a long pause before this movement really takes off. We are going to be voting on it in the State of Washington in just another month. That will be the next sign of the outrage of the American people.

And I might say I felt it myself. I have never felt such disappointment in this institution as I have felt during the last week. And on leaving this city over the weekend, I got on the airplane and someone turned to me and said, "Aren't you a Member of the Senate?"

And looking at the reaction of the other people sitting on the airplane looking at me, you would have thought

I had just been accused of a criminal act. It brought home to me the deep feelings of alienation that exist in the country. And what a tragedy, what a tragedy it is, not just for the Senate but for the country, because something is badly wrong if the people cannot believe in their own Government.

Let me say I think we roundly deserve a lot of criticism that we are now getting as an institution. Let us not wait. The time is now to have hearings on our proposal to reassert a Monroney-LaFollette type effort as we had in 1947, not only to look at the problem of the confirmation process, not only to look at leaks in this institution, but again to look at restoring the basic health and functioning of this institution.

It needs to be done. The public is ready for it. The time is right for it. And we should begin with it.

Mr. President, I do not want to keep my colleagues here any longer. I know that all of us share the same frustration. I know all of us feel the same disappointment and personal hurt from what has happened during this past week. And now we just all have to go to work in a very positive and constructive way and set things right. That is the challenge that is before us.

It is now time to stop the gnashing of teeth. It is the time for healing, but more than anything else, it is the time to start in a constructive way to regain—and merit regaining—the confidence of the American people in this institution and in our political process.

MORNING BUSINESS

Mr. BOREN. 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.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, announces the appointment of the following Senators to be members of the official Senate delegation to attend the 50th Anniversary Commemoration of the Attack on Pearl Harbor: The Senator from Hawaii [Mr. INOUYE], chairman; the Senator from Nebraska [Mr. EXON]; the Senator from Alabama [Mr. HEFLIN]; the Senator from New Jersey [Mr. LAUTENBERG]; and the Senator from Hawaii [Mr. AKAKA].

KANSAS EDITORIALS SUPPORT CLARENCE THOMAS

Mr. DOLE. Mr. President, although Clarence Thomas has now been confirmed by the full Senate as the newest member of the U.S. Supreme Court, there is no doubt the Thomas nomination and the subsequent hearings on Capitol Hill will be studied and debated for many years to come.

It was not an easy vote, nor was it an easy call for editorial writers all across America. I closely followed editorial opinion in Kansas, and it was clear my homestate newspapers were just as gripped as anyone else by the drama surrounding the Thomas nomination.

Mr. President, that is why I would like to share with my colleagues three editorials from Kansas newspapers that are thoughtful, compelling opinion pieces.

I highlight these editorials because they not only reflect the tough issues and choices that confronted the Senate and the American people during the long confirmation process, but because they also make a convincing case why Clarence Thomas deserved confirmation.

These editorials, from the Wichita Eagle, the Hutchinson News and the Manhattan Mercury, should be available not only to my Senate colleagues, but also to future generations of Americans who want to study this dramatic chapter in our Nation's history.

Mr. President, I ask unanimous consent that these editorials be included in the RECORD.

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

[From the Wichita Eagle, Oct. 15, 1991]

NO PROOF—THOMAS ALLEGATIONS AIRED: HE SHOULD BE CONFIRMED

Americans have been mesmerized by the Senate Judiciary Committee's hearings into allegations that Supreme Court nominee Clarence Thomas sexually harassed a former colleague.

Most Americans wanted to see a clear-cut resolution, some unequivocal evidence to prove or disprove Professor Anita Hill's allegations. None was forthcoming.

In the Thomas case, there was no third-party witness to support Professor Hill's charges. There was no pattern of harassment shown. That doesn't mean Judge Thomas is guilty or innocent. It means only that the Senate proceedings did not resolve the issue conclusively. It boiled down to his word against hers.

By any measure of fairness it is wrong to destroy Judge Thomas' career and ruin his reputation based on unsubstantiated accusations. In previous appearances before the Senate Judiciary Committee, Judge Thomas proved to be a man of strong moral beliefs, a man who had overcome poverty and racial discrimination, a competent jurist who was qualified to sit on the Supreme Court. It would be tragic for the Senate to refuse to confim him based solely on unproven sexual harassment allegations.

However, it would also be tragic if the Thomas case were used to disparage the very real problem of sexual harassment in the workplace. Likewise, it would be tragic if women interpreted the Thomas case as evidence that Americans don't take the problem of sexual harassment seriously.

Indeed, Judge Thomas' confirmation process may prove a greater value in making America a more just nation than any decision he may render on the Supreme Court. Reaction to the case has raised the nation's consciousness about sexual harassment. For the past week, the issue has been the No. 1 topic across the country. It's safe to say that the Thomas case has educated millions of Americans about sexual harassment.

Out of that should come a greater awareness of sexual politics in the workplace—of the potential for abuse and unequal power relationships between male bosses and female employees, of the varying senses of propriety men and women bring to the job.

The ultimate goal is mutual respect among professional colleagues, and a work environment where no one faces sexual humiliation, where each person is free from unwanted sexual advances.

Each American has his or her own theory as to why Anita Hill stepped forward and whether Clarence Thomas was convincing. Yet, based on the Senate Judiciary Committee hearing, all is conjecture and personal opinion.

The issue of sexual harassment will continue long past today when the Senate makes its decision on Judge Thomas. There simply was not compelling evidence to disqualify him from the Supreme Court.

[From the Manhattan Mercury, Oct. 14, 1991]

THOMAS SHOULD BE CONFIRMED

If the gut-wrenching, emotion-packed Clarence Thomas nomination hearings were a trial, a jury could deadlock and go home. But it's not a trial, the senators will have to weigh Anita Hill's harassment allegations against Judge Thomas' denial and against all the positive traits in his record and character. Then they will have to vote on his nomination to the U.S. Supreme Court.

Too many no doubt have been checking with their pollsters to find out how their vote will sit with female and black constituents, with conservatives and liberals, with those who think Anita Hill's a hero and Clarence Thomas is a snake, with those who think Ms. Hill is part of some conspiracy or a pathological liar and Mr. Thomas a wronged man.

It would be nice if this vote were about conscience and not about politics. For the conscience tell us that the burden of proof has to be on Ms. Hill, and as expected, there is now no way to say for sure who has been telling the truth. One of the two is a great actor, has committed the crime of perjury, and has done the country and the other a horrible injustice. The other is as courageous a person as has ever appeared in a Senate hearing. Which is which? We can't tell, and have no way of knowing if in the months and years ahead some evidence will be found to determine the truth.

Public opinion polls are showing that a majority of the people believe Judge Thomas, but polls are volatile and can switch back if something new were to surface. But tomorrow is the time for the vote, and the senators have to go on what has been presented so far.

Because there is a reasonable doubt as to who is telling the truth, Judge Thomas should be confirmed. And if he's been telling the truth, the passion he showed in the last three days will help make him a fine justice, despite some of his views, which are not to our liking.

What had been missing in the part of Judge Thomas' testimony orchestrated by handlers and carefully rehearsed was passion. A justice lacking passion cannot serve as a protector of the rights of the accused, of the poor and the powerless. A justice lacking passion lacks the part of jurisprudence not

found in a textbook: humanity. During the last few anguishing days, Judge Thomas showed that he has plenty of humanity.

[From the Hutchinson News, Oct. 15, 1991]

PLASTIC FEMINISTS DON'T SPEAK FOR ME

(By Mary Rintoul)

I feel as if I'm a traitor to my own sex.

But I do not believe Anita Hill's allegations against Clarence Thomas.

Barring unforeseen circumstances, the Senate will vote at 5 p.m. today whether to allow or deny Thomas a spot on the nation's highest court. If he is denied the title of Supreme Court Justice, the Senate will have pulled off one of the greatest travesties of all time.

During the three days of testimony leading up to today's vote, my heart ached for Thomas during his impassioned speeches to the Senate Judiciary Committee.

My heart ached for his wife, Virginia, who cried as Republican Sen. Orrin Hatch recounted Ms. Hill's damaging allegations.

My heart ached for Virginia Thomas' sister who lives in Hutchinson, and must be going through a private hell.

The only thought that went through my mind when Ms. Hill was testifying Friday was that she was lying. I can't base that on anything but a gut feeling.

I am sure that in 1981 and 1982 she did indeed tell friends and associates that she was being sexually harassed by Clarence Thomas. I do not dispute that testimony offered by her friends Sunday to the committee. But I believe Ms. Hill was lying then as she is lying now because Clarence Thomas did not give her the job promotions she thought she deserved. A woman scorned, if you will.

There are other troubling aspects. Clarence Thomas has been confirmed by the Senate four times for other government positions. Four times. Yet, where was Ms. Hill during those four confirmation hearings? It seems in her mind it was OK for Thomas to be a sexual harasser and a federal appeals judge. But elevate him to the Supreme Court and it's a different story. That makes no sense.

And the Senate Judiciary Committee—

Who on that committee leaked the FBI report on Anita Hill to the media? Others have pointed the finger at Democratic Sens. Ted Kennedy and Howard Metzenbaum. That probably isn't too far from the truth. Their motivations may never be known. But their partisan politics stink.

And the media—

One could go on forever about their role in this mess. But I am troubled most by the so-called experts that print journalists and television reporters chose to interview during the breaks in the hearings.

Let's get it straight. Do not think for one minute that the National Organization for Women speaks for me. Not on the Thomas hearings, not on any subject.

Why on earth do journalists typically run to this organization every time they seek a woman's viewpoint on some issue? Why don't they interview real women. Not those plasticized feminists who think they speak for all women? They do not speak for me. And I resent the media for thinking they do.

I am a woman. I support Clarence Thomas. He should be confirmed.

NOMINATION REFERRED TO COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BOREN. Mr. President, as if in executive session, I ask unanimous consent that the nomination of Ms. Jill Kent to be Chief Financial Officer of the U.S. Department of State, Executive Calendar 324, be referred to the Committee on Governmental Affairs for not to exceed 20 days.

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

VETERANS' HOSPICE CARE ACT OF 1991

Mr. BOREN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 239, S. 1358, regarding Veterans' Hospice Care.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1358) to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1261

(Purpose: To expand the category of veterans who are eligible for hospice care services and to make technical corrections)

Mr. BOREN. Mr. President, on behalf of Senator CRANSTON, I send a series of modifying amendments to the desk on behalf of the committee and ask that they be considered en bloc as one amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for Mr. CRANSTON, proposes an amendment en bloc numbered 1261.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 2, line 11, strike out "671." and insert in lieu thereof "1771."

On page 2, beginning on line 15, strike out "'(A) who is" and all that follows through line 19 and insert in lieu thereof the following—

"'(A) who is—

"'(i)(I) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, or (ii) eligible for hospital and nursing home care in such facility and receiving such care;

"'(ii) receiving nursing home care at a non-Department of Veterans Affairs nursing home under section 1720(a)(1)(A) of this title; or

"'(iii) receiving domiciliary care, nursing home care, or hospital care for which the Department is paying a State per diem under section 1741 of this title; and'"

On page 3, line 9, strike out "601(4)(A)" and insert in lieu thereof "1701(4)(A)".

On page 3, line 15, strike out "672(b)(1)(D)" and insert in lieu thereof "1772(b)(1)(D)".

On page 4, line 1, strike out "672" and insert in lieu thereof "1772.".

On page 7, line 15, strike out "(B) of" and insert in lieu thereof "(B) or".

On page 7, line 25, strike out "is" and insert in lieu thereof "if".

On page 8, line 5, insert ", supplies, and medications" after "services".

On page 8, line 6, insert "that' after "exceeds".

On page 8, line 6, strike out "673." and insert in lieu thereof "1773.".

On page 8, line 18, strike out "672(a)(1)" and insert in lieu thereof "1772(a)(1)".

On page 9, line 8, strike out "674." and insert in lieu thereof "1774.".

On page 9, line 18, strike out "675." and insert in lieu thereof "1775.".

On page 9, line 23, strike out "672" and insert in lieu thereof "1772".

On page 9, line 24, strike out "673" and insert in lieu thereof "1773".

On page 10, line 6, strike out "673" and insert in lieu thereof "1773".

On page 10, line 24, strike out "672" and insert in lieu thereof "1772".

On page 10, line 25, strike out "673" and insert in lieu thereof "1773".

On page 11, line 17, strike out "672(b)(3)" and insert in lieu thereof "1772(b)(3)".

On page 12, line 25, strike out "672(c)(1)(C)" and insert in lieu thereof "1772(c)(1)(C)".

On page 13, line 18, strike out "673(a)" and insert in lieu thereof "1773(a)".

On page 13, line 25, strike out "672" and insert in lieu thereof "1772".

On page 14, line 1, strike out "673" and insert in lieu thereof "1773".

On page 15, in the matter below line 5, strike out "'671." and insert in lieu thereof "'1771.".

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On page 15, in the matter below line 5, strike out "'674." and insert in lieu thereof "'1774.".

On page 15, in the matter below line 5, strike out "'675." and insert in lieu thereof "'1775.".

Mr. BOREN. I ask unanimous consent that the amendment be considered and deemed to have been agreed to en bloc.

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

So the amendment (No. 1261) was agreed to.

The PRESIDING OFFICER. Are there further amendments?

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I rise to urge my colleagues to give their unanimous approval to the pending measure, S. 1358, the proposed Veterans' Hospice Services Act of 1991 as it will be modified by a committee amendment that I am proposing. I worked closely with committee members BOB GRAHAM and JOHN D. ROCKEFELLER IV in the development of this measure, which Senator GRAHAM introduced on June 24, 1991. Joining with us as original cosponsors were committee members DANIEL K. AKAKA, DENNIS DECONCINI, and THOMAS A. DASCHLE and Senators JOHN MCCAIN,

CONNIE MACK, and KENT CONRAD. The committee's ranking minority member, ARLEN SPECTER, and Senators QUENTIN BURDICK, CHRISTOPHER DODD, JOSEPH LIEBERMAN, ERNEST HOLLINGS, DALE BUMPERS, RICHARD BRYAN, DANIEL INOUYE, JOHN GLENN, JOHN KERRY, JAMES SASSER, WENDELL FORD, MARK HATFIELD, and ALFONSE D'AMATO have become additional cosponsors.

On June 12, 1991, the committee held a hearing to receive testimony on, among other matters, a draft of the legislation that was subsequently introduced as S. 1358. On June 26, 1991, the committee met and voted unanimously to report S. 1358 as introduced. The committee report on S. 1358 (S. Rept. No. 102-160) was filed on September 24, 1991.

As the impressive list of cosponsors indicates, S. 1358 enjoys broad bipartisan support. It also earned the endorsement of the six veterans service organizations whose representatives testified at the June 12 hearing—the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, Amvets, the Paralyzed Veterans of America, and the Vietnam Veterans of America. Supporters in the hospice-care community include the National Hospice Organization, Hospice Care, Inc., and the Hospice Association of America.

Mr. President, before I continue my remarks, I will yield to my colleagues, Senator GRAHAM and Senator ROCKEFELLER, for their remarks on the bill. Senator GRAHAM has been a strong advocate of hospice care ever since his days as governor of Florida when he signed into law the first State standards for hospice care. His expertise and concern for the expansion of hospice-care opportunities for veterans contributed significantly to the development of S. 1358. This measure also benefited from the involvement of Senator ROCKEFELLER who brought to the bill a wealth of knowledge about the place of hospice care within the broader continuum of health-care services. I congratulate my colleagues for their work on this measure and look forward to further collaborative efforts with them to improve VA health-care services.

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs and as a cosponsor, I am pleased to support passage of S. 1358, the Veterans' Hospice Services Act of 1991. This bill represents a bipartisan effort by committee members to craft a pilot program that will enhance the Department of Veterans Affairs' [VA] ability to provide more comprehensive, compassionate health care. I believe the final product, which incorporates three different models by which VA may furnish hospice care, provides the appropriate balance of services and will allow VA to determine which model of care, or combination of models, best suits the veteran population.

The primary goal of hospice is to make the remaining weeks or months of a patient's life as comfortable and peaceful as possible through pain control and counseling provided by doctors, nurses, home health aides, social workers, clergy, and volunteers. Hospice is more than palliative care for the terminally ill; it is an evolving philosophy of care that is holistic in nature, treating the physical, mental, spiritual, and emotional needs of both patient and family.

The hospice philosophy of care stresses patient rights. Thus, because hospice is an alternative to curative care, patients must choose it as an option. The terminally ill have the right to die in a nurturing environment, among people who love and care for them, and with dignity. Accordingly, the home is the ideal setting for most patients. Nevertheless, there are times when inpatient or nursing-home care is necessary.

We have learned at committee hearings, Mr. President, that hospice services have become a more accepted and respected part of the continuum of care for much of the medical community. Hospice is also a more frequently chosen option for the terminally ill. It seems only appropriate, then, that VA, as the health care provider for our Nation's veterans, explore the feasibility and desirability of establishing a formal hospice benefit.

The Senate bill would establish a pilot program for a duration of 5 years at not less than 15 but not more than 30 VA medical facilities for veterans who are entitled to VA hospital care or eligible for VA hospital or nursing-home care. VA would use the definition of hospice services set forth in the Medicare statute (section 1861(dd)(1) of the Social Security Act, 42 U.S.C. 1395 et seq.). All the services that are provided under Medicare—such as physical therapy, inpatient and respite care, and 24-hour home care when necessary—would be made available to veterans participating in the program. Under the bill, hospice care could be provided in three ways: solely by VA; through a contractual agreement with a community hospice with any necessary inpatient services to be furnished by VA; or through a contractual agreement with a community hospice with inpatient services provided at a non-VA facility.

The Secretary must also designate five VA facilities that presently offer palliative care for the purposes of comparing this care to the three means described above. The amount paid to a non-VA hospice program may not exceed the amount that would be paid to that program under Medicare, but may exceed the Medicare reimbursement rate, on a case-by-case basis, if the Secretary determines this rate to be inadequate for the services being provided. VA would be required to submit annual reports and a final report to the congressional committees, assessing and evaluating the program.

This is a well-written, balanced piece of legislation. I would like to thank staff who worked so hard on this measure, particularly Ann Hardison of Senator BOB GRAHAM's staff; Janet Coffman, Susan Thaul, Bill Brew, and Ed Scott of the committee's majority staff; and Carrie Gavora, Yvonne Santa Anna, and Tom Roberts of my staff.

Mr. President, no one should be denied the right to die a peaceful, dignified death, especially our Nation's veterans. I understand that some VA medical facilities do offer palliative care for terminally ill veterans who choose it. Recently, I received a letter from a family member of a veteran who received such care in the Wilkes Barre, PA, VA Medical Center, and he had nothing but praise and thanks for the care his father received in Wilkes Barre's hospice program.

It is that kind of compassion that veterans deserve, Mr. President. This bill is an important step toward ensuring its availability to all veterans.

I urge my colleagues to support this important measure.

Mr. GRAHAM. Mr. President, I am pleased that today the Senate is considering long overdue legislation extending to the Secretary of Veterans Affairs the authority to begin offering hospice-care services to terminally ill veterans.

Under current law, Medicare-eligible patients have access to hospice care, as do Medicaid patients at State's option. This bill will take us toward allowing all veterans to receive equitable access to the hospice benefit offered Medicare and most Medicaid patients.

Hospice programs are designed to meet the needs of terminally ill patients with a short prognosis for life. Trained teams of physicians, nurses, social workers, volunteers, and chaplains provide pain relief, symptom management, and supportive services to the patients and caregivers.

Although there are numerous types of hospice programs around the country, all have two shared goals. First, hospice seeks to make the final days of the patient's life as comfortable and enjoyable as possible. Second, hospice programs reduce the overwhelming financial burden facing the terminally ill patients and caregiver.

Traditionally, hospice patients are served at home where family and friends become an essential element providing the basic care. The hospice team instructs caregivers in the daily routine of assisting the terminally ill individual. Through this instruction and special counseling, the hospice team helps make the adjustment to new circumstances.

For those individuals who, for whatever reason, do not chose to remain at

home, hospice programs can also arrange for care in medical facilities.

This legislation authorizes the Secretary of Veterans Affairs to select 15–30 VA medical facilities to experiment with offering hospice services to veterans through a variety of methods, including in-house programs staffed by VA personnel and contracting out to private, profit or nonprofit hospice programs.

The bill requires the VA to annually report on the level of veteran participation and satisfaction with the program and to estimate the cost effectiveness of providing terminally ill patients with this type of care.

Mr. President, I am confident that the VA will find real interest in the veterans community for this service. The independent budget offered earlier this year by a number of veterans service organizations specifically called for the activation of hospice programs in the VA.

Second, I am confident that VA reports will show that hospice programs result in substantial savings for both the VA and the individual, as well as freeing-up much-needed beds for other veterans.

The costs involved in caring for a terminally-ill patient in the last 180 days is staggering. A recent study by the Health Care Financing Administration indicated that 46 percent of all costs of care spent in the last year of a patient's life are consumed in the last 60 days. At least a third of those days the patient spends in an acute hospital bed.

A 1985 VA survey showed that there were 5,322 terminally ill patients housed in VA hospitals on most days. Ninety-two percent of those veterans died in the hospital, rather than in their own home.

It is not the intent of this legislation to take away health care services or hospital benefits from our terminally-ill veterans. The terminally ill veteran will be free to elect or reject hospice benefits.

Our brave veterans deserve the right to die with dignity. Extending the hospice-care option in the VA gives them this opportunity.

The legislation has broad bipartisan cosponsorship and was unanimously endorsed by the Veterans' Affairs Committee. I encourage my colleagues to support the bill.

Mr. ROCKEFELLER. Mr. President, I have been proud to work closely with Senator GRAHAM, Senator CRANSTON, the chairman of the Veterans' Affairs Committee, and other Senate colleagues in an effort to extend hospice care to terminally ill veterans. Our veterans and their families would like to have the option of receiving hospice care, and they certainly deserve it.

