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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 102<sup>d</sup> CONGRESS, SECOND SESSION

## SENATE—Wednesday, March 18, 1992

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

### PRAYER

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

Let us pray:

*Behold, how good and how pleasant it is for brethren to dwell together in unity.*—Psalm 133:1.

Eternal God, perfect in truth, justice, and love, we are grateful for the diversity which is the essence of our people. But we are equally thankful for the unity which prevents diversity from becoming divisive, fragmenting our society, generating anarchy. We recognize that diversity is the nature of democracy, but we also realize that national elections tend to become divisive. Help the Senate, immersed as it is in a milieu of crises, to recall the incredible dedication of our Founding Fathers as they struggled to bring 13 independent Colonies into a united nation.

Save us, mighty God, from diversity that begets anarchy and unity that begets uniformity. Save us from cynicism and anger that makes enemies of those we oppose. Save us from national disintegration which destroys the legacy left us by those whose magnificent dream became an unprecedented reality—America.

In the name of Jesus Prince of peace. Amen.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 18, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator

from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, this morning there will be a period for morning business which will extend until 10:30 a.m., during which time Senators will be permitted to speak for up to 5 minutes each. Senators HATFIELD, JEFFORDS, and LEVIN will be recognized for a period of time exceeding 5 minutes.

Once the morning business period closes at 10:30 this morning, the Senate will proceed to the consideration of the veto message on H.R. 2212, the legislation involving most-favored-nation trading status for China.

Under a previous unanimous-consent agreement, the details of which are printed at page 2 of the Senate Legislative Calendar today, that message will be considered under a 4-hour time limitation, with a vote to occur at about 4:30 this afternoon or when all time has been used or yielded back.

The Senate will stand in recess today from 12:30 p.m. until 2:30 p.m. for the respective parties conferences.

### RESERVATION OF LEADER TIME

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

I yield the floor.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction

of morning business not to extend beyond the hour of 10 a.m. with Senators permitted speak therein for not to exceed 5 minutes each.

Mr. HATFIELD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oregon.

### THE ECONOMY

Mr. HATFIELD. Mr. President, last week during consideration of the tax bill, I expressed my hope that Members of this body would cast aside their partisan roles in order to pass growth legislation that would have a beneficial affect on our economy. Much to the detriment of our Nation, the charade went on as scheduled, and the Senate passed a bill that this country does not want and the President will not sign: A bill that contains \$57 billion in tax increases.

At the same time, enthusiasm for a large middle-income tax cut as a economic solution has waned with the American people. Clearly, enthusiasm for a tax increase never existed. Despite the majority in this body, the Democrats could muster only 50 votes for their bill. Earlier, the House bill passed by a weak 221 to 210 vote. Now, with only 2 days left until the March 20 deadline, it's unlikely any bill will be passed. I believe we are wasting very valuable time with these measures when we should be passing a targeted growth and investment package such as that outlined in President Bush's seven-point plan.

Mr. President, in a well-known quotation, statesman, and philosopher Edmund Burke said:

Your representative owes you, not his industry only, but his judgment; and he betrays instead of serves you if he sacrifices it to your opinion.

But, in this same speech in 1774, he also said that the wishes of a Representative's constituents "ought to have great weight with him; their opinion high respect; their business unremitted attention."

In my State of Oregon, the opinions of my constituents happen to coincide with the best judgment on this issue:

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

they do not like to pay high taxes. They see bills without benefits. They know about the services the Government provides, but they do not welcome the escalating costs of these services. During my 8 years as Governor of Oregon, there were no income tax rate increases. We held the line on taxes while per capita income climbed more than 26 percent, the number of domestic corporations doing business in the State increased 48 percent, and 180,000 new jobs were created.

Today, the picture is painted a little differently in Oregon. While the State as a whole has not been hit as hard as some other regions of the country, many areas of the State are showing high unemployment. This is especially true in the lumber and wood products industries, which have been suffering not only from the housing slump, but also from reduced supplies of Federal timber.

The President's seven-point plan contains many of the tools needed to address these problems. Withdrawals from IRA's for first home purchases, a \$5,000 credit for the purchase of a first home, and the easing of real estate passive loss rules would create much needed stabilization in the housing sector. In addition, a significant cut in capital gains taxation is a necessary element to any economic growth plan. Despite the disingenuous demagoging on this issue, the truth may finally emerge this year. As most other industrialized nations have discovered, lower long-term capital gains taxes promote competitive industries—industries that could be paying the wages of the working women and men in this country. The thousands of Oregonians who have written to me about taxes understand in this concept better than many of my colleagues right here in this Senate Chamber.

I grow weary of hearing the Democrats talk about capital gains as a rich man's benefit. Let us look at the record, as listed here in a report by the Treasury. About half of all Americans report capital gains during their lifetime, and about 60 percent of all people who report capital gains earn less than \$50,000 per year. More than a quarter earn less than \$20,000 per year. That is hardly the domain of only the rich people.

Mr. President, recent reports signaled some optimism in our business sector in the wake of statistics showing growth in retail sales and drops in inventories last month. However, these same reports showed consumer confidence lagging behind other indicators. Consumers see signs of recovery, but are skeptical. Can you blame them? They look for leadership in Congress and see little action. They look for meaningful answers, and receive little direction.

Fortunately, the majority party does not have the votes to pass a tax rate

increase this year over a Presidential veto. They know this. And they also know that there is wide support for most of the President's plan. So let us move forward now to the reasoned compromise that awaits us. The bill passed last week has been exposed for what it is. Their charade has run too long already. It is time now for serious compromise on this important issue.

Mr. JEFFORDS addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, Senator JEFFORDS is recognized to speak for up to 20 minutes.

#### JACK RUSS

Mr. JEFFORDS. Mr. President, I am here this morning to try to help resolve what I consider a really serious problem with respect to news media coverage, and all, dealing with the event of last week. I am taking this time because I am deeply concerned about the past week with respect to the so-called banking scandal. In particular, I am concerned about the media coverage, especially with respect to the Sergeant at Arms, Jack Russ.

I do not intend to defend the actions of House Members, nor do I intend to defend the Sergeant at Arms with respect to involvement with the so-called banking scandal. But I do intend to attempt to set the record straight and say for the record I am deeply incensed by the insinuations of the press with respect to the shooting that occurred on the evening of March 1 wherein Jack Russ was nearly killed.

I am particularly concerned about speculation by the press that Jack was not the victim of a robbery/murder attempt. Since what I intend to discuss involves a criminal investigation I would just like to give a brief glimpse of my own experience with regard to such things.

I served 4 years as attorney general for the State of Vermont. During the course of that time I worked with criminal investigations, including homicides. I also investigated problems within law enforcement agencies. Thus, I became outraged when I listened to the reporting in the days that followed the shooting of Jack Russ.

Before I go into the details of this matter though, I would like to let you know of my relationship with the Sergeant at Arms so that you can take this into consideration when you examine my comments.

Jack Russ is married to my administrative assistant, Susan Boardman Russ, who has been one of my most capable and trusted staffers for over 20 years. She is very much in love with Jack. While in the House I came to know Jack Russ as others did, as our extremely capable Sergeant at Arms. He took over the office at a time when it was essential that we improve the security of the House. Through his ef-

forts the professionalism and effectiveness of the security personnel were significantly improved. I know of no one who would fault him on his commitment and success in carrying out his primary duty of providing security not only to the Members and their staffs, but to the public and visiting dignitaries as well.

Although my purpose is not to talk about the bank scandal, I do believe that the way the press has handled this issue in many instances was intended to sensationalize. I understand this. I also do not disagree that Jack Russ has to take some of the responsibility for some of the problems that occurred in the bank.

And, before I go on, I might as well confess, before the press has to run to find out: I was on the list, yes. I wrote a bad check. I wrote it to myself, the sum of \$69 to close out my account when I left the House.

I am embarrassed to a certain extent to realize for 14 years I was in the House and never had an idea that there was such a thing as a check-floating so-called perk that we had.

With that out of the way, let me go on and get back to the reason I am here. I am appalled at the way the press has irresponsibly handled the story of Jack's mugging and shooting.

I am hopeful that by reviewing some of the more incredible stories and errors in the press accounts, perhaps I can encourage the press to take another look at what it writes or broadcasts, especially if it is just regurgitating material printed or broadcast by others who have not checked the facts.

I am here today to help put in perspective the events that occurred the night Jack was viciously attacked. I am hopeful that my own experiences as attorney general and criminal investigator will give credibility to my interpretations which make press assertions seem incredible if not ridiculous.

Jack and Susan arrived home from a weekend trip on Sunday evening about 9:30 p.m. Their puppy, and I emphasize puppy, an Australian shepherd named Aussie, had been in the car for 4 hours and Susan suggested to Jack that he should take Aussie for a walk in the park. After getting their bags upstairs and watching part of a movie, Jack went to walk the dog. It was now about 9:50 p.m. He had been gone longer than Susan expected when she looked at her watch about 10:15.

Some minutes later Susan received a call from the Capitol Police that she should come to the House child care center less than a block away. She asked if Jack was there and was told yes. When she asked to talk to him, the police officer said she could not but she ought to get there right away. When Susan arrived, there were many police around Jack and the dog was running in circles in the entrance way. Susan saw Jack briefly and was told by the



police to take the dog home and return. Susan still did not know that Jack had been shot.

When she returned after securing the dog in her home, the police told her that Jack had been shot and that the ambulance had arrived to take him to the hospital. In the 25 minutes between Jack's leaving his home to walk the dog and Susan receiving a call, a lot had happened. The press has implied, if not directly suggested, that Jack Russ may have shot himself in order to gain sympathy as the House Ethics Committee was scheduled to come to the House floor that next week.

Although there is no evidence to support these insinuations that have been made, there are many people who, because the news media have suggested it, believe he may have done this. This suspicious suggestion has played in many areas of the country, including both Susan's and Jack's hometowns and have cast a cloud over them.

Jack has been grossly victimized, first by his assailants the night of the shooting and then again by the irresponsible reporting by the press. To me it defies logic that anyone could seriously believe that a man would have time, never mind the courage, to walk to the park, put a gun in his mouth and shoot and then dispose of the gun where moments later scores of police would be scouring in an effort to find evidence about the shooting, dispose of his watch and his wallet and physically get himself to the child care center.

Included in this timeframe was his encounter with a witness who acknowledges seeing him after the shooting when he asked her to get help. We shall discuss the trail of blood further which totally refutes any possible suggestion that Jack could somehow have done this himself.

I do not consider myself a media basher. I think I have a pretty fair record on issues involving freedom of the press to dig and dig hard, but the spectacle to which we have been treated in ostensibly serious news outlets is unsettling, indeed.

We have all been treated to a lesson in how the news is made these days, and I use that term advisedly. Over a week ago, as everyone knows, Jack Russ was shot while walking his dog in a small park next to the Southeast Expressway. That is a good story, of course, as the violence of D.C. that is chewing up the blacks of this town at the rate of more than one a day had finally caught a white, affluent and very visible victim. But apparently that was not compelling enough. Soon stories appeared like mushrooms on manure piles from seemingly nowhere.

The feeding frenzy began on Thursday, March 5 when the Washington Post ran two stories side by side with Jack's picture in the center. The story on the left suggested that Jack was under tremendous pressure regarding

the bank scandal. This was noted under his picture which appeared on that page. The story on the right reported that veteran police officers reported that they thought the details regarding Jack's shooting were unusual. From that morning on, friends, colleagues, and neighbors were called by the members of the press and asked all sorts of questions regarding Jack's state of mind, about his marriage and so on.

The unusual circumstances suggested in the Post were these: Usually a victim would be shot more than once; a mugger-shooter does not usually get that close to the victim. The paper also stated no gun or bullet had been recovered yet and police are still searching for Russ' wallet and Rolex watch. Oh, how suspicious. The way this was written and the juxtaposition with the story about the stress he was under encouraged people to think the information was suspicious.

Another story suggests it is suspicious no bullet casing was found. Gun, watch and wallet—usually left in a robbery-murder scene? It is believed that Jack was shot with a .22. A standard revolver would not eject a casing. The bullet went through the flesh of Jack's cheek. It could be on the Southeast Expressway or lodged in a tree. The odds of finding it are extremely remote.

Incidentally, there is discussion about Jack usually carries a gun. He does not. His gun is a 9mm, much larger than a .22 and could not conceivably have been used in this shooting.

Why was Jack only shot once? Who knows and thank God. It seems reasonable that the shooter felt the job was done since the gun went off in the victim's mouth and he fell to the ground.

The report also quotes "sources" as saying there is not much crime in that area. A cursory review of the crimes in that area proves this to be erroneous. I live in that area. Let me tell you, around my house alone there has been a murder across the street, a rape across the street, three muggings and a shootout on the corner, the southeast corner of 7th Street and G Street.

The Post story also said it is unclear what happened to Russ' dog. It was not unclear to the many police who were at the scene. His dog was with him until Susan arrived and was instructed to take the dog to their home before the ambulance arrived. The discussion about the dog continues in another press account of a woman leaving the park indicating she had not seen the dog.

I am a dog lover and I am sorry about the fact that Aussie, the dog, did not jump like King in Sergeant Preston's mounted police and attack and save Jack. Aussie is a puppy, 8 months old, brought to the park to run free after 4 hours in the car. Aussie showed up after Jack was shot. Aussie followed Jack back to the child care center

where she stayed with Jack and went on back when Susan took her to the house.

So I want to defend Aussie's honor. Aussie did what a puppy would do. I have a 9-month-old puppy. Some day that dog is going to be big. She is 65 pounds now. If you came into my house with a gun, the dog would jump on you and lick your face. They do not learn how to be a protective dog by 8 or 9 months. That is something they have to learn. I want to protect Aussie's honor along with Jack's.

Over the past few weeks, rumors have been fed with questioning minds wanting to know why the Russes could not produce a dog. I have explained that. The dog was there.

It has also been widely reported that Jack carries a gun and it was unusual he did not have the gun on him that night. The fact is it would have been very unusual if Jack did carry the gun that night. Although he is licensed to carry a gun, he rarely does so except on official business. Yet, NBC Nightly News ran a story on March 12. The reporter was sitting in the park and said that Jack had given the police two stories about where he had been shot. One version, they said, was that he was shot near the bench, and another version was it was 40 feet away.

Jack had explained after being shot he was disoriented and started to walk toward Virginia Avenue. Realizing he could not get help that way, he started to head home. The blood trail ends where Jack walked after being shot, not at the place where he was shot.

Let us go back to the scenario they are trying to get us to believe: Somehow Jack shot himself and then raced out and disposed of the gun. The trail of blood totally refutes that. He never left the scene of where he was shot but tried to grope his way back to help.

In the same story, a person who lives in a house bordering the park said he did not hear a shot. This was presented as further proof that Jack's story was suspicious. There was a shot. No one refutes that. So why was that even brought to mind? There has been no question about the fact that Jack was shot in the park. The fact that this guy did not hear the gun raises more questions about why he was included in the story than about the shooting.

A broadcast report originating in D.C. which played in many areas of the country reported about Jack's account of the shooting and said he had been despondent over the bank scandal and that his wife had left him. This played in Jack's hometown and in Susan's hometown. His 84-year-old mother was devastated by this ridiculous report.

Where did that come from? His house was under total surveillance. There had been a planned family reunion, on the weekend after, of Susan and her family to be with their mother who had been sick for years. She kept her commit-

ment to her family, went, and returned early, but she was seen leaving the house with her suitcase. Did anybody check why she left the house? No.

Channel 9 news, here in the District of Columbia, a CBS affiliate, reported that Jack was under stress because of the bank scandal as well as the recent scandal involving the House Post Office that it reported he managed. Any reporter or news organization that has worked on Capitol Hill for a month would know that the post office is run by the Postmaster, not the Sergeant at Arms. However, this misinformation was used to further back up the uncorroborated story that Jack was depressed.

The facts could have been secured by a simple phone call to verify this report.

The same station also ran a story that two of Jack's top aides, Bob Fitzpatrick, a police officer and Tom Keating, identified as Tim, were at the scene and talked to Jack before the police had the opportunity to do so. This is pure fabrication.

This, too, could have been checked out. It was not. The fact is, Jack's aide, Tom Keating, responded to a call from the Capitol Police watch commander telling him that Jack had been shot. Mr. Keating was told the details and to go to the hospital. Because of Mr. Keating's position in the Sergeant at Arms office, he is always called by the watch commander when an incident occurs involving a Member of Congress or in the Capitol Police jurisdiction.

A story of crime on Capitol Hill appeared in *People* magazine showing the random, violent, and bizarre kinds of attacks that have occurred here. What happened to Jack Russ was only the most recent of a series of horrific incidents.

Mr. President, I have taken the Senate's time today because I have become increasingly concerned over the use of anonymous sources by the media, particularly on Capitol Hill. I am hopeful that the press will make an effort to examine more closely the validity of the sources and the reasonableness of their accusations before putting such information in the public domain, where, once there, it is impossible to retract the impressions made throughout this country on two national news broadcasts.

I notice that many of the accounts relied on police sources. In most instances, it was not indicated whether these were Capitol Police or Metropolitan Police sources. Regardless, I would think that one would have to take into consideration the fact that Jack Russ has been in charge of the Capitol Police Force for nearly 10 years. It would not be unreasonable to think that perhaps over that period of time, he would have ruffled some feathers within the force and perhaps even with the District of Columbia Police.

I do hope that by placing this on the record at least those who are interested will be able to examine the facts and to draw their own conclusions. I am confident they will share mine.

I believe that the reckless use of so called credible sources stating so-called suspicious circumstances is inconsistent with any commonsense appraisal of what occurred that night. Those of us who know Jack and Susan know they were inappropriately and unfairly abused by the reporting of events, that by any reasonable standard was a vicious, unwarranted, but too common incident of brutality on the streets of Washington, DC.

I hope and I pray that those who have been the unnamed sources will have the courage to come forward and say, "I gave that information, and I have reviewed it, and I agree that what occurred after that is totally inappropriate." I hope the press that talked with those unnamed sources will urge them to do so. Jack has suffered, certainly, and maybe appropriately so, from the events that occurred in the House, but he has suffered so inappropriately from the events and the reporting of that savage incident in the park on that Sunday evening, March 1.

Mr. President, I thank the body for the time and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

#### INVESTING IN RUSSIAN DEMOCRACY

Mr. LEVIN. Mr. President, we have a lot of deadlock in this Chamber. We live with division and political paralysis on all too many occasions. But on perhaps the most pressing security issue of the day, we have a strong bipartisan consensus. We have the tools at our disposal, the energy and willingness in the Senate to take the action necessary, but we still do not have Presidential leadership.

I am speaking of the urgent need to invest in the survival of democracy in Russia and the other republics of the former Soviet Union. It is demonstrably in our security interests to make a relatively small investment in democracy today to prevent the re-emergence of a military threat to the United States tomorrow. It is clearly in our economic interest to invest in these Republics today where Germany and Japan are already exploring joint ventures and new markets. And it is surely in our political security interest to assure the survival of freedom and independence where it has only just begun to grow after a century of dormancy.

We have a rare situation now in the Senate. Leaders of both parties, key Democrats and Republicans on the Armed Services Committee, the Foreign Relations Committee, and the Ap-

propriations Committee, have publicly invited President Bush to ask explicitly for the support that Russia needs to survive and remain stable. The majority leader has explicitly invited the President to work with him and the Republican leader to craft a bipartisan package of investments in Russian democracy.

Just last week, Senator MITCHELL, speaking in Los Angeles at the Los Angeles World Affairs Council, specifically invited the President as follows:

I invite President Bush to sit down with the bipartisan leadership of Congress to discuss our common goal. I believe that together we can adopt an effective nonpartisan policy to help the commonwealth.

Senator NUNN has also pointed out the bipartisan possibilities in this body in terms of support for democracy in Russia. On the NBC "Today Show," on March 12, he said:

This is a unique crossroads in history. If we do not treat it as such, we will not be forgiven by future generations of Americans. Thirty to fifty years from now, the American people will say, "Where were our leaders when we really had an opportunity to help democracy succeed in a country that will help determine the kind of world we live in for the next 20 to 30 years?"

The President's Ambassador to Russia, Robert Strauss, has made the rounds on the Hill, tirelessly explaining to Congress and the Press the situation on the ground in the former Soviet Union and the urgency of making this investment. In the *New York Times*, of March 15, Bob Strauss is quoted as saying:

This ain't bean bag we are playing. These are big time issues. This is life or death. This is the future of nations.

That is our American Ambassador to Russia.

Former President Richard Nixon has laid out the stakes in stark terms. And this is what President Nixon said in the now famous memorandum which was circulated to the foreign policy community: "The hot button issue in the 1950's was: Who lost China?"

President Nixon should know. He pressed that button.

He went on to say: "If Yeltsin goes down, the question, Who lost Russia will be an infinitely more devastating issue in the 1990's."

Despite all of this consensus, when we need the President's leadership that most, we are not getting it. We need boldness and a clear, loud statement of principle. Instead, we are getting caution and whispering from the White House. We in this body have been presiding for months the need to support democracy in the former Soviet Republics and for a focused effort to reduce the threat that chaos there would impose on us. I hoped slowly the administration was starting to catch on, starting to take some of the actions necessary, starting to shake off the cold war mindset that still guides too many of our policies. But I am deeply trou-



bled by the lack of urgency and leadership the President has shown on this issue. The further we have moved into this election year the less leadership our President is showing on this issue.

I do not know whether it is an election year case of nerves. But the President does not need to be nervous.

The leading Democratic candidate, the likely Democratic candidate for President, Bill Clinton, in a Georgetown University speech said the following about this issue: He said:

A small amount spent stabilizing the emerging democracies in the former Soviet empire today will reduce by much more the money we have to commit to our defense in the future.

Governor Clinton went on to say:

And it will lead to the creation of lucrative markets which means new American jobs.

So Governor Clinton is on record, former Senator Paul Tsongas is on record, as supporting the kind of IMF contributions which are awaiting approval by the President and by this Congress.

Mr. President, if we do not take action now, we are going to regret it later. We all feel that in this body on a bipartisan basis. There have been some Presidential spokesmen who have spoken out on the issue of focused direct support for Russia and the other Republics, not just by us but by other countries to the industrial world.

Secretary Baker has spoken on this subject in his Princeton speech. And Mr. Armitage, who is on the ground supervising distribution of food in Russia, has talked about it. But the frustration here and in Russia is great because a focused effort is lacking. The President himself is not leading on this subject which is so critical to future American security.

A frustrated American lawyer who is volunteering as a relief worker in St. Petersburg expressed his anger this way about American efforts, and why they have not been even greater. He said that "for want of a couple of million dollars, we'll be arguing next year about who is responsible for ruining democracy in Russia."

Mr. President, destabilization is a sanitary term. There is a lot of talk about the possibility of destabilization in Russia. But what that means is chaos, military coups, new dictators, totalitarian regimes, more suffering for the people who have just won freedom, and potential military threats to the United States and to other nations. Russia is facing structural problems. The economic problems that they face and have to contend with, they will have to solve mainly on their own—95 percent of the solution must be a Russian solution. It is only the 5 percent that I am talking about here that has to come from the United States and other nations.

But these structural problems require some focused outside support,

they require a comprehensive plan on the part of the administration, a plan for the West to help prevent chaos and to assure democracy's long-term survival in the Republics. Despite pleas from many of us in the Congress, we do not have that plan.

The Senate asked for a plan last November, approving my resolution by an 87-to-7 margin. Members from both sides of the aisle joined in calling for an international investment in democracy in the Republics, which is an investment first and foremost in our own security.

This is starting to sound like a broken record, but we are still waiting for the President to call the right tune. He is dragging his feet in asking Congress to vote for the pledged funding for the international monetary fund. Other countries have made pledges with the expectation that the United States would make good on our pledge. The funding is critical if the International Monetary Fund is going to be able to set up a carefully conditioned currency stabilization fund for the ruble.

Let me quote from Senator LUGAR, what he has said about the importance of this stabilization fund for the ruble. He said:

They are at a point in history where either the stabilization occurs or you are really going to go into a deep pit in which there appears to be no bottom whatsoever.

We saw where that pit bottomed out in Nazi Germany; how Adolf Hitler, using the wild inflation, the hyperinflation that existed in Germany, came to office. That is the type of deep pit which Russia now faces and which Senator LUGAR is making reference to.

The President is said to be officially supportive of the IMF funding, but he says it with a whisper. He has not come before the American people to explain the urgency and the security implications for us, and he has not personally even told the Congress that he supports it. His Secretary of the Treasury says the administration supports it, but the President has not put himself on the line in support of carrying out our pledge to the International Monetary Fund.

Congress cannot carry the water alone. Bipartisan support is waiting here. I wish we had bipartisan support for more programs more often. But here we have a situation where we do have it. Yet, the Presidential leadership is lacking.

As long as the value of the ruble remains unstable, the chance of successful economic reforms shrink in Russia and the other Republics, and the likelihood of collapse then increases.

Let us not forget why democracy's survival in those Republics is so important and urgent, why IMF funding and other assistance is not a handout, but a security investment for the United States. There are still 30,000 nuclear

weapons in those Republics. I am afraid some people believe that because President Bush and President Yeltsin have swapped arms reduction offers, those weapons are no longer a threat.

The threat of an intentional attack from Soviet nuclear weapons is vastly reduced. But few, if any, Soviet warheads have been dismantled, despite congressional authorization of funds last year to assist with that task. Republics can still play politics with nuclear weapons—Ukraine recently suspended the return of tactical nuclear weapons from its territory to Russia for central storage and dismantlement.

The threat of loose, uncontrolled nuclear weapons being stolen or sold, the threat of weapons components or fissile material proliferating to the Third World, the threat of weapons scientists being tempted to work for terrorist regimes—these threats are all to real. A few nuclear weapons in the hands of a Qadhafi are more dangerous to us than 30,000 nuclear weapons were in the hands of the Soviet Union.

And let us not forget what desperate people and desperate countries will do for cash. Earlier this month, the Washington Post headline read: "Russian Boosts Weapons Sales to Aid Economy." Instead of converting weapons factories to civilian purposes, there is "growing sentiment in favor of unabashed pursuit of profit through weapons sales." Yeltsin says "trading in arms is a necessity for us. \* \* \* Soviet weapons are highly popular in the world and easily find buyers." The government is looking for cash, and a way to keep people employed. And while Yeltsin claims they will respect international conventions and not sell weapons to countries engaged in conflicts, the upshot is potential proliferation of weapons including weapons of mass destruction and the underlying technologies being sold at cut-rate prices to fuel militarism around the globe. That proliferation represents the greatest new direct threat to United States security from the breakup of the Soviet Union.

And there are indirect threats, too, if democracy fails and Russia and other Republics rearm. Our own economic security is gravely threatened by recession, a huge budget deficit, and myopic trade policies. We need to get our economic house in order if we are going to remain strong, build a healthy and educated society for our children and compete in world markets. We won't be able to do that if we're forced to begin another arms buildup to counter new military threats. Former President Nixon said last week that "tinkering with the Tax Code or launching new domestic initiatives will have little economic significance if a new hostile despotism in Russia forces the West to rearm."

These are sobering pictures, and I doubt that any administration official

or Member of Congress would conclude that inaction by the United States is an acceptable response.

I traveled to Russia, Kazakhstan, and Ukraine in January with other Senators. Everywhere we went, we were amazed at how the cold war tension and competition has almost disappeared, replaced by openness and co-operation, but also with desperation and hopelessness and a dire need for assistance. The people of Russia and the other Republics are looking to the West to assist them through very difficult times. But this isn't about charity—it is also in our clear self-interest to make targeted investments now. Let me repeat again what is needed:

We need to pay our share of IMF replenishment that we've already pledged. The U.S. delay in approving \$12 billion is holding up an overall \$60 billion funding increase for IMF from its member nations. Russia and several other Republics are due to join the IMF at its spring meeting in April and plans are on track for IMF approval of Russia's economic reform program that is a prerequisite for the IMF implementing a carefully conditioned currency stabilization. We have asked the Russians to swallow bitter medicine, to suffer through a winter with most prices uncontrolled, with intermittent food and energy supplies, and rampant inflation. They are doing it. Will we now help provide the needed outside help in return?

We need Mr. Bush out front, working directly with Members of the House and Senate from both sides of the aisle to speed IMF support for a currency stabilization fund.

Next, we must move more quickly to prevent the dispersal of former Soviet weapons scientists, weapons technology, and the weapons of mass destruction themselves to other nations. There have been encouraging developments, especially to keep key scientists employed at almost insignificant cost to us. But we still need a clear plan for assisting in the dismantlement of Soviet nuclear warheads and the safe, secure storage or destruction of weapons components.

The administration announced this month that Under Secretary of State Bartholomew, who has been in charge of developing U.S. policy on these issues, will leave to become Ambassador to NATO. Where does that leave the important work of preventing weapons proliferation from the former Soviet Union?

We also need to offer financial incentives and practical help to Soviet defense enterprises and United States companies to promote joint ventures. These can serve a dual purpose of building nonmilitary economies in the Republics and promoting new markets for the United States. Other countries are aggressively pursuing such strategies with their own companies, and

Canada has just become the first Western nation to provide a line of credit to Ukraine for Canadian capital goods. We need to remove the Stevenson-Byrd restrictions that still limit the involvement of the Export-Import Bank to Russia and other Republics of the former Soviet Union. The restrictions are limiting energy development projects and other investments.

In the area of economic development, several Members of Congress have suggested a range of expanded loan and grant programs, and a management corps of experienced business people to train Soviets with no knowledge of competition or free markets. But here again, despite our encouragement, the administration has offered no comprehensive plan.

We need to promote exchanges of United States and Soviet military officials to increase the confidence and transparency of activities in the Republics, and to take advantage of the new openness we are experiencing. The chairman of the House and Senate Armed Services Committees and others drafted some modest proposals in this area last November, but the White House did nothing to advance them, and they were never approved.

We need to provide technical assistance in so many areas, to help the people of these new Republics create societies that are healthy, stable, productive, and self-sufficient. Secretary Baker has presented a request for over \$600 million in technical assistance funds from Congress. But in the current political environment, the President must push actively for this package, articulating precisely what the assistance is for, telling Americans why it is needed and why this is in our own security interest.

It is a big agenda, but it need not have a big price tag. The people of the Republics need to do 95 percent of the work to secure democracy and avoid chaos, but we can help lead the international effort to provide the remaining critical 5 percent to help stave off disintegration and prevent new threats from developing. Because if Yeltsin is overthrown, the replacement will not be a reformer. Waiting in the wings are reactionary forces, people who are not interested in fostering democratic institutions at home, working with the United States to reduce the nuclear threat, or promoting peace in the Middle East. Maybe it will be Vice President Alexander Rutskoi, who preaches extreme Russian nationalism, rigid state economic controls, territorial claims against Ukraine and preserving the military industrial complex. Rutskoi calls Yeltsin's reforms "economic genocide." If someone like Rutskoi takes over, he might muster significant military capability and reverse the gains Russia has made—reimposing an authoritarian state that threatens our security.

But a relatively small investment now, our part of the critical 5 percent they need, could yield more security than trillions to fight a new cold war. These steps are in our national security—our military security, our economic security, the security of our moral leadership, and of the freedoms we cherish. As security investments, some portion of them can legitimately be paid for from defense funds.

But as important as money is creativity, international cooperation, the courage to invest in democracy, and leadership from the President. And most of all, we action a plan to prevent the risks we can prevent, a road map to a more secure future. There's an old saying: "If you don't know where you're going, you'll probably end up somewhere else."

Abraham Lincoln told us 130 years ago that "the dogmas of the past are inadequate. \* \* \* As our case is new we must think anew and act anew." Those words are just as clear and appropriate today.

Thinking anew and acting anew means enhancing our security by preventing new threats from emerging in what was the Soviet Union—preventing chaos and preventing proliferation through farsighted policies of engagement, not waiting for those threats to develop and responding with use of military force. President Bush must overcome his caution on this issue and accept the bipartisan invitation to lead.

We have the opportunity and the standing to build multilateral peace-keeping and antiproliferation structures on the principle of prevention, to reduce the risk of conflict, increase global security, and save resources in the long run. Investing in the survival of free republics in the former Soviet Union is the greatest immediate test we face of whether we can seize that opportunity to prevent the proliferation of weapons of mass destruction before they become real risks.

I urge President Bush to lead on this issue. He will hopefully promptly and clearly back up his Treasury Secretary on IMF funding. I am confident he will fund bipartisan support awaiting here.

I yield the floor.

Mr. BENTSEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. BENTSEN. I congratulate the distinguished Senator from Michigan for a very thoughtful and insightful statement. I hope the Members who did not have the opportunity to listen to it on their consoles in their offices will take the time to read it.

Mr. LEVIN. I thank my friend.

#### TAX NEUTRAL

Mr. BENTSEN. Mr. President, today we are going to start on the conference with the House on the tax bill that we passed through this body.



It has been interesting to me to see the President's comments regarding the tax bill we are working to pass. He keeps talking about it being a tax increase. He is only telling half a story.

On the other side it is a tax decrease. For every tax increase, there is an equivalent tax cut in this piece of legislation. We are not only keeping it revenue neutral, but seeing that it stays within the budget limitations. We are determined to comply with the discipline of the budget agreement of 1990 that the President now says he wants to turn his back on.

That discipline is all we have left to ensure that the administration and this Congress start turning this deficit around.

This piece of legislation that we passed through this body calls for a deficit decrease in the overall 6 years allocated.

We are talking about meeting in conference to give a tax cut to middle-income taxpayers. Of course there are differences between the two bills and the two bodies. We almost always have that. But we are united in our commitment to put some fairness back into our Nation's Tax Code. That is one of the motivating reasons of this piece of legislation.

Some have said, well, the economy may be recovering. I have been listening to that for 18 months from economists. Ultimately they are going to be right. I sure hope they are finally right this time.

Is there a great economic stimulus in this legislation? Not as much as I would like, but there are things that improve the Tax Code. We have included items to encourage growth in our country, increase productivity, provide additional jobs, and help middle-income people who have taken the biggest hit over the last decade.

An awful lot of thought and preparation went into this legislation. We called hearings in the Finance Committee last November and December, and again when the President submitted his budget proposal to the Congress. We gave it due consideration. We heard from representatives from the administration, from economists, from the private sector, and from middle-income taxpayers themselves.

It was not an easy bill to put together. It would have been far easier to follow the administration's approach and go for some creative accounting.

CBO says the administration's bill loses \$27 billion. When we are talking about losing that, we mean busting the budget. We are talking about adding to the deficit and breaking the budget agreement wide open. Once again, we insisted that every item in our bill be paid for, and it is.

We moved this legislation quickly. We really had some hurdles to cross. The last major revenue bill that was considered in the U.S. Senate took 5

weeks. This one took 3 days. The President of the United States took 9 months to decide what he thought should be in the tax bill and asked us to do it in 5. And we are going to come awful close to accomplishing it, I think.

Passing a tax bill in this body—a major tax bill—in 3 days has to be some kind of a record—staff working through weekends, calling off recess periods.

Now, as we convene this conference committee, we are committed to fast and prompt action on the legislation. Throughout this process, our goal has been to provide fair treatment for working families, and that the tax load and its responsibility would be equitably shared.

Did we call for a tax increase on some of the higher income taxpayers. Yes. On the top seven-tenths of 1 percent, or families making over \$175,000 a year. Actually, only families with incomes substantially above \$175,000 would see an increase, as the \$175,000 is income remaining after all tax deductions. So you are talking about income over \$200,000 a year. But you have to pay for those things that we put in for long-term growth, things that will increase productivity in the country and help make us internationally competitive. They have to be paid for, and that is what we have tried to do.

As to progressive tax systems, do you know what the difference is between the tax rate that applies to somebody making \$35,000 a year in this country and the one that applies to someone making \$1 million? Three percentage points, three. Frankly, I think that the fortunate few can pay a little more in the way of taxes. So we are talking about raising their rates 5 percentage points—from 31 to 36 percent.

It is a responsible piece of legislation. I believe it is a good bill, a fair bill, and that its enactment will help millions of middle-income Americans. Some people inside the beltway say, "Well, \$300 per child, or for a family of four with two children, \$600, we really think of that as peanuts."

I do not believe that. This is a significant tax cut. For a family making \$35,000 a year—and that is the median income in this country—that is a 25-percent tax cut. For a family that sits down and looks at the supermarket ads to see what the prices are and where the coupons are that they can take in to have credits, and for a family with a sick child, running a fever, that must take that child to a doctor or to a hospital, but must make a financial decision along with a medical decision, this amount of money could make a difference.

It is awfully expensive to send children to college these days. To the family that must sit down and look at what kind of financial aid they have for their children to go to college be-

fore they look at the credits and the courses at the college, the amount of money is important.

A recent study showed that families in this country, middle-income families, are now working 1 month more than they did just 15 years ago—an additional month of labor—to try to make ends meet. Both parents are going into the workplace, and there is 40 percent less time, discretionary time, time for parenting. We are seeing some of the results of that.

Talk about Americans working, yes, you bet they work. They are putting out just to try to hold it all together. More Americans are holding second jobs than ever before in the history of our country. Those with children are seeing the costs of rearing children, educating children, feeding children, housing children soar. They are working harder just to stay in place.

Our legislation will give them a hand by starting to put back some fairness into the tax system. The heart of it is a permanent tax cut for each child.

Let me give you an example of what it does. For a child born today, that is nearly \$5,000 by the time that child reaches the age of 16. If you take that money and put it into an IRA account that earns 8 percent, you are going to have \$15,000 by the time that child is ready to go to college. That is going to be a help. It is the kind of extra money that helps pay the orthodontist for braces, pay for better quality child care, pay the medical expenses not covered by a hospitalization policy. It is important. About 18 million Americans would benefit by that tax credit.

And when you look at another provision in the bill—we restore full deductibility to IRA's—you are talking about millions of people being affected by this legislation. It restores full deductibility for IRA's for all American workers. It also enables them to make early withdrawals to buy a first house, which is getting rougher to do for young couples or to pay for fighting the cost of illness. That part of the legislation, the Bentsen-Roth IRA bill, has strong bipartisan support—78 Senators, Democrats and Republicans, are sponsoring that legislation. It would establish a fair and progressive capital gains tax cut giving 65 percent of the benefits to those taxpayers earning less than \$65,000 a year. The administration's tax proposal on capital gains would give 65 percent of the benefits to those earning over \$200,000 a year.

The legislation would simplify and expand the earned income tax credit to help families with working parents in low-paying jobs. It also would take a good first step toward addressing some of the more egregious problems in health care in this country today, focusing on small business owners and the millions of Americans who work for their small businesses.

### EXTENSION OF MORNING BUSINESS

Mr. BENTSEN. Mr. President, I ask unanimous consent that we continue for another 10 minutes in morning business.

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

Mr. BENTSEN. It incorporates the Better Access to Affordable Health Care Act, a bipartisan measure that takes some important steps to help more than 34 million Americans who are without health insurance in this country today. Most of them have jobs, or they live in families where someone in the family does have a job but lacks that health insurance.

I have walked into small businesses and visited with the employees and their owners. Owners will say, "Last year my premium went up 24 percent on health insurance and the year before last, 24 percent. That is almost a 50-percent increase. I cannot help it. The first thing I did was increase the deductible. Then I increased the coinsurance, and I dropped the dependents. Finally, I had to drop the policy altogether, because I just could not afford it and stay in business."

Take an employee that has a child with leukemia, or a wife or husband with a back problem. Upon a change of jobs, they then have what is called a preexisting condition, meaning they will not have the health insurance in the next job. That employee has to turn down the better job.

Let us say you are the head of a small business and they come in and they say, "Well, you have 23 employees but we can only accept 22." Because of a heart problem that one employee will be carved out. Yet she is the one that needs health insurance the most. The bill addresses those kinds of problems.

Then there is the problem you have if you are small businessman in a high-risk business. They redline you totally and say that you cannot have insurance for any employees.

Or what do you do if you are trying to compete against big business which gets a better rate? What this legislation does is use the Florida example to try to help States bring small businesses together. This will allow them to compete as a group, and permit insurance companies to better apply the law of averages over this larger group. Small businesses that collectively work with other small businesses in these joint efforts will have more leverage to get a more competitive rate on health insurance. The bill takes care of this problem on the plus side.

Mr. President, when the President says this bill involves a tax increase, it does not. It is no more a tax increase than President Reagan's tax reform legislation in 1986. It, like the bill that the Finance Committee reported to the Senate, raised some taxes in order to

lower others. It is revenue neutral. Our bill calls for higher taxes on approximately 800,000 people at the top of the income scale in order to cut taxes for 31 million American families who would benefit from the child tax credit, EITC, and a progressive capital gains provision.

But the President dismisses our tax cut as insignificant, contending that a 25-percent tax cut for a family making \$35,000 a year has little meaning. Yet, at the same time, he stakes his Presidency on opposition to a 5-percentage point tax increase for those earning more than a couple hundred thousand dollars a year.

This is a tax fairness bill. It is fair, putting some fairness back in the tax system, and it is fiscally responsible. The plan would increase the marginal rate from 31 percent to 36 percent as to families with gross income of over \$200,000 or net income over \$175,000.

Back in 1985, President Reagan recommended that a 35-percent tax rate apply to anyone making over \$70,000 a year. That is what he proposed. We are talking about—36 percent tax rate—one percentage point higher—on families making not \$70,000 but over \$175,000 a year. This bill keeps the rate at 28 percent for the vast majority of those people. We are also asking for a 10-percent surcharge on those fortunate enough to make over \$1 million a year.

Despite these changes, the wealthiest Americans are going to come off very well, far ahead of where they were in the 1960's when the top bracket was 91 percent, or in the 1970's when it was 72 percent. The top bracket would be half of the 1970's rates. And when we talk about international competition, and where the rates are for Japan, Germany, or the United Kingdom, in every one of those instances the top rate is at least 50 percent; 50 percent or more.

Consider the health provisions. The President has endorsed these health provisions. They were in a bipartisan bill I introduced with Senator DURENBERGER. The President took those provisions and put them in his proposals. We have taken them back and put them in what we hoped to be a bipartisan bill.

As to capital gains, I noticed the President's proposal in his State of the Union Address was so far off the mark that it had to be amended before going into the budget. But still it gives over two-thirds of the benefit to those people making over \$200,000 a year.

The President says this is veto bait. I do not think the American people see it that way. The American people want results, not bickering, and they are sure feeling the effects of our troubled economy.

This bill lays the foundation for real jobs and prosperity in the future. It stimulates savings and investment, makes it easier to save for college, easier to pay back a college loan, and

addresses some of the serious health problems facing working Americans.

In a word, this legislation is fairness, fairness for families with children, who saw their taxes go up while their incomes went down over the last decade.

The Senate has moved quickly on this bill and so has the House. It will be a tough conference, for there are substantial differences to be resolved. However, those differences are minor when we remember we share the overriding goal of helping Americans better cope with the financial pressures of our time.

Mr. President, I yield the floor.

### EXTENSION OF MORNING BUSINESS

Mr. BENTSEN. Mr. President, I ask unanimous consent that we extend morning business to 11 a.m. in order that the Senator from Ohio, Senator GLENN, be recognized for 10 minutes, and the Senator from Michigan [Mr. LEVIN] for up to 5 minutes, and that any time already utilized beyond 10:30 a.m. not be charged against the time allotted against the consideration of the veto message on H.R. 2212, MFN status for China.

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

The Senator from Ohio is recognized.

### REGULATORY REVIEW PROCESS

Mr. GLENN. Mr. President, for the past year the Committee on Governmental Affairs has been trying to lift the veil of secrecy that covers the regulatory review process operated by OMB and the Council on Competitiveness under the leadership of the Vice President.

Our goal has been to ensure that the Federal regulatory process is open and fair and accountable to the American public. Regulatory review should help agencies make better decisions, but not in secret so that nobody knows what is going on.

Unfortunately, the administration wants to keep everything behind closed doors. The Council will not tell us what they are doing; they will not tell us who they are talking to outside of Government or what regulations they have even reviewed.

The Council is also stopping agencies from talking to us. We have been refused documents from EPA, Labor, Interior, HHS and other agencies. After several unsuccessful attempts to get answers, we may have to resort to subpoenas as the only way to; although we have not decided for sure.

We need the documents to tell us the whole story how the agencies deal with the Council. I am not talking about privileged documents here. These are documents that agency officials tell us they would gladly give us, except for the objections of the Council.



It is because of this secrecy that I introduced S. 1942, the Regulatory Review Sunshine Act, to open up the regulatory review process.