Hospice care is a compassionate alternative for terminally ill patients who prefer to remain at home during their illness. Under a comprehensive hospice program, patients receive specialized care to control and minimize pain, and their families receive support and counseling.

Hospice care was first introduced into the United States in 1974, with the establishment of the first hospice in Connecticut. In just 17 years, over 1,450 hospice programs have been established and hundreds more are being developed. In West Virginia, we have 12 hospices and 8 other groups are working to develop a comprehensive hospice program.

The need for hospice care for veterans was illustrated during the Senate Veterans' Affairs hearing in June. I was proud to introduce Charlene Farrell, exectuve director of the Hospice of Huntington, to the committee. During her testimony, Charlene shared her personal insights on hospice care. She told a story about a veteran who was in the local VA hospital for 3 months. While in the hospital, suffering from cancer of the tongue, this depressed veteran asked that the door and drapes be closed so he would be in darkness. Eventually, his daughters decided to take him home and turned to the private care of the hospice of Huntington.

Thanks to hospice, this veteran enjoyed several weeks of living with his family before he passed away in July. He had the opportunity to sit outside on his terrace balcony, watch old movies on television, and spend time with his daughters. It was a struggle for his daughters to care for him at home, but with the support of the hospice they had that chance. But, this veteran had to leave the VA health-care system to receive hospice care. Not all veterans and their families can afford to leave the VA for private health care.

Our bill would establish a much-needed pilot program to evaluate the benefits of hospice care for veterans, and determine the best ways to implement hospice care by exploring various ways to provide hospice care within the VA system.

Over 230,000 terminally ill patients and their families are expected to receive hospice care this year.

Many of these individuals will use Medicare benefits to pay for hospice services. The Federal Government approved hospice benefits for eligible Medicare patients in 1983, and some States reimburse for hospice care under Medicaid. Seniors and other Americans eligible for Medicare can chose the hospice program, but unfortunately many veterans do not have such a choice.

We can, and should, change this.

Our country has established a unique VA health-care system with 172 hospitals to provide care to veterans. Because of our enormous Federal budget deficits and funding concerns, the VA health-care system faces serious challenges. I believe we can respond to the challenge of providing veterans with quality health care, despite limited budgets, by trying creative approaches like hospice care. Data from the Health Care Finance Administration [HCFA] indicates that Medicare spends less for patients in the last 90 days of life on the hospice program than Medicare patients who are not involved in hospice.

Clearly, the VA health-care system is quite different from Medicare. This is why we need a demonstration program on hospice within the VA to determine how effective it is, how it can be implemented, and if it is cost-effective.

Hospice care is compassionate. It provides terminally ill veterans and their families with a choice. We should pass this legislation to push the VA to move forward in offering hospice care to veterans.

Mr. CRANSTON. Mr. President, at this point, I will summarize the bill and then speak briefly regarding certain aspects of the legislation.

SUMMARY OF PROVISIONS

Mr. President, S. 1358 as reported, which I will refer to as "the Committee bill," contains amendments to title 38 which would:

First, require the Secretary of Veterans Affairs, during the period beginning on October 1, 1991, and ending on December 31, 1996, to conduct a pilot program in order to assess the feasibility and desirability of furnishing palliative care to veterans having a medical prognosis, as certified by a VA physician, of a life expectancy of 6 months or less, and to determine the most efficient and effective means of furnishing such care.

Second, provide eligibility for services under the program to terminally ill veterans who are entitled to VA hospital care or eligible for VA hospital or nursing home care and receiving such care. This eligibility will be extended by the committee amendment to include veterans who are eligible for and receiving nursing home care in a community facility under VA contract and veterans for whom VA makes per diem payments for care furnished in State veterans homes.

Third, provide that the hospice care services to be furnished under the pilot program are to have the same scope as hospice care services under Medicare and that, in addition, VA would be authorized to provide personal care services as necessary to maintain a veteran's health and safety within the home or nursing home in which the veteran resides, including care or services related to dressing, personal hygiene, feeding, and nutrition.

Fourth, require the Secretary to (a) establish hospice care demonstration projects at not less than 15 but not more than 30 VA medical facilities, and (b) conduct these demonstration projects and allocate resources in a manner that facilitates the evaluation of the furnishing of care to terminally

ill veterans by a variety of means and in a variety of circumstances.

Fifth, require the Secretary to ensure, to the maximum extent feasible, that the medical facilities selected to conduct the demonstration projects under the pilot program include facilities that (a) are located at sites in both urban and rural areas, (b) have the full range of affiliations between VA medical facilities and medical schools, including no affiliation, minimal affiliation, and extensive affiliation, (c) operate and maintain various numbers of beds, and (d) meet any additional criteria or standards that the Secretary may deem relevant or necessary to conduct and evaluate the pilot program.

Sixth, require that under a demonstration project care to terminally ill veterans be furnished by (a) the personnel of a VA medical facility providing hospice care services pursuant to a hospice care program at that facility, (b) a non-VA hospice program providing hospice care services by contract with VA and with any inpatient services furnished at a VA facility, or (c) a non-VA hospice program providing hospice care services by contract with VA and with any inpatient services furnished at a non-VA facility.

Seventh, require that each of these three means of providing care be used at not less than five VA medical facilities.

Eighth, provide that the amount paid to a non-VA hospice program for care provided to a terminally ill veteran generally may not exceed the amount that would be paid to that program if the care were provided under Medicare, but authorize VA to pay more than the Medicare rate if the Secretary determines, on a case-by-case basis, that the Medicare rate would not adequately compensate the hospice program for the cost of furnishing care that is necessary and appropriate.

Ninth, require VA to designate at least five VA medical facilities without a hospice care program at which palliative care for terminally ill veterans is provided by VA personnel for purposes of comparing the furnishing of care at these VA facilities with hospice care provided by the three means described above.

Tenth, require the Secretary, to the extent practicable, to ensure that VA patients who are diagnosed as terminally ill receive information concerning their eligibility, if any, for hospice care and services under Medicare.

Eleventh, require the Secretary, by September 30, 1992, and on an annual basis for the next 5 years thereafter, to submit periodic written reports on the pilot program to the Congressional Committees on Veterans' Affairs.

Twelfth, require the Secretary, not later than August 1, 1995, to submit to the Veterans' Affairs Committees a report evaluating and assessing the pilot program to that point, including (a) an evaluation and assessment of the feasibility and desirability of furnishing palliative care to terminally ill veterans, (b) an assessment of the optimal means of furnishing such care, including such considerations as cost, satisfaction of the veteran, family members, and other persons having close relationships with the veteran, use of acute, inpatient facilities and other VA health care services, and (c) any recommendations for additional legislation regarding such care.

HOSPICE CARE IN THE UNITED STATES

Mr. President, hospice care is an alternative to customary, curative medical treatment of terminally ill persons which has found wide acceptance throughout the United States since the early 1970's. Hospice care neither prolongs life nor hastens death, but instead seeks to enable terminally ill persons to live their final days as happily and comfortably as possible. Acknowledging that death is an inevitable, impending reality for terminally ill persons, hospice programs provide services to assist terminally ill persons, as well as their families and friends, in coping with this reality. Hospices provide a coordinated program of palliative care, encompassing noncurative care focusing on relieving pain and other symptoms, as well as psychological, social, and spiritual support services in home and inpatient settings.

Hospice care also differs significantly from customary, curative medical care in emphasizing the use of family members and volunteers to provide personal-care and basic health-care services.

PURPOSE OF THE COMMITTEE BILL

Mr. President, the committee's main goals in developing this legislation are to make hospice services available to greater numbers of veterans and develop information about how VA might best provide such services. In light of the reported success of the hospice programs currently operated by VA, as well as of the Medicare and Medicaid hospice benefit programs, the question is not whether VA ought to provide palliative care for terminally ill veterans. That question has already been answered in the affirmative. Indeed, VA's own testimony at the committee's hearing indicated as much. As Deputy Secretary Anthony J. Principi stated at the committee's hearing, "Hospice is a proven concept; it is compassionate, it is cost effective, and the VA should be moving more forcefully and aggressively in this direction." VA must now address the more difficult question of the best manner in which to provide palliative care to greater numbers of terminally ill veterans and to ensure that such services are accessible to eligible veterans.

EVALUATION REQUIREMENT

Mr. President, proposed new section 1775 of title 38 would establish criteria for the Secretary to follow in selecting demonstration sites for the hospice pilot program. These include geographic location, urban and rural, size of hospital, measured by numbers of operating beds, level of medical school affiliation, as well as model of care. The committee intends that the Secretary apply these criteria in a manner which enhances both the amount of hospice services available to veterans and the validity of the evaluation component of the pilot.

The emphasis that the committee bill places on the examination of various models of furnishing care is not meant as a criticism of the designated hospice programs currently operated by VA facilities. These programs generally appear to provide good care to the veterans they serve. However, the few existing programs can serve only a small fraction of the terminally ill veterans who wish to receive hospice care services through the VA health-care system.

At the same time, it does not seem necessary that such programs be created in-house at all VA facilities. For example, some VA medical centers may not have sufficient numbers of patients desiring hospice care to justify the establishment of an on-site hospice program. It may well be more appropriate for those VAMC's to contract with Medicare-certified hospices in the local communities where terminally ill veterans live or to offer hospice-type services without establishing a designated hospice program. Other VAMC's might choose to provide case-management services for Medicare eligible veterans who elect to use the Medicare hospice benefit.

Mr. President, the committee expects that there will be no one systemwide method for furnishing hospice care. An organizational arrangement in a densely populated urban area may be inappropriate in a setting where veterans reside in areas which are geographically remote from the nearest VAMC. Similarly, VAMC's with strong training and research affiliations with medical schools or other health professions schools may derive different benefits from certain hospice care models than would those VAMC's which function with minimal or no involvement with professional schools.

Moreover, some within VA have suggested that Medicare standards for hospice care services may not be appropriate for treating veterans under VA auspices. The committee bill would allow VA to test this hypothesis by providing for the evaluation of hospice services furnished by five VA medical centers that furnish some hospice services but do not operate hospice programs that furnish the full range of hospice services as defined in the Medi-

care statute. These five sites could include, but would not be limited to, those VA medical centers—described by Dr. Thomas Yoshikawa, VA Assistant Chief Medical Director for Geriatrics and Extended Care, in his testimony—that furnish components of hospice care within the standard organizational divisions of the medical center. By comparing existing VA programs and the 15 to 30 hospice care demonstration projects, the pilot program would provide the opportunity to answer many questions about the organization, care, cost, and usefulness of different models of hospice-like care, including whether, for VA, alternatives to Medicare-defined standards might be better. The committee bill would require the evaluation and report to provide data comparing the care provided by VA's palliative care programs and the care provided by the demonstration projects in terms of clinical, economic, and social outcomes.

Based on hearing testimony and followup responses of VA, it appears that extensive data regarding the clinical and social outcomes of VA palliative care programs for terminally ill patients do not exist. The evaluation requirement proposed in the committee bill would require VA to collect extensive data on VA palliative care programs and hospice care programs which would assist VA and the Congress in developing policies for expansion of veterans' access to hospice care services.

The committee recognizes that, in light of the large scope and the variety of the questions the evaluation of this pilot program will pose, the development of statistically valid data will be very difficult. What the evaluation should provide at a minimum is the opportunity to explore, if not answer definitively, many relevant questions. No one study, no matter how well done, can provide a definitive answer. The committee intends for VA to learn as much as possible through this pilot program about different ways of providing, paying for, and assessing hospice services to terminally ill veterans.

EXPANDING VETERANS' ACCESS TO HOSPICE SERVICES

Mr. President, expansion of VA hospice services would be an important addition to the continuum of health services VA furnishes to terminally ill veterans. Hospice may not be the appropriate choice for all terminally ill veterans, but, for those whose illnesses have progressed to a stage beyond which curative care can improve their physical condition, it represents a compassionate alternative to customary, curative care. Veterans furnished hospice care would have the opportunity to receive medical, nursing, psychological, social, and spiritual assistance which would enable them to live their last days as happily and as comfortably as possible, while preparing themselves and their families for impending death. We owe nothing less to the dedicated individuals who have served their Nation with honor, courage, and commitment.

Mr. President, a few VA medical centers currently provide the sorts of hospice services that enable terminally ill veterans to remain at home. Out of 172 VA medical centers, only 9 operate designated hospice programs and only 31 furnish some hospice services within the standard organizational divisions of the medical center. These programs can serve only a fraction of the terminally ill veterans who wish to receive hospice care services through VA. Most terminally ill veterans and their families and friends face the agonizing choice of either institutionalizing the veteran or providing care in the veteran's home with little or no assistance from VA. Some terminally ill veterans live in communities that have extensive networks of hospices and home-health agencies, but others live in rural areas in which few community services are available.

Expansion of access to hospice care programs would provide terminally ill veterans using VA health-care services with an option that is already widely available to Medicare and Medicaid beneficiaries. Coverage for hospice care is also widely available to persons holding commercial health insurance policies.

Some may question the need for VA to provide services already available to veteran Medicare and Medicaid beneficiaries. That choice may not be ideal for some veterans who require specialized services, such as spinal cord injury care, which are not readily available outside the VA health-care system, or who have used VA facilities for many years and prefer to be furnished hospice care in the VA system with which they are familiar. In addition, once a terminally ill veteran elects to use the Medicare or Medicaid hospice benefit, the veteran often loses access to VA health-care professionals who have furnished the veteran's care in the past. Provision of hospice care services at VA facilities or through contract arrangements with community facilities would enhance the quality of hospice services terminally ill veterans receive, because it would permit greater coordination and exchange of information between hospice and acute-care providers responsible for the veteran's care.

Moreover, a significant number of terminally ill veterans qualify for neither Medicare nor Medicaid. According to VA's Annual Report for Fiscal Year 1990, 73 percent of all veterans receiving care in VA facilities were under age 65; therefore, the vast majority are likely to be ineligible for the Medicare hospice benefit. Some of these veterans may hold insurance policies providing coverage for hospice care, but many do not. This is especially true of younger veterans with AIDS or incurable cancers or other terminal illnesses. Many of these veterans have little opportunity to receive hospice care unless VA provides it.

COMMITTEE AMENDMENT

Mr. President, the proposed committee amendment to S. 1358 would modify two of the bill's provisions and make several technical corrections. First, the committee amendment would extend eligibility for hospice care services to terminally ill veterans who are eligible for and receiving care in community nursing homes at VA expense and veterans for whom VA is making per diem payments for care furnished by State veterans homes. Expansion of eligibility to these two additional groups would ensure that all terminally ill veterans who are being furnished long-term care at VA expense would be eligible to receive hospice care services.

Second, the committee amendment would modify the provision in the committee bill which authorizes VA, under certain conditions, to provide reimbursement to a contract hospice in excess of the Medicare reimbursement rate or to furnish in-kind services the value of which exceeds the Medicare reimbursement rate or a combination of the two. As I noted earlier in my remarks, this provision was incorporated into the committee bill in order to ensure that veterans whose conditions require extraordinarily expensive care are not excluded from the pilot program. The committee amendment would authorize VA to furnish in-kind supplies and medications, in addition to in-kind services. For example, VA could provide a contract hospice with AZT for treatment of a veteran patient who has AIDS. Because VA purchases pharmaceuticals in bulk, whereas most hospices are small entities that purchase drugs in small quantities, it might be less expensive for VA to provide AZT to the contract hospice for distribution to an AIDS patient than to pay charges that cover the costs incurred by the hospice for purchase of AZT.

CONCLUSION

Mr. President, in closing I express my deep appreciation to Senator GRAHAM and Senator ROCKEFELLER for their efforts in the development of this measure, and I thank the ranking minority member of the Committee on Veterans' Affairs, Senator SPECTER, and the other members of the committee for their cooperation and support.

I also note the contributions of the committee staff members who have worked on this legislation—on the minority staff, Carrie Cavora, Yvonne Santa Anna, and Tom Roberts, and on the majority staff, Janet Coffman, Susan Thaul, Bill Brew, and Ed Scott.

In addition, I thank Ann Hardison of Senator GRAHAM'S staff and Barbara

Pryor of Senator ROCKEFELLER'S staff for their superb work on this measure.

Finally, the committee is deeply indebted to Charlie Armstrong of the Senate Legislative Counsel's Office for his excellent assistance.

Mr. President, I urge the Senate to give its unanimous approval of the pending measure.

Mr. GRAHAM. I do want to highlight one component of this bill that the committee report does not address—the issue of providing services to veterans in non-VA nursing homes. The amendment offered by the committee clarifies our intent that all veterans receiving long-term care at VA expense in non-VA nursing homes shall be included in the hospice pilot projects.

In the reconciliation bills of both 1986 and 1988, Congress clarified that there is little, if any, duplication of services between the nursing facility and hospice programs. By receiving hospice care while residing in a nursing facility, the terminally ill veteran is furnished additional types of care specifically related to terminal illness.

In responding to questions posed by the committee, Hospice Care Inc. Vice-Chairman Donald Gaetz submitted information demonstrating how the provision of hospice care in nursing facilities dramatically increases access to hospice services for patients without standard home environments and substantially breaks the cycle of repetitive trips from the nursing facility to the acute care hospital.

It is my understanding that this demonstration project will show the comparative effect on hospitalizations by terminally ill veterans who reside in nursing homes and receive hospice care as distinguished from those terminally ill veterans whose nursing home services are not supplemented by hospice care.

In cases where hospice services are provided by contract for care of veterans living in a non-VA nursing home, the VA should use the Social Security Act reimbursement methodology whereby the hospice program is paid the rate that would otherwise have been paid to the nursing home plus the hospice per diem. The hospice program is then responsible for reimbursing the non-VA nursing home for its services.

The PRESIDING OFFICER. If there are no further amendments, without objection, the bill is deemed read a third time and passed.

So the bill (S. 1358), as amended, was passed as follows:

S. 1358

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Hospice Services Act of 1991".

SEC. 2. PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS.

(a) ESTABLISHMENT OF PROGRAMS.—Title 38, United States Code, is amended by adding at the end of chapter 17 the following new subchapter:

"SUBCHAPTER VIII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"§ 1771. Definitions

"For the purposes of this subchapter—

"(1) The term 'terminally ill veteran' means any veteran—

"(A) who is—

"(i)(I) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, or (II) eligible for hospital or nursing home care in such facility and receiving such care;

"(ii) receiving nursing home care at a non-Department of Veterans Affairs nursing home under section 1720(a)(1)(A) of this title; or

"(iii) receiving domiciliary care, nursing home care, or hospital care for which the Department is paying a State per diem under section 1741 of this title; and

"(B) who has a medical prognosis (as certified by a Department physician) of a life expectancy of six months or less.

"(2) The term 'hospice care services' means (A) the care, items, and services referred to in subclauses (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and (B) personal care services.

"(3) The term 'hospice program' means any program that satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

"(4) The term 'medical facility of the Department' means a facility referred to in section 1701(4)(A) of this title.

"(5) The term 'non-Department facility' means a facility (other than a medical facility of the Department) at which care to terminally ill veterans is furnished, regardless of whether such care is furnished pursuant to a contract, agreement, or other arrangement referred to in section 1772(b)(1)(D) of this title.

"(6) The term 'personal care services' means any care or service furnished to a person that is necessary to maintain a person's health and safety within the home or nursing home of the person, including care or services related to dressing and personal hygiene, feeding and nutrition, and environmental support.

"§ 1772. Hospice care: pilot program requirements

"(a)(1) During the period beginning on October 1, 1991, and ending on December 31, 1996, the Secretary shall conduct a pilot program in order—

"(A) to assess the feasibility and desirability of furnishing hospice care to terminally ill veterans; and

"(B) to determine the most efficient and effective means of furnishing such care to such veterans.

"(2) The Secretary shall conduct the pilot program in accordance with the provisions of this section.

"(b)(1) Under the pilot program, the Secretary shall—

"(A) designate not less than 15 nor more than 30 medical facilities of the Department at or through which to conduct hospice care demonstration projects;

"(B) designate the means by which care to terminally ill veterans shall be provided under each demonstration project pursuant to subsection (c);

"(C) allocate such personnel and other resources of the Department as the Secretary considers necessary to ensure that care to terminally ill veterans is provided in the designated manner under each demonstration project; and

"(D) enter into any contract, agreement, or other arrangement that the Secretary considers necessary to ensure the provision of such care in the designated manner under each such project.

"(2) In carrying out the responsibilities referred to in paragraph (1) the Secretary shall take into account the need to provide for and conduct the demonstration projects so as to provide the Secretary with such information as is necessary for the Secretary to evaluate and assess the furnishing of hospice care to terminally ill veterans by a variety of means and in a variety of circumstances.

"(3) In carrying out the requirement described in paragraph (2), the Secretary shall ensure, to the maximum extent feasible, that—

"(A) the medical facilities of the Department selected to conduct demonstration projects under the pilot program include facilities located in urban areas of the United States and rural areas of the United States;

"(B) the full range of affiliations between medical facilities of the Department and medical schools is represented by the facilities selected to conduct demonstration projects under the pilot program, including no affiliation, minimal affiliation, and extensive affiliation;

"(C) such facilities vary in the number of beds that they operate and maintain; and

"(D) the demonstration projects are located or conducted in accordance with any other criteria or standards that the Secretary considers relevant or necessary to furnish and to evaluate and assess fully the furnishing of hospice care to terminally ill veterans.

"(c)(1) Subject to paragraph (2), hospice care to terminally ill veterans shall be furnished under a demonstration project by one or more of the following means designated by the Secretary:

"(A) By the personnel of a medical facility of the Department providing hospice care services pursuant to a hospice program established by the Secretary at that facility.

"(B) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a medical facility of the Department.

"(C) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a non-Department medical facility.

"(2)(A) The Secretary shall designate the means of furnishing care to terminally ill veterans under paragraph (1) so that such care is furnished—

"(i) in the case of the means described in paragraph (1)(A), at not less than five medical facilities of the Department; and

"(ii) in the case of each of the means described in subparagraphs (B) and (C) of paragraph (1) in connection with not less than five medical facilities of the Department for each such means.