Again, while I always maintained that regulatory review can and should help agencies make better regulatory decisions, the process cannot be hidden from the public, the courts, or Congress. If the administration's regulatory review decisions cannot withstand the light of day, then they cannot be allowed to stand. If, on the other hand, regulatory review makes better decisions, we will all be better for knowing how and why.

Now, for an example at hand that was in the papers yesterday, I think we have a pretty good idea why the administration wants to hide some of its regulatory review activities. Last week, OMB Administrator Jim MacRae wrote a letter to the Occupational Safety and Health Administration in the Department of Labor and told them to stop promulgation of a rule to control air contaminants in the construction, maritime, and agricultural industries. This rule is an extension of a 3-year-old rule already covering general industries and covering some 1,000 toxics across the board. Let me read from yesterday's Washington Post a brief description of what is covered here, and I start off with the title of the article that says "OMB's Logic: Less Protection Saves Lives. Letter Blocking Health Standards for 6 Million Workers Shocks Officials at Labor Department." I will read the first couple paragraphs.

The Office of Management and Budget has blocked new health standards for more than 6 million workers in the construction, maritime and agricultural industries on the theory that less protection may save more lives than adding regulatory costs to employers.

The novel theory, outlined in a letter from OMB to the Labor Department last week, argues that added regulatory costs could force an employer to either lower wages or cut employment. If this happens, OMB asserts, it could have a negative impact on workers' health because, it says, higher-paid workers tend to take better care of themselves and if they can no longer afford to do so, more may be killed than saved.

At issue are standards proposed by the Labor Department's Occupational Safety and Health Administration to set permissible exposure limits (PELs) for more than 1,000 substances used in the three industries.

On down in the article, it says:

OMB officials said yesterday the letter represents OMB policy and would apply to all Federal regulatory agencies.

Later on in the article:

In an interview yesterday, MacRae said "the letter stands by itself" and represents OMB policy. "I'm not on my own. I do what I'm told to do," MacRae said. He said the analysis requested in his letter to the Labor Department was "certainly something that's worthy of all [regulatory] agencies to take note of."

I do not think we need to get hit on the head by a 2-by-4 to know what is

going on here. This rule does matter. It is meant to protect 6 million Americans from dangerous chemicals in the workplace. It seems it has been decided that health and safety regulations somehow harm public health and safety, which stands logic on its head. Compliance costs, in other words, of health and safety regulations, will be passed on to consumers or through reduced pay for the workers, and those increased prices and lowered wages will end up killing more people than would be helped by the regulation. The logic of that just seems a little bit crazy, as was indicated by some of the people quoted yesterday in the papers.

Mr. President, I guess we should not really be surprised, considering President Bush's recent 90-day moratorium on regulations. The President imposed a 3-month freeze on all new regulations. But, according to their own calculations, stopping new OSHA regulations alone would cost as many as 288 lives. This, too, is another example of an administration out of touch with the country and its people's needs.

So, Mr. President, I already quoted from the article here. I ask unanimous consent that the article out of the Washington Post be printed in the RECORD.

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

[From the Washington Post, Mar. 17, 1992]

OMB'S LOGIC: LESS PROTECTION SAVES LIVES  
(By Frank Swoboda)

The Office of Management and Budget has blocked new health standards for more than 6 million workers in the construction, maritime and agricultural industries on the theory that less protection may save more lives than adding regulatory costs to employers.

The novel theory, outlined in a letter from OMB to the Labor Department last week, argues that added regulatory costs could force an employer to either lower wages or cut employment. If this happens, OMB asserts, it could have a negative impact on workers' health because, it says, higher-paid workers tend to take better care of themselves and if they can no longer afford to do so, more may be killed than saved.

At issue are standards proposed by the Labor Department's Occupational Safety and Health Administration to set permissible exposure limits (PELs) for more than 1,000 substances used in the three industries. The standards, which were approved nearly four years ago for all other industries, are designed to protect workers from excessive exposure to hazardous substances in the workplace.

OMB said it would not consider the proposed regulations until the department completes an analysis showing whether the new rules would have an adverse effect on wages and employment levels in the affected industries. Departmental sources predict such a study could take several years and still would be inconclusive.

The letter has caused an uproar in the Labor Department, where officials warn it could have an impact on all federal regulatory agencies. "If this is the new approach OMB is going to take, it's not going to just affect OSHA," a Labor Department source said.

OMB officials said yesterday the letter represents OMB policy and would apply to all federal regulatory agencies.

Peg Seminario, director of health and safety for the AFL-CIO, called the OMB position "really looney." She said the "analysis they're asking for sort of comes out of thin air and is not required by law. This goes well beyond anything required and it would be impossible to do."

The OMB directive comes as the White House has declared a 90-day moratorium on new federal regulations. It also coincides with an announcement by President Bush during a campaign trip to Detroit last week that the auto industry would not have to build cars that would keep gasoline fumes from escaping during refueling.

A senior department official said OMB has put Labor Secretary Lynn Martin in an "incredibly awkward position." Any showdown with OMB is apt to be a major, public test of how much clout Martin has with Bush. Martin, a 10-year veteran of Congress, often has traded on her close ties to the president in dealing with department issues. "This is going to be hot," a department source said.

OMB last Friday refused a formal department request to withdraw the letter. Yesterday, under Martin's direction, the department was drafting a reply to OMB. It questions OMB's legal authority to force OSHA to weigh safety benefits against economic risks for federal health standards. The Supreme Court ruled in 1981 in a case involving cotton dust standards that cost-benefit analysis was illegal in determining health standards.

The draft, being circulated in the department, also suggests that if OMB wants to create a new policy such as the one outlined in the OSHA letter, it should publish a proposal in the Federal Register and let all the regulatory agencies comment on it.

James B. MacRae Jr., acting administrator of OMB's Office of Information and Regulatory Affairs, wrote: "The positive effect of wealth on health has been established both theoretically and empirically. Richer workers on average buy more leisure time, more nutritious food, more preventive health care and smoke and drink less than poorer workers."

"Government regulations often have significant impact on the income and wealth of workers. To the extent that firms cannot pass on regulatory compliance cost increases to consumers, firms will absorb these costs by cutting wages and by reducing employment."

Therefore, MacRae wrote, "OSHA should estimate whether the possible effect of compliance costs on workers' health will outweigh the health improvements that may result from decreased exposure to the regulated substances." He said he was sending the proposed draft regulations back to the Labor Department for further analysis "to compare the health effects of these income changes to the health benefits that OSHA attributes to reduced exposure."

In requesting the analysis, MacRae cited a recent federal appeals court case involving OSHA and the United Auto Workers union. He cited research asserting that every \$7.5 million in additional regulatory expenditures may result in an additional death from lowered worker income. Because the proposed OSHA regulations would add an estimated \$163 million in annual employer costs, MacRae argued in his letter, the new rules could result in an additional 22 deaths. Because OSHA estimates the new regulations would save 8 to 13 lives a year, MacRae rea-

soned, there would be a net increase of 8 to 14 deaths a year.

MacRae's letter came as a complete surprise to top managers at the Labor Department. "It came totally out of the blue," a senior official said.

Other department sources used words such as "bizarre" and "ridiculous" to describe the MacRae letter. "I've never seen anything like it from OMB," said a source. "The majority of the people who looked at it in the department were absolutely shocked."

What worries policymakers at the Labor Department is the fact that MacRae, a career civil servant who has been acting head of his division for nearly four years, has the last say on most federal regulations. "He is essentially the final word," said a department source. Department officials said that under normal circumstances, negotiations between OSHA and OMB are conducted at a lower staff level, with MacRae hearing any appeals when there is disagreement. This time, a department source said, "there were no phone calls from the OMB staff and suddenly there's a letter. There's no indication why anything like this happened."

In an interview yesterday, MacRae said "the letter stands by itself" and represents OMB policy. "I'm not on my own. I do what I'm told to do," MacRae said. He said the analysis requested in his letter to the Labor Department was "certainly something that's worthy of all [regulatory] agencies to take note of."

MacRae said that if OSHA was so concerned about further delay, it would have completed standards for the three industries years ago, shortly after the general industry standards became final. "As far as I'm concerned, it is a valid consideration and we're awaiting a reply from the Department of Labor," MacRae said.

(Mr. AKAKA assumed the chair.)

Mr. GLENN. Mr. President, I further ask unanimous consent that a similar article out of the New York Times of the day before yesterday be printed in the RECORD.

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

[From the New York Times, Mar. 16, 1992]

CITING COST, BUDGET OFFICE BLOCKS  
WORKPLACE HEALTH PROPOSAL

(By Robert D. Hershey, Jr.)

WASHINGTON, March 15.—In its latest attack on Federal environmental regulations, the White House budget office has blocked a major health proposal for workers, saying that carrying it out could be so expensive it could force companies to cut wages and jobs, thereby making workers' health worse.

"The positive effect of wealth on health has been established both theoretically and empirically," the budget office said in a letter last week to the Labor Department announcing its decision.

The proposed regulation attacked by the Office of Management and Budget is a major environmental initiative by the Occupational Safety and Health Administration, a unit of the Labor Department, involving standards for air contaminants in agriculture and industry, including construction and maritime work. It establishes lower permissible exposure limits for 375 substances used in the construction and maritime industries and would for the first time set limits for 635 substances used in agriculture.

The budget office's decision to suspend consideration of the proposal blocks its

adoption because a 1981 President order required regulations to be approved by the office before going into effect. In its letter, the budget office called for more analysis of the proposal, which could be lead to its resubmission and reconsideration.

REGULATIONS UNDER FIRE

The budget office's action came at almost the same time as the Administration said automobile manufacturers would not be required to install pollution-control devices on new cars to capture gasoline fumes released into the atmosphere by fueling. Instead, the Government will require gasoline stations to control fumes through special pumps and hoses. The budget office's action also seemed to be part of a coordinated attack by the Administration on what it considers to be overly restrictive environmental regulations.

The action also comes during a 90-day moratorium on new regulations, which was part of President Bush's State of the Union Message in late January. But proposals related to health and safety are generally exempted.

Representatives of organized labor immediately contested the budget office's argument, saying the Bush Administration was going "to any lengths to stop safety and health standards."

At the Labor Department, which oversees the safety administration, the Assistant Secretary for Public Affairs, Steven Hofman, said when he was asked for comment that the budget office's response "raises a lot of significant issues" and that these were being studied. He said he could not immediately say what the agency's next step would be.

FOCUS ON HEALTH QUESTIONS

The letter to the Labor Department, written by James B. MacRae Jr., acting administrator of the Office of Information and Regulatory Affairs, a little-noticed but extremely powerful office inside the budget office, said the analysis conducted by the safety administration neglected an "important question" on the permissible exposure limits. The question, Mr. MacRae said, was, "How will compliance with the proposed P.E.L. rule affect workers' employment, wages and therefore, health?"

Mr. MacRae declined through an aide to discuss the decision to suspend review of the O.S.H.A. proposal, a move communicated to the Labor Department in a three-page letter addressed to Nancy Risque-Rohrbach, Assistant Secretary for policy. A copy of the letter which was said to have quickly found its way to departmental bulletin boards, was given to The New York Times by a Labor Department official who objected to it.

But in the letter, Mr. MacRae, who has been acting in the post since late 1989 as Administration efforts to install a permanent appointee foundered, said that better-off workers tended to use their higher wages for more leisure, more nutritious food and more preventive health care, as well as extending their longevity by smoking and drinking less than poorer workers.

He then pointed to a recent opinion of the Federal Appeals Court for the District of Columbia Circuit that cited research showing that each \$7.5 million of additional regulatory expense may result in one additional death from reduced incomes. This, Mr. MacRae said, could be a result of companies' being unable to pass on compliance costs by raising prices and having to respond by cutting wages and jobs. If, on the other hand, costs were passed on, the income of consumers was cut, leading to similar effects on their health.

FORESEEING MORE DEATHS

"In addition, as regulation increases job safety, there will be a decline in risk pre-

miums paid to workers as compensation for bearing health and safety risks," the letter said.

Applying the theory to the proposal at hand, Mr. MacRae noted that safety and health administration figured that the updated standards would save eight to 13 lives a year. But the cost of the updating would be \$163 million a year he added, resulting in 22 additional deaths from reduced worker prosperity.

To make sure regulations are not counterproductive, he added, "O.S.H.A. should estimate whether the possible effect of compliance costs on workers' health will outweigh the health improvements that may result from decreased exposure to the regulated substances. In addition, the effect of higher compliance costs (and therefore lower incomes) on other members of society also should be taken into account."

The budget office's action is required by a February 1981 executive order by President Ronald Reagan that calls for rules proposed by departments and agencies to be reviewed to make sure, among other things, that the potential benefits of regulations "outweigh the potential costs to society."

Representatives of organized labor responded indignantly to Mr. MacRae's contention. "Calling it a novel is kind; it's absolutely loony," said Peg Seminario, director for safety and health for the A.F.L.-C.I.O.

Senator Edward M. Kennedy, the Massachusetts Democrat who is chairman of the Labor and Human Resources Committee, called the Administration position "deregulation ideology run amok." He said the budget office "is saying that healthy working conditions are bad for workers' health," adding, "O.M.B. should stop kowtowing to business, and the Labor Department should get on with its statutory responsibility of issuing these important health standards."

James C. Miller 3d, who at different times during the Reagan Administration headed budget office and the Office of Information and Regulatory Affairs, acknowledged that Mr. MacRae's position "is beyond what would normally be reviewed in a cost-benefit analysis" but nevertheless offered a defense.

"The essence" of such examination he said, "is to trace things through." If the financial well-being of workers is really diminished, Mr. Miller added, "this ought to be considered."

Mr. GLENN. Mr. President, I ask unanimous consent that a copy of the letter itself that Mr. MacRae sent to the Department of Labor also be printed in the RECORD.

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

OFFICE OF INFORMATION  
AND REGULATORY AFFAIRS,  
Washington, DC, March 10, 1992.

Hon. NANCY RISQUE-ROHRBACH,  
Assistant Secretary for Policy, Department of  
Labor, Washington, DC.

DEAR MS. RISQUE-ROHRBACH: On February 18, 1992, we received a proposed Occupational Safety and Health Administration (OSHA) rule entitled "Air Contaminants Standard in the Construction, Maritime, Agriculture, and General Industries" for review under Executive Order No. 12291. The rule would establish or lower Permissible Exposure Limits (PELs) for 375 substances for the construction and maritime industries, and would for the first time establish 635 PELs for the agricultural sector. In addition, the rule would set PELs for asphalt, fumes, fi-



brous glass, and mineral wool for all industrial sectors, including general industry.

OSHA's regulatory impact analysis omits consideration of the effect of the rule's compliance costs on workers. The analysis is limited to a description of the effects of compliance on firms' sales and profits. OSHA's analysis, however, fails to answer an important question: "How will compliance with the proposed PEL rule affect workers' employment, wages, and therefore, health?"

The positive effect of wealth on health has been established both theoretically and empirically.<sup>1</sup> Richer workers on average buy more leisure time, more nutritious food, more preventive health care, and smoke and drink less than poorer workers. In combination, these factors significantly extend longevity. In fact, a recent opinion by the United States Court of Appeals for the District of Columbia cited research showing that each \$7.5 million in additional regulatory expenditures may result in one additional death from lowered incomes.<sup>2</sup>

Government regulations often have significant impact on the income and wealth of workers. To the extent that firms cannot pass on regulatory compliance cost increases to consumers, firms will absorb these costs by cutting wages, and by reducing employment. If firms do pass on compliance costs to consumers, consumers' real incomes will decline with similar effects on their health. In addition, as regulation increases job safety, there will be a decline in risk premiums paid to workers as compensation for bearing health and safety risks. One researcher estimates that for each unit decline in annual injury-related lost workdays per 100 workers wages fall by 1.5 percent to 3.6 percent.<sup>3</sup>

To illustrate the importance of this effect, we offer the following example. OSHA estimates that the proposed PEL regulation would prevent eight to thirteen deaths annually. However, if we use the finding cited in *UAW v. OSHA* that each increase of \$7.5 million in regulatory expenditures results in one additional statistical death, the \$163 million annual cost of the PEL update rule would result in approximately 22 additional deaths per year. If OSHA's analysis accounted for the rule's negative effect on income, and therefore health, a net increase of about eight to fourteen fatalities per year, could be expected to result from this rule.

OSHA previously has noted the nexus between income and health in its discussions of the healthy worker effect's impact on the conclusions of epidemiologic studies, but neglected that phenomenon on the cost side.<sup>4</sup> If government regulations force firms out of business or into overseas production, employment of American workers will be reduced, making workers less healthy by reducing their incomes. OSHA should estimate

whether the possible effect of compliance costs on workers' health will outweigh the health improvements that may result from decreased exposure to the regulated substances. In addition, the effect of higher compliance costs (and therefore lower incomes) on other members of society also should be taken into account.

Responsible policymaking suggests that OSHA analyze all the costs and benefits associated with this rule, and in particular whether this rule will adversely affect wages and employment levels in the affected industries. OSHA should attempt to quantify whether this rule will adversely affect wages and employment levels in the affected industries. Having conducted such an analysis, OSHA should compare the health effects of these income changes to the health benefits that OSHA attributes to reduced exposure. This analysis is required to ensure that this proposed rule complies with sections 2(a) and 2(e) of Executive Order No. 12291. Moreover, the U.S. Court of Appeals' reasoning in *UAW v. OSHA* made it clear that this type of analysis should be part of OSHA's rulemaking record.

Accordingly, for the reasons set forth above, I am suspending review of the draft proposed rule pending OSHA's completion of this essential analysis. As always, I and my staff are available should you have any questions.

Sincerely,

JAMES B. MACRAE, Jr.,  
Acting Administrator and  
Deputy Administrator.

Mr. GLENN. Mr. President, how much time do I have remaining on my 10 minutes?

The PRESIDING OFFICER. There are 3 minutes, 40 seconds remaining to the Senator from Ohio.

Mr. GLENN. Mr. President, I know that my distinguished colleague from Michigan, Senator LEVIN, wished to speak on this particular subject, also; so I will reserve the remainder of my time until he has spoken.

The PRESIDING OFFICER. The Senator from Ohio reserves the remainder of his time.

The Senator from Michigan is recognized for up to 5 minutes.

Mr. LEVIN. I thank the Chair.

Let me also congratulate the Senator from Ohio for his leadership in trying to bring some sunshine to this regulatory process. This most recent action on the part of the White House and OMB is another act to keep the regulatory process in the dark. And because of the Senator from Ohio and a few others who are determined that we are going to bring sunshine to this process, they are not going to succeed.

I know that the Senator from Ohio is going to be announcing some important actions on the part of the committee which he chairs and on which I serve, and I think he will find great support on the committee and he will find bipartisan support for the kind of effort that he is continuing to make in this area.

Senator GLENN made reference to some newspaper articles and a letter from the White House to the Department of Labor. The letter is dated

March 10. The letter is now in the RECORD, and I just want to read one small part of it.

To the extent that firms cannot pass on regulatory compliance cost increases to consumers, firms will absorb these costs by cutting wages, and by reducing employment. If firms do pass on compliance costs to consumers, consumers' real incomes will decline with similar effects on their health. In addition, as regulation increases job safety, there will be a decline in risk premiums paid to workers as compensation for bearing health and safety risks.

Putting that into simple English, what the White House is telling the Department of Labor is that a healthier workplace is a sicker workplace. A safer workplace is a more dangerous workplace. Up is down; yes is no. It is doubletalk; it is Washington doubletalk in this letter.

What they are telling people who work in coal mines is the more coal dust you inhale, the healthier you are going to be. Breathe in asbestos; you are better off. Why? Because you are going to get paid more for breathing in asbestos and coal dust. That is that risk premium paid to workers, which is referred to in a line in this letter.

Sicker is healthier. It is worth breathing in coal dust, folks. Did you not know that? Have you not heard from Washington yet that you are better off with coal dust coming into your lungs? Why? Because you will get paid more, and we all know that the richer you are, the healthier you are. Rich people are healthy.

Now, this is a novel, new addition to the regulatory process. We have always weighed costs and benefits. And this is a legitimate requirement in the regulatory process. But this is a new one; this is a new one. This is telling workers: You are going to actually be healthier if you take the sickness risk, because you are going to get paid more.

I used to work in a factory where they used to hang car doors. They used to take these big sledge hammers and bang on these doors in the so-called white body department before the car was painted, and the noise was excruciating.

But we used to get paid a nickel an hour more for working inside of those cars while the doors were being hung because of the high noise level. So even though some of us, over time, would lose our hearing from the noise, mind you, that would be a lot better for us because we got paid a nickel an hour more, and then we had more money to go on a vacation. And we would have less stress because our income would be a little bit higher. So what if we lost our hearing, or lost our lungs.

Mr. President, this new, novel approach to cost-benefit analysis requires the light of day, fast and hard, and I am glad that the Senator from Ohio is taking the lead on doing just that.

I yield the floor.

Mr. GLENN addressed the Chair.

<sup>1</sup>For an exposition on this subject, see Wildavsky, A. "Searching for Safety." New Brunswick: Transaction Books, 1988.

<sup>2</sup>See *International Union, United Automobile, Aerospace, and Agricultural Implement Workers, UAW, et al. v. OSHA*, United States Court of Appeals for the D.C. Circuit, 89-1559; which cites Keeney, R. "Mortality Risks Induced by Economic Expenditures." Risk Analysis, 10:1, pp. 147-160. Also, see Anderson, K. and Burkhauser, R. "The Retirement-Health Nexus: A New Measure on an Old Puzzle." The Journal of Human Resources, 20:3, pp. 315-330. Provides an estimate (although smaller) of the effect of wages on mortality.

<sup>3</sup>Viscusi, K. and Moore, M. "Compensation Mechanisms for Job Risk: Wages, Workers' Compensations, and Product Liability." Princeton: Princeton University Press, 1990, p. 60.

<sup>4</sup>OSHA routinely considers the "healthy worker effect" when evaluating possible workplace hazards. See, e.g., 55 FR 4087 (February 6, 1990).

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. GLENN. I thank the Chair.

Mr. President, I will repeat only just a little bit of what Senator LEVIN has already so eloquently stated. This stands all ideas of health and safety on their collective heads; the idea that somehow health and safety in the workplace, and the regulation of toxic substances should be thought of just as increased costs that are passed back to the workers who, in turn, because of their lowered wages, will then fit into the category of people who have greater health risks because they are lower income.

So then the OMB is saying, through Mr. MacRae, we will hold up all these rules and regulations. There will not be any new regulations on this subject. And not only that, but as OMB officials said yesterday, the letter represents OMB policy and would apply to all Federal regulatory agencies.