"(B) The Secretary shall provide in any contract under clause (B) or (C) of paragraph (1) that inpatient care may be provided to terminally ill veterans at a medical facility other than that designated in the contract if the provision of such care at such other facility is necessary under the circumstances.

"(d)(1) Except as provided in paragraph (2), the amount paid to a hospice program for care furnished pursuant to subparagraph (B) or (C) of subsection (c)(1) may not exceed the amount that would be paid to that program

for such care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) if such care were hospice care for which payment would be made under part A of title XVIII of such act.

"(2) The Secretary may pay an amount in excess of the amount referred to in paragraph (1) (or furnish in-kind services, supplies, and medications whose value, together with any payment by the Secretary, exceeds that amount) to a hospice program for furnishing care to a terminally ill veteran pursuant to subparagraph (B) or (C) of subsection (c)(1) if the Secretary determines, on a case-by-case basis, that—

"(A) the furnishing of such care to the veteran is necessary and appropriate; and

"(B) the amount that would be paid to that program under section 1814(i) of the Social Security Act would not compensate the program for the cost of furnishing such care.

"§ 1773. Care for terminally ill veterans

"(a) During the period referred to in section 1772(a)(1) of this title, the Secretary shall designate not less than five medical facilities of the Department at which hospital care is being furnished to terminally ill veterans to furnish the care referred to in subsection (b).

"(b) Palliative care to terminally ill veterans shall be furnished by the facilities referred to in subsection (a) by one or more of the following means designated by the Secretary:

"(1) By personnel of the Department providing one or more hospice care services to such veterans at or through medical facilities of the Department.

"(2) By personnel of the Department monitoring the furnishing of one or more of such services to such veterans at or through non-Department facilities.

"§ 1774. Information relating to hospice care services

"The Secretary shall ensure to the extent practicable that terminally ill veterans who have been informed of the medical prognosis receive information relating to the eligibility of such persons (if any) to hospice care and services under under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). A terminally ill veteran may not be advised of his or her prognosis and receive information under this section during the same medical counseling session.

"§ 1775. Evaluation and reports

"(a)(1) Not later than September 30, 1992, and on an annual basis thereafter until October 1, 1997, the Secretary shall submit a written report to the Committees referred to in paragraph (2) relating to the conduct of the pilot program under section 1772 of this title and the furnishing of hospice care services under section 1773 of this title. Such report shall include the following information:

"(A) The location of the sites of the demonstration projects provided for under the pilot program.

"(B) The location of the medical facilities of the Department at or through which hospice care services are being furnished under section 1773 of this title.

"(C) The means by which care to terminally ill veterans is being furnished under each such project and at or through each such facility.

"(D) The number of veterans being furnished such care under each such project and at or through each such facility.

"(E) An assessment by the Secretary of any difficulties in furnishing such care and the actions taken to resolve such difficulties.

"(2) The Secretary shall submit the report referred to in paragraph (1) to the Committees on Veterans' Affairs of the Senate and the House of Representatives.

"(b) Not later than August 1, 1995, the Secretary shall submit to the committees referred to in subsection (a)(2) a report containing the Secretary's evaluation and assessment of the hospice care pilot program under section 1772 of this title and the furnishing of hospice care services under section 1773 of this title. The report shall contain such information (and shall be presented in such form) as will enable the committees to evaluate fully the feasibility and desirability of furnishing palliative care to terminally ill veterans.

"(c) The report shall include the following:

"(1) A description and summary of the pilot program.

"(2) With respect to each demonstration project conducted under the pilot program—

"(A) a description and summary of the project;

"(B) a description of the facility conducting the demonstration project and a discussion of how such facility was selected in accordance with the criteria set out in, or prescribed by the Secretary pursuant to, clauses (A) through (D) of section 1772(b)(3) of this title;

"(C) the means by which care to terminally ill veterans is being furnished under the demonstration project;

"(D) the personnel used to furnish such care under the demonstration project;

"(E) a detailed factual analysis with respect to the furnishing of such care, including (i) the number of veterans being furnished such care, (ii) the number of inpatient admissions (if any) for each veteran being furnished such care and the length of stay for each such admission, (iii) the number of outpatient visits (if any) for each such veteran, and (iv) the number of home-care visits (if any) provided to each such veteran;

"(F) the direct costs (if any) incurred by terminally ill veterans, the members of the families of such veterans, and other individuals in close relationships with such veterans in connection with the participation of veterans in the demonstration project;

"(G) the costs incurred by the Department in conducting the demonstration project, including an analysis of the costs (if any) of the demonstration project that are attributable to (i) furnishing such care in facilities of the Department, (ii) furnishing such care in non-Department facilities, and (iii) administering the furnishing of such care; and

"(H) the unreimbursed costs (if any) incurred by any other entity in furnishing care to terminally ill veterans under the project pursuant to section 1772(c)(1)(C) of this title.

"(3) An analysis (by personnel of the Department or other individuals having a relevant expertise) of the level of the following persons' satisfaction with care to terminally ill veterans furnished under each demonstration project:

"(A) Terminally ill veterans who receive such care, members of the families of such veterans, and other individuals in close relationships with such veterans.

"(B) Personnel of the Department responsible for furnishing such care under the project.

"(C) Personnel of non-Department facilities responsible for furnishing such care under the project.

"(4) A description and summary of the means of furnishing hospice care services at or through each medical facility of the Department designated under section 1773(a) of this title.

"(5) With respect to each such means, the information referred to in clauses (A) through (H) of paragraph (2) and paragraph (3).

"(6) A comparative analysis by the Secretary of the care furnished to terminally ill veterans under the various demonstration projects referred to in section 1772 of this title and at or through the designated facilities referred to in section 1773 of this title, with an emphasis in such analysis on a comparison relating to—

"(A) the management of pain and health symptoms of terminally ill veterans by such projects and facilities;

"(B) the number of inpatient admissions of such veterans and the length of inpatient stays for such admissions under such projects and facilities;

"(C) the number and type of medical procedures employed with respect to such veterans by such projects and facilities; and

"(D) the effectiveness of such projects and facilities in providing care to such veterans at the homes of such veterans or in nursing homes.

"(7) An assessment by the Secretary of the feasibility and desirability of furnishing various means of palliative care to terminally ill veterans, including an assessment by the Secretary of the optimal means of furnishing such care to such veterans.

"(8) Any recommendations for additional legislation regarding the furnishing of care to terminally ill veterans that the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"SUBCHAPTER VIII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"1771. Definitions.
"1772. Hospice care: pilot program requirements.
"1773. Care for terminally ill veterans.
"1774. Information relating to hospice care services.
"1775. Evaluation and reports.".

Mr. BOREN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

AUTHORIZATION FOR TESTIMONY AND REPRESENTATION OF FORMER SENATE EMPLOYEE

Mr. BOREN. Mr. President, on behalf of the majority leader and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on authorization for a former Senate employee to provide testimony and representation by the Senate legal counsel and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 197) to authorize testimony by and representation of former Senate employee.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, a Federal agency has requested the testi-

mony of Jack Blum, a former special counsel to the Committee on Foreign Relations, in relation to information obtained by the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations concerning the Bank of Credit and Commerce International and other financial institutions.

Mr. Blum was employed as special counsel to the Committee on Foreign Relations between February 1987 to April 1989. During that period, Mr. Blum assisted the Subcommittee on Terrorism, Narcotics, and International Operations with its investigation into the adequacy of the U.S. Government's response to the threat to national security posed by the operation of international drug cartels. The investigation focused, in part, on allegations that law enforcement efforts to combat drug trafficking had been sacrificed to competing United States foreign policy objectives in Honduras, Nicaragua, the Bahamas, and Panama. A component of the subcommittee's investigation concerned the role of money laundering in drug trafficking, including allegations about the money laundering activities of BCCI and other financial institutions. In August of this year, Mr. Blum appeared as a witness before the subcommittee to testify concerning what he had learned about BCCI in the course of his work for the subcommittee.

This resolution would authorize Mr. Blum to provide testimony to the agency and to other Federal or State agencies and officials that may seek his testimony on the same or related subjects. It would also authorize the Senate Legal Counsel to provide representation to Mr. Blum in connection with such testimony.

The PRESIDING OFFICER. Without objection, the resolution and the preamble are agreed to.

The resolution (S. Res. 197) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 197

Whereas, a Federal agency has requested the testimony of Jack Blum, a former special counsel to the Committee on Foreign Relations, about information relating to the Bank of Credit and Commerce International and other financial institutions obtained by the Subcommittee on Terrorism, Narcotics and International Operations during the course of its investigation into the nature of the threat to the national security of the United States from the operation of international drug cartels and the adequacy of the United States Government's response to that threat;

Whereas, by the privileges of the Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent present or former employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to provide testimony to Federal and state agencies or officials about information, relating to the Bank of Credit and Commerce International and other financial institutions, obtained by the Subcommittee on Terrorism, Narcotics and International Operations during the course of its investigation, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Jack Blum in connection with the testimony authorized by section one of this resolution.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

ANIMAL RESEARCH FACILITIES PROTECTION ACT OF 1991

Mr. BOREN. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 544, a bill relating to animal research facilities, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 544) to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes.

AMENDMENT NO. 1262

Mr. BOREN. On behalf of Senator HEFLIN, I send a substitute 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 Oklahoma [Mr. BOREN], for Mr. HEFLIN, proposes an amendment numbered 1262.

Mr. BOREN. 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 all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Research Facilities Protection Act of 1991".

SEC. 2. PROTECTION OF ANIMAL RESEARCH FACILITIES.

The Food Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended by adding at the end of the following new title:

"TITLE XXVI—ANIMAL RESEARCH FACILITIES

"SEC. 2601. SHORT TITLE.

"This title may be cited as the 'Animal Research Facilities Protection Act of 1991'.

"SEC. 2602. FINDINGS.

"Congress finds that—

"(1) there has been an increasing number of illegal acts committed against animal facilities;

"(2) these actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific, biomedical, or agricultural research;

"(3) these actions can also threaten the public safety by exposing communities to contagious diseases;

"(4) these actions may substantially damage federally funded research;

"(5) disruption of scientific research supported by the Federal Government can result in the potential loss of physical and intellectual property;

"(6) Federal protection of animal research facilities is necessary to prevent and eliminate burdens on commerce; and

"(7) the welfare of animals as well as productive use of Federal research funds require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research animals, or any combination thereof.

"SEC. 2603. PROHIBITED ACTS.

"(a) IN GENERAL.—It shall be unlawful for any person—

"(1) to steal, cause the unauthorized release or the intentional loss of any animal from research facility;

"(2) to damage, vandalize, or steal any property in or on a research facility;

"(3) to break and enter any research facility with an intent to destroy, alter, duplicate, or obtain the unauthorized possession of records, data, materials, equipment, or animals;

"(4) to enter, obtain access, or remain on a research facility with the intent to commit an act described in paragraph (1) OR (2);

"(5) to aid, abet, counsel, command, induce, or procure the commission of an act described in paragraph (1), (2), (3), or (4); or

"(6) knowing an offense described in paragraph (1) has occurred, to receive, relieve, comfort, or assist the offender in order to prevent the offender's apprehension, trial, or punishment.

"(b) SCOPE OF AUTHORITY DEFENSE.—It shall be a defense to any provision under this section that the person engaging in such acts is a Federal, State, or local law enforcement official acting within the scope of their official duties, or the person is acting under the authorization of a law enforcement official and the action is within the scope of the law enforcement official.

"SEC. 2604. PENALTIES.

"(a) IN GENERAL.—

"(1) GENERAL VIOLATIONS.—Any person who violates any provision of section 2603 shall be subject to fine of not more than $5,000 or imprisoned for not more than 1 year, or both, for each such violation.

"(2) WILLFUL VIOLATIONS CAUSING HARM.—If the violation causes harm to person or property and is willful and malicious, the person

shall be subject to a fine of not more than $10,000 or imprisoned for not more than 10 years, or both, for each such violation.

"(3) LIFE-THREATENING VIOLATIONS.—If as a result of the violation, the life of any person is placed in jeopardy, the person shall be fined not more than $25,000 or imprisoned for not more than 20 years, or both, for each such violation.

"(b) REASONABLE COSTS.—

"(1) DETERMINATION.—The United States District Court or the United States Magistrate, as the case may be, shall determine the reasonable cost of replacing materials, data, equipment, or animals, and records that may have been damaged or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of section 2603.

"(2) LIABILITY.—Any persons convicted of a violation described in paragraph (1) shall be ordered jointly and severally to make restitution to the research facility in the full amount of the reasonable cost determined under paragraph (1).

"SEC. 2605. COURT JURISDICTION.

"The United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the Highest Court of American Samoa, and the United States courts of the other territories are vested with jurisdiction specifically to enforce, to prevent, and to restrain violations of this title, and shall have jurisdiction in all other kinds of cases arising under this title.

"SEC. 2606. PRIVATE RIGHT OF ACTION.

"(a) IN GENERAL.—Any research facility injured in its business or property by reason of a violation of this title shall have a private right of action to recover actual and consequential damages, and the cost of the suit (including a reasonable attorney's fee), from the person or persons who have violated any provision of this title.

"(b) CONSTRUCTION.—Nothing in this title shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this title. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of this title.

"SEC. 2607. STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL FACILITIES.

"(a) CONDUCT OF STUDY.—The Secretary of Agriculture and the Attorney General shall jointly conduct a study on the extent and effects of domestic and international terrorism on animal research production, and processing facilities and all other facilities in which animals are used for research, food production, exhibition, or pets.

"(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary and Attorney General shall submit a report that describes the results of the study conducted under subsection (a), together with any appropriate recommendations and legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"SEC. 2608. EFFECT ON FEDERAL AND STATE LAWS.

"Nothing in this title shall be construed to affect or preempt any Federal or State law or regulation.".

Mr. HEFLIN. Mr. President, I rise today to ask unanimous consent for S. 544 as substituted by the Senate Agriculture Committee to be read for the third time and considered passed. This bill is designed to deter crimes against the great research institutions of this country. The fact that the United States is the preeminent leader in contributing life-saving cures and life-improving treatment for the diseases which plague the world, should be a source of pride for our citizens. Most of us are grateful that research has eradicated polio and other childhood diseases and provided relief from the suffering caused by heart disease, stroke, diabetes and countless other illnesses. We are grateful, too, that scientists continue to seek solutions to the maladies which still beset us, like Alzheimer's disease, AIDS, cancer, mental illness, spinal cord and head injuries.

Unfortunately, there are some people so opposed to the use of animals in this essential research that they are setting fire to research facilities or breaking into laboratories to steal animals and destroy equipment, records and research data. There are dozens of recent examples. In fact, six major break-ins and thefts at research laboratories have been reported across the country since I introduced this legislation in the last Congress. These crimes were not limited to any one region; they took place in California, Florida, Illinois, New York, Pennsylvania, and Texas. An underground group which calls itself the Animal Liberation Front took credit for all of them. None of these cases have been solved. No one responsible for them has been brought to justice.

In the most egregious of these incidents, a Texas researcher's federally-supported project sustained immediate damages costing $70,000. His basic research that could benefit victims of Sudden Infant Death Syndrome and those suffering from sleep disorders was halted for more than a year. That researcher has been the subject of a second break-in attempt, death threats and a hate campaign which continues to this day.

The victims of the illegal acts of animal liberation supporters are not only research institutions and staff but all of us. The immediate cost to crimes against research facilities is severe, but the ultimate cost to society as a whole is inestimable. Lost research time and information means the delay or loss of the products of that research. The real price of the crime my legislation seeks to prevent is paid by all those who are waiting for cures and treatment for their afflictions. Human beings, of course, will pay the price, but so will all animal life, for animals as well as people benefit from research.

Extremists who perpetrate crimes in the name of animal rights ignore not only the rights of others, but also their own rights of free speech. Responsible dissent is protected by law—none of us would have it any other way. But ideological terrorists and vigilantes who take the law into their own hands must be stopped. Everyone can agree that we owe an enormous debt to research animals. Laboratory animals should be utilized only when necessary and must be well cared for and respected for humane as well as scientific reasons. But no one can condone lawless and senselessly destructive acts for whatever reason they are motivated.

The Animal Research Facilities Protection Act is needed to support law enforcement efforts around the country. Crimes against the Nation's research facilities should be Federal offenses. The fact that 12 States have already enacted laws increasing penalties for crimes against research facilities is convincing evidence that this is an extremely serious problem. No individual State, however, can protect its research facilities from interstate or international saboteurs. We must provide that protection on the Federal level. The Federal investigative capability and legal system must be brought to bear against research sabotage that threatens the future health of the Nation. Mr. President, I urge passage of S. 544, the Animal Research Facilities Protection Act.

The PRESIDING OFFICER. Are there further amendments to the substitute amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1262) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there be no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 544

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Research Facilities Protection Act of 1991".

SEC. 2. PROTECTION OF ANIMAL RESEARCH FACILITIES.

The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended by adding at the end the following new title:

"TITLE XXVI—ANIMAL RESEARCH FACILITIES

"SEC. 2601. SHORT TITLE.

"This title may be cited as the 'Animal Research Facilities Protection Act of 1991'.

"SEC. 2602. FINDINGS.

"Congress finds that—

"(1) there has been an increasing number of illegal acts committed against animal facilities;

"(2) these actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific biomedical, or agricultural research;

"(3) these actions can also threaten the public safety by exposing communities to contagious diseases;

"(4) these actions may substantially damage federally funded research;

"(5) disruption of scientific research supported by the Federal Government can result in the potential loss of physical and intellectual property;

"(6) Federal protection of animal research facilities is necessary to prevent and eliminate burdens on commerce; and

"(7) the welfare of animals as well as productive use of Federal research funds require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research animals, or any combination thereof.

"SEC. 2603. PROHIBITED ACTS.

"(a) IN GENERAL.—It shall be unlawful for any person—

"(1) to steal, cause the unauthorized release or the intentional loss of any animal from a research facility;

"(2) to damage, vandalize, or steal any property in or on a research facility;

"(3) to break and enter any research facility with an intent to destroy, alter, duplicate, or obtain the unauthorized possession of records, data, materials, equipment, or animals;

"(4) to enter, obtain access, or remain on a research facility with the intent to commit an act described in paragraph (1) or (2);

"(5) to aid, abet, counsel, command, induce, or procure the commission of an act described in paragraph (1), (2), (3), or (4); or

"(6) knowing an offense described in paragraph (1) has occurred, to receive, relieve, comfort, or assist the offender in order to prevent the offender's apprehension, trial, or punishment.

"(b) SCOPE OF AUTHORITY DEFENSE.—It shall be a defense to any provision under this section that the person engaging in such acts is a Federal, State, or local law enforcement official acting within the scope of their official duties, or the person is acting under the authorization of a law enforcement official and the action is within the scope of the law enforcement official.

"SEC. 2604. PENALTIES.

"(a) IN GENERAL.—

"(1) GENERAL VIOLATIONS.—Any person who violates any provision of section 2603 shall be subject to a fine of not more than $5,000 or imprisoned for not more than 1 year, or both, for each such violation.

"(2) WILLFUL VIOLATIONS CAUSING HARM.—If the violation causes harm to person or property and is willful and malicious, the person shall be subject to a fine of not more than $10,000 or imprisoned for not more than 10 years, or both, for each such violation.

"(3) LIFE-THREATENING VIOLATIONS.—If as a result of the violation, the life of any person is placed in jeopardy, the person shall be fined not more than $25,000 or imprisoned for not more than 20 years, or both, for each such violation.

"(b) REASONABLE COSTS.—

"(1) DETERMINATION.—The United States District Court or the United States Magistrate, as the case may be, shall determine the reasonable cost of replacing materials, data, equipment, or animals, and records that may have been damaged or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of section 2603.

"(2) LIABILITY.—Any persons convicted of a violation described in paragraph (1) shall be ordered jointly and severally to make restitution to the research facility in the full amount of the reasonable cost determined under paragraph (1).

"SEC. 2605. COURT JURISDICTION.

"The United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the Highest Court of American Samoa, and the United States courts of the other territories are vested with jurisdiction specifically to enforce, to prevent, and to restrain violations of this title, and shall have jurisdiction in all other kinds of cases arising under this title.

"SEC. 2606. PRIVATE RIGHT OF ACTION.

"(a) IN GENERAL.—Any research facility injured in its business or property by reason of a violation of this title shall have a private right of action to recover actual and consequential damages, and the cost of the suit (including a reasonable attorney's fee), from the person or persons who have violated any provision of this title.

"(b) CONSTRUCTION.—Nothing in this title shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this title. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of this title.

"SEC. 2607. STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL FACILITIES.

"(a) CONDUCT OF STUDY.—The Secretary of Agriculture and the Attorney General shall jointly conduct a study on the extent and effects of domestic and international terrorism on animal research production, and processing facilities and all other facilities in which animals are used for research, food production, exhibition, or pets.

"(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary and Attorney General shall submit a report that describes the results of the study conducted under subsection (a), together with any appropriate recommendations and legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"SEC. 2608. EFFECT ON FEDERAL AND STATE LAWS.

"Nothing in this title shall be construed to affect or preempt any Federal or State law or regulation.".

Mr. BOREN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

CORRECTING RESOLUTION—HOUSE CONCURRENT RESOLUTION 219

Mr. BOREN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Concurrent Resolution 219, a technical correction resolution just received from the House, that the concurrent resolution be agreed to, that the motion to reconsider be laid on the table, that the preamble be agreed to, and further that any statements appear at the appropriate place in the RECORD.

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

Mr. DECONCINI. Mr. President, House Concurrent Resolution 219, the concurrent resolution now pending, instructs the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 2622, an act making appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for fiscal year 1992. Mr. President, this correction is necessary because an error was contained in the motion agreed to by the House and subsequently by the Senate, when the conference report was considered. This is a technical correction in that the accurate language was included in the statement of managers accompanying the conference report on H.R. 2622 but incorrectly displayed in the House motion in reference to amendment No. 43. This concurrent resolution would simply ensure that the enrolled bill properly reflects the language agreed to by the conferees on H.R. 2622.

I ask for its adoption.

The concurrent resolution (H. Con. Res. 219) was agreed to.

The preamble was agreed to.

DISTRICT OF COLUMBIA MENTAL HEALTH PROGRAM ASSISTANCE ACT OF 1991

Mr. BOREN. Mr. President, I ask unanimous consent the Governmental Affairs Committee be discharged from further consideration of H.R. 1720, the District of Columbia Mental Health Assistance Act of 1991, that the Senate then proceed to its immediate consideration; that the bill be deemed read a third time and passed and that the motion to reconsider be laid upon the table.

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

So, the bill (H.R. 1720) was deemed read the third time and passed.

Mr. BOREN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar numbers 265, 266, 268, en bloc; that committee amendments and substitute amendments where indicated be agreed to, en bloc; that the several bills each be deemed read for the third time, passed, and the motion to reconsider the passage of each bill be laid upon the table; that consideration of each bill be included separately in the RECORD; and that statements with respect to passage of each bill be included in the RECORD where appropriate.

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

CHACOAN OUTLIERS PROTECTION ACT OF 1991

The Senate proceeded to consider the bill (S. 772) to amend title V of Public Law 96-550, designating the Chaco Cul-

ture Archaeological Protection Sites, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chacoan Outliers Protection Act of 1991".

SEC. 2. CONFORMING AMENDMENT.

(a) Section 501 of Public Law 96-550 (16 U.S.C. 410ii) is amended in the title by striking "Congressional findings" and inserting in lieu thereof "Congressional findings and purpose".

(b) Section 501(b) of Public Law 96-550 (16 U.S.C. 410ii(b)) is amended by striking "San Juan Basin;" and inserting in lieu thereof, "San Juan Basin and surrounding areas;".

SEC. 3. ADDITIONS TO CHACO CULTURE ARCHEOLOGICAL PROTECTION SITES.

Subsection 502(b) of Public Law 96-550 (16 U.S.C. 410ii-1(b)) is amended to read as follows:

"(b)(1) Thirty-eight outlying sites as generally depicted on a map entitled "Chaco Culture Archeological Protection Sites", numbered 310/80,033-B and dated September 1991, are hereby designated as 'Chaco Culture Archeological Protection Sites'. The thirty-eight archeological protection sites totalling approximately 14,287 acres identified as follows:

Name:	Acres
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Dittert	480
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jacques	66
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierre's Site	440
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angeles	40
Upper Kin Klizhin	60

"(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.".

SEC. 4. ASSISTANCE TO THE NAVAJO NATION.

Section 506 of Public Law 96-550 (16 U.S.C. 410ii-5) is amending by adding the following new subsection at the end thereof;

"(f) The Secretary is directed, subject to appropriations, to assist the Navajo Nation in the protection and management of those Chaco Culture Archaeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93-638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ACQUISITION OF LAND FOR GOLDEN GATE NATIONAL RECREATION AREA

The Senate proceeded to consider the bill (S. 870) to authorize inclusion of a tract of land in the Golden Gate National Recreation Area, California, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 2, line 1, strike "bearing", through and including "lands" on line 5, and insert the following: "as generally depicted on a map entitled 'Phleger Estate Addition—Golden Gate National Recreation Area' and dated September 1991".

So as to make the bill read:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to acquire by donation approximately one thousand three hundred acres of land in San Mateo County, California, known generally as the Phleger property and as generally depicted on a map entitled "Phleger Estate Addition—Golden Gate National Recreation Area" and dated September, 1991. Upon acquisition of the property and publication of notice in the Federal Register, the Secretary shall revise the boundary of the Golden Gate National Recreation Area to reflect the inclusion of such property within the area and prepare and make available a map displaying such boundary revision in accordance with section 460bb-1(b) of title 16, United States Code.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONS TO ASSATEAGUE ISLAND NATIONAL SEASHORE

The Senate proceeded to consider the bill (S. 1254) to increase the authorized acreage limit for the Assateague Island National Seashore on the Maryland mainland, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all the enacting clause, and inserting in lieu thereof the following:

SECTION 1. INCREASE IN ACREAGE LIMITATION.

Section 2 of the Act entitled "An Act to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes", Public Law 89-195, as amended (16 U.S.C. 459f-1), is amended—

(a) in subsections (a) and (b) by striking "sixteen acres" "ten acres" each place that they appear and insert in lieu the thereof, '112 acres"; and

(b) in subsection (a) by striking "Maryland," through the end of the sentence and inserting in lieu thereof, "Maryland.".

Mr. SARBANES. Mr. President, Assateague Island is a 37-mile undeveloped barrier island, famous for its solitude, natural beauty, free roaming wild ponies, and pristine beaches. The Congress recognized Assateague as an important national and natural resource worthy of protection by authorizing the establishment of the Assateague Island National Seashore in 1965. The legislation before the Senate would provide additional protection for the seashore and adjacent lands. I want to commend the distinguished chairman of the Public Lands, National Parks and Forests Subcommittee, Senator BUMPERS, and the chairman of the Committee on Energy and Natural Resources, Senator JOHNSTON, for moving this bill to the floor so expeditiously.

Mr. President, this year marks the 75th anniversary of the National Park System, and last month I had the opportunity to participate in ceremonies at Assateague celebrating the Park Service's anniversary and the 26th birthday of Assateague. Seventy-five years ago, on August 25, 1916, President Woodrow Wilson signed into law the act establishing the National Park Service. Its fundamental mission: "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." The creation of the National Park System has been called, "The best idea America ever had," and I think we can all agree with this sentiment.

Some 50 years later, on September 21, 1965, the Congress authorized the establishment of Assateague Island National Seashore, creating in my view one of the real treasures of our National Park System. As all who visit here quickly discover, Assateague is a very special place—a natural preserve, a refuge for people and for wildlife, and one of the largest remaining undeveloped seashore areas on the east coast and in the country.

A great deal of foresight was shown in establishing our National Park System and Assateague Island National Seashore. It is this same foresight that I hope we will demonstrate today by approving this measure.

Assateague National Seashore is increasingly faced with external threats from adjacent land use and development. The Route 611 corridor which leads into Assateague from west Ocean City has been experiencing explosive growth in commercial and residential development. Shopping malls, new housing developments, and other commercial developments are springing up all along this route.

Of immediate concern to the national seashore is a 320-acre tract of private land adjacent to the southern boundary of the Park where the park headquarters is located. The land was once part of Synepuxent, an old family estate dating back to 1524, when the Italian navigator Giovanni De Varrazano landed at this point.

Since the national seashore was established, this land has been farmed—a use regarded as compatible with the needs of the national park. However, the current landowner's personal circumstances may force the sale of the property.

This property is highly desirable for development. It includes approximately 1 mile of frontage on Sinepuxent Bay with panoramic views of the Bay and Assateague Island and parallels Route 611. It is also the nearest location to Assateague for motel and restaurant development. It is the only remaining large privately held tract along the gateway to Assateague.

Portions of the property are presently zoned for hotel, motel, and restaurant development and other portions are zoned for 1 acre residential housing. Although Worcester County officials are currently working to adopt a new land use plan for the county, even the most favorable zoning regulations could be subject to modification in the future and offer no firm guarantees of protection to the park.

The Park Service has stated that protection of this property from development is important to the integrity of the National Seashore area. The concern is twofold: should the property be sold and developed, it could result in a serious visual intrusion for the seashore and the planned Barrier Island Visitor Center. Recently, the State of Maryland donated 6 acres to the Park Service for this center. This is, after all, the "gateway" to Assateague and the visitor's first impression of the park. Second, development along the water could also seriously threaten the water quality of Sinepuxent Bay.

This legislation would expand the Park Service's boundary to include approximately 96 acres of the 320-acre tract. It encompasses the shore frontage immediately adjacent to and south of the National Seashore headquarters and planned Barrier Island Visitor Center. This is the area that would pose the most severe threat to the seashore. A number of options are currently being explored for acquisition, including purchase by a nonprofit organization and donation to the Service. However, the boundary change is absolutely essential for this to occur.

Mr. President, the legislation before us provides additional protection for the seashore and adjacent lands. It is supported by the Committee to Preserve Assateague Island, the State of Maryland, and local elected officials. I urge my colleagues to join in supporting this legislation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES AND SUPPLEMENTAL AUTHORITY OF THE SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. BOREN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 248, Senate Resolution 185, that the committee substitute be agreed to, the resolution as amended by agreed to, and that the motion to reconsider be laid on the table.

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

The Senate proceeded to consider the resolution (S. Res. 185) to provide for expenses and supplemental authority of the Select Committee on POW/MIA Affairs, which had been reported from the Committee on Rules and Administration, with an amendment to strike all after the resolving clause and inserting in lieu thereof other language.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The resolution, as amended, is as follows:

That (a) in carrying out its powers, duties, and functions under Senate Resolution 82, agreed to August 2, 1991 (102nd Congress, 1st Session), and under this resolution, from August 2, 1991 through February 29, 1992, and from March 1, 1992 until the end of the One Hundred Second Congress, through January 2, 1993, the Select Committee on POW/MIA Affairs (referred to in this resolution as the "select committee") is authorized in its discretion to—

(1) make expenditures from the contingent fund of the Senate; and

(2) appoint and fix compensation of personnel.

(b)(1) The expenses of the select committee for the period from August 2, 1991, through February 29, 1992, shall not exceed $540,300 of which amount not to exceed $53,000 may be expended for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(2) The expenses of the select committee for the period from March 1, 1992 through January 2, 1993, shall not exceed $1,360,200 of which amount not to exceed $160,000 may be expended for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(c) Expenditures from the contingent fund shall be paid out of the appropriations account for Expenses of Inquiries and Investigations upon vouchers approved by the chairman, except that vouchers shall not be required for—

(1) the disbursement of salaries of employees who are paid at an annual rate;

(2) the payment of expenses for telecommunications services provided by the Telecommunications Department, Sergeant at Arms, United States Senate;

(3) the payment of expenses for stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) the payment of expenses for postage to the Postmaster, United States Senate; or

(5) the payment of metered charges on copying equipment provided by the Sergeant at Arms, United States Senate.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the select committee to be paid from the appropriations account for Expenses of Inquiries and Investigations, in like manner as for the standing and permanent select committees of the Senate.

(e) Of the funds authorized by this resolution for the funding period ending on the last day of February 1992, any unexpended balance remaining after such last day shall be transferred to a special reserve for this committee, which reserve shall be available to this committee for the period commencing March 1, 1992, and ending with the close of September 30, 1992, for the purpose of—

(1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1992; and

(2) meeting expenses of such committee incurred after such last day and prior to the close of September 30, 1992.

SEC. 2. (a) In addition to all powers, duties, and functions vested in the Select Committee of POW/MIA Affairs by Senate Resolution 82, agreed to August 2, 1991 (102nd Congress, 1st Session), the select committee is authorized to do the following:

(1) To delegate to the chairman the power, with the consent of the vice chairman, to authorize subpoenas for the attendance of witnesses and the production of correspondence, books, papers, documents, and other records.

(2) To (A) authorize staff to conduct depositions of witnesses under oath, including oaths administered by individuals authorized by local law to administer oaths, for the purpose of taking testimony and receiving correspondence, books, papers, documents, and other records, and (B) require, by subpoena or order, the attendance of witnesses and the production of correspondence, books, papers, documents, and other records at such staff depositions.

(3) To make to the Senate any recommendations by report or resolution, including recommendations for criminal or civil enforcement, which the select committee may consider appropriate with respect to (A) the failure or refusal of any person to appear at a hearing or deposition or to produce records, in obedience to a subpoena or order, or (B) the failure or refusal of any person to answer questions during his or her appearance as a witness at a hearing or deposition.

(4) To procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such service under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

(5) To (A) use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate, the facilities of any other Senate committees or the services of any members of the staff of them whenever the select committee or its chairman considers that such action is necessary or appropriate to enable the select committee to carry out its powers, duties, and functions, and (B) pay the official travel expenses for staff members of other committee used pursuant to this resolution.

(b) Any foreign travel by Members and employees required for the select committee shall be deemed to be on behalf of the Senate for purpose of Senate Resolution 179, agreed to may 25, 1977 (95th Congress, 1st Session).

(c) The Majority Leader and the Minority Leader may each select one investigator to serve on the staff of the select committee.

(d) The Majority Leader and the Minority Leader shall serve as ex officio members of the select committee but shall have no vote in the select committee and shall not be counted for purposes of determining a quorum.

SEC. 3. The disclosure of any classified information obtained by the select committee either directly from the Executive branch of the United States Government, through the Selection Committee on Intelligence, or by other means, shall be governed by the provision of section 8 of Senate Resolution 400, agreed to May 19, 1976 (94th Congress, 2nd Session), except that reference to the Select Committee on Intelligence in such section shall be deemed to be references to the select committee.

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

At 10:10 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 429) to amend the Sherman Act regarding retail competition, with amendments; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. BROOKS, Mr. EDWARDS of California, Mr. SYNAR, Mr. FISH, and Mr. CAMPBELL of California as managers of the conference on the part of the Senate.

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

H.R. 3033. An act to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 219. A concurrent resolution making corrections in the enrollment of H.R. 2622.

At 6:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 35. An act to designate certain lands in the State of North Carolina as wilderness, and for other purposes;

H.R. 1297. An act to amend the Dingell-Johnson Sport Fish Restoration Act to authorize the use by coastal States of apportionments under that act for construction, renovation, operation, and maintenance of pumpout stations for marine sanitation devices;

H.R. 2105. An act to designate an area as the "Myrtle Foester Whitmire Division of the Arkansas National Wilderness Refuge";

H.R. 2369. An act to establish the Flint Hills Prairie National monument; and

H.R. 2436. An act to expand the Fort Necessity National Battlefield, and for other purposes.

MEASURES REFERRED

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

H.R. 35. An act to designate certain lands in the State of North Carolina as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1297. An act to amend the Dingell-Johnson Sport Fish Restoration Act to authorize the use by coastal States of apportionments under that Act for construction, renovation, operation, and maintenance of pumpout stations for marine sanitation devices; to the Committee on Commerce, Science, and Transportation.

H.R. 2105. An act to designate an area as the "Myrtle Foester Whitmire Division of the Arkansas National Wilderness Refuge"; to the Committee on Environment and Public Works.

H.R. 2369. An act to establish the Flint Hills Prairie National monument; to the Committee on Energy and Natural Resources.

H.R. 2436. An act to expand the Fort Necessity National Battlefield, and for other purposes; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1579. A bill to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call, and for other purposes (Rept. No. 102-190).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

The following-named persons to be members of the Federal Energy Regulatory Commission:

Elizabeth Anne Moler, of Virginia, for the term expiring June 30, 1994. (Reappointment)

Branko Terzic, of Wisconsin, for the term expiring June 30, 1995. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102-9. Convention for a North Pacific Marine Science Convention (Exec. Rept. No. 102-18).

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention for a North Pacific Marine Science Organization (PICES), which was done at Ottawa on December 12, 1990, and signed by the United States on May 28, 1991.

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. PRESSLER (for himself, Mr. D'AMATO, Mr. KASTEN and Mr. HELMS):

S. 1833. A bill extending nondiscriminatory treatment (most-favored-nation treatment) to the products of Estonia, Latvia, and Lithuania, and for other purposes; to the Committee on Finance.

By Mr. LOTT:

S. 1834. A bill to amend the Social Security Act to clarify the medicare geographic classification adjacency requirements; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1835. A bill to amend the Consolidated Farm and Rural Development Act to provide credit assistance to qualified beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HATCH (for himself, Mr. BRADLEY, Mr. DECONCINI, Mr. MCCAIN, Mr. GRASSLEY, Mr. DOLE, Mr. KASTEN, Mr. PRESSLER, Mr. D'AMATO, Mr. LUGAR and Mr. GARN):

S. Res. 196. A resolution expressing the sense of the Senate that the Soviet Union should immediately begin a prompt withdrawal of Soviet armed forces from the Bal-

tic states and undertake discussions with the governments of Lithuania, Latvia, and Estonia appropriate to facilitate that withdrawal; to the Committee on Foreign Relations.

Mr. BOREN (for Mr. MITCHELL) (for himself and Mr. DOLE):

S. Res. 197. A resolution to authorize testimony by and representation of a former Senate employee; considered and agreed to.

Mr. SANFORD (for himself, Mr. JEFFORDS and Mr. MITCHELL):

S. Res. 198. A resolution amending Senate Resolution 62 of the One Hundred Second Congress to authorize the Committee on Foreign Relations to exercise certain investigatory powers in connection with its inquiry into the release of the United States hostages in Iran; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER (for himself, Mr. D'AMATO, Mr. KASTEN, and Mr. HELMS):

S. 1833. A bill extending nondiscriminatory treatment (most-favored-nation treatment) to the products of Estonia, Latvia, and Lithuania, and for other purposes; to the Committee on Finance.

NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF ESTONIA, LATVIA, AND LITHUANIA

Mr. PRESSLER. Mr. President, today I send to the desk a bill removing legislative obstacles to the granting of nondiscriminatory trade treatment—most-favored-nation status—to the products of Estonia, Latvia, and Lithuania.

The bill I am introducing with Senators D'AMATO and KASTEN is the same as H.R. 3313, introduced by Congressman SAM GIBBONS. I commend Mr. GIBBONS for his leadership on this matter in the other body.

I also commend President Bush for recognizing the democratic Governments of Estonia, Latvia, and Lithuania on September 2. Today these nations are working hard to rejoin the international community of which they were once a vital part. The swift provision of nondiscriminatory trade status to their goods will hasten the revitalization of their economies.

Mr. President, I also would like to commend Senator HELMS for his leadership in recognizing the importance of granting most-favored-nation [MFN] status to Estonia, Latvia, and Lithuania in June 1990, following the initialing of the United States-Soviet Trade Agreement. At that time, Senator HELMS asked for the extension of MFN to the Baltic States on the basis of trade agreements they signed with the United States in 1925 and 1926. His plea for full implementation of the long-standing United States non-recognition of the annexation of these nations by the Soviet Union can now be realized. Now that the United States formally has recognized the Baltic governments, the "effective control of borders" criterion cited as an obstacle to the Senator's request has disappeared as an issue.

Mr. President, I ask unanimous consent that a copy of a letter sent to the President by Senator HELMS and 22 other Senators on June 18, 1990, be included in the RECORD at the conclusion of my remarks.

The bill I am introducing now gives the administration the legislative flexibility it needs and wants to grant most-favored-nation trade status to Estonia, Latvia, and Lithuania. The Trade Act of 1974 placed these states in the rate of duty column 2, specifically excluding them from receiving favorable tariff rates. Title IV of the Trade Act requires all states that did not have MFN in 1974, to fulfill emigration law criteria.

It is, indeed, unfortunate that these obstacles stand in the way of the swift provision of MFN to Estonia, Latvia, and Lithuania through the renegotiation of agreements these nations signed with the United States in 1925 and 1926. When MFN status was terminated with the Soviet Union in 1951, President Truman announced the suspension of MFN for Estonia, Latvia, and Lithuania for the duration of Soviet domination and control of their territory. I note the careful choice of the word "suspension" rather than termination. In no way did President Truman want to give legitimacy to Soviet military occupation, as expressed in the Roman maxim, "Ex iniuria ius non oritur," which means "legal rights will not arise out of wrongdoing."

According to this policy, in 1974, Estonia, Latvia, and Lithuania should have been placed in the rate of duty column 1 with a note regarding their suspended trade status. They should have been excluded from title IV restrictions at that time.

Mr. President, I would like to note that in addition to granting Estonia, Latvia, and Lithuania MFN, the United States Government should correct other legal anachronisms adversely affecting Estonia, Latvia, and Lithuania. Specifically, the United States State Department should review and renegotiate, if necessary, with the representatives of Estonia, Latvia, and Lithuania, all agreements and treaties signed by the United States and those countries from 1922 to 1940, as well as all agreements and treaties between the United States and the Soviet Union that relate to the territorial integrity of Estonia, Latvia, and Lithuania.

I cite as an example the United States-Soviet Civil Aviation and Maritime Agreements that incorrectly refer to the cities of Riga, Tallinn, Pyarnu (Parnu in Estonian), Klaipeda, Liepaja, and Ventspils as "Soviet" cities.

Additionally, the United States should support the inclusion of Estonia, Latvia, and Lithuania in the multilateral CFE treaty, which directly affects Soviet military equipment on their sovereign territory. I hope that the CFE agreement will expedite the prompt withdrawal of the over 100,000 Soviet troops who are stationed in Estonia, Latvia, and Lithuania.

Mr. President, I ask unanimous consent that a list of all agreements signed by the United States and the Republics of Lithuania, Latvia, and Estonia as contained in the State Department publication "Treaties in Force" be included in the RECORD at the conclusion of my remarks.

I hope that both the Gibbons bill and my bill will pass expeditiously through the House Ways and Means and Senate Finance Committees. This bill will put an end to 50 years of suspended legal animation for the Baltic States. There is no good reason to delay any longer. Most certainly, MFN must not be held hostage to or be postponed until the United States-Soviet Trade Agreement is considered by the Senate. Indeed, the United States Senate would do final justice to our longstanding nonrecognition policy by granting MFN to Estonia, Latvia, and Lithuania before granting it to the Soviet Union.

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

COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, June 18, 1990.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: This past weekend the citizens of Lithuania, Latvia, and Estonia observed the fifty-year mark of the illegal annexation of their sovereign states by the Soviet Union. Yet, the renewed Soviet military presence in the Baltic States and the economic blockade of Lithuania continue to violate the human rights of the Baltic people and endanger Soviet efforts at perestroika.

As you know, the Senate, by a vote of 73–24, recently adopted a resolution urging you not to submit the U.S.-Soviet trade agreement to the Senate for approval until the Soviet Union has lifted its economic embargo against Lithuania and has entered into negotiations with the duly elected representatives of the Lithuanian people, with the intended result the Soviet recognition of the independence of the government of the Republic of Lithuania. We again urge you not to send the trade agreement to the Congress until these conditions are met.