If this is to be the new policy of non-regulation, of nonsafety and health, it stands logic on its head.

Then, as I said a while ago, Mr. MacRae said, "I am not on my own; I do what I am told to do."

That is very interesting in light of our problems with the Council on Competitiveness. This obviously puts the Department of Labor in a very, very difficult position. I understand there is a letter being prepared that will go over to OMB, asking for some relief on this because this just cuts out all safety and health regulatory activity, if these reports are correct. And the letter states exactly what is in the newspaper article here that Senator LEVIN addressed just a moment ago.

Mr. President, I just want to announce we are having a hearing on this tomorrow morning. Mr. MacRae will be there. We are having a hearing at 9:30 tomorrow morning in which we hope to get to the bottom of this, because this really stands regulatory matters on their heads, opposite the direction we all thought we were going in trying to get better health and safety in the workplace.

Mr. President, I yield the remainder of my time.

#### PRESIDENT VACLAV HAVEL ON "THE END OF THE MODERN ERA"

Mr. KENNEDY. Mr. President, I want to take this opportunity to bring to the attention of my colleagues a thoughtful and perceptive address by Vaclav Havel, President of the Czech and Slovak Republic, at the World Economic Forum in Davos, Switzerland, last month.

Since the collapse of communism, many leaders in many different lands

have been endeavoring to define the outlines of the post-cold war era and to develop worthwhile directions and goals for international relations. In his address, President Havel draws some important lessons from the collapse of communism that all of us should heed.

In these difficult times at home and abroad, all of us can benefit from President Havel's advice and avoid the temptation, which he warns against, of seeking simplistic solutions based on the old order. We recall his eloquent address to the joint meeting of Congress in February 1990, and I commend his recent address. I believe that all of us will be interested in his eloquent insights and his call for bolder thinking in meeting the serious challenges facing the United States and all nations.

I ask unanimous consent that excerpts of President Havel's address in Davos, as recently reprinted in the New York Times, may be printed in the RECORD.

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

[From the New York Times, Mar. 1, 1992]

#### THE END OF THE MODERN ERA

(By Vaclav Havel)

The end of Communism is, first and foremost, a message to the human race. It is a message we have not yet fully deciphered and comprehended. In its deepest sense, the end of Communism has brought a major era in human history to an end. It has brought an end not just to the 19th and 20th centuries, but to the modern age as a whole.

The modern era has been dominated by the culminating belief, expressed in different forms, that the world—and Being as such—is a wholly knowable system governed by a finite number of universal laws that man can grasp and rationally direct for his own benefit. This era, beginning in the Renaissance and developing from the Enlightenment to socialism, from positivism to scientism, from the Industrial Revolution to the information revolution, was characterized by rapid advances in rational, cognitive thinking.

This, in turn, gave rise to the proud belief that man, as the pinnacle of everything that exists, was capable of objectively describing, explaining and controlling everything that exists, and of possessing the one and only truth about the world. It was an era in which there was a cult of depersonalized objectivity, an era in which objective knowledge was amassed and technologically exploited, an era of belief in automatic progress brokered by the scientific method. It was an era of systems, institutions, mechanisms and statistical averages. It was an era of ideologies, doctrines, interpretations of reality, an era in which the goal was to find a universal theory of the world, and thus a universal key to unlock its prosperity.

Communism was the perverse extreme of this trend. It was an attempt, on the basis of a few propositions masquerading as the only scientific truth, to organize all of life according to a single model, and to subject it to central planning and control regardless of whether or not that was what life wanted.

The fall of Communism can be regarded as a sign that modern thought—based on the premise that the world is objectively knowable, and that the knowledge so ob-

tained can be absolutely generalized—has come to a final crisis. This era has created the first global, or planetary, technical civilization, but it has reached the limit of its potential, the point beyond which the abyss begins. The end of Communism is a serious warning to all mankind. It is a signal that the ear of arrogant, absolutist reason is drawing to a close and that it is high time to draw conclusions from that fact.

Communism was not defeated by military force, but by life, by the human spirit, by conscience, by the resistance of Being and man to manipulation. It was defeated by a revolt of color, authenticity, history in all its variety and human individuality against imprisonment within a uniform ideology.

This powerful signal is coming at the 11th hour. We all know civilization is in danger. The population explosion and the greenhouse effect, holes in the ozone and AIDS, the threat of nuclear terrorism and the dramatically widening gap between the rich north and the poor south, the danger of famine, the depletion of the biosphere and the mineral resources of the planet, the expansion of commercial television culture and the growing threat of regional wars—all these, combined with thousands of other factors, represent a general threat to mankind.

The large paradox at the moment is that man—a great collector of information—is well aware of all this, yet is absolutely incapable of dealing with the danger. Traditional science, with its usual coolness, can describe the different ways we might destroy ourselves, but it cannot offer us truly effective and practicable instructions on how to avert them. There is too much to know; the information is muddled or poorly organized; these processes can no longer be fully grasped and understood, let alone contained or halted.

We are looking for new scientific recipes, new ideologies, new control systems, new institutions, new instruments to eliminate the dreadful consequences for our previous recipes, ideologies, control systems, institutions and instruments. We treat the fatal consequences of technology as though they were a technical defect that could be remedied by technology alone. We are looking for an objective way out of the crisis of objectivism.

Everything would seem to suggest that this is not the way to go. We cannot devise, within the traditional modern attitude to reality, a system that will eliminate all the disastrous consequences of previous systems. We cannot discover a law or theory whose technical application will eliminate all the disastrous consequences of the technical application of earlier laws and technologies.

What is needed is something different, something larger. Man's attitude to the world must be radically changed. We have to abandon the arrogant belief that the world is merely a puzzle to be solved, a machine with instructions for use waiting to be discovered, a body of information to be fed into a computer in the hope that, sooner or later, it will spit out a universal solution.

It is my profound conviction that we have to release from the sphere of private whim such forces as a natural, unique and unrepeatable experience of the world, an elementary sense of justice, the ability to see things as others do, a sense of transcendental responsibility, archetypal wisdom, good taste, courage, compassion and faith in the importance of particular measures that do not aspire to be a universal key to salvation. Such forces must be rehabilitated.

Things must once more be given a chance to present themselves as they are, to be per-



ceived in their individuality. We must see the pluralism of the world, and not bind it by seeking common denominators or reducing everything to a single common equation.

We must try harder to understand than to explain. The way forward is not in the mere construction of universal systemic solutions, to be applied to reality from the outside; it is also in seeking to get to the heart of reality through personal experience. Such an approach promotes an atmosphere of tolerant solidarity and unity in diversity based on mutual respect, genuine pluralism and parallelism. In a word, human uniqueness, human action and the human spirit must be rehabilitated.

The world today is a world in which generality, objectivity and universality are in crisis. This world presents a great challenge to the practice of politics, which, it seems to me, still has a technocratic utilitarian approach to Being, and therefore to political power as well. Many of the traditional mechanisms of democracy created and developed and conserved in the modern era are so linked to the cult of objectivity and statistical average that they can annul human individuality. We can see this in political language, where cliché often squeezes out a personal tone. And when a personal tone does crop up, it is usually calculated, not an outburst of personal authenticity.

Sooner or later politics will be faced with the task of finding a new, postmodern face. A politician must become a person again, someone who trusts not only a scientific representation and analysis of the world, but also the world itself. He must believe not only in sociological statistics, but also in real people. He must trust not only an objective interpretation of reality, but also his own soul; not only an adopted ideology, but also his own thoughts; not only the summary reports he receives each morning, but also his own feeling.

Soul, individual spirituality, firsthand personal insight into things; the courage to be himself and go the way his conscience points, humility in the face of the mysterious order of Being, confidence in its natural direction and, above all, trust in his own subjectivity as his principal link with the subjectivity of the world—these are the qualities that politicians of the future should cultivate.

Looking at politics "from the inside," as it were, has if anything confirmed my belief that the world of today—with the dramatic changes it is going through and in its determination not to destroy itself—presents a great challenge to politicians.

It is not that we should simply seek new and better ways of managing society, the economy and the world. The point is that we should fundamentally change how we behave. And who but politicians should lead the way? Their changed attitude toward the world, themselves and their responsibility can give rise to truly effective systemic and institutional changes.

(Vaclav Havel, the President of Czechoslovakia, spoke at the World Economic Forum in Davos, Switzerland, on Feb. 4. His address is excerpted here.)

#### DEATH OF SENATOR RIEGLE'S FATHER

Mr. SIMPSON. Mr. President, I wish to express my sympathy to our fine colleague from Michigan, Senator DON RIEGLE, a friend of all of us, at the death of his father, if I may do that.

My father is still living and I know what a hollowess it would be in my life in the event of his passing. So to my friend—and I do mean that—from Michigan, we do not vote together a great deal of the time, but I can tell you, I have high regard for him and enjoy him thoroughly and I express my deepest sympathy to him.

Mr. RIEGLE. I thank the Senator for his gracious comments. Anyone who has gone through the loss of a parent understands it in a way that you cannot any other way. It is a great loss. But I am touched by the sentiment of my colleague and many others who have spoken to me. I thank the Senator, and my dad as well would be most appreciative.

#### IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by Congress stood at \$3,856,093,332,821.78, as of the close of business on Monday, March 16, 1992.

As anybody familiar with the U.S. Constitution knows, no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers \$286,022,000,000 just to pay the interest on spending approved by Congress—over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to \$5.5 billion every week, or about \$785 million every day of the year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

#### NATIONAL AGRICULTURE WEEK: FARM CHANGE CONTINUES

Mr. PRESSLER. Mr. President, at this time, many American farmers and ranchers are beginning their efforts for 1992. This is also a time of great change and exciting new developments in agriculture. New efforts in soil and water conservation, animal and plant research, biotechnology, alternative and new uses for agricultural crops and agricultural credit are under way.

The farmer of tomorrow will be even more efficient than today's farmer, harnessing the wonders of science and advanced technology to produce more with fewer hours of labor. Farms and ranches will be transformed by advanced mechanization, telecommunications, energy conservation and plant and animal genetic research.

Some of the changes predicted for agriculture are almost upon us; others are years away. While the daily life of the farmer will still center on the fundamental activities of planting, ranching, harvesting and marketing, the farmer and rancher of tomorrow will

need to master many skills in addition to basic agricultural training.

Those in agriculture will spend less time in the fields or pastures and more time in the office. To make cost-effective decisions, the farmer will need to better understand domestic market forces, world markets and how these factors change with the national and world economy. A basic knowledge of electronics and computers will permit the farmer to adapt to changes in telecommunications and data processing. By keeping up with advances in technology and science, the farmer of tomorrow will be able to produce more crops, in wider variety, with fewer hours of labor.

Future developments will produce farm equipment similar to aircraft with automatic pilots. Minicomputers will allow the farmer to punch in the day's activities and let machines do most of the work. Farmers can look ahead to the day when work on the farm or ranch might be conducted by automatic machinery, controlled by computer programs and supervised by television scanners atop monitor towers. Procedures already are in place for livestock auctions to take place via video-cam transmissions. Cattle buyers can hook into their computers and TV's and purchase cattle right from their office.

Another form of technology already available is the use of an in-home computer to program operational needs and costs. Financial data stored in the computer can be retrieved easily for review and update. The farm computer brings market prices, minute by minute, directly to the farmer, permitting the most cost-efficient purchases of seed, fertilizer, parts and other supplies.

The computer also permits the farmer to monitor that traditionally unknown factor—nature. Satellite dishes on the farm will be able to receive signals from orbiting satellites that transmit weather conditions, allowing the farmer to calculate weather risks. Other space technology will permit better measurement of land use, assessments of crop conditions, prediction of yields, detection of plant disease and insect infestation, and determination of the suitability of soil for particular crops.

Vast changes in farm machinery are just around the corner. The short-term goals are to enhance energy efficiency and safety. Larger yet lighter equipment with more horsepower will reduce fuel consumption. Alternative fuel sources reduce energy costs; reduce this country's dependence on foreign oil imports, and help this country meet Federal energy and Clean Air Act standards.

Mr. President, this is demonstrated in South Dakota, which leads the Nation in ethanol use. Within a year, it is quite possible that South Dakota will

become the first State in the Nation in which half the gasoline consumed is an ethanol blend. I ask unanimous consent that a recent press release on this subject be printed in the RECORD at the conclusion of my remarks.

Agricultural research will lead to ever more practical ways for the farmer of tomorrow to trap and store energy from natural resources right on the farm. Some farmers already are using farm byproducts to produce fuel. In the future, many will rely on energy generated from solar and wind collection to reduce the use of fossil fuels.

The farmer of tomorrow will be more concerned than ever with conservation tillage and other advances that allow more efficient use of less-than-prime land. The dwindling supply of water will require improvement in distribution systems, irrigation scheduling and the recycling of waste water.

There are also new crops on the horizon for the American farmer. Major work in the next decade will concentrate on gene splicing and plant and animal genetic research. More hybrids will come first, but farmers also will see the introduction of entirely new crops and possibly disease-resistant animals.

Mr. President, I am proud to say that such a scientific breakthrough was announced last week by South Dakota State University. Veterinarians at SDSU discovered a genetic source of disease susceptibility that soon will give swine breeders a chance to produce disease-resistant pigs. Research such as this can save producers millions of dollars every year. Dr. David Francis, a veterinary science microbiologist at SDSU is responsible for this research feat, along with SDSU postdoctoral fellow Dr. Alan Erickson. Others working on the research are SDSU scientists JoAnn Willgohe, Sandy McFarland, Dr. Jane Hennings and Dr. David Benfield.

I commend this fine work at South Dakota State University and ask unanimous consent that an article on this subject be printed in the RECORD at the conclusion of my remarks.

Mr. President, in 1987, a new and mysterious swine disease struck the United States which cost producers \$250 to \$500 in lost pigs per sow. Just last year, SDSU scientist Dr. David Benfield and research associates Dr. Jane Hennings and Eric Nelson led a three-State effort that made history by uncovering the cause of mystery swine disease. While many scientists across the country looked for the causes of this disease, it was the SDSU led team that identified the virus and is now working on a vaccine. Mr. President, I ask unanimous consent that an article on this work by SDSU scientists be printed in the RECORD at the conclusion of my remarks.

The future here is limitless. To meet the growing demand for food, crops will

be developed that are more nutritious than today's. Researchers are now working on retrieving food protein from tobacco before the leaves are processed, with no ill effect on tobacco quality. Even the orchards of the future will be different as dwarf orchards are developed to enhance efficient harvesting. Self-fertilizing plants are being developed to reduce the need to add chemicals to the soil. In the future, many plants will be naturally immune to pests and diseases that today must be controlled with chemicals.

Mr. President, I am also very proud that in little over 1 year's time, the Northern Plains Biostress Laboratory will open on the campus of South Dakota University. Biostress—drought, floods, blizzards, insects, soil erosion—is the biggest impediment to world food production. These factors ultimately show up in grocery bills and affect how well we eat. The Northern Plains Biostress Laboratory offers an opportunity for this nation's scientists and agricultural producers to join together in assuring an economical supply of food and fiber for the United States and the world. It will be a highly focused, cooperative research offensive against the environmental and biological stresses that plants, animals, and humans endure. I was pleased to play a role in efforts to create this facility and look forward to its opening next year. Farmers, ranchers, consumers, and the environment will benefit from this needed research.

As today's young people enter agriculture as a career, they can look forward to more productive farming and new and exciting developments. The farmer of tomorrow will face repeated adaptations to change and a lifelong effort to keep informed. The challenges ahead are great, but American farmers and ranchers stand poised to successfully face those challenges.

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

[From the Brookings Daily Register, Mar. 10, 1992]

#### SDSU HITS PIG DISEASE BREAKTHROUGH (By Molly Miron)

BROOKINGS.—A scientific break-through announced today by the South Dakota State University veterinarians will soon give swine breeders a chance to sell disease resistant pigs.

For years, horticulturists have bred blight and rust resistance into everything from tomato plants and wheat to lilacs and asters. Research recently completed by Dr. David Francis, a veterinary science microbiologist at SDSU, will make it possible for swine breeders to develop a similar resistance to disease in pigs.

Francis, along with Dr. Alan Erickson, SDSU postdoctoral fellow, have isolated the protein that gives certain pigs susceptibility to the disease. Others working on the research are JoAnn Willgohe, Sandy McFarland, Dr. Jane Hennings and Dr. David Benfield, all scientists in the SDSU veterinary science department.

As a result of the discovery, Francis said, breeders within a few years will be able to advertise their herds as genetically resistant to colibacillosis bacteria, a pathogen which causes a commonly fatal infection in young pigs.

The loss of animals from the disease costs producers millions of dollars every year and the disease is considered the biggest threat to pigs under 30 days old.

A receptor on the cells lining the intestines of susceptible pigs allows the bacteria access to the cells and throws off the natural secretion system, causing an infection similar to the human cholera disease. Colibacillosis causes scours, dehydration and death in the susceptible animals. Pigs that do not inherit the gene for the protein are resistant to the disease, so selective breeding of those animals will result in offspring resistant to any of the bacterial strain that cause colibacillosis.

"We've identified the receptor," Francis said.

Unlike horticulturists who make plant crosses from wild species to find resistant phenotypes, Francis said swine specialists have known for years that the pig population across all breeds is split into the resistant and susceptible lines. The problem has been to identify which animals carry the defective gene.

Now that they have identified the receptor from the intestinal cells, the research team expects to develop within three to five years, a gene probe which will allow them to find susceptible pigs by a simple blood test. "With a gene probe, it doesn't matter which cell you use," Francis explained.

He said anecdotal evidence of genetically resistant animals has existed for many years. For example, more than 100 years ago, an epidemic of foot-and-mouth disease wiped out most of the cattle in France, but one cow on one farm survived. Many years later when another outbreak of the fatal disease swept the country, the progeny of that cow were the ones who stayed healthy while their herd mates succumbed to the disease.

Francis said the discovery is a breakthrough because it can open the door for research on genetic resistance to other animal diseases. Someday, animals will be bred to resist many other damaging diseases.

"They've been doing it for years with plants, but animal breeders have resisted it, possibly because they have vaccines and antibiotics, but those are the fire engine approach," Francis said.

The research cost about \$250,000 over three years, Francis said, but the cost will be returned in lower swine production costs. Funding has come from the U.S. Department of Agriculture and the South Dakota EPS Cor Program.

#### THREE-STATE RESEARCH EFFORT SOLVES MYSTERY SWINE DISEASE

BROOKINGS, S.D.—The "mystery" is gone from Mystery Swine Disease (MSD), as a result of a three-state research project in which South Dakota State University scientists and graduates played major roles.

Through a team effort involving a private laboratory and two universities, scientists found the cause of the mystery disease, isolated a virus, reproduced the disease symptoms from the virus, and then recovered the same virus from the diseased animals.

This virus is now being characterized and classified at SDSU, where a diagnostic test is now in use on some South Dakota herds.

Development of a vaccine by the cooperating Missouri firm is under way, and sci-



entists will soon know through serological tests just how prevalent the disease is among herds in South Dakota and probably other farm states.

Cooperating in this team research enterprise are Boehringer Ingelheim Animal Health, Inc. (BIAHI) of St. Joseph, Mo., now working on a vaccine, the University of Minnesota, and SDSU.

An SDSU staff member and a "key player" in the unfolding developments, is Dr. David Benfield, professor of veterinary science and a researcher in the university's Animal and Disease Research and Diagnostic Laboratory (ADRD).

What Dr. Benfield has done is taken a field sample provided by the University of Minnesota from a pig infected with MSD and used the material to produce respiratory symptoms in germ-free pigs in a bubble environment at SDSU. He also amplified the material for use by other researchers.

This material from the infected pigs was then supplied to BIAHI whose scientist Lou Harris isolated the virus. The cell-line grown virus was sent back to SDSU where Benfield again reproduced the respiratory part of the disease in germ-free pigs. The same material went to the University of Minnesota where scientists reproduced the reproductive symptoms in pregnant sows. The same virus was then recovered from the germ-free pigs and from piglets of infected sows. This process satisfied Koch's postulate for proof of having found the disease-causing organism.

The University of Minnesota's major player in this research is Prof. James Collins, who, incidentally, was a graduate student of Benfield's while he was on the staff at SDSU's diagnostic lab some years ago.

Benfield and his team at SDSU are in the process of characterizing and classifying the virus involved and also are beginning to assess the prevalence of the disease in South Dakota and determine whether general herd vaccination will be warranted in this state. SDSU's team is also improving the diagnostic test procedure.

In the private sector, the next step will be production of a vaccine. At BIAHI, vaccine development is under way, but no timetable has been set for completion, licensing or use in public, said Dan Chladek, director of biological research and development. Chladek, a native of Leesterville, S.D., is another graduate of South Dakota State University.

Mystery swine disease, new to the United States in 1987, can be economically devastating when it strikes a herd, typically costing a producer \$250 to \$500 per sow in lost pigs.

The disease causes reproductive disorders in sows (stillborn and weak live born pigs and mummified fetuses) and respiratory disorders in neonatal, weaned and feeder pigs.

While known to producers in this country as mystery swine disease, the set of symptoms is known to the veterinary medical profession as SIRS, for Swine Infertility and Respiratory Syndrome. A very similar disease known as PRRS, for Porcine Reproductive and Respiratory Syndrome, is present in Europe.

Dr. John Thomson, head of SDSU's ADRDL, said mystery swine disease or SIRS, until the discoveries by Benfield and the rest of the team, was the most investigated and unidentified pathogen facing the swine industry.

Benfield and associates in Missouri and Minnesota "have been able to do what no other researchers in the United States have been able to do, and that is come up with the causative agent," Thomson said.

Several herds in South Dakota are believed to have the disease. The extent of the disease

across the state is not yet known, but a serum bank already collected by SDSU's diagnostic laboratory from a cross-section of South Dakota swine herds will be used by Benfield to determine the prevalence of the disease in this state.

The SDSU team working on SIRS since 1990 has been Benfield as project leader and Eric Nelson and Dr. Jane Hennings, research associates.

SDSU has contributed expertise in gnotobiology, virology, and diagnostic techniques. The use of gnotobiotic pigs, that is pigs born and kept in a germ-free environment, enabled these investigators to reproduce a disease without confusion from secondary infections or pathogens, Thomson explained.

Benfield, while characterizing and attempting to classify the virus, has discovered this much. The agent is a virus. It is between 50 and 100 nanometers in size. It can be inactivated by some chemical agents. The virus is relatively stable by temperature and survives freezing, although it can be inactivated by heat. Method of transmission is probably by aerosol and nose-to-nose contact.