Fifty years ago, President Franklin Delano Roosevelt complied with generally recognized principles of international law, and publicly declared that the United States would not recognize the forcible seizure of the Republics of Lithuania, Latvia, and Estonia by the USSR. Since 1940, all United States administrations have affirmed the legal right of the Baltic people to self-determination.

We are very concerned that, unless certain precautions are taken, the recently proposed US-Soviet trade, maritime, aviation and student exchange agreements may violate the long-standing US non-recognition policy. Specifically, these agreements may imply de facto and possibly de jure recognition of the Soviet incorporation of Lithuania, Latvia, and Estonia.

We therefore urge you to issue, as an appendix to the agreements, a statement that any such agreements do not affect the de jure independence of the Baltic States, nor do these agreements imply any Soviet right to speak in international forums or conclude international agreements on behalf of the Baltic States. Moreover, any such statement should clearly object to any implied right of the USSR to exercise any form of authority over the Republics of Lithuania, Latvia, and Estonia.

It should be noted that there are precedents for such an approach. The U.S.-Israeli trade agreement of 1985 clearly states that the United States has not recognized Israel's authority over the West Bank. Furthermore, the U.S. Senate's reservation to the Japanese Peace Treaty of 1953 includes a proviso that the United States does not recognize Soviet claims to Southern Sakhalin, the Kurile Islands, the Habemai Islands or the island of Shikotan and the 1947 decision of the Nurnberg Tribunal specifically notes that any Soviet claims to the Baltic States are not accepted by the United States.

Our government continues to recognize the validity of all bilateral agreements signed between the Republics of Lithuania, Latvia, and Estonia and the United States, including the trade agreements of 1926 granting each Most-Favored-Nation trading status. When the United States decided to revoke MFN status for the Soviet Union in 1952, the Truman Administration placed controls on trade with the Baltic States in order to prevent the exploitation of their separate MFN status. These controls were acquiesced in by the Charges d'Affaires of the Baltic States in Washington, for the duration of the period of occupation.

Today, the Republics of Lithuania, Latvia, and Estonia have elected democratic governments which are no longer politically under the domination of the Soviet Union. In pursuing the restoration of Baltic independence, these governments have consistently strived to avoid threatening the overall stability of the Soviet Union, by denouncing all forms of violence and provocation, calling for peaceful negotiations with Moscow, and agreeing to suspend all independence-enabling legislation until a negotiated settlement can be reached.

Furthermore, these governments, which have demonstrated a strong commitment to human rights, democratic pluralism, and free-market economies, offer a unique economic and political channel between the Soviet Union and the West. Thus, strong US support for the independent Baltic governments would encourage, rather than threaten, Soviet stability and efforts at perestroika.

As you know, on May 26 the Foreign Ministers of the Republics of Lithuania, Latvia, and Estonia jointly declared that any agreements signed between the United States and the Soviet Union will not be binding upon the Baltic States. Previously, the Baltic leaders have asked Western nations to conclude bilateral agreements with their governments at the earliest possible time.

We urge you to consider taking steps to normalize US economic relations with the Baltic States. Such actions could include initiating bilateral discussions with the three Baltic governments regarding trade, aviation, and maritime concerns at the earliest possible time. We believe that such actions would enhance our fifty-year policy of supporting independence for the people of Lithuania, Latvia, and Estonia.

Sincerely,

Robert Byrd, Alfonse D'Amato, Alan Dixon, Pete Wilson, Dan Coats, Arlen Specter, Jesse Helms, Donald W. Riegle, Jr., Dennis DeConcini, Gordon Humphrey, Conrad Burns, Carl Levin, Barbara Mikulski, Malcolm Wallop, Connie Mack, Steve Symms, Frank Lautenberg, Robert Kasten, Bill Armstrong, Paul Simon, James McClure, John McCain, Joseph Lieberman.

ESTONIA

The United States has not recognized the incorporation of Estonia, Latvia, and Lithuania into the Union of Soviet Socialist Republics. The Department of State regards treaties between the United States and those countries as continuing in force.

COMMERCE

Treaty of friendship, commerce, and consular rights, and protocol. Signed at Washington December 23, 1925; entered into force May 22, 1926. 44 Stat. 2379; TS 736; 7 Bevans 620; 50 LNTS 13.

CONSULS (SEE COMMERCE)

EXTRADITION

Treaty for extradition of fugitives from justice. Signed at Tallinn November 8, 1923; entered into force November 15, 1924. 43 Stat. 1849; TS 703; 7 Bevans 602; 43 LNTS 277.

Supplementary extradition treaty. Signed at Washington October 10, 1934; entered into force May 7, 1935. 49 Stat. 3190; TS 888; 7 Bevans 645; 159 LNTS 149.

FINANCE

Debt funding agreement signed at Washington October 28, 1925; operative December 15, 1922. Treasury Department print; 7 Bevans 613.

Agreement modifying the debt funding agreement of October 28, 1925. Signed at Washington June 11, 1932; operative July 1, 1931. Treasury Department print; 7 Bevans 642.

MARITIME MATTERS

Agreement relating to mutual recognition of ship measurement certificates. Exchange of notes at Washington August 21, 1926 and at New York November 30, 1926; entered into force November 30, 1926. 47 Stat. 2597; EAS 9; 7 Bevans 635; 62 LNTS 313.

PACIFIC SETTLEMENT OF DISPUTES

Treaty of arbitration. Signed at Tallinn August 27, 1929; entered into force June 18, 1930. 46 Stat. 2757; TS 816; 7 Bevans 637; 102 LNTS 233.

Treaty of conciliation. Signed at Tallinn August 27, 1929; entered into force June 18, 1930. 46 Stat. 2760; TS 817; 7 Bevans 639; 102 LNTS 239.

PUBLICATIONS

Agreement relating to the exchange of official publications. Exchange of notes at Tallinn December 6, 1938; entered into force July 15, 1939. 53 Stat. 2059; EAS 138; 7 Bevans 647.

TRADE (SEE ALSO COMMERCE)[1]

Agreement according mutual unconditional most-favored-nation treatment in customs matters. Exchange of notes at Washington March 2, 1925; entered into force August 1, 1925. TS 722; 7 Bevans 608; 43 LNTS 289.

VISAS

Agreement for the reciprocal waiver of passport visa fees for nonimmigrants. Exchange of notes at Riga and Tallinn April 8, and July 28, 1925; entered into force July 28, 1925. 7 Bevans 611.

LATVIA

The United States has not recognized the incorporation of Estonia, Latvia, and Lithuania into the Union of Soviet Socialist Republics. The Department of State regards treaties between the United States and those countries as continuing in force.

COMMERCE[2]

Provisional commercial agreement according mutual unconditional most-favored-nation treatment in customs matters. Signed at Riga February 1, 1926; entered into force April 30, 1926. TS 740; 9 Bevans 528; LNTS 33.

Treaty of friendship, commerce, and consular rights. Signed at Riga April 20, 1928; entered into force July 25, 1928. 45 Stat. 2641; TS 765; 9 Bevans 531; 80 LNTS 35.

EXTRADITION

Treaty of extradition. Signed at Riga October 16, 1923; entered into force March 1, 1924. 43 Stat. 1738; TS 677; 9 Bevans 515; 27 LNTS 371.

Supplementary extradition treaty. Signed at Washington October 10, 1934; entered into force March 29, 1935. 49 Stat. 3131; TS 884; 9 Bevans 554; 158 LNTS 263.

FINANCE

Agreement relating to the funding of the indebtedness of Latvia to the United States. Signed at Washington September 24, 1925; operative December 15, 1922. Treasury Department print; 9 Bevans 521.

Agreement modifying the debt funding agreement of September 24, 1925. Signed at Washington June 11, 1932; operative July 1, 1931. Treasury Department print; 9 Bevans 551.

PACIFIC SETTLEMENT OF DISPUTES

Treaty of arbitration. Signed at Riga January 14, 1930; entered into force July 10, 1930. 46 Stat. 2763; TS 818; 9 Bevans 546; 105 LNTS 307.

Treaty of conciliation. Signed at Riga January 14, 1930; entered into force July 10, 1930. 46 Stat. 2766; TS 819; 9 Bevans 548; 105 LNTS 301.

POSTAL MATTERS

Convention for the exchange of money orders. Signed at Washington October 21 and at Riga November 14, 1922; effective January 2, 1923. 38 LNTS 331.

VISAS

Agreement for the reciprocal waiver of passport visa fees for nonimmigrants. Exchange of notes at Riga February 18 and March 27, 1935; entered into March 27, 1935; operative April 1, 1935. 9 Bevans 556.

LITHUANIA

The United States has not recognized the incorporation of Estonia, Latvia, and Lithuania into the Union of Soviet Socialist Republics. The Department of State regards treaties between the United States and those countries as continuing in force.

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[1] Application of controls to trade between the United States and Estonia while that country is under Soviet domination or control was acquiesced in by the Acting Consul General of Estonia in Charge of the Estonian Legation in New York in a note dated July 16, 1951 to the Secretary of State.

[2] Application of controls to trade between the United States and Latvia while that country is under Soviet domination or control was acquiesced in by the Charge d'Affaires of Latvia in Washington in a note dated July 11, 1951, to the Secretary of State.

CUSTOMS

Arrangement regarding reciprocal privileges for consular officers to import articles free of duty for their personal use. Exchanges of notes at Washington July 28, September 17 and 19, and October 4, 1934; operative October 15, 1934, 9 Bevans 685.

EXTRADITION

Treaty of extradition. Signed at Kaunas April 9, 1924; entered into force August 23, 1924, 43 Stat. 1835; TS 699; 9 Bevans 655; 51 LNTS 191.

Supplementary extradition treaty. Signed at Washington May 17, 1934; entered into force January 8, 1935. 49 Stat. 3077; TS 879; 9 Bevans 683; 157 LNTS 441.

FINANCE

Agreement for the funding of the debt of Lithuania to the United States. Signed at Washington September 22, 1924; operative June 15, 1924. Treasury Department print; 9 Bevans 661.

Amendment: June 9, 1932 (Treasury Department print; 9 Bevans 681).

PACIFIC SETTLEMENT OF DISPUTES

Arbitration treaty. Signed at Washington November 14, 1928; entered into force January 20, 1930. 46 Stat. 2457; TS 809; 9 Bevans 671; 100 LNTS 111.

Treaty of conciliation. Signed at Washington November 14, 1928; entered into force January 20, 1930. 46 Stat. 2459; TS 810; 9 Bevans 673; 100 LNTS 117.

POSTAL MATTERS

Convention for the exchange of money orders. Signed at Washington April 10 and at Kaunas July 30, 1923; operative October 15, 1923.

Amendments: May 26 and June 13, 1934. June 11 and 28, 1934.

Parcel post agreement. Signed at Kaunas December 4 and at Washington December 28, 1939; operative February 1, 1940. 54 Stat. 2021; Post Office Department print; 202 LNTS 381.

TRADE AND COMMERCE[3]

Agreement according mutual unconditional most-favored-nation treatment in customs matters. Exchange of notes at Washington December 23, 1925; entered into force July 10, 1926. TS 742; 9 Bevans 668; 54 LNTS 377.

TRADE-MARKS

Agreement relating to the registration of trade-marks. Exchange of notes at Riga September 14, 1929 and at Kaunas October 11, 1929; entered into force October 11, 1929. 9 Bevans 675.

VISAS

Arrangement for the reciprocal waiver of passport visa fees for nonimmigrants. Exchange of notes at Washington April 17, 1937; entered into force April 17, 1937; operative May 1, 1937. 9 Bevans 688.

By Mr. GRASSLEY:

S. 1835. A bill to amend the Consolidated Farm and Rural Development Act to provide credit assistance to qualified beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

BEGINNING FARMER AND RANCHER CREDIT ACT

• Mr. GRASSLEY. Mr. President, today I want to talk about the future of American agriculture. No, I am not going to talk about bioengineering, remote sensing satellites, or using animals to produce medical products. I am also not going to talk about economic competition with the European Community or the prospects for new agricultural crops or products. I am going to talk about the future of farming as it relates to the alarming dropoff in the number of young people entering farming.

Mr. President, new blood is essential to the survival of any organization. Without new blood, industries and countries begin to show the characteristics of aging entities. New blood ensures that the organization is renewed by new entrants with their physical and mental energy.

American agriculture is as dependent on new technology, new thinking, and new people as any organization. But, as I will show you in a minute, new farmers are not entering farming, either on a part-time or full-time basis. The result is, the average age of farmers is rising and our rural communities are struggling. This is occurring even as we have spent billions of dollars during the eighties to stabilize the farm economy. To a large extent, we were finally able to do just that. In 1990, farmers enjoyed record income and debt to asset ratios fell to more manageable levels.

However, a couple of reports released this last year show that these benefits have all accrued to existing farmers and have done little to increase the number of new and beginning farmers and ranchers. The first report was published by the U.S. Department of Agriculture's Economic Research Service. It is rather dryly entitled "Estimating Entry and Exit of U.S. Farms." Among other items of interest, the report shows that during the time period of 1978–82, nearly 101,000 farmers entered farming each year, while in the period of 1982–87, only 75,000 entered annually. That is a drop of 29 percent in the number of beginning farmers.

Among age groups, the drop in new farmers is even more alarming. For instance, the drop in new farmers 25 years old or less—that is, those just out of college or high school—was down 50 percent. Entry of farmers in the 25 to 34 cohort—frequently people who have spent time working for established farmers while saving up money in order to start their own operation—dropped 30 percent.

Clearly, young people during the mid-1980's were making a fairly rational choice. Faced with high credit and startup costs, they could see that the barriers to entry were too high in many cases. As a consequence of having fewer young farmers, the average farmer's age increased. Iowa State University's "1991 Iowa Farm and Rural Life Poll" shows how the demographics will begin to look in the near future. The survey found the average Iowa farmer to be 53 years old and with nearly 40 percent of them over the age of 55. Worse yet, only 5 percent of the farmers surveyed were under 30. I want to note these figures are in line with the 1987 Census of Agriculture numbers.

Also, roughly 20 percent of the surveyed farmers are contemplating retiring in the next 5 years. What this means is that a significant change in the form of the family farm will occur in the nineties, feeding on the trend to bigger operations with fewer workers and families.

Mr. President, I think it is possible for us to change some of these demographic trends. That is why I am today introducing the Beginning Farmer and Rancher Credit Act. This bill is designed to give starting farmers the financial help they need to begin farming. It does this by helping beginning farmers make the downpayment through a loan coming from within FmHA's farm ownership loan program. FmHA would loan up to 30 percent of the purchase price, with the farmer kicking in 10 percent. It would also establish a Federal-State partnership with qualified State beginning farmer programs. Finally, 80 percent of direct farm ownership funds would be used for the downpayment loan program.

Mr. President, this is just one effort to make it possible for interested young people to enter farming. Many other steps are needed. Surely the future nature of agriculture will be affected by the demographics of our farmers as by the technology used.•

ADDITIONAL COSPONSORS

S. 493

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 549

At the request of Mr. CRANSTON, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 549, a bill to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.

S. 781

At the request of Mr. SARBANES, the name of the Senator from Michigan [Mr. RIEGLE] 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.

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[3]Application of controls to trade between the United States and Lithuania while that country is under Soviet domination or control was acquiesced in by the Minister of Lithuania in Washington in a note dated July 11, 1951 to the Secretary of State.

S. 810

At the request of Mr. HARKIN, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 810, a bill to improve counseling services for elementary schoolchildren.

S. 846

At the request of Mr. PRYOR, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 846, a bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies.

S. 1120

At the request of Mr. RIEGLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1120, a bill to provide for a demonstration project to examine whether having a respiratory care practitioner available to provide assistance in a home setting would reduce the overall costs under Medicare of providing care to pulmonary disease patients by decreasing hospitalization rates for such patients.

S. 1175

At the request of Mr. KERRY of Massachusetts, the name of the Senator from Wisconsin [Mr. KOHL] 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. 1357

At the request of Mr. BREAUX, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1357, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain qualified small issue bonds.

S. 1493

At the request of Mr. GRAHAM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1493, a bill to establish the High Speed Surface Transportation Development Corporation; to provide for high speed surface transportation infrastructure development; and for other purposes.

S. 1599

At the request of Mr. BRADLEY, the names of the Senator from Delaware [Mr. BIDEN], the Senator from North Dakota [Mr. BURDICK], the Senator from Idaho [Mr. CRAIG], the Senator from Maryland [Mr. SARBANES], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1599, a bill to extend nondiscriminatory (most-favored-nation) treatment to Estonia, Latvia, and Lithuania.

S. 1603

At the request of Mr. GRAMM, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1603, a bill to provide incentives for work, savings, and investments in order to stimulate economic growth, job creation, and opportunity.

S. 1623

At the request of Mr. DECONCINI, the names of the Senator from Connecticut [Mr. DODD], the Senator from Washington [Mr. ADAMS], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1653

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1653, a bill to amend the Internal Revenue Code of 1986 to remove United States tax barriers inhibiting competitiveness of United States owned businesses operating in the European Community.

S. 1711

At the request of Mr. DOLE, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1711, a bill to establish a Glass Ceiling Commission and an annual award for promoting a more diverse skilled work force at the management and decisionmaking levels in business, and for other purposes.

S. 1726

At the request of Mr. DIXON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1726, a bill to amend the Immigration and Nationality Act to restore authority in courts to naturalize persons as citizens.

S. 1729

At the request of Mr. KENNEDY, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1729, a bill to amend the Public Health Service Act to require drug manufacturers to provide affordable prices for drugs purchased by certain entities funded under the Public Health Service Act, and for other purposes.

S. 1791

At the request of Mr. DOLE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1791, a bill to provide emergency unemployment compensation, and for other purposes.

S. 1810

At the request of Mr. ROCKEFELLER, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. AKAKA], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the Medicare Program, and for other purposes.

At the request of Mr. DURENBERGER, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1810, supra.

S. 1817

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1817, a bill to amend the Trade Act of 1974 to require the National Trade Estimate include information regarding the impact of Arab boycotts on certain United States businesses.

SENATE JOINT RESOLUTION 6

At the request of Mr. JOHNSTON, the names of the Senator from Tennessee [Mr. GORE], the Senator from Kentucky [Mr. FORD], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of Senate Joint Resolution 6, a joint resolution to designate the year 1992 as the "Year of the Wetlands."

SENATE JOINT RESOLUTION 100

At the request of Mr. KOHL, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 100, a joint resolution designating January 5, 1992 through January 11, 1992 as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 113

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution designating the oak as the national arboreal emblem.

SENATE JOINT RESOLUTION 157

At the request of Mr. ROCKEFELLER, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Louisiana [Mr. BREAUX], the Senator from Arkansas [Mr. PRYOR], the Senator from Indiana [Mr. LUGAR], the Senator from Idaho [Mr. CRAIG], the Senator from Oregon [Mr. PACKWOOD], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week."

SENATE JOINT RESOLUTION 164

At the request of Mr. GORE, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Illinois [Mr. DIXON] were added as cosponsors 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 JOINT RESOLUTION 176

At the request of Mr. DIXON, the names of the Senator from New Jersey

[Mr. BRADLEY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Kansas [Mr. DOLE], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 188

At the request of Mr. LAUTENBERG, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Colorado [Mr. BROWN], the Senator from North Dakota [Mr. BURDICK], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Joint Resolution 188, a joint resolution designating November 1991 as "National Red Ribbon Month."

SENATE JOINT RESOLUTION 190

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of Senate Joint Resolution 190, a joint resolution to designate January 1, 1992, as "National Ellis Island Day."

SENATE JOINT RESOLUTION 197

At the request of Mr. COCHRAN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 197, a joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 25, 1991, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 206

At the request of Mr. RIEGLE, the names of the Senator from Montana [Mr. BURNS], the Senator from Georgia [Mr. NUNN], the Senator from Washington [Mr. ADAMS], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 206, a joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day."

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. CRANSTON, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution concerning freedom of emigration and travel for Syrian Jews.

SENATE RESOLUTION 196—RELATIVE TO SOVIET WITHDRAWAL FROM THE BALTIC STATES

Mr. HATCH (for himself, Mr. BRADLEY, Mr. DECONCINI, Mr. MCCAIN, Mr. GRASSLEY, Mr. DOLE, Mr. KASTEN, Mr. PRESSLER, Mr. D'AMATO, Mr. LUGAR, and Mr. GARN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 196

Whereas the rightful independence of the Baltic states of Lithuania, Latvia, and Estonia from the Union of Soviet Socialist Republics has been recognized;

Whereas more than 100,000 Soviet military personnel continue to maintain a presence in the Baltic states; and

Whereas the continued presence of Soviet troops threatens the peace and independence of the Baltic states: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should call upon the President of the Union of Soviet Socialist Republics to begin immediately a prompt withdrawal of Soviet armed forces from the Baltic states and to undertake discussions with governments of Lithuania, Latvia, and Estonia appropriate to facilitate that withdrawal.

Mr. HATCH. Mr. President, I rise today to submit a sense-of-the-Senate resolution that explicitly calls for the Soviet Government to immediately begin a withdrawal of Soviet armed forces from the Baltic States and undertake discussions with the Governments of Lithuania, Latvia, and Estonia appropriate to facilitate that withdrawal. I am joined in this effort by Senators BRADLEY, DECONCINI, MCCAIN, GRASSLEY, DOLE, KASTEN, PRESSLER, D'AMATO, LUGAR, and GARN.

Despite the recent independence of these states, the Soviets continue to maintain approximately 45,000 troops in each of the three Baltic States. The continued stationing of roughly 135,000 troops in the Baltic States remains a flagrant violation of their territorial integrity and political sovereignty. The continuing imposition of Soviet forces in these countries was recently characterized by Lithuanian President Landsberlgis as an act of violence, of coercion. The Baltic leadership has a right to be concerned. Some elements of the Soviet navy are reluctant to abandon their strategically located Baltic seaports, and the large presence of Soviet ground troops in these countries remains a highly destabilizing influence.

Mr. President, I hope that the Soviet Government takes notice of this resolution, and realizes how seriously Members of this Chamber view the continuing presence of Soviet forces in the Baltics.

SENATE RESOLUTION 197—AUTHORIZING TESTIMONY BY AND REPRESENTATION OF A FORMER SENATE EMPLOYEE

Mr. BOREN (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas, a Federal agency has requested the testimony of Jack Blum, a former special counsel to the Committee on Foreign Relations, about information relating to the Bank of Credit and Commerce International and other financial institutions obtained by the Subcommittee on Terrorism, Narcotics and International Operations during the course of its investigation into the nature of the threat to the national security of the United States from the operation of international drug cartels and the adequacy of the United States Government's response to that threat;

Whereas, by the privileges of the Senate and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent present or former employees of the Senate with respect to any subpoena or order relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to provide testimony to federal and state agencies or officials about information, relating to the Bank of Credit and Commerce International and other financial institutions, obtained by the Subcommittee on Terrorism, Narcotics and International Operations during the course of its investigation, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Jack Blum in connection with the testimony authorized by section one of this resolution.

SENATE RESOLUTION 198—RELATIVE TO AN INVESTIGATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. SANFORD (for himself, Mr. JEFFORDS, and Mr. MITCHELL) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 198

Resolved, That Senate Resolution 62 of the One Hundred Second Congress (agreed to February 28, 1991) is amended—

(1) in section 2(a), by striking "$55,873,148" and inserting "$56,469,148"; and

(2) in section 12(b)—

(A) by striking "$2,774,561" and inserting "$3,370,561"; and

(B) by striking "$45,000" and inserting "$117,000"; and

(2) by adding at the end of section 12 the following new subsection:

"(d)(1) For purposes of the expeditious conduct at any time or place by the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations of its duly authorized inquiry into allegations that private United States citizens acted to delay the release of United States hostages in Iran until after the 1980 presidential election, the Subcommittee may—

"(A) authorize staff to conduct depositions of witnesses under oath, including oaths administered by individuals authorized by local law to administer oaths, for the purpose of taking testimony, and to receive books, tapes, papers, documents, and other records in connection with such testimony,

"(B) require, by subpoena or order, the attendance of witnesses and the production of books, tapes, papers, documents, and other records at such staff depositions; and

"(C) adopt and publish in the Congressional Record rules (not inconsistent with

the Standing Rules of the Senate) which shall govern for all purposes the Subcommittee's conduct of this inquiry.

"(2) The powers authorized by this section shall be supplementary to such other powers as are lawfully authorized for the Subcommittee.".

AMENDMENTS SUBMITTED

ETHICS IN GOVERNMENT ACT AMENDMENTS

DOLE AMENDMENT NO. 1255

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (S. 242) to amend the Ethics in Government Act of 1978 to modify the rule prohibiting the receipt of honoraria by certain Government employees, and for other purposes, as follows:

At the appropriate place insert the following:

SEC. . POST-EMPLOYMENT RESTRICTIONS TECHNICAL CORRECTION.

(a) LIMITATION ON POST-EMPLOYMENT RESTRICTIONS.—Section 207(j) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(7) POLITICAL PARTIES AND CAMPAIGN COMMITTEES.—(A) Except as provided in subparagraph (B), the restrictions contained in subsections (c), (d), and (e) shall not apply to a communication or appearance made solely on behalf of a candidate, in his capacity as a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party.

"(B) Subparagraph (A) shall not apply to—

"(i) any communication to, or appearance before, the Federal Election Commission by a former officer or employee of the Federal Election Commission;

"(ii) any communication or appearance referred to in subparagraph (A) that is made by a person on any matter in which that person also represents, as agent or attorney or otherwise, anyone other than a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party; and

"(iii) any communication to, or appearance before, an employee (as defined in section 2105 of title 5) of an Executive agency (as defined in section 105 of title 5), unless the employee is—

"(I) a noncareer employee of the Executive Office of the President;

"(II) the head or assistant head of an Executive department or a military department (as such terms are defined in sections 101 and 102 of title 5); or

"(III) an employee appointed by the President by and with the advice and consent of the Senate.

"(C) For purposes of this paragraph—

"(i) the term 'candidate' means any person who seeks nomination for election, or election, to Federal or State office or who has authorized others to explore on his or her behalf the possibility of seeking nomination for election, or election, to Federal or State office;

"(ii) the term 'authorized committee' means any political committee designated in writing by a candidate as authorized to receive contributions or make expenditures to promote the nomination for election, or the election, of such candidate, or to explore the possibility of seeking nomination for election, or the election, of such candidate, except that a political committee that receives contributions or makes expenditures to promote more than one candidate may not be designated as an authorized committee for purposes of subparagraph (A);

"(iii) the term 'national committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level;

"(iv) the term 'national Federal campaign committee' means an organization that, by virtue of the bylaws of a political party, is established primarily for the purpose of providing assistance, at the national level, to candidates nominated by that party for election to the office of Senator or Representative in, or Delegate or Resident Commissioner to the Congress;

"(v) the term 'State committee' means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level;

"(vi) the term 'political party' means an association, committee, or organization that nominates a candidate for election to any Federal or State elected office whose name appears on the election ballot as the candidate of such association, committee, or organization; and

"(vii) the term 'State' means a State of the United States, or the District of Columbia.".

(b) APPLICABILITY.—A former officer or employee who is subject to the prohibitions contained in section 207(c) of title 18, United States Code, as in effect before January 1, 1991, shall, notwithstanding such prohibitions, be permitted to make communications and appearances solely on behalf of a candidate, in his capacity as a candidate, an authorized committee, a national committee, a national Federal campaign committee, a State committee, or a political party, as though the provisions of section 207 of title 18, United States Code, in effect on or after January 1, 1991, as amended by this section, were applicable to such former officer or employee.

INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 1992

BOREN AMENDMENT NOS. 1256 AND 1257

Mr. BOREN proposed two amendments to the bill (S. 1539) to authorize appropriations for fiscal year 1992 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, as follows:

AMENDMENT NO. 1256

Title VII of S. 1539 is amended by striking section 701 in its entirely and inserting in lieu thereof the following:

SEC. 701. (a) The Congress finds that—

(1) the security of the United States is and will continue to depend on the ability of the United States to exercise international leadership;

(2) United States leadership is and will increasingly be based on the political and economic strength of the United States, as well as United States military strength around the world;

(3) recent changes in the world pose threats of a new kind of international stability as Cold War tensions continue to decline while economic competition, regional conflicts, terrorist activities, and weapons proliferation have dramatically increased;

(4) the future national security and economic well-being of the United States will substantially depend on the ability of its citizens to communicate and compete by knowing the languages and cultures of other countries.

(5) the Federal Government has a vested interest in ensuring that the employees of its national security agencies are prepared to meet the challenges of this changing international environment;

(6) the Federal Government also has a vested interest in taking actions to alleviate the problem of American undergraduate and graduate students being inadequately prepared to meet the challenges posed by increasing global interaction among nations; and

(7) American colleges and universities must place a new emphasis on improving the teaching of foreign languages, area studies, and other international fields to help meet such challenges.

(b) The purposes of this section are as follows:

(1) To provide the necessary resources, accountability, and flexibility to meet the national security education needs of the United States, especially as such needs change over time.

(2) To increase the quantity, diversity, and quality of the teaching and learning of subjects in the fields of foreign language, area studies, and other international fields that are critical to the Nation's interest.

(3) To produce an increased pool of applicants for work in the national security agencies of the United States Government.

(4) To expand, in conjunction with other Federal programs, the international experiences, knowledge base, and perspectives on which the United States citizenry, Government employees, and leaders rely.

(5) To permit the Federal Government to advocate the cause of international education.

(c)(1) The National Security Act 1947 (47 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"SEC. 801. SHORT TITLE.

"This title may be cited as the 'National Security Education Act of 1991'.

"SEC. 802. PROGRAM REQUIRED.

"(a) PROGRAM REQUIRED.—

"(1) IN GENERAL.—The Secretary of Defense, in consultation with the National Security Education Board established by section 803, shall carry out a program for—

"(A) awarding scholarships to undergraduate students who are United States citizens or resident aliens in order to enable such students to study, for at least 1 semester, in foreign countries;

"(B) awarding fellowship to graduate students who—

"(i) are United States citizens or resident aliens to enable such students to pursue education in the United States in the disciplines of foreign languages, area studies, and other international fields that are critical areas of such disciplines; and

"(ii) pursuant to subsection (c)(1), enter into an agreement to work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded; and

"(C) awarding grants to institutions of higher education to enable such institutions to establish, operate, and improve programs in foreign languages, area studies, and other international fields that are critical areas of such disciplines.

"(2) RESERVATIONS.—The Secretary shall have a goal of reserving for each fiscal year—

"(A) for the awarding of scholarships pursuant to paragraph (1)(A), ⅓ of the amount available for obligation out of the National Security Education Trust Fund for such fiscal year;

"(B) ⅓ of such amount for the awarding of fellowships pursuant to paragraph (1)(B); and

"(C) ⅓ of such amount to provide for the awarding of grants pursuant to paragraph (1)(C).

"(b) CONTRACT AUTHORITY.—The Secretary may enter into one or more contracts, with private national organizations having an expertise in foreign languages, area studies, and other international fields, for the awarding of the scholarships, fellowships, and grants described in subsection (a) in accordance with the provisions of this title. The Secretary may enter into such contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law that requires the use of competitive procedures.

"(c) SERVICE AGREEMENT.—In awarding a fellowship under the program, the Secretary or contract organization referred to in subsection (b), as the case may be, shall require the recipient of the fellowship to enter into an agreement that contains the assurances of such recipient that the recipient—

"(1) will maintain satisfactory academic progress; and

"(2) upon completion of such recipient's education, will work for the Federal Government or in the field of education in the area of study for which the fellowship was awarded for a period specified by the Secretary, which period shall be equal to not less than one and not more than three times the period for which the fellowship assistance was provided.

"(d) DISTRIBUTION OF ASSISTANCE.—In selecting the recipients for awards of scholarships, fellowships, or grants pursuant to this title, the Secretary or a contract organization referred to in subsection (b), as the case may be, shall take into consideration the extent to which the selections will result in there being an equitable geographic distribution of such scholarships, fellowships, or grants (as the case may be) among the various regions of the United States.

"(e) MERIT REVIEW.—A merit review process shall be used in awarding scholarships, fellowships, or grants under the program.

"(f) INFLATION.—The amounts of scholarships, fellowships, and grants awarded under the program shall be adjusted for inflation annually.

"(g) ADMINISTRATION OF PROGRAM THROUGH THE DEFENSE INTELLIGENCE COLLEGE.—The Secretary shall administer the program through the Defense Intelligence College.

"SEC. 803. NATIONAL SECURITY EDUCATION BOARD.

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a National Security Education Board.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Board shall be composed of the following individuals or the representatives of such individuals:

"(A) The Secretary of Defense, who shall serve as the chairman of the Board.

"(B) The Secretary of Education.

"(C) The Secretary of State.

"(D) The Secretary of Commerce.

"(E) The Director of Central Intelligence.

"(F) The Director of the United States Information Agency.

"(G) Four individuals appointed by the President, by and with the advice and consent of the Senate, who have expertise in the fields of international, language, and area studies education.

"(2) TERM OF APPOINTEES.—Each individual appointed to the Board pursuant to paragraph (1)(G) shall be appointed for a period specified by the President at the time of the appointment but not to exceed 4 years. Such individuals shall receive no compensation for service on the Board but may receive reimbursement for travel and other necessary expenses.

"(c) FUNCTIONS.—The Board shall—

"(1) develop criteria for awarding scholarships, fellowships, and grants under this title;

"(2) provide for wide dissemination of information regarding the activities assisted under this title;

"(3) establish qualifications for students and institutions of higher education desiring scholarships, fellowships, and grants under this title;

"(4) make recommendations to the Secretary regarding which countries are not emphasized in other United States study abroad programs, such as countries in which few United States students are studying, and are, therefore, critical countries for the purposes of section 802(a)(1)(A);

"(5) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(B) are areas of study in which United States students are deficient in learning and are, therefore, critical areas within such disciplines for the purposes of such section;

"(6) make recommendations to the Secretary regarding which areas within the disciplines described in section 802(a)(1)(C) are areas in which United States students, educators, and Government employees are deficient in learning and in which insubstantial numbers of United States institutions of higher education provide training and are, therefore, critical areas within such disciplines for the purposes of such section; and

"(7) review the administration of the program required under this title.

"SEC. 804. NATIONAL SECURITY EDUCATION TRUST FUND.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Security Education Trust Fund'.

"(b) AVAILABILITY OF SUMS IN THE FUND.—To the extent provided in appropriations Acts, sums in the Fund shall be available for—

"(A) awarding scholarships, fellowships, and grants in accordance with the provisions of this title; and

"(B) properly allocable administrative costs of the Federal Government for the program under this title.

"(2) Any unobligated balance in the Fund at the end of a fiscal year shall remain in the Fund and may be appropriated for subsequent fiscal years.

"(c) INVESTMENT OF FUND ASSETS.—The Secretary of the Treasury shall invest in full the amount in the Fund that is not immediately necessary for obligation. 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 on original issue at the issue price or 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 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 ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

"(d) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(e) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale of redemption of, any obligations held in the Fun shall be credited to and form a part of the Fund.

"SEC. 805. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—In order to conduct the program required by this title, the Secretary may—

"(1) prescribe regulations to carry out the program;

"(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purpose of conducting the program required by this title, and to use, sell, or otherwise dispose of such property for that purpose;

"(3) accept and use the services of voluntary and noncompensated personnel; and

"(4) make other necessary expenditures.

"(b) ANNUAL REPORT.—The Secretary shall submit to the President and the Congress an annual report of the conduct of the program required by this title. The report shall contain—

"(1) an analysis of the mobility of students to participate in programs of study of foreign countries;

"(2) an analysis of the trends within language, international, and area studies, along with a survey of such areas as the Secretary determines are receiving inadequate attention;

"(3) the impact of the program activities on such trends; and

"(4) an evaluation of the impediments to improving such trends;

"SEC. 806. AUDITS.

"The conduct of the program required by this title may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, and files and all other papers, things, or property of the Department of Defense pertaining to such activities and necessary to facilitate the audit.

"SEC. 807. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Board' means the National Security Education Board established pursuant to section 803;

"(2) the term 'Fund' means the National Security Education Trust Fund established pursuant to section 804; and

"(3) the term 'institution of higher education' has the same meaning given to such term by section 1201(a) of the Higher Education Act of 1965.".

(2) The table of contents for such Act is amended by inserting at the end the following:

"TITLE VIII—NATIONAL SECURITY SCHOLARSHIPS, FELLOWSHIPS, AND GRANTS

"Sec. 801. Short title.
"Sec. 802. Program required.
"Sec. 803. National Security Education Board.
"Sec. 804. National Security Education Trust Fund.
"Sec. 805. Administrative provisions.
"Sec. 806. Audits.
"Sec. 807. Definitions.".

(d) Of the amounts made available in the National Security Education Trust Fund for fiscal year 1992 for the scholarships, fellowships, and grants program provided for in title VIII of the National Security Act of 1947, as added by subsection (c), the Secretary shall reserve—

(1) $15,000,000 for awarding scholarships pursuant to section 802(a)(1)(A) of such Act;

(2) $10,000,000 for awarding fellowships pursuant to section 802(a)(1)(B) of such Act; and

(3) $10,000,000 for awarding grants pursuant to section 802(a)(1)(C) of such Act.

AMENDMENT NO. 1257

Add at the appropriate place in the bill the following new subsection:

( ) The Secretary of Defense shall take appropriate action to ensure that included within the budget submitted to Congress for the General Defense Intelligence Program for fiscal year 1993, and for every fiscal year thereafter, shall be the amounts requested to be authorized and appropriated for the (1) the TR-1 airborne reconnaissance platform and related sensor programs; and (2) the Airborne Reconnaissance Support Program. The Secretary of Defense is further directed to the consolidate management during Fiscal Year 1992 of the TR-1, U-2, and Airborne Reconnaissance Support Programs within the General Defense Intelligence Program.

GLENN (AND OTHERS) AMENDMENT NO. 1258

Mr. GLENN (for himself, Mr. SPECTER, Mr. HARKIN, Mr. BYRD, Mr. AKAKA, Mr. BRYAN, Mr. CRANSTON, and Mr. ADAMS) proposed an amendment to the bill S. 1539, supra, as follows:

On page 34, between lines 18 and 19, insert the following new section:

SEC. 602. APPOINTMENT OF CERTAIN OFFICIALS BY THE PRESIDENT.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by inserting at the end thereof the following new section:

"SEC. 18. APPOINTMENT OF CERTAIN OFFICIALS BY THE PRESIDENT.

"(a) PRESIDENTIAL APPOINTMENTS.—The President shall appoint, by and with the advice and consent of the Senate, the following officers of the United States who shall serve within the Central Intelligence Agency:

"(1) the Deputy Director for Operations.

"(2) the Deputy Director for Intelligence.

"(3) the General Counsel.

"(b) BASIS FOR REMOVAL.—Notwithstanding section 102(c) of the National Security Act of 1947 (50 U.S.C. 403(c)), any individual appointed pursuant to this section shall serve at the pleasure of the President and may be removed from office only by the President.".

FEDERAL FACILITY COMPLIANCE ACT

McCONNELL AMENDMENT NO. 1259

Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill (S. 596) to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements, as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) This section may be cited as the "Federal Recycling Incentive Act".

(b) Subtitle F of the Solid Waste Disposal Act is amended by adding at the end thereof the following:

"FEDERAL GOVERNMENT REQUIREMENTS

"SEC. 6005. (a) FEDERAL AGENCIES.—Prior to the expiration of the 180-day period following the date of the enactment of this section, the Administrator of General Services, in consultation with the Administrator of the Environmental Protection Agency, by regulation, shall establish, and from time to time modify, a program pursuant to which each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government shall be required to separate all high grade paper, newspapers, aluminum, and glass bottles and containers comprising solid waste generated by such department, agency, or instrumentality, and to collect and make such paper, aluminum, bottles, and containers available for recycling, by sale or otherwise.

"(b) PUBLICATION IN FEDERAL REGISTER.—Within 60 days following the establishment or modification of a program pursuant to subsection (a) the Administrator of General Services shall submit a copy of such program or modification to the Congress and publish a copy thereof in the Federal Register.

"(c) EFFECTIVE DATE.—Effective 180 days following such publication in the Federal Register, each department, agency, and instrumentality of the executive, legislative, and judicial branches shall take such action as may be necessary to carry out the program established pursuant to subsection (a) as published in the Federal Register.

"(d) PROCEEDS FROM SALE.—Any moneys received by any such department, agency, or instrumentality from the sale of such paper, aluminum, bottles, and containers may be retained by it and shall be available for use by it in carrying out its functions.

"(e) ENFORCEMENT.—The Administrator of General Services, in consultation with the Administrator of the Environmental Protection Agency, shall, by regulation, establish and implement a system for monitoring and enforcing the provisions of this section.

"(f) REPORT.—Prior to the expiration of the 15-month period following the date on which such program takes effect and annually thereafter the Administrator of General Services shall report to the Congress with respect to the extent of compliance by each department, agency, and instrumentality of the executive, legislative, and judicial branches with the program established pursuant to this Act for the preceding 12-month period. Such report shall identify any such department, agency, and instrumentality which fails to comply, in whole or in part, with such program. A copy of the report shall be published in the Federal Register.

"(g) AUTHORIZATION.—For the purpose of enabling the Administrator of General Services to carry out his section, there are authorized to be appropriated such sums as may be necessary.

"(h) DEFINITION.—As used in this section, the term 'high grade paper' means letterhead, dry copy papers, miscellaneous business forms, stationery, typing paper, tablet sheets, and computer printout paper and cards, commonly sold as 'white ledger', 'computer printout', and 'tab card' grade by the wastepaper industry.".

SEYMOUR (AND OTHERS) AMENDMENT NO. 1260

Mr. SEYMOUR (for himself, Mr. DOMENICI, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill S. 596, supra, as follows:

At the appropriate place, add the following:

The Federal Bureau of Investigation is hereby authorized and directed to require by subpoena the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such sworn testimony and to make such expenditures out of any funds appropriated and not otherwise obligated to make an investigation into the matter of releasing of confidential documents transmitted to the Senate Committee on the Judiciary regarding Professor Anita Hill of the University of Oklahoma and to report to the Congress the results of this investigation not later than 30 days after the date of enactment of this Act.

VETERANS' HOSPICE SERVICES ACT OF 1991

CRANSTON AMENDMENT NO. 1261

Mr. BOREN (for Mr. CRANSTON) proposed an amendment to the bill (S. 1358) to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans, as follows:

On page 2, line 11, strike out "671." and insert in lieu thereof "1771."

On page 2, beginning on line 15, strike out "'(A) who is" and all that follows through line 19 and insert in lieu thereof the following—

"'(A) who is—

"'(i)(I) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, or (ii) eligible for hospital and nursing home care in such facility and receiving such care;

"'(ii) receiving nursing home care at a non-Department of Veterans Affairs nursing home under section 1720(a)(1)(A) of this title; or

"'(iii) receiving domiciliary care, nursing home care, or hospital care for which the Department is paying a State per diem under section 1741 of this title; and'".

On page 3, line 9, strike out "601(4)(A)" and insert in lieu thereof "1701(4)(A)".

On page 3, line 15, strike out "672(b)(1)(D)" and insert in lieu thereof "1772(b)(1)(D)".

On page 4, line 1, strike out "672" and insert in lieu thereof "1772.".

On page 7, line 15, strike out "(B) of" and insert in lieu thereof "(B) or".

On page 7, line 25, strike out "is" and insert in lieu thereof "if".

On page 8, line 5, insert ", supplies, and medications" after "services".

On page 8, line 6, insert "that' after "exceeds".

On page 8, line 16, strike out "673." and insert in lieu thereof "1773.".