Benfield said, "Taking the 'mystery' out of MSD (or SIRS) would not be this far along if it had not been for the interaction between the three collaborators."

Thomson pointed out that the project in South Dakota has enjoyed grass-roots support, including contributions from the S.D. Pork Producers Council, the National Pork Producers Council, the S.D. Veterinary Medical Association, and BIAHI.

Many researchers across the country have been looking for the cause of SIRS and thought they had found it, but were mistakenly identifying the disease organism for secondary infections, Thomson said.

"We may find other pathogens involved with SIRS, but SDSU's findings are definitely a major piece of the puzzle," he added.

SDSU's gnotobiotic facilities enabled accurate identification of the virus, which Benfield reported at the Minnesota Swine Conference for Veterinarians in September in Minneapolis. Collins also spoke at that conference which set off a flurry of articles in the farm press.

"Since the disease is transmitted from the sow to the fetuses, scientists may be able to vaccinate the dam and get protection for the fetus," Benfield suggested.

Benfield's optimism for a successful vaccine from BIAHI is supported by the fact that infection in a herd seems to impart immunity to the survivors.

#### PRESSLER PRAISES SOUTH DAKOTA ETHANOL INDUSTRY

WASHINGTON, DC.—"Ethanol blended gasoline has achieved a 42 percent market share in South Dakota. This figure is up from 34 percent in 1991 and just 13 percent in 1990. These numbers clearly indicate a promising future for ethanol, which burns cleaner than gasoline," Senator Larry Pressler said today.

"If the present trend continues, South Dakota soon will become the first state in the nation to achieve a 50 percent market share for ethanol blended fuel," Pressler said.

Pressler praised the South Dakota Corn Growers Association and the South Dakota Corn Utilization Council for their work in promoting the use of ethanol. "Increasing ethanol use provides additional markets for South Dakota corn growers, benefits the state's agricultural economy and decreases the United States' dependency on foreign oil," said Pressler.

"If other states follow South Dakota's lead, economic benefits from ethanol production and consumption will benefit many South Dakota communities," Pressler concluded. "The ethanol utilization figures are good news for South Dakota corn growers, the ethanol plan at Scotland and other sites currently in the planning stage."

#### GRASSROOTS GOVERNMENT IN SRI LANKA

Mr. PRESSLER. Mr. President, I recently returned from a trip to Sri Lanka. As the first Senator to visit this small island country in a decade, I would like to highlight briefly one of the interesting governmental features of Sri Lanka—the President Mobile Secretariat.

President Premadasa of Sri Lanka initiated this innovative and truly ambitious outreach program in his country. Historically, if a citizen of Sri Lanka needed to transact business with the Government, that individual was forced to travel to the capital city of Colombo. This was true not only for addressing problems citizens had with their government, but even to secure such basic documents as a birth certificate.

In an effort to make the Government more responsive to its citizens, the Premadasa government literally has taken to the road. Approximately four times per year, the entire Government—all 28 ministries—packs up and relocates to a city in an outlying district for several days. I was lucky enough to be in the country during one such period.

Mr. President, it is difficult to understand what I am describing without actually seeing the program in action. This is no token gesture. The ministers and secretaries themselves, including the President and Prime Minister, travel with the secretariat. They set up tables and meet directly on a one-to-one basis with any citizen who wishes to come. It is truly extraordinary.

The day I visited was the third and last day of the government's relocation to the state of Kalutara. I was told that in the first 2 days, 25,000 citizens of Sri Lanka had met with their leaders. This is easy to believe based on the throngs of people I witnessed patiently waiting in lines to talk with officials of their government. I also learned the process begins will before the 3 days the Government relocates. Prior to the event, each secretary visits the area to establish a secretariat and do preliminary work. By the time all the ministers arrive, the Government's service to its people is well under way.

When possible, problems are handled on the spot. Complex issues which require additional consideration are initiated with a promise of followup. I am told, both by officials and random members of the crowd of citizens with whom I spoke, that this followup does occur. Nobody is turned away without an answer.

I witnessed the Prime Minister, the Minister of Public Administration and Home Affairs, the Foreign Minister, the Minister of Housing and Construction, and others meeting with individual after individual as they presented their grievances and problems. It was a scene like nothing I have ever witnessed. It was grassroots government at its finest. In a word, Mr. President, it was inspiring.

In my meeting with President Premadasa in his office later that afternoon, he explained that this outreach is only the beginning. The plan, when fully implemented, will replace the mobile secretariat with permanent branch offices of the various ministries in each district. The goal is to create a system under which people can obtain everything from birth certificates to death certificates close to home.

Mr. President, President Premadasa faces many challenges. Ethnic tensions persist among the Buddhist majority Sinhalese, the Hindu Tamils, and the Muslims. These tensions are centuries old and will not be resolved quickly. They are embodied today most graphically in the continued fighting between the Government and the Liberation Tigers of Tamil Eelam. These historic ethnic tensions have given rise to concerns over Sri Lanka's human rights conditions. I am pleased to report that progress is being made in this area. President Premadasa outlined his efforts with regard to human rights and I encouraged him to continue making advancements. I believe he will.

The economic situation in Sri Lanka presents additional challenges for President Premadasa and the people of that country. The Government is continuing efforts to replace a socialistic legacy with a free market economy. The country enjoys high social indicators: an amazing 90 percent literacy rate, a 70-year life expectancy and adequate food.

Yet, President Premadasa indicated that joblessness remains a major problem. Educated but inexperienced youth grow increasingly restless when they are unable to find work. The Government has responded by creating a program that provides support to families for a period of 2 years while they get on their feet. In addition, incentives are being devised to improve investment in new and existing ventures, with an eye toward job creation. These represent just some of the initiatives President Premadasa has taken in his effort to continue his country's evolution from socialism to a free market economy.

Mr. President, I applaud the efforts of President Premadasa of Sri Lanka. Ultimately, the success of any government turns on its responsiveness to the needs of its citizens. Through his Presidential Mobile Secretariat and programs to address ethnic conflict, human rights, and the economic well being of his constituents, President

Premadasa is attempting to do just that. I wish him great success.

#### REFERENDUM RESULTS ENCOURAGE SUCCESSFUL NEGOTIATIONS IN SOUTH AFRICA

Mr. PRESSLER. Mr. President, I commend the people of South Africa on the results of the referendum among white voters held yesterday. Yesterday's vote means the movement toward ending apartheid is now irreversible.

That a large white majority voted in favor of continuing negotiations toward a new constitution is most encouraging. The South African Government and its major opponents, Inkatha and the African National Congress [ANC], are sitting around the negotiating table. The next session of constitutional talks—known as the Conference on a Democratic South Africa [CODESA]—is scheduled for later this month. It is my hope that this vote will help to ensure these efforts succeed.

The future of South Africa still hangs in the balance. Now that white voters have spoken, I believe it can be argued fairly that the ANC and its allies—the so-called Patriotic Front—have the responsibility to help all South Africans feel more comfortable about a transition to representative government. It is time for the ANC to distance itself from the militant South African Communist Party and to move toward recommending a free market economy rather than socialism and nationalization.

Mr. President, I especially commend President F.W. de Klerk and the South African Government for their courage in calling yesterday's referendum. I am pleased to join the Senator from Wyoming, Mr. WALLOP, and other Senators in supporting a resolution to express the sense of the Senate in favor of peaceful negotiations for a new South African constitution.

#### SOUTH AFRICA REFERENDUM

Mrs. KASSEBAUM. Mr. President, President de Klerk, of South Africa, has just said today—which is, as a matter of fact, his birthday—that South Africa has closed the book on apartheid. This is, indeed, a turning point in the history of South Africa.

I would also add that I believe, in many ways, it to be a turning point in history for all sub-Saharan Africa.

I think the election yesterday, the referendum, was a dramatic event, and, clearly, white South Africans voted overwhelmingly to support the peaceful negotiation process in that country.

I salute President de Klerk, and congratulate him on receiving a clear mandate for white South Africans to continue the efforts to abolish apartheid and establish a nonracial democracy.

I join with the international community in commending yesterday's vote for a future of hope and peace, a vote which I am sure, to many, was not an easy vote, but it was one in which they were voting for the future of their country. Thousands of people lined up to vote. It was indeed a dramatic moment, and it is now clear that the day will come soon when South Africa will become a full member of the international community.

Now is the time for all South Africans, whether black, white, Indian, or colored, to join together in the ongoing effort to forge a new nation. All violence and oppression, we hope, will be completely ended. Peaceful negotiations offer the only path to a new and democratic South Africa.

We, in the United States, must also continue to encourage the peaceful process in South Africa.

While most Federal trade and investment sanctions have already been lifted, over 145 State and local governments continue to impose sanctions against South Africa.

Following yesterday's vote, I call on these local and State governments to carefully evaluate these remaining trade investment restrictions. It seems to me, Mr. President, it is a great opportunity to express our support for the courageous and important referendum that was cast yesterday in South Africa.

Clearly, the road ahead will not be easy. The brutal legacy of apartheid will haunt South Africa for decades. An entire generation of young South Africans have lost their opportunity for an education. Unemployment is high. Violence continues in the townships. Right wing reactionaries threaten to disrupt the process.

Despite these difficulties, South Africans can now see the light at the end of the tunnel. Yesterday's vote demonstrates that not only the majority of nonwhite South Africans but also white South Africans have chosen the peaceful path to a new nonracial and democratic South Africa.

Mr. President, today is a hopeful day. Led by two extraordinary and courageous leaders—Mr. Nelson Mandela and President F.W. de Klerk—South Africa is moving toward a new and promising future.

I yield the floor, Mr. President.

Mr. CHAFEE. Mr. President, I just say to the distinguished Senator from Kansas that I think no one in this Chamber has followed the situation in South Africa more than she has. So, I and, I suspect, many, many others in this Chamber rely upon her appraisal of what is taking place.

So, for the words of commendation that the Senator has given to Mr. Mandela and Mr. de Klerk and what they have accomplished, I particularly think we ought to tip our hat to a considerable degree, not making compari-



sons, to what Mr. de Klerk did which was really extraordinary. I noticed he did not get any help at all from his predecessor, Mr. Botha, which made us all a little bit nervous for a while because Mr. Botha spoke out strongly among that group that would be voting.

But it was good news, and having the Senator from Kansas make it good news makes me feel even better.

Mrs. KASSEBAUM. I certainly thank the Senator for his comments.

It was really a thrill. I add the voters of South Africa to that list because I am sure it was a vote that they stood up and counted with great pride, but also with some trepidation. I am sure. But I think it is, as President de Klerk said today, a turning point, and it was a real thrill for those of us who have watched the struggle there.

Mr. CHAFEE. One of the proposals that the Senator from Kansas made was that these restrictions, or sanctions, I guess is the proper word, that have been applied by various communities and States on holding, for instance, securities of those companies that do business in South Africa, the suggestion of the Senator from Kansas was that it is time to lift those sanctions. I would be interested in what the Senator's response would be to challenge that—and I am not adopting this argument, but I am curious, and it is certainly one that could be brought up, and that is lot—those sanctions got us all of this. Now is the time to keep them on, so that we can make sure that this thing stays on track, and as in the expression, keep their feet to the fire. What is the Senator's answer to that point?

Mrs. KASSEBAUM. I think it will be raised, Mr. President. My answer to that is what is very important now to South Africa is the climate of investment and vitality for business, so that there can be jobs. There is a very high unemployment rate.

What is needed is the energies of those who will assist with education, particularly for black South Africans that have been neglected for years. What is needed is training skills in the business community, and the business community willing to go back in and help with that education and training. That is why it seems to me it serves a very useful purpose at this juncture to be able to encourage the business community around the world to go in and work for the positive efforts here, as the Constitution moves forward, and it essentially guarantees the adoption of a very positive Constitution.

There are those who will worry that it might become less than it could be. I share the view with those who feel indeed that this is a strong mandate for President de Klerk, a recognition that indeed he can move forward with great support, and it must happen. It simply must happen. I think the key to that is

the ability to go back in from the business community and help to find jobs and training.

Mr. CHAFEE. I was wondering whether the Senator would think, if the sanctions were lifted—the sanctions were twofold, I guess. One is that for bad State pension funds, it would prevent them from holding securities in companies that were doing business in South Africa. The other was State sanctions against—or local community sanctions against purchasing any goods from companies that were doing business in South Africa. If that were lifted, many of them, I wonder if many American companies would go back in, or whether in this present economic climate, with companies not having much money to expand, it would make that much difference.

Mrs. KASSEBAUM. Mr. President, clearly, I think that Senator CHAFEE makes a good point. I am not sure it would make that much difference, but I do not think there should be that impediment either, because clearly there are opportunities here. I do not think there would be a dramatic rush back, but it would be something that I think would show positive support for what is clearly, I believe, a very positive action on the part of white South Africa.

Mr. CHAFEE. I thank the Senator.

Mrs. KASSEBAUM. I yield the floor.

#### CARDINAL LAW'S ST. PATRICK'S DAY ADDRESS ON NORTHERN IRELAND

Mr. KENNEDY. Mr. President, on St. Patrick's Day in Boston yesterday, Bernard Cardinal Law, Archbishop of Boston, delivered an eloquent address on the tragic conflict in Northern Ireland. Cardinal Law had just returned from a visit to Ireland, and his address is fresh with important insights into the causes of the conflict and the possibilities for a peaceful resolution. Many of us in Congress are concerned about this issue and hopeful that a productive way forward can be found. Clearly, the United States has a role to play in ending support for violence and encouraging the parties to achieve a peaceful settlement that respects the rights of both the Catholic and Protestant communities in Northern Ireland. Cardinal Law has offered a perceptive and persuasive commentary on these complex issues. I believe it will be of great interest to all of us in Congress, and I ask unanimous consent that it may be printed in the RECORD.

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

ST. PATRICK'S DAY STATEMENT OF BERNARD CARDINAL LAW, ARCHBISHOP OF BOSTON, MARCH 17, 1992

Last Sunday throughout Ireland there came forth from the heart of that people a prayerful plea for peace. Let the world note what occurred: Catholics and Protestants

raised their hearts in unison of petition to God for the end of violence and the establishment of that atmosphere of peace which is essential for political dialogue.

A hope borne of faith makes this prayer possible. Nonetheless, the fulfillment of that hope faces many obstacles. The enemies of peace are many. One of the most persistent enemies of peace is that pessimism which is convinced that old enmities can never be put to rest. What fires this kind of pessimism is a long memory coupled with an unforgiving spirit. That is an unbeatable combination for dashing the hope for peace. This kind of pessimism is found among Catholics and Protestants and has its devotees on all sides of the political issue. It finds its home in the North and South, in Irish hearts as well as British. If one's starting point is this pessimism, then all is lost. If, on the other hand, one firmly asserts that peace is possible, then there is hope.

Another enemy of peace is violence. There is no political solution to be won by violence. Violence simply begets violence—it becomes an end in itself, spawning subcultures of violence on both sides of the political divide. It is essential that the veneer of sentimentality and nostalgia be stripped away from the violence of paramilitary groups of whatever kind, and that they be exposed in public view as enemies of the common good of all Irish people.

Outlawed violence is not the only enemy of peace, however. So, too, is any form of military and police presence which seems to treat an entire population as suspect. However justified some measures may appear to the British government, it must be understood that the constant harassment of young people and the massive shows of armed force at funerals are a constant affront to countless Irish.

Another enemy of peace is resistance to dialogue. All parties with a legitimate stake in the future of the North of Ireland must be welcome participants to that dialogue. This includes the British government and the Irish government, and all political factions of the North. A condition to that participation on the part of all who genuinely wish for dialogue must be the unequivocal rejection of violence as an acceptable means to a political solution for the North of Ireland. It may be that preliminary soundings to test the genuineness of Sinn Féin's desire to disassociate itself completely from violence might pave the way for the eventual inclusion of Sinn Féin in multilateral discussions.

Discrimination against the Catholic minority in the North is an enemy to peace. The British government has made efforts to address this in the private economic sector, in patterns of government hiring, and in housing; more needs to be done. Education remains an area in which the British government appears to have difficulty in recognizing the legitimate concerns of the Irish Catholic minority. An early and positive response to these concerns would be an earnest indication of the British government's commitment to impartial and equal treatment of both traditions and to their stated policy of allocating resources to areas of special need.

Not only is the historic discrimination suffered by the Catholic minority in the North of Ireland an enemy of peace. So, too, is the feared discrimination by the Protestant majority as it contemplates some possible political scenarios. It is essential that all plans for the future of the North of Ireland include clear and unambiguous provisions to ensure policies which are non-discriminatory to Protestants and Catholics alike.

Enemies to peace closer to home are the well-intentioned but badly informed gestures and rhetoric which would support the paramilitary forces of violence in Ireland. We need among ourselves, private citizens and public officials, a well-honed discipline which avoids even the appearance of support for the purveyors of violence. Any support of these criminal groups should be recognized as itself a criminal act, and it should be dealt with accordingly.

Another enemy to peace is the apathy or indifference of our nation to the centuries old tragedy that is the North of Ireland. Except for predictable bursts of activity around the 17th of March, there is apparently no determined effort either in the Congress or at the level of the Administration to advance this issue in our dealings with the British and Irish governments. Nor is there any effort to involve international bodies such as the European Community, the Conference on Security and Cooperation in Europe, or the United Nations. Much is said about efforts to elaborate a new world order. Yet the North of Ireland has not found an appropriate place in any of these plans. The political will of Irish-Americans in particular should demand an end to this not so benign neglect.

Another enemy to peace is a press and electronic media so driven by advocacy of socially revolutionary theories that they resort to caricature of the Catholic Church in Ireland, thus sowing disdain, distrust and division. Nowhere was this more evident than in the handling of the recent tragic case of the young pregnant girl who was a victim of rape. However some might disagree with Catholic teaching and practice, its approach to such a compelling human drama is compassionately holistic, a quality sadly missing in the media's hysteric hype.

An isolationist approach to the problems of the North of Ireland is an implacable enemy of peace. Both the British and Irish governments as well as the various political factions within the North of Ireland have an essential role to play in the development of a viable solution. It is encouraging to note that both governments have become more effectively engaged in the political dialogue. Of particular note is the fact of the All Party Talks which took place on March 9, and the forming of The Business Committee to plan the conduct of future meetings. This bodes well for the future.

The Catholic Church throughout Ireland, and Irish Protestant brothers and sisters as well as others of good will, are one in the hope borne of faith that peace is possible. We need to cast out the enemies of peace together. We need to deepen our common prayer. We need to work for a just, political solution.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

#### UNITED STATES-CHINA ACT—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of the President's veto message on H.R. 2212.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

The House of Representatives having proceeded to reconsider the bill (H.R. 2212) enti-

tled "An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved, that the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The Senate proceeded to reconsider the bill (H.R. 2212), the act regarding most-favored-nation treatment to the products of the People's Republic of China returned to the House by the President on March 2, 1992, without his approval, and passed by the House of Representatives, on reconsideration, on March 11, 1992.

The PRESIDING OFFICER. Under the previous order, there shall be 4 hours of debate.

The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I yield myself such time as I may require.

Mr. President, 2 weeks ago President Bush vetoed the legislation we are considering today. Today we are deciding whether that veto should be sustained or whether the view of a clear majority of the Senate should prevail.

In his veto message, the heart of the President's argument is that this bill is unnecessary because his China policy is working. Mr. President, anyone familiar with China's trade policy today with China's arms sales policies and with its human rights practices cannot believe that that is the case. The China policy is not working.

Let us look at the record. Our trade deficit with China has increased from \$3.5 billion in 1988 just before President Bush took office to \$12.7 billion in 1991. That's a 360-percent increase. That deficit costs us over 250,000 American jobs in this country—jobs that many American families sorely need.

I have spoken before about some of these barriers to trade that have been put up by China, some of the problems our exporters face in trying to break into China's market.

Let me give an example. If you want to export autos to China, you have to provide two free cars for testing. Then you have to pay \$40,000 for their testing of our cars. Then you have to foot the bill for these Chinese inspectors to come to this country to inspect the factory. None of that is required of Chinese-made cars.

Now the President calls his policy a success because he has reached one agreement with China on protecting intellectual property rights. But that agreement does not affect the auto barriers I just mentioned or the barriers on thousands of other products.

A second agreement to open China's markets more generally to American exports eludes us. The Chinese are stalling on that agreement and, in the meanwhile our trade deficit with China has become our second largest and is the fastest growing. It reached \$13 bil-

lion last year. By any standard, our trade policy toward China has not been a success.

The President responds by proudly pointing to China's decision to sign the Nuclear Nonproliferation Treaty and to abide by the Missile Control Technology Regime guidelines. What are the results? What are the realities? What are the facts? At the very same time as China has made these promises, we have reports of China's sales of weapons and nuclear technology into the Middle East. That suggests their promises are not being met in reality, indeed. Again, you cannot call that a success.

Finally for the political prisoners still held by the Beijing Government the President's policy toward human rights in China must be considered a failure. China's treatment of its own people is callous and repressive. It offends the most deeply held democratic convictions of the American people.

The President cites as an achievement of his policy the fact that China is now willing to discuss our human rights concerns after years of stonewalling. Mr. President, the administration may believe that more talk is a victory. I for one take little comfort in that, especially when China's dictators continue to crush those who challenge them.

Just the day before the Senate's last vote on this bill seven more pro-democracy activists were sentenced to prison. And for what crimes? They were convicted for counterrevolutionary propaganda, meaning they had the courage to criticize their leaders. In some cases all they did was to publish reports of the criticism of others. For that they now find themselves in prison. For actions which here in this country, we take so much for granted. Listen to the debates on TV between and amongst our Presidential candidates.

Mr. President, that is the record of this administration's policy toward China. In his veto message the President states that his China policy "invites China's leadership to act responsibly without leaving any doubts about the consequences of Chinese misdeeds." To the contrary the President has made it crystal clear from the outset that he is four-square behind the continuation of MFN for China—and the Chinese leadership knows it. It is no wonder they show little concern for the consequences of their actions. They know the President is there to protect them.

The President calls his China policy one of comprehensive engagement. In my view it has been one of appeasement. We have given that policy nearly 3 years to produce results and it has failed.

The bill we are considering today charts a new approach. It asks only three things from China in return for continuing its most-favored-nation



treatment. It asks for China to treat its own people with the dignity they deserve. It asks for China to cease making the world a more dangerous place through its weapons sales. And it asks China to give American exporters and producers a fair shake in the world marketplace. Let us have the kind of entry into their markets we give them into ours.