On page 8, line 18, strike out "672(a)(1)" and insert in lieu thereof "1772(a)(1)".

On page 9, line 8, strike out "674." and insert in lieu thereof "1774.".

On page 9, line 18, strike out "675." and insert in lieu thereof "1775.".

On page 9, line 23, strike out "672" and insert in lieu thereof "1772".

On page 9, line 24, strike out "673" and insert in lieu thereof "1773".

On page 10, line 6, strike out "673" and insert in lieu thereof "1773".

On page 10, line 24, strike out "672" and insert in lieu thereof "1772".

On page 10, line 25, strike out "673" and insert in lieu thereof "1773".

On page 11, line 17, strike out "672(b)(3)" and insert in lieu thereof "1772(b)(3)".

On page 12, line 25, strike out "672(c)(1)(C)" and insert in lieu thereof "1772(c)(1)(C)".

On page 13, line 18, strike out "673(a)" and insert in lieu thereof "1773(a)".

On page 13, line 25, strike out "672" and insert in lieu thereof "1772".

On page 14, line 1, strike out "673" and insert in lieu thereof "1773".

On page 15, in the matter below line 5, strike out "'671." and insert in lieu thereof "'1771.".

On page 15, in the matter below line 5, strike out "'672." and insert in lieu thereof "'1772.".

On page 15, in the matter below line 5, strike out "'673." and insert in lieu thereof "'1773.".

On page 15, in the matter below line 5, strike out "'674." and insert in lieu thereof "'1774.".

On page 15, in the matter below line 5, strike out "'675." and insert in lieu thereof "'1775.".

ANIMAL RESEARCH FACILITIES PROTECTION ACT OF 1991

HEFLIN AMENDMENT NO. 1262

Mr. BOREN (for Mr. HEFLIN) proposed an amendment to the bill (S. 544) to amend the Food, Agriculture, Conservation and Trade Act of 1990 to provide protection to animal research facilities from illegal acts, and for other purposes, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Research Facilities Protection Act of 1991".

SEC. 2. PROTECTION OF ANIMAL RESEARCH FACILITIES.

The Food Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3359) is amended by adding at the end of the following new title:

"TITLE XXVI—ANIMAL RESEARCH FACILITIES

"SEC. 2601. SHORT TITLE.

"This title may be cited as the 'Animal Research Facilities Protection Act of 1991'.

"SEC. 2602. FINDINGS.

"Congress finds that—

"(1) there has been an increasing number of illegal acts committed against animal facilities;

"(2) these actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific biomedical, or agricultural research;

"(3) these actions can also threaten the public safety by exposing communities to contagious diseases;

"(4) these actions may substantially damage federally funded research;

"(5) disruption of scientific research supported by the Federal Government can result in the potential loss of physical and intellectual property;

"(6) Federal protection of animal research facilities is necessary to prevent and eliminate burdens on commerce; and

"(7) the welfare of animals as well as productive use of Federal research funds require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research animals, or any combination thereof.

"SEC. 2603. PROHIBITED ACTS.

"(a) IN GENERAL.—It shall be unlawful for any person—

"(1) to steal, cause the unauthorized release or the intentional loss of any animal from research facility;

"(2) to damage, vandalize, or steal any property in or on a research facility;

"(3) to break and enter any research facility with an intent to destroy, alter, duplicate, or obtain the unauthorized possession of records, data, materials, equipment, or animals;

"(4) to enter, obtain access, or remain on a research facility with the intent to commit an act described in paragraph (1) or (2);

"(5) to aid, abet, counsel, command, induce, or procure the commission of an act described in paragraph (1), (2), (3), or (4); or

"(6) knowing an offense described in paragraph (1) has occurred, to receive, relieve, comfort, or assist the offender in order to prevent the offender's apprehension, trial, or punishment.

"(b) SCOPE OF AUTHORITY DEFENSE.—It shall be a defense to any provision under this section that the person engaging in such acts is a Federal, State, or local law enforcement official acting within the scope of their official duties, or the person is acting under the authorization of a law enforcement official and the action is within the scope of the law enforcement official.

"SEC. 2604. PENALTIES.

"(a) IN GENERAL.—

"(1) GENERAL VIOLATIONS.—Any person who violates any provision of section 2603 shall be subject to fine of not more than $5,000 or imprisoned for not more than 1 year, or both, for each such violation.

"(2) WILLFUL VIOLATIONS CAUSING HARM.—If the violation causes harm to person or property and is willful and malicious, the person shall be subject to a fine of not more than $10,000 or imprisoned for not more than 10 years, or both, for each such violation.

"(3) LIFE-THREATENING VIOLATIONS.—If as a result of the violation, the life of any person is placed in jeopardy, the person shall be fined not more than $25,000 or imprisoned for not more than 20 years, or both, for each such violation.

"(b) REASONABLE COSTS.—

"(1) DETERMINATION.—The United States District Court or the United States Magistrate, as the case may be, shall determine the reasonable cost of replacing materials, data, equipment, or animals, and records that may have been damaged or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of section 2603.

"(2) LIABILITY.—Any persons convicted of a violation described in paragraph (1) shall be ordered jointly and severally to make restitution to the research facility in the full amount of the reasonable cost determined under paragraph (1).

"SEC. 2605. COURT JURISDICTION.

"The United States District Courts, the District Court of Guam, the District Court of the Virgin Islands, the Highest Court of American Samoa, and the United States courts of the other territories are vested with jurisdiction specifically to enforce, to prevent, and to restrain violations of this title, and shall have jurisdiction in all other kinds of cases arising under this title.

"SEC. 2606. PRIVATE RIGHT OF ACTION.

"(a) IN GENERAL.—Any research facility injured in its business or property by reason of a violation of this title shall have a private right of action to recover actual and consequential damages, and the cost of the suit (including a reasonable attorney's fee), from the person or persons who have violated any provision of this title.

"(b) CONSTRUCTION.—Nothing in this title shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this title. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of this title.

"SEC. 2607. STUDY OF EFFECT OF TERRORISM ON CERTAIN ANIMAL FACILITIES.

"(a) CONDUCT OF STUDY.—The Secretary of Agriculture and the Attorney General shall jointly conduct a study on the extent and effects of domestic and international terrorism on animal research production, and processing facilities and all other facilities in which animals are used for research, food production, exhibition, or pets.

"(b) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary and Attorney General shall submit a report that describes the results of the study conducted under subsection (a), together with any appropriate recommendations and legislation, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"SEC. 2608. EFFECT ON FEDERAL AND STATE LAWS.

"Nothing in this title shall be construed to affect or preempt any Federal or State law or regulation.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 16, at 10

a.m. to hold a hearing on S. 1793, sanctions legislation relating to the Yugoslav civil war.

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

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 16, at 2 p.m. to hold an ambassadorial nomination hearing.

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

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 16, at 3:30 p.m. to hold a nomination hearing for Mr. Richard Houseworth, to be U.S. alternate Executive Director of the Inter-American Development Bank.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, October 16, 1991, at 9:30 a.m. for a hearing on drug price increases and the public health.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., October 16, 1991, to consider S. 484, S. 106, S. 140, H.R. 543, the nomination of Elizabeth Moler, the nomination of Branko Terzic, S. 1671, S. 549, S.J. Res. 23, S. 1179, S. 1187, and S. 1528.

Agenda	*Date put on agenda*
1. S. 484, to establish conditions for the sale and delivery of water from the Central Valley Project, CA, a Bureau of Reclamation facility, and for other purposes	7-19-91
2. S. 106, to amend the Federal Power Act	9-20-91
3. S. 140, to increase Federal payments in lieu of taxes to units of general local government, and for other purposes	9-20-91
4. H.R. 543, to establish the Manzanar National Historic Site in the State of California, and for other purposes	9-20-91
5. Nomination Agenda of Elizabeth Moler to be a Member of the Federal Energy Regulatory Commission	10-10-91
6. Nomination of Branko Terzic to be a Member of the Federal Energy Regulatory Commission	10-10-91
7. S. 1671, to withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, NM, and for other purposes	10-10-91
8. S. 549, to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System	10-10-91
9. S.J. Res. 23, to consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920	10-10-91
10. S. 1179, to stimulate the production of geologic map information in the United States through the cooperation of Federal, State, and academic participants	10-10-91
11. S. 1187, to amend the Stock Raising Homestead Act to provide certain procedures for entry onto Stock Raising Homestead Act lands, and for other purposes	10-10-91
12. S. 1528, to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes	10-10-91

1. FROM THE SUBCOMMITTEE ON WATER AND POWER

S. 484 (Bradley and Cranston). The Central Valley Project Improvement Act.

Purpose: The purposes of S. 484 are to promote and expand the authorized purposes of the Central Valley Project, California, by establishing conditions which must be satisfied before the Secretary of the Interior may sell or deliver water from the Central Valley Project under contract or other agreement, and for other purposes.

Legislative History: S. 484 was introduced by Senators Bradley and Cranston on February 26, 1991. The Subcommittee on Water and Power conducted hearings on S. 484 in Los Angeles, California, on March 18; in Washington, D.C. on May 8; and in Sacramento California on May 30, 1991.

At the May 8 Subcommittee hearing, representatives from the Bureau of Reclamation testified in opposition to S. 484 as unnecessary at this time. Representatives from the U.S. Fish and Wildlife Service and Bureau of Indian Affairs supported certain provisions of S. 484, while opposing others as unnecessary. Representatives from the Environmental Protection Agency supported the bill. A representative of the Department of Agriculture expressed concern over certain provisions of the bill, while supporting others.

Amendments: Senator Bradley may offer amendments. Other amendments are expected.

2. FROM THE SUBCOMMITTEE ON WATER AND POWER

S. 106 (Craig, Symms & Seymour). A bill to amend the Federal Power Act.

Purposes: The purpose of S. 106 is to reverse the U.S. Supreme Court's 1990 opinion in the case of California v. FERC (generally known as the "Rock Creek" case). The bill amends the Federal Power Act to prohibit the granting of a Federal license for a hydroelectric project unless the applicant complies with all substantive and procedural requirements of the affected State in which the project is located with respect to water acquisition and use.

Legislative History: S. 106 was introduced on January 14, 1991. The Subcommittee on Water and Power conducted a hearing on S. 106 on June 5, 1991. The Administration and staff of the Federal Energy Regulatory Commission testified in opposition to the measure.

Amendments: Amendments are expected.

3. FROM THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

S. 140 (Wirth and Brown). To increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

Purposes: The purpose of S. 140 is to increase Federal payments in lieu of taxes (PILT) to units of local government and to provide for an annual adjustment of the PILT payments for inflation.

Legislative History: S. 140 was introduced by Senator Wirth on January 14, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the measure on July 23, 1991. An identical bill, S. 3128, was introduced by Senator Wirth on September 27, 1990 but no action was taken.

At the Subcommittee hearing, witnesses from the Forest Service and the Bureau of Land Management testified in opposition to the bill.

Amendments: Senator Garn is expected to offer an amendment.

4. FROM THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

H.R. 543. To establish the Manzanar National Historic Site in the State of California, and for other purposes.

Purpose: The purpose of title I of H.R. 543 is to establish the 500-acre Manzanar National Historic Site in California. Title II of H.R. 543 directs the Secretary of the Interior to conduct a National Historic Landmark theme study on Japanese-American history.

Legislative History: H.R. 543 passed the House of Representatives by a voice vote on June 24, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on H.R. 543 on July 25, 1991. The Subcommittee also held a hearing on S. 621, sponsored by Senators Cranston and Akaka, which would establish the Manzanar National Historic Site, and S. 1344, introduced by Senators Akaka, Cranston and Adams, pertaining to the Japanese-American history theme study.

At the Subcommittee hearing, the Associate Director of the National Park Service testified in support of title I and in opposition to title II of H.R. 543.

Amendments: Amendments are likely.

5. FROM THE FULL COMMITTEE

To consider the nomination of Elizabeth Moler to be a Member of the Federal Energy Regulatory Commission.

Legislative History: The Full Committee conducted a hearing on October 2, 1991. Commissioner Moler has submitted all required information under the Committee Rules.

6. FROM THE FULL COMMITTEE

To consider the nomination of Branko Terzic to be a Member of the Federal Energy Regulatory Commission.

Legislative History: The Full Committee conducted a hearing on October 2, 1991. Commissioner Terzic has submitted all required information under the Committee Rules.

7. FROM THE FULL COMMITTEE

S. 1671 (Domenici and Bingaman). To withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, New Mexico, and for other purposes.

Purpose: S. 1671 would permanently withdraw the public lands surrounding the Waste

Isolation Pilot Plant and transfer the jurisdiction over these lands to the Department of Energy. S. 1671 authorizes the Secretary of Energy to carry out an experimental program at the WIPP and contains limitations and restrictions on the operation of the WIPP during the period.

Legislative History: S. 1671 was introduced on August 2, 1991. The full Committee held a field hearing on S. 1671 in Albuquerque, New Mexico on September 21, 1991. In April 1991, the Administration submitted to the Congress legislation dealing with the same subject matter (S. 1007), which was introduced by request by Senator Johnston on May 8, 1991.

Amendments: A joint staff substitute will be circulated. Further amendments are possible.

8. FROM THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

S. 549 (Cranston). To amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System.

Purpose: The purpose of S. 549 is to designate approximately 8 miles of the lower Merced River in California as a component of the National Wild and Scenic Rivers System.

Legislative History: S. 549 was introduced by Senator Cranston and on March 5, 1991, the Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on March 21, 1991. The House and Senate passed similar legislation last Congress, although because of non-germane amendments, the bill was not enacted.

At the Subcommittee hearing, the Assistant Director of the Bureau of Land Management testified in support of the bill, if amended.

Amendments: Amendments are likely.

9. FROM THE FULL COMMITTEE

S.J. Res. 23 (Mr. Inouye). To consent to certain amendments enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

Purpose: The purpose of Senate Joint Resolution 23 is to provide Congressional consent to amendments to the Hawaiian Homes Commission Act. In 1959, the Hawaii Admission Act transferred authority over the Hawaiian Homes Commission Act to the State of Hawaii, but at the same time required Congressional consent to certain amendments to the Act proposed by the State.

Legislative History: Senate Joint Resolutions 23 through 34 were introduced by Senator Inouye on January 14, 1991. A hearing was held on July 23, 1991. Testimony was heard from representatives of the Department of the Interior, the Office of the Governor, the Department of Hawaiian Home Lands, and the Office of Hawaiian Affairs.

Amendments: Amendments are anticipated.

10. FROM THE SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

S. 1179 (Johnston, Bingaman, Craig, Jeffords, Ford, Bentsen, Shelby, Burdick, Murkowski, Burns, Heflin, Boren, Pryor, Kerry, DECONCINI, Symms, Hatfield, and Wirth). The Geologic Mapping Act of 1991.

Purpose: The purpose of the bill is to stimulate the production of geologic map information in the United States through the cooperation of Federal, State, and academic participants.

Legislative History: S. 1179 was introduced on May 23, 1991. The Subcommittee on Mineral Resources Development and Production held a hearing on July 26, 1991.

At the Subcommittee hearing, the U.S. Geological Survey (USGS) testified that the Administration could not support S. 1179 because it duplicated authorities contained in the USGS's Organic Act of 1879, and that the funding levels run counter the Administration's.

Amendments: Amendments are likely.

11. FROM THE SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

S. 1187 (Bingaman and Wallop). To amend the Stock Raising Homestead Act to provide certain procedures for entry onto Stock Raising Homestead Act lands; and for other purposes.

Purpose: The purpose of S. 1187 is to establish additional procedures for entry for mineral prospecting, exploration, development and production on Stock Raising Homestead Act lands where the mineral estate is owned by the federal government and the surface has been patented for stock raising purposes.

Legislative History: S. 1187 was introduced by Senators Bingaman and Wallop on May 24, 1991. The Subcommittee on Mineral Resources Development and Production held a hearing on the bill on July 30, 1991.

At the Subcommittee hearing, the Bureau of Land Management supported the bill, with some recommendations for amendments.

In the 101st Congress, similar legislation, S. 1908, was introduced by Senator Bingaman and a hearing was held on March 9, 1990, but no action was taken.

Amendments: Amendments are likely.

12. FROM THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

S. 1528 (Bingaman and Domenici). To establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes.

Purpose: The purpose of S. 1528 is to establish the Mimbres Culture National Monument in southwestern New Mexico and to establish an archeological protection system for Mimbres sites.

Legislative History: S. 1528 was introduced by Senators Bingaman and Domenici on July 23, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 1528 on September 26, 1991. Last Congress, the Subcommittee held a hearing on similar legislation, S. 2429, introduced by Senator Bingaman.

At the Subcommittee hearing, the Associate Director of the National Park Service testified in support of the bill.

Amendments: Amendments are possible.

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

COMMITTEE ON FINANCE

Mr. BOREN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 16, 1991, at 10 a.m. to hold a hearing on Japanese Keiretsu practices and their impact on United States-Japan economic relations.

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

SUBCOMMITTEE ON ENERGY AND AGRICULTURAL TAXATION

Mr. BOREN. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Agricultural Taxation of the Committee on Finance be authorized to meet during the session of the Senate on October 16, 1991, at 2 p.m. to hold a hearing on S. 1826, the Crop-Sharing Hunger-Relief Act.

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

ADDITIONAL STATEMENTS

KRUTULIS' 40TH ANNIVERSARY OF COMMITMENT TO EDUCATION

• Mr. GRAHAM. Mr. President, today I rise to honor Marian Krutulis for her 40 years of love and dedication as an educator and as owner of the prestigious Gulliver Schools. Marian Krutulis is a humble and dedicated individual who has used her talents, time and love toward benefiting students from kindergarten to the university level in education.

As founder of the Florida Kindergarten Council, Florida Association of Academic Non-Public Schools, and cofounder of the Florida Council, she has dedicated her life to the improvement of education—the foundation of our country's future and progress. In addition, Marian has served and chaired several committees, earning her a distinguished reputation in the Miami area as well as an invitation from the U.S. Secretary of Education to serve as a consultant.

When Marian and her husband, Joseph, took students into their home, fed them, and offered them their love and understanding, she went beyond her duties as an educator. She taught her students that education goes beyond the textbooks and the classroom. Marian was not afraid to instill values in her students. As an educator, she has served as an example to the community as she helped students of all ages to realize their potential and enriched their lives with the never-ending joy of learning.

It is with great honor, Mr. President, that I ask my colleagues to join me in saluting the spirit and enthusiasm that Marian Krutulis has demonstrated as an outstanding educator and as a member of the Greater Miami community.•

MONHEGAN ISLAND—MAINE'S ESSENCE

• Mr. COHEN. Mr. President, Monhegan Island, a small lobstering community in my home State of Maine, has for years attracted artists, poets, birdwatchers, and vacationers to its shores.

The untamed beauty of this island—nearly 10 miles from the mainland—embraces visitors with its majestic cliffs, turbulent sea, thriving forests, brisk sea air, and countless species of wildlife, including a family of American bald eagles.

In a recent article for the Boston Globe, Ellen Bartlett captures well the essence of Monhegan Island as she describes the rich, distinctive experience of an autumn repose there.

Mr. President, I ask that the text of the article be printed in the RECORD.

The article follows:

[From the Boston Globe, Sept. 22, 1991]

MONHEGAN—MAINE'S ESSENCE

(By Ellen Bartlett)

One of the first things you are likely to see when you emerge from the pine woods at Lobster Cove is the wreck of the D.T. Sheridan.

The tugboat has been laying on its side on the southern tip of the island since 1948, hull ripped open like some flimsy envelope, parts scattered and rusting. To the uninitiated, such a find—by a dark crashing sea, with a foghorn sounding a lonely low note in the distance—can be an easy metaphor for the ruthless power of the sea.

(Except that accounts say the D.T. Sheridan was abandoned offshore because of a fire and kind of drifted to its doom, or, alternatively, the captain wasn't paying attention and ran aground.)

If you don't get out to Lobster Cove, the Visitor's Guide to Monhegan Island, Maine—a 12-page guide booklet sold at island stores (both of them) for 10 cents—has some pretty graphic imagery of it own.

Upon describing the cove as "an excellent area for bird watching," it then warns in bold letters: Don't try to swim or wade there (or anywhere else on the back of the island).

"Undertows there are unpredictable and dangerous, and high surf can sweep you away," it says.

"No one has been saved who has gone overboard from Green Point to Lobster Cove."

Then there is Gull Cove, which the guide recommends as a place to watch the sea up close—just not too close.

"An almost invisible moss grows on rocks wet by the surf. * * * People venturing onto such rocks have slipped, falling into the sea, and been lost," it says. Huge waves (called combers) "come without warning and sweep away anything in their path."

It is enough to make the faint of heart retreat to their rooms. Except rooms on Monhegan are not places where guests would want to spend a lot of time. Nothing wrong with them. They're just rooms, clean, utilitarian, plain, unheated, often unlit.

Monhegan in autumn is the essence of Maine: it can be harsh, unpredictable, cold; it also can sweep you off your feet.

No sooner does Labor Day pass than Maine is emptied of its summer millions. Those who ignore the ebb tide of visitors and go downeast in autumn will find themselves pleasantly surprised by how little they have missed (even on the hottest July day, only the hardiest can bear to swim here anyway) and how much they have gained, in insight into the real Maine, without traffic and noise and crowds, not to speak of shorter lines at L.L. Bean.

Autumn is the long slow slide into winter, the summer residents pack, the migrant workers finish the blueberry harvest, the days grow shorter but the winter storms only threaten. It is a brief window of opportunity on Monhegan, only a matter of weeks between the time the summer residents leave and the hotels and guesthouses close.

By the end of October, the island's 80 year-rounders have Monhegan to themselves again. They are not likely to be interrupted much, with weather unpredictable, boats less frequent, the journey less and less pleasant.

If the truth be known about the seas off Maine, they can be unpleasant any time of the year. Just a day after Labor Day, the mailboat Laura B was maneuvering rough waters en route to Monhegan. Those passengers who had chosen to ride it out in the bow may have been soaked and freezing, but they were happier than those who had thought themselves so smart to grab seats in the stern cabin.

It could have been worse. Balmy Days II, the badly-misnamed dayboat out of Boothbay Harbor, was halfway to Monhegan when it was forced to turn back. By the time they got back to the dock, passengers were so ill most declined the offer to bus them to Port Clyde for the afternoon mailboat.

Out on the island, the wind was up, the whistle buoys gave out their faint haunting boots, the bell buoys clanged, black-backed gulls fought the winds and lost.

Barely more than a square mile in area, Monhegan lies just beyond Penobscot Bay, 10 miles offshore from Port Clyde, the nearest point of land. Monhegan was described by a mariner in 1590 as "beached like a whale," with high headlands sloping down to a flat tail.

The back side of the island faces the open Atlantic from dramatic cliffs that rise 160 feet above the sea; where the land is low and gentle, there are seals swimming, cormorants diving for fish then, looking poised and vain, drying their black wings from perches on the rocks.

For birdwatchers, Monhegan is mecca, directly under the path and therefore a favorite stopping place for migrating birds heading north along the Atlantic coast. Hundreds of species of birds, from predator hawks to geese, are sighted in fall and spring.

Perhaps the island's best feature is its 17 miles of walking trails, leading over cliffs and into valleys, under virgin spruce and fir, rambling through raspberries and tracing the shore.

Theodore Edison, son of the inventor, receives much of the credit for the unspoiled nature of Monhegan; he has amassed many of the island's 600 acres, and in 1954 he founded Monhegan Associates, a nonprofit group dedicated to preserving the wild beauty of the island. Development has been confined to a community of 125 dwellings clustered around the harbor.

It is noted with irony that one descended from Thomas Edison, the inventor of the electric light, would be linked with a place where electricity is still a luxury; there are a few private generators, but many islanders still make do with gas appliances and kerosene lamps.

Amenities may be lacking, but the island is far from primitive. It supports a thriving community of artists, primarily painters, following the example of Rockwell Kent, James Fitzgerald and others. Jamie Wyeth is probably the best-known resident, but there are many more working artists in studios scattered throughout the community; hours when they are open to the public are posted on one of the community bulletin boards. (Along with such intriguing notices as "Lost on trails—women's jean shorts. Please return.")

The island also has produced a number of poets.

Creased with years huge elephant-hided
rocks slumber by the sea.
Herring gulls crack shells against them,
breaking sea urchins, waves brake and
turn away.
Year after year, barnacle shells mark tide on
the rocks . . .

Frances Downing Vaughan wrote about more than Monhegan; a collection of her work is on sale at the Island Spa.

It is easy to see the attraction of writers and artists to such a place. Monhegan, wrote Ruth Lothrop, a Maine author whose fifth book was dedicated to the island, "has retained its unique essence down to the present day—unchanging, majestic and magical, it still remains one of the last bastions of unspoiled nature in an increasingly chaotic world."

Lothrop incidentally, lives on Monhegan in a house of "her own unique design and specializes today in 6-foot murals of her original Monhegan scenes in acrylic on wood." Or so it was reported in a review of her work posted on one of the bulletin boards.

The bulletin boards seem to be the primary means of communication on Monhegan; they are democratic, inclusive and nondiscriminatory between visitors, artists and local fishermen, a forum for everything, from selling gas heaters to announcing the recent "pukamani" for Rueben Tam, an artist and poet. (A pukamani, the poster explained, is a "ceremony practiced by Tiwi Aborigines of Australia when a loved one dies." Reuben Tam had passed away earlier in the year.)

The invitation for the late-summer event was still posted though the time had passed. "Please come," it said, "Bring flowers, wreaths, words, stories, songs, offerings to taste, touch, smell and listen to. Come and show affection for Monhegan's memorable artist, poet, gardener, gatherer, cook, punster, rockhounder, star-gazer and moonwatcher."

But turn from the bulletin board, walk a few yards, and you find yourself on the harbor, watching the lobster boats riding to their anchors. Lest there be any mistake, Monhegan is still essentially a lobstering community. Art may be the expression of it, but fishing is the soul of the community.

The island's year-round residents are fishing people; indeed, the lobstering on the island takes place in the harshest months. Monhegan is the only Maine island with a closed legal lobster season, from Jan. 1 to June 25.

As wonderful as autumn is to visit as Monhegan, it surely must be a difficult time for those who have to leave.

Consider the following conservation, overheard by the pay telephone on the porch of the Monhegan House, a plain but charming old Victorian hotel:

"I know I should be thinking about returning and all.

"But to what?

I had passed by and entered the lobby, but stayed by the screen door wondering, to what would he be returning?

"I can't handle the day-to-day drudgery of medicine," he said. "The bills, the computers.

"I just can't. Not anymore."

Those who do not wish to make the autumn passage offshore will find that mainland Maine is not dissimilar, there are many possibilities.

On my way to Monhegan, I stayed at the Mill Pond Inn in Damariscotta Mills, which is located, appropriately enough, on a round mill pond, which is connected to Damariscotta Lake, which features, among other things, a family of bald eagles.

There are many such places, in small villages, off the beaten tourist track, not much to do, except to walk, sleep in, eat well.

The Mill Pond Inn has a canoe for guests to take out on the lake. Directions to the eagles were, roughly: Go under the bridge by the old ice house and turn left, paddle a hundred yards or so around a point and along the shore, and there, midway up a second point, in the crook of a tall white pine, is the nest.

I paddled the canoe past the point, let it drift to a stop in a mat of lily pads. I sat

with the sun on my back and watched. The sun sank, I watched, fish surfaced at the side of the canoe with little plops, a great blue heron passed by, a graceful dart. Dragon flies made purple circles in the air.

Sunk into peaceful contemplation, I was heaving a contended sigh, when there was an agonizing endless screeching squeal of brakes. I braced for the crash, watched a mustard-colored pickup truck fishtail to a stop in the middle of the road along the lake. It made a wild U-turn and raced off back in the direction from which it came.

Had the eagles been anywhere near, they certainly would be gone now. This too, is Maine. I headed the canoe back to the inn.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Mr. Stuart Feldman, a member of the staff of Senator ORRIN G. HATCH, to participate in a program in Japan, sponsored by the Japanese Ministry of Foreign Affairs, from October 19–30, 1991.

The committee has determined that participation by Mr. Fieldman in the program in Japan, at the expense of the Japanese Ministry of Foreign Affairs, is in the interest of the Senate and the United States.●

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. SANFORD. 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 county paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Gerald Sinclair, a member of the staff of Senator SIMON, to participate in a program in Germany sponsored by the German Government from October 12–23, 1991.

The committee has determined that participation by Mr. Sinclair in this program, at the expense of the German Government is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Michael J. Cook, a member of the staff of Senator CHAFEE, to participate in a program in Australia, sponsored by the Australian Government, in early January 1991.

The committee has determined that participation by Mr. Cook in the program in Australia, at the expense of the Australian Government, is in the interest of the Senate and the United States.●

COSPONSORSHIP OF S. 1653

● Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 1653, the European Community Competitiveness Tax Act of 1991, introduced by my distinguished colleague from New York, Senator MOYNIHAN. This legislation amends the Internal Revenue Code of 1986 to remove U.S. tax barriers to U.S.-owned businesses operating in the European Community.

S. 1653 amends subpart F so that U.S. businesses operating in the EC will not be subject to subpart F taxation on their undistributed earnings if they pay an effective foreign tax rate of at least 80 percent rather than the current 90 percent. This provision makes subpart F rules more flexible as they relate to sales and services income of U.S. foreign subsidiaries located and operating in the EC.

This legislation will allow U.S. multinational corporations greater freedom to consolidate and streamline their EC operations. This will enhance efficiency and increase the competitive position of U.S. companies in the EC markets.

Current tax law encourages U.S. businesses to establish or maintain subsidiaries in each European country, thereby increasing operating costs. Subpart F is counterproductive to position in the EC market. At a time when we are rapidly trying to establish and maintain competitive positions worldwide, it seems appropriate to correct the identifiable deficiencies within our own system as quickly as possible. Increased competitiveness abroad will increase exports and create more jobs here at home. We know, on average, that for every $1 billion in merchandise exported approximately 22,000 jobs are created. Also, about 1 in 6 manufacturing jobs results from merchandise exports showing just how important exports are to our overall economy.

Mr. President, I join my colleague Senator MOYNIHAN in supporting this as an interim measure to increase competitiveness for U.S. companies in the EC. I look forward to supporting continued efforts to assist New York companies competing abroad.●

THE MINNESOTA TWINS

● Mr. DURENBERGER. Mr. President, this past Sunday the Minnesota Twins earned the 1991 American League championship as a result of their 8 to 5 victory over the Toronto Blue Jays. They now await the winner of the National League championship between the Atlanta Braves and Pittsburg Pirates.

Perhaps the most impressive aspect of this series was the fact that the Twins were able to sweep the Blue Jays in their own ballpark after having won only two games there during the regular season. In doing so, they became the first team to win three playoff games on the road. In addition to the outstanding team effort which was played out in front in the entire sports community, there were also many stories of individual achievement.

Once again the Minnesota pitching staff came through with flying colors. Beginning with the pitching of veteran Jack Morris (2–0, 4.05 ERA) and ending with strong performances by Carl Willis, Mark Guthrie, and Rick Aguilera out of the bullpen, Toronto was limited to a .249 batting average during the ALCS.

Timely hitting and aggressive baserunning once again became the benchmark of an offense which came to life when the series was on the line. Led by championship series MVP Kirby Puckett (.429 average, 2 home runs, and 6 RBI's), the Minnesota bats came alive during the final games in SkyDome. As a result, the Hubert H. Humphrey Metrodome will once again play host to baseball's finest when the first game of the 88th World Series is played there this coming Saturday.

Mr. President, perhaps Jack Morris said it best when he stated, "This is what you live for. This is the culmination of a lot of work, of people pulling hard all year long." This expression of teamwork has again brought the Twins organization to the doorstep of another world championship. I congratulate the Toronto Blue Jays on an excellent season and thank them for their effort in a most memorable championship series. I congratulate the Twins on a job well done and I am confident the citizens of my home State of Minnesota will once again be celebrating as baseball's world champions in the very near future.●

WORLD FOOD DAY

● Mr. LEAHY. Mr. President, today is World Food Day. By bringing the plight of hunger to national and international attention, World Food Day helps to search for and bring about solutions to end hunger in developing countries.

I first introduced a resolution marking this day in 1981. This year, nearly 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances. This day also serves as a focal point for year-round hunger programs.

The member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day to increase public awareness of world hunger problems.

Hunger and malnutrition remain daily facts of life for hundreds of millions of people in this country and throughout the world. The children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease. Many other children suffer permanent physical or mental impairment because of vitamin or protein deficiencies.

The people of the United States have a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world. The enormous food production capacity of the United States is valuable tool in efforts to alleviate world hunger and encourage peace.

Let us also remember that millions of Americans are hungry every day, too. As chairman of the Committee on Agriculture, Nutrition, and Forestry, I urge every Senator to join me in the search for both national and global solutions to hunger.●

200TH ANNIVERSARY OF THE FOUNDING OF GEORGETOWN, DE

● Mr. BIDEN. Mr. President, it is with great pleasure that I speak today about a very special occasion, the bicentennial anniversary of the founding of Georgetown, DE. All Delawareans are proud of such an historic achievement, but we also believe this is a celebration whose meaning has resonance for all Americans.

Georgetown is a town that embodies the spirit of America. Tradition lives side by side with progress, the sense of community is strong and valued, neighbors care for and help one another, and visitors are welcome and made to feel at home. It is a center of education, commerce, and government, located literally and by design in the center of Sussex County. Since October 26, 1791, Georgetown has been the "Seat of Justice."

For the citizens of Delaware, Georgetown also serves as a center of unity through the tradition of Return Day. Beginning in 1792, when election outcomes were not announced until 2 days after the votes were cast, people gathered in Georgetown to hear the results announced.

It has been suggested that, with modern election methods, Return Day is no longer necessary, but Delawareans know better. The other purpose of Return Day—bringing together candidates and citizens who had been on opposite sides in the election in a spirit of reconciliation and unity—remains as effective and essential as it ever was.

It may seem improbable to those who have never been in Georgetown 2 days after an election, but it is a powerful event. You can feel the change from the fight of the campaign to cooperation of representative government and close community; you can feel people setting aside past differences and agreeing to work together to make life in Delaware better. That's the spirit of Return Day, and that's the spirit and character of Georgetown.

It is with deep pride that I speak about Georgetown and the tradition of Return Day. All citizens of our State honor those who laid the town's foundation, built its traditions, and have maintained its heritage and its heart. Georgetown's bicentennial reminds us all of what is best and most meaningful in our tradition of community. I congratulate Georgetown's citizens and join them in celebration, as do all Delawareans, with enthusiasm and thanks.●

THANKING SUPREME COURT NOMINATION TASK FORCE MEMBERS

● Mr. KOHL. Mr. President, I rise today to thank 14 of the best and the brightest legal minds in the United States. During the recent nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court, and also during the deliberation of Justice Souter's nomination, I sought the assistance of those whom I consider to be among the most qualified attorneys—both legal scholars and practitioners—in my home State. Although every member may not agree with my vote, their efforts in analyzing Judge Thomas' opinions, writings, and speeches contributed greatly to my making a well-informed decision.

This nonpartisan task force was chaired by the deans of my State's two law schools, and included private practitioners, public practitioners, and law school professors. They devoted many hours of their own time, pro bono, for the good of the citizens of their community, Wisconsin, and the country. This unselfish giving of hard work is one example of what makes Wisconsin special, and why I am proud to represent that State.

Mr. President, the members of my Supreme Court Nomination Task Force are as follows:

TASK FORCE MEMBERS

Dean Dan Bernstine (co-Chair), University of Wisconsin Law School.

Professor Gordon Baldwin, Marquette University Law School.

Greg Conway, Esq., Liebmann, Conway, Olejniczak, Jerry, S.C., Green Bay, Wisconsin.

Ray Dall'osto, Esq., Gimbel, Reilly, Guerin & Brown, Milwaukee, Wisconsin.

Professor Marc Galanter, University of Wisconsin Law School.

Patricia Gorence, Deputy Attorney General, Department of Justice, State of Wisconsin.

Professor James Jones, University of Wisconsin Law School.

Dean Frank DeGuire (Co-Chair), Marquette University Law School.

Professor Linda Greene, University of Wisconsin Law School.

Professor Peter Rofes, Marquette University Law School.

Thomas P. Schneider, Deputy District Attorney, Milwaukee, Wisconsin.

Professor Frank Tuerkheimer, University of Wisconsin Law School.

Professor Phoebe Williams, Marquette University Law School.

Brady Williamson, Esq., LaFollette & Sinykin, Madison, Wisconsin.●

COMMENDING CHIEF M. SGT. MELVIN E. KERR, SR.

● Mr. LUGAR. Mr. President, on October 5 of this year, Chief M. Sgt. Melvin E. Kerr, Sr., retired from the 906th Tactical Fighter Group at Wright-Patterson Air Force Base in Ohio after 39 years of service to the military. This occasion provides me with the opportunity to recognize a native Hoosier for his exceptional service to our country.

A graduate of Lincoln High School in Evansville, IN, Melvin joined the Air Force and relocated to Alaska. After 4 years of service, he joined the Active Reserves. During his tenure, his units provided support for the conflicts in Korea, Vietnam, and the Middle East. Melvin has received numerous citations and awards. The Good Conduct Medal, Air Reserve Forces Meritorious Service Medal, National Defense Service Medal, and the Air Force Longevity Service Award.

Paula Kerr, his wife, worked for me during my mayoral tenure with the Indianapolis Housing Development Authority. Together, they have raised 8 children and 14 grandchildren. His civilian positions include managing security for the Merchants National Bank Co. and military intelligence for Fort Benjamin Harrison in Indiana.

Melvin embodies the rare qualities of courage, devotion, strength, and patience that has made our military the greatest in the world.

I ask my colleagues to join me in congratulating Melvin E. Kerr for his many contributions to our country and to his family.●

COMMENDING NYNEX INFORMATION RESOURCES CO.

● Mr. D'AMATO. Mr. President, as everyone knows, when a telephone company like AT&T messes up, I'm at least as ready as the next person to criticize it and demand that the situation be corrected. At the same time, when a phone company behaves like a respon-

sible corporate citizen—setting an example I would like to see more companies follow—I also think it deserves some mention.

That is why I would like to call my colleagues' attention to a recent incident involving the NYNEX Information Resources Co.—publisher of yellow pages and phone books throughout New York State—that demonstrates an attitude worthy of public recognition, and, hopefully, emulation.

It seems that, somehow, an ad in questionable taste for one of these socalled escort services got into one edition of the Yellow Pages and was printed in all 600,000 copies. I think everyone knows that when you deal with hundreds of thousands of entries, mistakes occasionally happen.

Anyway, when NYNEX found out that this ad had slipped through 50,000 Yellow Pages that had already been distributed, it immediately went out and collected all the directories it could, carefully sliced out the pages of both the collected and undistributed directories with the offensive ad, and replaced them with new pages. This cost NYNEX hundreds of thousands of dollars.

Personally, I wish we did not even have to tolerate these escort services. But as long as we do, I and the parents of New York State are grateful to NYNEX for making sure that its Yellow Pages—which are in everyone's homes—are free of the offensive ad.

I think this shows that some telephone companies—while not perfect—still try to show the type of civic responsibility that we all applaud. I only wish that more businesses would pay the same kind of attention to decency and good taste, and I complement the NYNEX Information Resources Co. on its conduct.●

U.S. HONG KONG POLICY ACT

● Mr. SIMON. Mr. President, I am pleased to cosponsor S. 1731, the U.S.-Hong Kong Policy Act of 1991, introduced by my friend Senator MITCH MCCONNELL. I look forward to working with Senator MCCONNELL on the Foreign Relations Committee markup of the bill, especially with regard to provisions in which I am particularly interested and have discussed with him. I am grateful to Senator MCCONNELL for crafting a bill which addresses a serious omission in our foreign policy. This is an important bill for United States policy in Asia, and I urge Members to give it serious consideration. I hope that this bill will find strong support not only in the Senate, but among all interested parties.

Hong Kong is already in the throes of transition. The purpose of this bill is to establish a legal framework for our relations with Hong Kong after June 30, 1997, and to encourage additional official and private contacts before and after that time. It is important that we take this action now, to demonstrate a serious U.S. interest in the future of Hong Kong and its people.

Hong Kong is a unique legal entity and requires and deserves a comprehensive U.S. policy which takes that fact into account. We have already taken some partial steps, including the provisions of the 1990 Immigration and Nationality Act relating to Hong Kong. On September 27, the Senate also adopted Senate Resolution 182, introduced by Senator MCCONNELL and me which commended Hong Kong on the holding of its first-ever direct elections.

I would like to take a moment to address this point. S. 1731 accepts the provisions of the joint declaration as the basis for the transfer of sovereignty in 1997. Its relevance therefore depends on both the United Kingdom and the People's Republic of China fulfilling their obligations under that document. Specifically, China declares in the joint declaration that Hong Kong will enjoy "a high degree of autonomy," and be "vested with executive, legislative and independent judicial power."

All parties share an interest in seeing Hong Kong continue to flourish under the economic system which has brought it such prosperity and prominence. But as I said in this Chamber on May 20 of this year after returning from Hong Kong, "political freedom and economic growth in Hong Kong go together, and if one is diminished, the other will be diminished." The goose that lays the golden egg cannot survive if it is throttled by repression. It is abundantly clear that the people of Hong Kong value the future of their civil liberties as much, if not more than, their social and economic freedoms.

I do not seek confrontation with the PRC over the provisions of this bill. I hope the Chinese will welcome it as a way of ensuring maintenance and growth in the mutually beneficial relations enjoyed by the United States and Hong Kong today. Formalization of relations established by this bill can contribute to a process of confidence building in Hong Kong as 1997 approaches.

But I feel compelled to say that a series of recent Chinese statements and decisions have made me increasingly doubtful about Beijing's future actions. China reacted very negatively to the outcome of the September 15 elections to Hong Kong's Legislative Council. A recent statement by a senior Chinese official in Hong Kong which called into question whether the Legislative Council even constitutes a legislative organ is even more disturbing.

Hong Kong is an intricate marvel that spins in its own orbit of tradition, technological prowess and sheer determination of the human spirit. The people of Hong Kong deserve the full scope and range of freedoms that will allow them to expand the horizon of their aspirations and their success. I hope this bill can assist them in that endeavor.●

ORDERS FOR TOMORROW

Mr. BOREN. Mr. President, I ask unanimous consent that the order for the Senate's convening tomorrow be changed to 11 a.m.; that the following Senators be recognized to speak during morning business in the following order: Senator WOFFORD for up to 20 minutes; Senator DURENBERGER for up to 20 minutes; Senator GORE for up to 10 minutes; Senator BREAUX for up to 10 minutes; and Senator WALLOP for up to 15 minutes; that the cloture vote occur at 12:30 p.m.; and that all other provisions of the previous order remain in effect.

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

RECESS UNTIL 11 A.M. TOMORROW

Mr. BOREN. Mr. President, if there be no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess until 11 a.m., Thursday.

There being no objection, the Senate, at 7:02 p.m., recessed until Thursday, October 17, 1991, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate October 16, 1991:

DEPARTMENT OF STATE

GEORGE FLEMING JONES, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

JOHN GIFFEN WEINMANN, OF LOUISIANA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS CHIEF OF PROTOCOL FOR THE WHITE HOUSE.

U.S. INFORMATION AGENCY

JOHN CONDAYAN, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE UNITED STATES INFORMATION AGENCY, VICE HENRY E. HOCKEIMER.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOHN W. CRAWFORD, JR., OF MARYLAND, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 1996. (REAPPOINTMENT)

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

CAROL K. DIPRETE, OF RHODE ISLAND, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1996. (REAPPOINTMENT).