Opponents have described this bill as though it is an extreme measure that would end most-favored-nation treatment for China. It does not. It leaves that decision to them. This bill just makes clear to China what this administration has not—that there is a price to pay for continuing the current leadership's policies of repression, protectionism, and indiscriminate arms sales.

Mr. President, before we cast our vote today, I think we need to consider the image of modern China that is emerging today. I remember the quote from Napoleon when he said of China: "Let that giant sleep." But China is not sleeping. It is an awakening giant. It is going to have an enormous impact on the world. It is critical what kinds of policies it brings to its own people and the question of its responsibility in opening up markets and development of a free market system.

They have a powerful export machine pressing its exports on the world and protected by iron trade barriers at home. Our deficit with China is second only to Japan. In fact, China threatens to become a second generation Japan in the kind of trade practices it uses to protect its market.

We can tell China it ought to reverse its approach or we can allow it to become comfortable in its protectionist practices. If we follow the second course, I promise you, Mr. President, we will regret it for generations to come.

The same is true in arms proliferation. China can either remain the rogue elephant of global arms sales or it can be asked to adopt safer, more responsible policies. The present methods are just not working. More of the same will simply continue the dangerous trend.

With regard to human rights, the Chinese Government today, and for the foreseeable future, will rule the most populous nation on the face of this Earth, and we just cannot turn a blind eye to over a billion people in China if we are seriously concerned about human rights.

On this floor, the President has been criticized frequently for caring too much for foreign policy and not enough for problems at home, and I agree with that. But, in addition, there is one area where he has also failed in foreign policy, and that failure is particularly damaging because it has a direct and a devastating impact on American workers. China's protectionist import barriers, its aggressive unfair export drive

costs us American jobs as surely as this President's neglect of the American economy.

Mr. President, this administration just has a blind spot in its foreign policy when it comes to China. It is a blind spot that hurts American workers threatened by unfair trade, destabilizes the entire world and permits the suffering of Chinese citizens to continue.

I think the Senate really has an opportunity to redefine America's policy toward China in the 1990's and the next century, and I certainly urge my colleagues to join me in voting to enact this legislation.

Mr. President, I retain the remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield myself such time as I may consume.

Mr. President, I urge the Senate to sustain the President's veto of this legislation. If the Congress were to legislate a discriminatory trade status for China, we would hurt the United States economy and our future prospects for economic growth very badly at a time when we are making progress, moving to the right track for growth and more jobs.

I hope the Senate will consider carefully the facts surrounding this issue. The facts clearly show that trade with China benefits the United States. Twenty-one percent of the world's population lives in China. It is potentially the largest merchandise market for U.S.-manufactured goods and services in the world.

Trade between China and the United States has increased 1,000 percent in the past 12 years, from \$2.3 billion in 1979 to \$23.1 billion in 1991. Over 1,000 United States firms have invested more than \$4 billion in China, and another \$5 billion has been invested in Hong Kong.

Our exports to China in 1991 increased 30 percent over 1990, making China the fastest growing Asian market for United States exports. While China is still a relatively small market for United States goods, it is a significant market for some United States commodities, especially aircraft, fertilizers, textile fibers, cereals, and specialized machinery.

If this veto is not sustained, Mr. President, United States exporters would lose Chinese markets. China would stop purchasing billions of dollars worth of our wheat, aircraft, cotton yarn and fabric, fertilizer, wood and wood pulp, electric machinery and chemicals.

Since no other country anywhere in the world is likely to change their trade policies with China, whether we pass this bill, enact this law or not, foreign competitors will inevitably be quick to exploit the situation for their own benefit. United States businesses

would sacrifice, give away their share of the China market, losing up to \$6 billion in exports and over 110,000 jobs.

Perhaps most important for the long run, a major blow would be inflicted on those in China who have resisted the pressures from the central Government, who have developed market-oriented practices, private venture activities so that we are now seeing this increase in trade become possible.

Seventy-five percent of China's trade activities are now located in the south of China. That region is opening up to the outside world as never before, and it is helping to transform economic practices and is loosening the central Government's grip over the entire economic system. This is change that is occurring right before our very eyes, Mr. President. It is obvious for everybody to see, and I hope our eyes will not be clouded by the arguments that are being made today to ignore those factors.

Only about half of China's industrial output today is being produced by the so-called Government sector, the state-run enterprises. This gives you an idea of the change that has occurred in the last several years in the economy inside China, spurred mainly by the opportunities that trade with the rest of the world brought about.

Thirty-thousand foreign-invested ventures worth \$40 billion have expanded the market-oriented sector in China. Now we are being asked to undermine that progress. We are being asked to slam the door on that trend. Because the United States is China's second largest trading partner, it would have an enormous impact within China if the President's veto is overridden by the Senate and this legislation is enacted.

The forces within China who would suffer the most are not the central Government operatives, but those who have been resisting their influence and pushing for change against those who are running the central Government. So let us look at that as a very important factor in this debate.

If this bill becomes law, I predict we would surely undercut, over the objection of our President, the investments of many Americans in China. Much effort, much energy has been devoted to developing market access and opportunities for United States trade with China.

Since the House has already voted on this issue, it is up to the Senate today to keep all of that from going down the drain. All would be for naught if the Senate votes to override the veto of the President.

Do not force our U.S. industries, our American workers to sacrifice all that they have done now, the risks they have taken, the imagination they have brought to bear on this new challenge, the agriculture sector that is now depending on large sales of wheat and

other commodities into the new market. All of those initiatives that brought us to the point where we are today in the opening of this huge market will be actually destroyed, undermined, undercut by a vote to override the President's veto.

China is beginning a slow, but sure, economic and social transformation, and it may be on the verge of significant political change as well. Trade with United States business and industry and with our agriculture exporters has been an important force in this change in China that is taking place. At a time when we are wondering whether the countries of Eastern Europe and the former Soviet Union can build free market economies—and some are calling for massive aid to help them do so—it would be ironic, indeed, if the Congress of the United States ended our role in pushing and promoting reform in China, ended the effort we are making to promote democratic and market-oriented reforms in China so it, too, can be a part of the world community in this new era of opportunity and broken-down barriers, so that we have a better opportunity for trade of United States-produced commodities, United States-produced agriculture commodities and services.

The United States is the strongest economic force in the world today. If we deny the opportunity for our private economic forces to be brought to bear on this situation, as this legislation would surely do, then we are basically turning away from an opportunity that is uniquely one the United States has in this situation.

Mr. President, with those facts as the background of the surrounding relevant issues in this debate, I hope the Senate will carefully consider this situation and let us vote to sustain the veto of the President.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader is recognized.

Mr. BENTSEN. Mr. President, I yield such time as the majority leader requests.

Mr. MITCHELL. Mr. President, first I begin by thanking my colleague from Montana who permitted me to go now with my remarks.

The Senate today has the opportunity to establish a policy toward China that serves our national interest and is consistent with our national values.

It is the function of foreign policy to advance the national interests of the United States, not to vindicate the hopes or wishes of a political leader or to serve the purposes of domestic politics. When a policy advances the national interest, it enjoys broad national support. When a policy does not advance the national interest, it should have no support. That is the case with the President's China policy. In the face of widespread public support for

the democracy movement in China, the President supports those who crushed democracy.

In the face of widespread public support for international arms controls, the President supports a regime that is exporting advanced missile technology to some of the most volatile regions in the world. In the face of public demand that trade be fair as well as free, the President supports a government that blocks American access to its market and uses slave labor to produce for exports.

It is no wonder the President's China policy has little support nationally or in the Congress. Last month substantial majorities in both Houses of the Congress again acted to establish a China policy that serves the national interest. The bill would condition the grant of most-favored-nation status to the People's Republic of China on demonstrable Chinese acts to fulfill Chinese promises with respect to fair trade and weapons proliferation. It would require clear evidence of Chinese respect for the international principles of human rights.

The President once again has refused to accept the will of a majority of the Congress. He has vetoed this bill. In the House of Representatives, his veto was overridden by a vote of 357 to 61.

Even the ranking Republican member of the House Foreign Affairs Committee joined in the override vote. Congressman BROOMFIELD said, "We must place realistic conditions on the continuation of normal economic relations. \*\*\* [W]e cannot go on doing business as usual with this outlaw regime." I agree.

Congressman BROOMFIELD is right. So were the other 356 House Members who put the national interest first.

Congressman BROOMFIELD recognized that. He said that despite the President's efforts "to engage the Chinese Government on these issues, the results have been meager at best."

Indeed, the results have been less than meager. They have been counterproductive. With every failure to pursue our policy goals seriously, the Chinese Government has learned that United States concerns need not be respected. With every mild, belated protest, the Chinese Government has shown the world that the United States can be ignored. With every veto, the Chinese Government is reassured that it has a friend in the White House who will not react, no matter what the Chinese Government does.

The failures of the President's China policy are clear and conclusive. Instead of building a new world order, based on the future of a billion Chinese people, the President continues a failed policy based on past global realities.

When there was a strong and potentially aggressive Soviet Union, the special relationship with China had to be balanced against that reality. At that

time, balancing the relationship served the national interest of the United States. But today there is no Soviet threat against which our relationship with China must be balanced. Today, we have the ability—and the obligation—to examine our relations with China in the light of the threats that face the world now. Instead, President Bush stubbornly pursues a policy based on threats that faced the world in the last decade.

The threats that face the world today do not emanate from a strong Soviet Union. Instead they can be traced in part to the actions of regimes like China. Regimes which have to trample their own citizens to survive are inherently unstable. They rest on terror and fear, not on the consent of the governed. Regimes which export the technology and weapons of mass destruction raise the stakes that every regional conflict may spread. Regimes which give lip service to international agreements and betray them in practice undermine the very foundations of a world order based on respect for international law.

Those are all actions the Chinese Government has taken. It is evident that the mild, pro forma protests of the Bush administration have no effect on the Chinese Government. It is clear that the only steps the Chinese Government will respect are actions, not empty words and diplomatic signals.

Look at the record. Almost 3 years of attempted engagement and catering to the Chinese Government have produced virtually no change. The President keeps saying his policy will work, but it keeps on not working, and all the evidence points in exactly the other direction.

The Chinese Government continues to violate the human rights of its people. It continues to restrict American access to its market. It continues to sell the technology of mass destruction and nuclear weaponry, despite verbal and written agreements not to do so.

Last June, just 9 months ago, the secret Chinese sale of missile launchers to Pakistan led to a United States export ban on high-speed computers and satellite parts against China. Within 5 months, President Bush dispatched the Secretary of State to China to argue for nonproliferation of missile technology. He received a verbal assurance—like so many others—that China would abide by the 1987 Missile Technology Control Regime.

But it was not until the Chinese wanted a public meeting with President Bush that a written agreement was provided. Even that was publicly characterized by a U.S. Government official as not being as explicit as we would have liked. And the well-founded concerns about long-term Chinese contracts to sell missile technology and chemicals have not been put to rest. The Bush administration says one of



its priorities is to prevent the spread of nuclear, chemical, biological, and missile technology. But weakly ignoring Chinese intransigence and unfilled promises only serves to promote the spread of these technologies.

When a policy does not produce results, the answer is not to continue it. The answer is to change the policy. That is what the President ought to do. But he will not. So we should.

The Chinese record on trade remains abysmal. Despite free access to American markets for Chinese products, American producers do not enjoy equal free access to Chinese markets. Our trade deficit with China is second only to our deficit with Japan. The President regularly denounces the deficit with Japan. He has had nothing whatever to say about the deficit with China. Yet in 1991, in the middle of a recession, our trade deficit with China rose to \$12.7 billion, from \$3.5 billion just 3 years before. Most of those imports are of labor-intensive products, products Americans could make. Each billion dollars of deficit may cost as many as 20,000 American jobs. It is possible that as many as a quarter million American jobs are being sacrificed to pursue the President's hopes in China.

That does not serve American workers. In their name, billions of American dollars are being used to export American jobs to China and help perpetuate one of the most repressive Communist regimes in the world.

We need only look to his own State Department's Human Rights Report for 1991, issued the same day as President Bush met with Premier Li Peng of China.

President Bush's own State Department report reaffirms the brutal facts, and directly contradicts the President's policy. The Communist leaders of China hold their power through a vast security apparatus which uses torture, arrest, detention, and brutality to enforce its will. Chinese people face arbitrary, governmental violence without recourse. Torture in jails is routine. Dissenters are silenced. Religion is tolerated only where it is governmentally controlled. Solitary confinement, mass labor camps, and all the other horrors of a Communist state are in full force.

China's imperial rule of Tibet remains in place. The Chinese occupation has caused an estimated 1 million Tibetan deaths. Tibetan Buddhism has been repressed. Six thousand monasteries have been destroyed as centers of their faith. Religious ceremonies must be approved by the Chinese Government. Religious education is restricted. What the Chinese are doing to Tibet is cultural genocide.

I repeat, an estimated 1 million Tibetan deaths. That is the figure used by the Tibetans. To my knowledge it has never been disputed by the President or any of his supporters in the

Senate. Where is the concern for the Tibetan people? Where is the outrage over their deaths? Does not a Tibetan life count in the Senate as much as another life elsewhere? The President's silence on the Chinese genocide in Tibet is deafening. The Senate's joining with the President in that silence is demeaning.

All this remains the case, 2½ years after vain claims by President Bush that only by not isolating China could we influence China. Well, we have not influenced China. Instead, we have given our moral support and helped to legitimize one of the most repressive regimes in the world.

If the new world order does not include the right of nations to ostracize brutal dictatorships and to condemn an imperialism that butchers its subjects, it is no improvement over the old world order. In the old order, at least, Americans knew their Nation stood for human rights in the world. We knew we stood against the imposition of foreign rule on a subject people. We knew we stood against genocide of peoples and the obliteration of cultures.

If the new world order President Bush promises does not even incorporate those basic American principles, that new world order will not stand. In recent weeks, some past and present American leaders have suggested that it is a failing in the American people that they are not interested in, or even hostile to foreign policy issues, but that is putting the cart before the horse.

Americans are not hostile to policies that clearly serve important national goals. They are hostile to policies that fly in the face of common sense. They are hostile to the use of foreign policy to advance a domestic political agenda rather than to advance national interests. That is exactly the case with China policy today. It has become a test of the President's own beliefs and hopes. It has become a test of his ability to uphold a veto. That is not a national policy. That is a personal policy.

The President must realize he cannot gloss over the immense gulf between his words and his deeds on China.

Americans expect their leaders and their Government to do as they say, to practice what they preach. We cannot preach human rights to other nations and give a wink and a nod to Chinese behavior. We cannot urge nonproliferation on others and allow China to continue it unabated. We cannot lecture Japan on its trade policies and allow China to pursue even worse policies unchallenged.

Americans will support a foreign policy that deserves their support. So will the majority in the Congress. Both have proven that by their actions.

It is time for the President to stop inviting the Chinese leaders to modify their behavior. That invitation has been rejected. It is time to give the

Chinese a real incentive to modify their behavior. It is time, instead, to change our policy. We can assure that change today by standing firm for American principles and American national interests, and voting to override this mistaken veto.

Mr. BENTSEN. Mr. President, I congratulate the majority leader on a very profound and thoughtful statement, which I think correctly assesses the situation we are facing and the enormity of our decision today.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Montana.

Mr. BENTSEN. If the Senator will yield, how much time is left?

The PRESIDING OFFICER. The Senator from Texas has 90 minutes.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I be given as much time as I consume, with the time taken off of the side in opposition.

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

Mr. BAUCUS. Mr. President, I rise to urge my colleagues to sustain the President's veto of H.R. 2212—the China MFN conditions bill.

I want to make one point absolutely clear: this is a debate over means, not over ends.

China has abused the human rights of its citizens, erected unfair trade barriers, and sold dangerous weapons technologies.

I suspect that not a single Senator will take the floor to defend China's actions.

I am certain that every Senator—in fact, every American—condemns those actions.

But the legislation we have before us today will not right those wrongs. In fact, it is almost certain to set back United States efforts to spur reform in China.

Most-favored-nation trading status [MFN] is simply the wrong tool to use to win reform in China.

MFN IS NOT A SPECIAL PRIVILEGE

First of all, it is important to remember that the term "most-favored-nation" status is a misnomer. The term implies that it is a special status that we extend only to our closest trading partners. But nothing could be further from the truth.

MFN is actually only minimum trade status—the trade equivalent of diplomatic recognition. The United States extends MFN status to all but a rapidly dwindling handful of nations. MFN status is currently extended to Iran, Iraq, South Africa, and Libya, hardly our closest allies.

In fact, because of the Generalized System of Preferences, the Caribbean Basin Initiative, free trade agreements, and other special tariff arrangements, most of our trading partners—about 100

nations—enjoy better than MFN status.

Imports from nations that do not receive MFN treatment face the old Smoot-Hawley tariff schedule. If MFN were withdrawn for China, it would mean an astronomical increase in United States tariffs on Chinese goods. Tariffs on Chinese products would shoot up from around 4 percent to as high as 110 percent. Tariffs on sweaters from China would rise from 6 to 60 percent. Tariffs on toys would rise from 7 to 70 percent.

As one would expect given these tariffs, before MFN status was extended to China, United States-China trade was only about 10 percent of current levels. If the Smoot-Hawley tariffs were reimposed it would likely fall back to about the same level. We would see a repeat of the Smoot-Hawley experience—albeit on a smaller scale.

#### CONDITIONS EQUAL REVOCATION

Advocates of the legislation we are considering are quick to point out that the legislation does not revoke MFN—it merely puts conditions on future extensions of MFN.

Unfortunately, the conditions will not be met and, therefore, are tantamount to revocation.

This legislation imposes some 15 conditions on future extensions of MFN to China.

Do not get me wrong, I support the goal behind every condition.

But the unfortunate fact is that China is ruled by a totalitarian regime. It is a regime that is unlikely to take actions simply because the United States demands they do so in return for MFN status.

This regime sees measures such as freeing political prisoners as endangering their hold on power. Given the choice between remaining in power and retaining MFN, they are almost certain to choose remaining in power.

#### CONDITIONS AS A PRETEXT

We must also keep in mind that reliable press reports indicate that China's hardline marxists view the growing economic ties between China's southern provinces and the West with great concern. These leaders are concerned that the ties with the west will bring dangerous ideas, like democracy, to south China.

United States efforts to condition MFN are continually railed against in the state-controlled press as an attempt to interfere in China's domestic affairs. As we learned at Tiananmen Square, Chinese leaders are willing to use a pretext to crackdown and cut ties with the West.

It is entirely possible that the mere passage of legislation that conditions MFN could be used by China's hardline leaders as an excuse to break commercial ties with the United States.

#### DANGEROUS PRECEDENTS

And there is another risk. Once we start down this road, could Congress

resist further mixing trade and foreign policy?

If we impose conditions on MFN for China because of its missile sales, why not on Germany, France, or even Israel for their objectionable weapons sales?

Why not impose still more conditions on MFN for China next year and still more after that?

One way or another, once we go down the road of putting conditions on MFN, it is almost certain that MFN will eventually be withdrawn from China.

#### IMPACT OF TERMINATING MFN

Cutting off MFN for China would cost thousands of Americans their jobs and set back our efforts to win reform in China.

#### AMERICAN JOBS ARE ON THE LINE

Although we have a considerable trade deficit with China, China is a major market for many American products. For example, in 1991, China imported \$363 million in United States wheat, \$1.2 billion in United States aircraft and aircraft parts, and \$982 million in United States fertilizer. China is also a major market for American computers, cotton, timber, and paper.

Most of these products are easily available from other sources. The Australians and the Canadians would be more than happy to replace United States wheat sales. The EC would be only too pleased to fill Boeing's aircraft contracts with China. None of these nations—in fact, no other nation in the world—is even contemplating withdrawing or conditioning MFN to China.

And if the United States hits Chinese exports to the United States with Smoot-Hawley tariffs, China is certain to counter retaliate. United States export markets in China now and in the future would be lost.

Keep in mind, that could endanger the jobs of more than 100,000 Americans. Farmers in North Dakota and Montana could go bankrupt as wheat prices plummet. Machinists in Washington State could lose their jobs as the EC's Airbus wins contracts from Boeing. Fertilizer plants in Louisiana could close when Chinese sales are lost.

#### MFN IS THE LINK TO THE REFORM MOVEMENT

If it would advance the cause of freedom in China perhaps some of us would be willing to risk 100,000 American jobs. However, withdrawing MFN would actually set back the cause of reform in China.

As has been the case throughout history, ideas are traded along with goods. As apparel, wheat, and aircraft are traded between the United States and China, so are ideas like freedom, human rights, and democracy.

It is no surprise that the current hotbed of reform in China is southern China—the very area that is responsible for most trade with the United States.

As the New York Times recently reported, the relative wealth and the

freedom of labor movement created by the economic boom in south China is allowing the reform movement to recover from the Tiananmen crackdown. I ask unanimous consent that this article be printed in the RECORD at this point.

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

[From the New York Times]

DESPITE RIGHTS ISSUE, CHINESE HOPE UNITED STATES TRADE STATUS STAYS

(By Nicholas D. Kristof)

BEIJING.—As a battle looms in Washington over whether to end normal trade relations with China, many Chinese are finding themselves reluctantly siding with their hard-line rulers in hoping that the status is maintained.

While they appreciate the concern for human rights in their country and hope that the debate will force the Government to become less repressive, some worry that a cut-off of so-called most-favored-nation status would hurt their standard of living, harm the most reformist segments of the economy and prompt the hard-liners to restrict contacts with the United States.

It is impossible to be sure of public opinion in so vast and tightly controlled a country as China. But in informal conversations with dozens of Chinese in several parts of the country over recent months, most of those who were aware of the issue did not favor American economic sanctions and hoped that most-favored-nations benefits would be extended.

President Bush's annual recommendation on whether to renew the preferential trade status for China is required by June 3. He is expected to favor renewal, and opponents in Congress are expected to introduce legislation to overturn the decision.

In their first breath, urban Chinese intellectuals typically tell their trusted American friends how much they detest their leadership. In their second breath, they express affection for the United States and inquire about getting visas. And in their third breath, they worry that harsh American sanctions would hurt the Chinese people rather than their leaders.

"If I were President Bush, I would extend most-favored-nation status to China," said Zhang Weiguo, a Shanghai dissident who was unusual only in that he was willing to have his name published. "The U.S. should support China's economic development and social exchanges."

Mr. Zhang's anti-Government credentials are not in doubt. He was arrested after the 1989 Tiananmen crackdown and spent 20 months in prison before being released earlier this year, still unrepentant and fuming at the Government.

Mr. Zhang said the best result would be for a tough battle over Chinese trade in Washington, ending in an extension for another year. Such a close call would encourage China to make concessions on human rights and would leave the issue open for another fight next year, he said.

"Every year it's discussed, and that's very good," Mr. Zhang said. "It puts new pressure on China each year."

A downgrading of American trade links with China would mean a large rise in the tariffs imposed on Chinese goods shipped to the United States, and would hurt its thriving export sector. The south of China, which has the most developed private economy in



the country, would be particularly affected, as would Hong Kong, through which Chinese goods usually pass for packaging or transshipment.

Many dissidents say they would like the United States and other countries to be even more outspoken in supporting Chinese human rights. Above all, they would like Prime Minister Li Peng and other hard-liners to lose "face." But they worry that economic sanctions are the wrong method.

"People are very torn inside," said a university student in Beijing. "They want pressure on the Government to change its policies, and they want the leadership to eat bitterness. But on the other hand, they're afraid that if sanctions are imposed, it's the ordinary people who would suffer. So we want America to threaten sanctions to pressure China, but we don't want sanctions themselves."

#### PEASANTS SEEM LESS AWARE

Among Chinese peasants and workers, especially outside the capital there seems to be much less awareness of the issue of sanctions, as well as less anger at the Government. Consequently, many people do not have clearly formed ideas on the subject, but frequently seem vaguely opposed to any sanctions that might compound the economic difficulties of the last couple of years. And some wealthier people fear that sanctions would make it more difficult to buy foreign products.

"The fear is that if M.F.N. were cut off, the price of a pack of Marlboros would go up," said an entrepreneur.

Mr. BAUCUS. Mr. President, if the United States breaks the economic ties, the flow of western ideas will be shut off and the reform movement will be dealt a critical blow. Indeed, reliable news reports indicate that leaders of the reform movement in China see MFN as a cornerstone of reform efforts.

#### ANOTHER APPROACH

If we were faced with the choice of conditioning MFN to China or doing nothing to express our frustrations with Chinese policies, I too would be tempted to vote for conditions.

But that is not our choice.

Just last summer at the request of myself and a number of other Senators, the President outlined a new policy toward China.

That new policy had two elements:

First, continue unrestricted MFN to China to build economic ties and encourage reform.

Second, press China to reform with a variety of carefully tailored policy tools.

For example, to respond to China's unfair trade practices, the administration agreed to employ United States trade laws. To respond to reports of Chinese missile sales, the administration agreed to initiate negotiations backed up with a threat of targeted trade sanctions.

And contrary to the claims of supporters of H.R. 2212, this new policy has already yielded results. There are four particular victories that I want to mention.

#### THE UNITED STATES-CHINA INTELLECTUAL PROPERTY AGREEMENT

First, in January, China agreed to pass and implement tough new laws to

end piracy of United States intellectual property.

Chinese piracy of United States intellectual property—films, books, recordings, pharmaceuticals, and computer software—had been rampant. According to some estimates, this piracy was costing the United States as much as a billion dollars per year in lost exports.

But after months of negotiations backed with the threat of retaliation under United States trade law, China agreed to end piracy of United States intellectual property.

This new agreement will end piracy in China. The agreement with China is in many ways superior to the agreement we negotiated with our other trading partners under the General Agreement on Tariffs and Trade. It has been endorsed by all major U.S. intellectual property producers.

Mr. President, I ask unanimous consent that press releases of support from these intellectual property trade associations appear in the RECORD at this point.

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

#### IIPA APPLAUDS SETTLEMENT OF INTELLECTUAL PROPERTY DISPUTE WITH THE PEOPLE'S REPUBLIC OF CHINA

WASHINGTON.—The International Intellectual Property Alliance (IIPA) today applauded the U.S. Trade Representative Carla Hills' announcement that the United States has entered into an agreement with the People's Republic of China (PRC) which will extend full copyright protection to U.S. and other foreign copyrights at internationally acceptable levels. U.S. Ambassador Hills had previously announced that trade sanctions would be imposed if the PRC were unwilling to provide full protection for U.S. intellectual property.

Under the memorandum of Understanding (MOU) signed between the U.S. and the PRC, the Chinese government has committed to raise further the level of protection afforded under its current copyright law (adopted in 1990) and extend the protection of that law to foreign works. Until this agreement, the PRC protected only works of Chinese nationals or works first published in the PRC, and had refused to provide, for example, copyright protection to U.S. computer software as a literary work as required by the Berne Convention.

In the MOU, the PRC agrees to extend protection to all foreign works by joining the Berne Convention effective October 15, 1992 (which will protect U.S. books, movies, music and software), the Geneva Phonograms Convention, effective June 1, 1993 (which will protect U.S. sound recordings), and to protect all these U.S. copyrighted works even before adhering to these Conventions effective 60 days after the signing of this agreement. Another critical feature of this agreement is that it will extend protection to all U.S. copyrighted works created prior to the date the bilateral is signed so long as those works remain protected in the U.S.

The agreement also commits the Chinese government to provide effective enforcement to reduce and eventually eliminate the severe losses now suffered by U.S. industry through piracy in the PRC.

Commenting on this historic agreement, Eric Smith, General Counsel of the IIPA, said "We commend Ambassador Hills and the Administration for insisting that the PRC bring its copyright protection up to an acceptable level. The copyright industries have suffered severe and growing losses due to piracy over the years while we patiently awaited China's decision to protect our intellectual property. We hope we will begin to see these losses diminish."

"This Agreement has been long awaited," he added, "and demonstrates that the Chinese government is now committed to implement internationally-accepted high standards of copyright protection. The IIPA applauds China for showing real statesmanship in agreeing to adopt Berne Convention levels of protection and to enforce the new regulations which will be adopted implementing this agreement. In recognition of this statesmanship and the PRC's commitment to protect U.S. copyrights, IIPA is prepared to speak favorably before the U.S. Congress on the issue of according MFN status to the PRC."

On implementation, Smith commented, "Any benefits we see, of course, will depend on China's good faith implementation of the agreement and on enforcement. We fully expect scrupulous and vigorous compliance with the commitments made in this MOU."

The IIPA, formed in 1984, is composed of eight trade associations, each of which, in turn, represents a significant segment of the copyright industry in the United States. Those associations are:

- American Film Marketing Association (AFMA);
- Association of American Publishers (AAP);
- Business Software Alliance (BSA);
- Computer and Business Equipment Manufacturers Association (CBEMA);
- Information Technology Association of America (ITAA);
- Motion Picture Association of America (MPAA);
- National Music Publishers' Association (NMPA); and
- Recording Industry Association of America (RIAA).

The IIPA represents more than 1,500 companies which produce and distribute computers and computer software; motion pictures, television programs and home video-cassettes; music, records, compact discs, and audiocassettes; textbooks, tradebooks, reference and professional publications and journals. These core copyright industries accounted in 1989 for over \$173 billion in revenues from their copyright-related activities, or 3.3% of the U.S. GNP. According to a report prepared for the IIPA by Economists, Inc. entitled "The Copyright Industries in the U.S. Economy," these industries grew at more than twice the rate of the economy as whole between 1977 and 1989 (6.9% vs. 2.9%), and employed new workers at a greater rate—5% between 1977-1989—than any other comparable sized sector of the U.S. economy. These industries delivered over \$22 billion in export earnings to this country in 1989.

#### CHINA AND U.S. CONCLUDE NEGOTIATIONS LEADING TO NEW CHINESE PRODUCT PATENT PROTECTION

WASHINGTON, DC.—The following statement was released by Pharmaceutical Manufacturers Association President Gerald J. Mossinghoff in response to the new Chinese product patent protection agreement reached in final negotiations between U.S. and Chinese officials:

America's research-based pharmaceutical companies are pleased that Chinese and U.S.

government negotiators have struck an important agreement that will lead to early pharmaceutical product patent protection in the People's Republic of China. This breakthrough opens the door to increased U.S. pharmaceutical sales to a very important market.

The intense intellectual property protection negotiations between Chinese government officials and officials from the office of U.S. Trade Representative Carla Hills have concluded successfully. Both sides are to be praised for their diplomacy and sense of responsibility.

The People's Republic of China has agreed to:

Provide 20-year product patent protection. Provide pipeline protection for pharmaceutical products invented as early as 1984 and provide a substantial period of market exclusivity for such products.

Pass and implement product patent protection by January 1, 1993.

The steps outlined in the agreement are a major contribution to intellectual property rights protection in the world's largest country. The agreement marks a major step forward to a position of leadership for China in intellectual property rights protection in the developing world.

This agreement will mean a greatly enhanced trade relationship in the pharmaceutical sector between our two countries and improved health prospects for the Chinese people.

The agreement between U.S. and Chinese negotiators demonstrates that important developing countries—such as China—are fully capable of enacting patent protection for pharmaceutical and chemical products immediately. Indeed, the Chinese government has demonstrated a willingness to correct the inequities in its intellectual property relationships with the United States.

The promise of this agreement can only be realized by faithful implementation, as well as by the continuation of a growing commercial relationship between the United States and China. The PMA, because of this breakthrough, supports further development of the U.S. relationship with China, including support for Most Favored Nation (MFN) status for China.

We can only offer our appreciation and thanks to Ambassador Hills and her colleagues. Once again, they have demonstrated their ability to respond decisively and successfully in the continuing fight against international patent piracy. This fight is one for U.S. exports and U.S. jobs in the high technology American research-based pharmaceutical industry.

#### BSA APPLAUDS U.S. AGREEMENT WITH PEOPLE'S REPUBLIC OF CHINA TO PROTECT INTELLECTUAL PROPERTY

WASHINGTON, D.C., January 16, 1992.—The Business Software Alliance today applauded the U.S. Trade Representative Carla Hills' announcement that the United States has entered into an agreement with the People's Republic of China (PRC) which will extend full copyright protection to U.S. and other foreign copyrights at internationally accepted levels. U.S. Ambassador Hills had previously announced that trade sanctions would be imposed if the PRC were unwilling to provide full protection for U.S. intellectual property.

The Memorandum of Understanding (MOU) signed between the U.S. and the PRC would commit the Chinese government to raise further the level of protection afforded under its current copyright law (adopted in 1990)

and extend the protection of that law to foreign works. Until this agreement, the PRC had refused to provide, for example, copyright protection to U.S. computer software as a literary work as required by the Berne Convention for the Protection of Literary and Artistic Works.

"We are encouraged by the announcement made today by the U.S. Trade Representative that the People's Republic of China has agreed to take concrete steps to protect computer software by law and to reduce the rampant piracy which cost the software industry approximately \$300 million in the P.R.C. during 1990 alone," said BSA Managing Director Robert Holleyman. "We are delighted that trade sanctions were avoided by the PRC's commitment to adopt and abide by the legal rules that have increasingly become international standards for the legal protection of software. The path is now cleared for the development of the software industry in the PRC. The technology and intellectual property industries of both our nations have much to gain by this historic accord."

In the MOU, the PRC agrees to extend copyright protection to all foreign works by joining the Berne Convention effective October 15, 1992 (which will protect books, movies, music, and software), the Geneva Phonograms Convention effective June 1, 1993 (which will protect sound recordings), and to protect all these U.S. copyrighted works even before adhering to these conventions effective 60 days after the signing of this agreement. After adhering to the Berne and Geneva Conventions, U.S. copyrighted works will be given the same level of protection afforded by all other convention members, including, as noted, full protection for U.S. computer software, movies, music, records, and books. Another critical feature of the MOU is that it will extend protection to all U.S. copyrighted works created prior to the date the bilateral agreement is signed as long as those works remain protected in the U.S. The agreement also commits the Chinese government to provide effective enforcement to reduce and eventually eliminate the severe losses now suffered by U.S. industry due to piracy in the PRC.

"We commend Ambassador Hills and her staff for their efforts in executing the Special 301 process of the U.S. trade law in order to help forge this agreement," said Holleyman.

The Business Software Alliance is an organization devoted to fighting software theft in overseas markets. Its members are: Aldus, Apple Computer, Autodesk, Borland International, Lotus Development, Microsoft, Novell, and WordPerfect.

#### VALENTI PRAISES USTR FOR U.S. INTELLECTUAL PROPERTY AGREEMENT WITH PRC

WASHINGTON, DC, Friday, January 17, 1992.—Jack Valenti, Chairman and CEO of the Motion Picture Export Association of America, had high praise today for the U.S. Trade Representative Carla Hills, citing her work in achieving an intellectual property agreement with the People's Republic of China. Under this agreement, the People's Republic will, for the first time, extend full copyright protection to U.S. intellectual property and has agreed to join the Berne Copyright Convention.

Said Valenti: "This is an excellent first step in the protection of intellectual property rights for American film, television and home video in this difficult market. The USTR action serves as a signal to the rest of the world. I want to personally salute Am-

bassador Hills and her associates for an outstanding achievement."

Under the PRC agreement, intellectual property will be protected in most of the Far East region. According to Valenti: "Much of the credit for this accomplishment goes to the Office of the U.S. Trade Representative which has worked tirelessly over the past several years to secure intellectual property protection in this area of the world. However, the task is not complete. Attention must now focus on effective enforcement of those laws."

While Valenti was pleased with the progress being made with the PRC, he noted the MPEAA's continuing concern with the lack of copyright enforcement in Thailand. "We are looking to the U.S. Trade Representative to vigorously pursue the unfair trade complaint we have filed against Thailand."

The Motion Picture Export Association of America filed comments with the USTR on November 14, 1991 detailing the market access problems facing the entertainment industry in its dealings with the PRC. Member companies of the MPEAA include: Buena Vista International, Inc. (a division of The Walt Disney Company); Columbia Pictures Industries, Inc.; Carolco Service Inc.; MGM/Pathe Communications Co.; Orion Pictures International, division of Orion Pictures Corporation; Paramount Pictures Corporation; Twentieth Century Fox International Corp.; Universal International Films, Inc.; and Warner Bros. International, a division of Warner Bros. Inc.

#### THE NUCLEAR NONPROLIFERATION TREATY

Mr. BAUCUS. Second, just last week, under pressure from the United States, China has finally acceded to the Nuclear Non-Proliferation Treaty—the NPT.

China has long been a critical hold-out to the NPT. Its refusal to abide by the treaty raised the specter of uncontrolled nuclear proliferation.

But again after diplomatic pressure from the United States backed up by the threat of sanctions, China is now a signatory to the treaty that the civilized world relies upon to hold nuclear proliferation.

The cause of nuclear nonproliferation has been advanced considerably.

#### THE MISSILE TECHNOLOGY CONTROL REGIME

Third, China has recently agreed to abide by the provisions of the Missile Technology Control Regime, the MTCR.

China for years has sold dangerous missile technology indiscriminately and has refused to recognize the internationally agreed limits on such sales set forth in the MTCR.

But just last month, China exchanged letters with the United States indicating that it would fully observe the MTCR.

Because of this step, the United States removed sanctions it had previously imposed on China for missile sales. But the administration has committed to carefully monitor Chinese compliance with the MTCR. If China reneges on its commitment, the sanctions will be reimposed.



## PRISON LABOR

Finally, the Bush administration has cracked down on imports of products made by prison labor in China.

The Chinese prison system has long provided a pool of forced manufacturing labor. But U.S. law strictly prohibits importation of goods made by prison labor.

Since the Chinese Government holds many political prisoners, the United States must enforce the ban on prison labor goods particularly vigorously with regard to China. We cannot allow the United States consumers to become unwitting accomplices to the Chinese system of political oppression.

After many years of inattention, the administration has blocked imports of a number of products suspected of having been made with Chinese prison labor, including hand tools, pipe, apparel, and planers. The United States is also negotiating an agreement with China to permanently end such exports.

## CONCLUSION

Of course, these four measures are not enough. Much more progress remains to be made.

In particular, the United States must continue to put pressure on China to release political prisoners.

The United States must also conclude the unfair trade action directed at other Chinese trade barriers within the next few months.

I will continue to press the Bush administration until all of the commitments made in their letter to me and other Senators are fulfilled.

But we are undeniably making progress. In the last 8 months, we have made more progress with China than we have in the previous decade. The policy is working.

China remains a bad actor. And until China respects the human rights of its citizens, eliminates all unfair trade barriers, and stops sales of dangerous weapons technology, the United States must keep up pressure for reform.

Supporters of H.R. 2212—particularly Senator MITCHELL—have done us all a service by drawing our attention to the very real concerns we have with China.

But H.R. 2212 is not the right approach. MFN is the wrong tool to win reform in China.

We can address our concerns with China with carefully targeted measures instead of endangering the entire trading relationship by withdrawing MFN.

I urge my colleagues to vote against this legislation.

I ask unanimous consent that an exchange of letters between myself and the administration, an update from the administration on recent progress with China, and a recent article from the Brookings Review be printed in the RECORD at this point.

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

U.S. SENATE,  
COMMITTEE ON FINANCE,  
Washington, DC, June 19, 1991.

DEAR MR. PRESIDENT: Congress will decide in the next few weeks whether to accept your recommendation and extend most favored nation trade status to China. We are writing to share our concerns.

In the debate over the appropriate U.S. policy towards China, one thing is clear: China's behavior must change. The United States has serious human rights and foreign policy concerns with China. Every American remembers the vivid images of the Tiananmen massacre. In the two years since Tiananmen Square, evidence of democratic reform has been scant at best. We also have learned of Chinese sales of advance missiles to Syria and Pakistan, and of nuclear technology sales to Algeria. There are credible reports that China has forced political prisoners to produce goods for export to the U.S.

The United States also has serious economic concerns with China. The U.S. Trade Representative's annual report on foreign trade barriers lists ten pages of Chinese barriers. China maintains restrictions including a preclusive licensing system, discriminatory testing and certification standards, and outright import bans. China also fails to protect U.S. intellectual property, resulting in enormous losses to U.S. producers of films, books, chemicals and pharmaceuticals. Moreover, the Administration has allowed China to dictate U.S. policy towards Taiwan, declining to support Taiwan's GATT application despite clear economic benefits to the U.S.

The United States cannot continue to tolerate Chinese intransigence. We must tailor active responses to our wide ranging concerns. But MFN is the wrong tool for the job. Revoking MFN would not promote human rights in China. Instead, it would punish China's most progressive regions and Hong Kong.

Revoking MFN also would hurt Americans. China is an important market for U.S. goods ranging from wheat to airplanes. If MFN were revoked, China almost certainly would retaliate against U.S. exports. The Australians, Canadians, Europeans and Japanese are ready to fill the void. No other country is contemplating cutting off China's MFN status.

We believe the Administration must be more active in addressing American concerns with China. You have taken meaningful steps in some areas. You have moved to protect U.S. intellectual property under provisions of the 1988 Trade Act. You also have taken steps to restrict certain technology transfers to China in response to its missile and nuclear sales. These steps are examples of the types of actions the U.S. should take.

We urge you to take appropriate actions in other areas. Human rights is a foremost concern. Revoking MFN would be counterproductive. But other steps can be taken. For example, the U.S. could reinvigorate its opposition to multilateral loans for China. The U.S. also could take strong action under U.S. law to address China's unfair trade barriers and imports produced by prison labor. In the area of nuclear and missile proliferation, the U.S. could immediately negotiate for strict, multilateral technology restrictions conditioned upon Chinese adherence to accepted international standards. As for Taiwan, the U.S. could immediately give strong support to Taiwan's GATT application.

These measures do not represent an exhaustive list. But it is essential that the Administration take concrete steps. If Congress

is to extend China's MFN, we must see tangible evidence that the Administration is taking action. We look forward to hearing your response to our concerns.

Sincerely,

Max Baucus, J. Bennett Johnston, Quentin Burdick, Richard Shelby, Bob Dole, Nancy Landon Kassebaum, Jeff Bingaman, John McCain, Bill Roth, Dick Lugar, \* \* \*, Kent Conrad, Alan Simpson, Frank H. Murkowski, Orrin Hatch.

THE WHITE HOUSE,  
Washington, July 19, 1991.

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

DEAR SENATOR BAUCUS: I appreciated receiving your views on the importance of renewing China's most-favored-nation (MFN) trade status while also seeking to achieve progress with the Chinese on issues of vital concern to the American people. We clearly share the same goals. We want to see China return to the path of reform, show greater respect for human rights, adhere to international norms on weapons sales, and practice fair trade. China should contribute to international stability and not detract from it.

You rightly note that withdrawing MFN would hurt not only Americans but also the people of Hong Kong and the millions in China who are working for progressive change. Continuing MFN is essential to protect American consumers and exporters, and to support the economic forces that have been driving reform in China for more than a decade. It is no accident that the process of reform accelerated with the increase in foreign businesses operating in that nation. Those who would end political and economic reform in China have the most to gain if MFN were withdrawn. It is the economic forces pressing for the loosening of state control and increased personal freedom that would suffer the most. Other losers would be the thousands of American workers and farmers who together produced in 1990 almost \$5 billion in exports to China.

Since we started the process of normalizing contacts with China in the 1970s, there has been strong bipartisan support for the U.S.-China relationship. Building on the three U.S.-China communiques, U.S. interaction with the government and people of China has produced demonstrable progress. That interaction must continue despite the recent severe setbacks. Nevertheless, I support the view that strong measures are needed to address our concerns in China and have not hesitated to use them in a targeted fashion. To underscore our deep dismay about human rights violations, I have kept in place a number of sanctions since the Tiananmen Square crackdown which have affected arms sales, high-level contacts, U.S. economic programs and U.S. support for multilateral development bank lending to China.

The U.S. is currently the only nation maintaining its Tiananmen sanctions and refusing to normalize relations until China makes substantial progress on human rights. For example, while all our allies and other World Bank members have supported virtually all of the last sixteen World Bank loans to China, we have declined to support seven because the loans would not serve basic human needs.

At the London Summit, we raised China's human rights practices with our G-7 allies and encouraged them to continue to stress to China's leaders, as we have repeatedly, the importance that democratic governments attach to human rights. We made clear that

the U.S. will continue its policy of supporting only those multilateral development loans for China that serve basic human needs (BHN), and our view that any non-BHN lending to China help to promote market-oriented economic reform.

To advance our nonproliferation objectives, I recently authorized a number of steps aimed at engaging the Chinese on their weapons transfer policies and making clear our dissatisfaction with transfers that contribute to regional instability. The Under Secretary of State for International Security Affairs recently traveled to Beijing for a detailed discussion of nonproliferation issues, including our specific concerns about Chinese exports. He pressed for China's adherence to the Nuclear Nonproliferation Treaty and the Missile Technology Control Regime, actions I called for in my commencement speech at Yale University on May 27. We are pleased with the constructive role China played in the July 8-9 Middle East arms control talks in Paris. The Chinese endorsed all the key objectives of my Middle East arms control initiative (such as efforts to freeze and ultimately eliminate surface-to-surface missiles and block the production and acquisition of nuclear usable material). The Chinese also agreed to work rapidly in follow-on meetings to flesh out the broad agreements reached in Paris.

At the same time, I have also taken measures to emphasize to China that the U.S. is concerned about reports of destabilizing missile-related transfers. In April, I rejected requests for licenses to export satellite components for a Chinese communications project because of the involvement of Chinese companies in unacceptable missile equipment transfers. Just recently, I approved trade sanctions against two Chinese companies for that same reason. In addition, I directed that no further licenses of high-speed computers and no further exports of satellites to China be authorized until our concerns that China adhere to accepted international nonproliferation standards are satisfactorily addressed. The U.S. will be coordinating with other countries in order that these measures not be undercut. Our experience has demonstrated that such consultations will lead to effective, multilateral technology transfer restrictions.

I have also instructed U.S. agencies to press vigorously our concerns about Chinese unfair trading practices. In April, I directed the U.S. Trade Representative to identify China as a priority foreign country under the Special 301 provisions of the Trade Act for failing to protect U.S. intellectual property rights. If China does not make real progress during the 301 investigation, trade action will follow. Beyond intellectual property protection, my Administration has invited senior Chinese trade officials to Washington in August for continuation of consultations begun in June regarding access for U.S. products to the Chinese market. If these talks fail to produce Chinese commitments to take substantial measures to improve market access, the Administration will self-initiate further action under Section 301 of our trade laws.

We are strictly enforcing the terms of our textile agreement with China and have already made charges against China's quota because of illegal textile shipments through third countries totalling approximately \$85 million so far. Following consultations in July, we expect to make additional charges. If China does not exert effective control over these illegal shipments, we are prepared to take additional action against China.

Charges that China exports goods produced with prison labor are a matter of serious concern. The Customs Service is investigating these charges. In addition, we have obtained a firm high-level commitment to prevent the sale of prison labor products to the United States. We will continue to monitor China's behavior in this area closely and will strictly enforce relevant legislation concerning prison labor exports. In particular, I am ordering the following additional measures: The Department of State will seek to negotiate a memorandum of understanding with China on procedures for the prompt investigation of allegations that specific imports from China were produced by prison labor. Pending negotiation of this agreement, the U.S. Customs Service will deny entry to products imported from China when there is reasonable indication that the products were made by prison labor. The denial will continue until the Chinese Government or the Chinese exporter provides credible evidence that the products were not produced by prison labor.

I am also instructing the U.S. Customs Service to identify an office to receive information on prison labor exports and establish procedures for the prompt investigation of reports of prison labor exports from interested parties. Additional customs officials will be directed to identify prison labor exports and aid in uncovering illegal textile transshipments.

Although it is not directly related to China's MFN status, I share your interest in Taiwan's accession to the GATT. As a major trading economy, Taiwan can make an important contribution to the global trade system through responsible GATT participation. The U.S. has a firm position of supporting the accession of Taiwan on terms acceptable to GATT contracting parties. The United States will begin to work actively with other contracting parties to resolve in a favorable manner the issues relating to Taiwan's GATT accession. Because China, our tenth largest trading partner, could also make an important contribution to the global trading system, I will seek to have the Chinese Government take steps on trade reform so that China's GATT application can advance and its trade practices can be brought under GATT disciplines through the Working Party formed for China in 1987. U.S. support for Taiwan's accession to GATT as a customs territory should in no way be interpreted as a departure from the long-standing policy of five administrations which acknowledges the Chinese position that there is only one China, and that Taiwan is part of China.

In sum, therefore, I am prepared to address the concerns you and your colleagues have identified, and I am doing so. But discontinuing MFN, or attaching conditions to its renewal, would cause serious harm to American interests and would render futile pursuit of the initiatives I have outlined, which are discussed in greater detail in the attachments. Working together, I believe we will best protect America's interests by remaining engaged with China and the Chinese people.

Sincerely,

GEORGE BUSH.

P.S.—At the recently concluded G-7 Summit in London, the leaders of these Western Democracies all urged renewal of MFN.

Attachments.

#### PART I: HUMAN RIGHTS

Human rights concerns have been at the heart of our relationship with the PRC since

the tragic events of June 1989. Every high-level meeting since that time has at least touched on human rights issues, and several—such as the December 1990 visit to China by Assistant Secretary Schifter—have been devoted exclusively to them. We have consistently stressed to the Chinese leadership that there can be no return to the kind of relationship we enjoyed before 1989 without substantial improvements in China's human rights practices.

Our overall approach on human rights issues has consisted of:

#### Public expression of concern

President Bush condemned the brutal suppression of demonstrations in Tiananmen Square in June 1989, the first world leader to do so. He declared May 13, 1990 a National Day in support of Freedom and Human Rights in commemoration of the 1989 demonstrations, and issued another statement to mark the anniversary of the crackdown in 1991.

In our human rights reports for 1989 and 1990, we were fair but hard-hitting, and as accurate as available information would allow. These reports have drawn high praise from human rights groups, and harsh condemnations from the Chinese government.

The State Department issued a statement on January 9, 1991 condemning the trials of nonviolent dissidents.

In April 1991 the President met the Dalai Lama at the White House to demonstrate our respect for His Holiness' nonviolent approach to conflict resolution and our concern for human rights problems in Tibet.

#### Suspension of bilateral programs

On June 6 and June 20, 1989, the President announced the suspension of a number of bilateral programs and changes in U.S. approach to multilateral issues until the human rights climate in China improved. Those suspensions generally remain in effect.

A multitude of high-level exchange visits that would normally have taken place since 1989 have been canceled. Only a very limited number of visits at and above Assistant Secretary level have been approved on a case-by-case basis, and only when they addressed issues of key concern to the United States, e.g., like human rights, nonproliferation, unfair trade practices, and narcotics.

Military exchange visits have been suspended completely.

Work on several existing military equipment and technology projects has been suspended indefinitely.

We have stopped the transfer of military or dual-use equipment or technology to Chinese military and security services.

The U.S. sought to postpone all multilateral development bank loans to China from June 1989 to January 1990. Since then, we have supported only those loans that serve the basic human needs of the Chinese people.

We have suspended grants, loans and insurance guarantees to China under the Trade and Development Program and OPIC.

We have worked through COCOM to suspend planned liberalization of export controls to China.

#### Engagement in dialogue

Through the few high-level visits that have been authorized, and through regular diplomatic channels, we have engaged the Chinese government in an unprecedented continuing dialogue on a wide range of human rights issues.

The Scowcroft-Eagleburger missions of July and December 1989 were devoted primarily to laying out our human rights con-



cerns and suggesting steps the Chinese could take to address them.

During Chinese Foreign Minister Qian's visit to Washington in November 1990, President Bush and Secretary Baker reiterated the need for progress on human rights, and stressed that human rights is a cornerstone of American foreign policy.

Assistant Secretary Schifter visited China in December 1990, the first time our top human rights official has done so. In sixteen hours of intense discussions with senior Chinese officials, he spelled out in detail our human rights concerns in a wide range of areas including accounting of detainees, release of political prisoners, denial of due process and fair and open trials, treatment of prisoners, divergence of Chinese law from international standards, respect for freedom of religion, abusive implementation of family planning regulations, and human rights problems in Tibet. He delivered a list of 151 representative cases of reported political incarceration, and asked Chinese authorities to clarify the status of the cases and release those whose imprisonment violated international norms. He suggested changes in Chinese laws and judicial processes that would bring them into conformity with international standards.

Under Secretary Kimmitt in May 1991 reiterated many of the points made by Assistant Secretary Schifter, and called on the Chinese government to declare an amnesty for all those imprisoned for nonviolent political activities. He also urged the Chinese to implement effectively their claimed prohibition on export of prison labor products.

#### Results of actions

Most importantly, the Chinese government has acknowledged the legitimacy of human rights as a subject of bilateral discussion, both with us and with other concerned governments. They received a Congressional delegation devoted exclusively to human rights concerns in March 1991, and agreed to receive another later this year. They also agreed to receive human rights delegations to be sent by the governments of France and Australia. In addition, they have taken a number of modest but positive steps to improve the human rights situation in China.

Martial law was lifted in Beijing in January 1990 and in Lhasa four months later. No part of China is currently subject to martial law.

Most of those detained after the Tiananmen tragedy were released by the end of 1989. Chinese authorities announced the release of nearly 1000 more detainees in 1990, and about 70 have been released so far in 1991. Officials claim that only 21 still await trial detention in Beijing, and at least one of these—labor leader Han Dongfang—has been released for medical treatment.

While at least 30 persons have been convicted on political charges since the beginning of the year, the sentences meted out to them were generally less severe than those imposed on similar charges in previous years. Those released without further punishment included prominent dissidents such as essayist Liu Xiaobo, journalist Zhang Weiguo, playwright Wang Peigong, and legal scholar Chen Ziaoping.

Leading dissident Fang Lizhi and his wife, who had obtained refuge in the U.S. Embassy in Beijing for over a year, were allowed to leave China in June 1990, and are now at Princeton.

Most investigations of those involved in the 1989 protests have ended, and most of our Chinese contacts report that the oppressive atmosphere of 1989 has lifted significantly.

The Chinese have ceased the most odious forms of harassment a serious problem in 1989 and early 1990.

Relatives of many, though not all, overseas dissidents have been allowed to leave China and join them aboard. In some of the remaining cases that we have raised with Chinese officials, passports have subsequently been issued.

Several released dissidents, including Tiananmen hunger striker Gao Xin and former Arizona State student Yang Wei, have been allowed to leave the country.

Chinese authorities have undertaken to stop the export to the U.S. of products made in Chinese prisons. We will continue to monitor this situation closely, but it appears that the Chinese government is taking increasingly specific steps to enforce their prohibition on export of these products.

In response to concerns expressed by Administration officials and Members of Congress, the Chinese have provided useful new information on the status of persons reported detained for religious activities.

Economic reforms have resumed, in some cases matching or exceeding levels reached before 1989. Some limited political reforms, in important but relatively noncontroversial area such as the personnel system, have continued. An Administrative Procedure Law that became effective in October 1990 for the first time enables Chinese citizens to sue abusive officials.

There are indications that further progress may be in the offing. We are continuing to press the Chinese government to release all remaining detainees, to commute the sentences of those nonviolent dissidents already convicted, and to allow the departure of the remaining relatives of overseas dissidents who wish to leave. We are hopeful that a combination of dialogue and specifically targeted pressure will lead to further movement on these and other remaining issues of concern. And in the longer term, we are confident that the momentum toward greater freedom and democratization in China, built up during the decade of reforms and dramatically reflected in the 1989 demonstrations, will prove irreversible.

#### PART II: ADMINISTRATION'S ACTIONS WITH RESPECT TO PROLIFERATION CONCERNS

The United States is engaged in a high-level dialogue with the Chinese that began early in our relationship. Looking at the broad trends in China's nonproliferation policy since normalization in 1979, it is clear that our dialogue has paid off in important areas, demonstrated by China's evolution toward international consensus on nonproliferation in areas of great importance to us. For example, China, which once held an antagonistic view of multilateral controls on nuclear exports, joined the IAEA in 1984 and sent observers to the Nuclear Nonproliferation Treaty Review Conference in 1990.

#### Middle East/South Asia

China's support for the Middle East arms control initiative is another case in point. China's participation in the initiative is a positive step that will strengthen international nonproliferation efforts and indicates China's resolve to contribute to efforts to attain stability in the Middle East. In addition, China's willingness to participate in multilateral efforts to reduce tension in South Asia will be crucial to establishing stability in that volatile region.

Moreover, we have seen Chinese arms sales restraint in some areas where we have vital interests. For example, to the best of our knowledge, apart from the 1987/88 sale of mis-

siles to Saudi Arabia, China has not delivered medium-range missiles to the Middle East. It is clear that in other specific cases China has taken international concerns into account and declined proposed missile exports to prospective buyers.

#### Underscoring Our Concerns

It is because serious concerns remain that we want to maintain a constructive nonproliferation dialogue with Beijing. We do not intend to ignore current problems, but isolating China by dismantling the framework for our relations is not the way to advance our nonproliferation objectives.

We have the means available to underscore our concerns where there are differences in our approaches to nonproliferation and we have used these legislative and executive branch tools. For example, we have imposed trade sanctions mandated by the National Defense Authorization Act on Chinese entities involved in missile-related activities. We have also announced the Administration's decision that, pending progress toward our nonproliferation objectives, we will not license high speed computers and will not issue further waivers of legislative restrictions on satellite exports. These new sanctions have been imposed in addition to the existing sanctions announced immediately following the June 1989 assault on Tiananmen and amplified by Congress in the Department of State Authorization Act for FY 1990-1991. Moreover, we have not certified China under the bilateral agreement for nuclear cooperation that took effect in 1985.

Our policy mix of sanctions and cooperation at any given time is necessarily dependent on Chinese behavior. We are encouraged by China's indication in June that it is reviewing its policies with respect to Missile Technology Control Regime (MTCR) and the NPT. We seek China's adherence to the NPT and the MTCR guidelines and will encourage the Chinese to take concrete steps toward adherence to the key multilateral standards for international behavior established by these institutions. The Administration will continue to use the legislative authority that already exists and will take resolute action if the Chinese do not address favorably our nonproliferation concerns.

#### PART III: TRADE AND ECONOMIC ISSUES

The Administration is committed to achieving with China the same goals that have guided our trade policy with all other countries. We seek open markets and the opportunity for U.S. firms and their products to compete on fair and equal terms. To achieve these goals, and realize the principles of equality, mutual benefit and non-discrimination set forth in the U.S.-China Bilateral Trade Agreement, this Administration has pursued a policy of negotiation and engagement on trade issues with China. In particular, the Administration has sought to improve U.S. access to China's marketplace; to bolster Chinese protection of intellectual property; to end fraudulent practices by Chinese textile exporters using false country of origin declarations; and, to induce Beijing to undertake the economic and trade reforms required for membership in the GATT.

Reciprocal MFN tariff treatment underpins our ability to work constructively with the PRC. China's desire to retain access to the U.S. market has enabled us to engage Chinese leaders even during periods of tension. We believe that discontinuing MFN, or attaching conditions to its renewal, would cause serious harm to our trade interests and erode our ability to influence China's behavior on key trade issues.

### *The past decade of bilateral trade relations*

After decades of adhering to an import-substitution strategy that focused on minimizing China's reliance on outside sources of machinery and equipment, China began in the 1980's to seek outside sources of these goods. It also has increasingly drawn on foreign technology, expertise, and funds by actively encouraging joint ventures.

China's opening to the outside world has helped transform its economy, bolstering reform-oriented sectors that are not directly controlled by the central government. For example, the state sector now produces just over half of China's industrial output; in 1978, its share was 78 percent. China's dynamic rural industries, which are privately and collectively owned, have burgeoned. There are 30,000 foreign-invested ventures now in China, with a total contracted value of \$40 billion. The impact of China's open door has been particularly pronounced in the southern and coastal provinces, where 90 percent of the foreign investment and more than three-fourths of China's trade activities are located. This region, in turn, has become the primary engine of economic reform in China largely as a result of the introduction of market concepts to Chinese employees of joint ventures and to citizens engaging in commercial exchanges with the West. The economic autonomy fostered by this interaction contributes to increased political and even individual self-determination.

The United States has been a vital partner in this transformation. Following Congressional approval of the bilateral trade agreement, the United States and China established formal trade relations and reciprocally granted most-favored-nation (MFN) status in 1980. Growth in our commercial ties has helped to change China and to bring it into the global trading system. Since the resumption of normal trade relations, U.S.-China two-way trade has increased almost 770 percent, from \$2.3 billion in 1979 to over \$20 billion last year.

We are now China's second-largest trading partner and its largest export market.

China is our tenth-largest trade partner, up from fifteenth in 1981.

Over 1,000 U.S. firms have invested more than \$4 billion in China and another \$5 billion in Hong Kong related primarily to trade with the PRC.

In 1990, the United States exported \$4.8 billion worth of goods to China, including:

- \$749 million worth of aircraft.
- \$544 million worth of fertilizer.
- \$512 million worth of grain.
- \$281 million worth of cotton yard and fabric.
- \$273 million worth of chemicals.
- \$264 million worth of electric machinery.
- \$238 million worth of wood and wood pulp.
- \$227 million worth of scientific instruments.

Commercial relations with the United States have exerted positive influences on China's business and economic practices since 1980. China has shifted away from total reliance on a strongly centralized economy, shown greater tolerance for experimentation with market mechanisms to regulate its domestic economy, and decentralized and liberalized its foreign trade practices.

### *Regression in China's trade policies*

China's opening to the outside world has not been smooth. Over the past decade, attempts to accelerate the implementation of market-oriented reforms have been followed by Beijing's recentralization of control, as concern about the country's ballooning trade deficit led Beijing to step in to regain some of the trade authority it had relinquished.

Moreover, throughout the period since the normalization of trade relations and the granting of reciprocal most-favored-nation trading status in 1980, China's web of barriers to imports has made it difficult for many U.S. exporters to gain access to the Chinese market. U.S. firms have also had difficulty securing protection for their intellectual property.

U.S. trade negotiators have long been engaged with the Chinese Government, both the bilateral negotiations and in multilateral consultations at the GATT held to review China's application for membership. We have sought to ensure that bilateral commercial relations develop in accord with the principles that underlie our bilateral trade agreement: equality; mutual benefit; and nondiscrimination. From 1979 through 1987, Chinese authorities made some progress in reducing nontariff barriers to imports, in improving transparency, and in protecting the intellectual property of foreigners.

This trend has been reversed over the last three years.

Since 1988, Chinese trade policies and practices have become more protectionist, nontariff barriers to import have proliferated, and the trade system has become less transparent. These policies undoubtedly contributed to a 17 percent decline in U.S. sales to China in 1990. China was the only major foreign market for U.S. goods and services in which our exports declined in 1990.

Despite intensive bilateral negotiations with Chinese authorities since the USTR in 1989 placed China on the "priority watch list" of countries providing inadequate intellectual property protection—including three rounds of meetings over the past five months—China has failed to live up to the commitments contained in the bilateral Memorandum of Understanding (MOU) signed in May 1989.

At the same time, other problems have developed in our bilateral trade relationship. For example, to bypass U.S. textile and apparel quotas, Chinese exporters have increasingly resorted to shipping these products to the United States via third countries using false invoices and counterfeit visas. Also of concern to us has been the apparent lapse in China's commitment to economic and trade reforms that would bring the country in line with the GATT's free-trade principles. China's reassertion of central control over the past few years has called into question its willingness and ability to undertake the obligations that would be required of China as a contracting party to the GATT.

### *Steps the U.S. Government has taken and will take to address bilateral trade problems*

In six key areas of our bilateral trade and economic relations, the Administration has taken steps to resolve trade problems. We are prepared to do more.

#### **On Market Access**

Beginning in the fall of 1990, the Administration resumed sub-cabinet level meetings with the Chinese, that had been suspended since June 1989, to secure Chinese actions to reverse the growing list of new protectionist measures.

In April 1991, the Administration formally set in motion a market access initiative that continued with the visit to Beijing, in mid-June, of an interagency delegation to discuss market access issues. In meetings with senior Chinese officials, U.S. Government officials raised nine types of market access barriers, including: the lack of transparency in rules and regulations; the expansion of import licensing requirements; the use of im-

port substitution policies; the proliferation of import bans and quotas; the growth of standards, testing, and certification requirements, including discriminatory "quality standards" procedures for imports; the high level of many import tariffs; the unnecessary use of certain phytosanitary regulations; the uncertainties regarding government procurement and tendering regulations; and the lack of information regarding China's major development projects.

The Administration has proposed holding another round of market access consultations in August 1991. If that round of negotiations fails to yield substantial commitments from the Chinese authorities to dismantle market access barriers, the Administration will self-initiate Section 301 action to address those barriers the removal of which offers the most potential for achieving U.S. trade policy objectives and increasing U.S. exports.

#### **On Intellectual Property Protection**

On April 26, 1991, USTR identified the PRC as a priority foreign country that denies adequate and effective protection of intellectual property rights. Accordingly, on May 26, 1991, USTR initiated a Special Section 301 investigation on the basis of four problem areas: (1) inadequate copyright protection, (2) inadequate patent protection, (3) inadequate trade secret protection and (4) ineffective enforcement of trademarks. Consultations with the Chinese are ongoing. The first round of consultations under the Section 301 investigation occurred in mid-June and a second has been proposed for August.

The deadline for making a determination under Section 301 is November 26, 1991. This may be extended for three months if China is making substantial progress in drafting or implementing measures that will provide adequate and effective protection of U.S. intellectual property rights. At that time, the USTR must determine whether the acts, policies and practices of the PRC are actionable under Section 301 and what retaliatory action, if any, is appropriate.

If the consultations fail to produce adequate and effective protection of intellectual property rights, the Administration will take retaliatory action.

#### **On Textile Transshipments**

The U.S. Customs Service has been vigilant in documenting cases of Chinese textile transshipments over the past year.

In August 1990, USTR held consultations with Chinese authorities on the transshipment issue. Additional consultations took place in November 1990, March 1991, and May 1991.

The U.S. Government "charged" China's quotas for goods that were sent to the United States under false country of origin declarations valued at over \$85 million.

China has begun to take actions to curtail textile fraud since the December charges were made. For example, it issued regulations prohibiting reexports through a third country to countries that have signed textile agreements with China. Further, the Chinese Government has issued provisions for the punishment of those who violate the regulations.

The Administration has prepared more charges valued at about \$14 million that we anticipate will be levied after consultations with China next month.

The Administration will increase the number of U.S. Customs officials dedicated to investigating circumvention.

If transshipment persists, we will be prepared to take additional action against China.



## On Forced Labor

The importation of goods produced with forced, convict or indentured labor is prohibited by 19 USC Section 1307, which also directs the Secretary of the Treasury to prescribe regulations for enforcement of the provision. The Secretary of the Treasury, under 19 CFR Section 12.42, has delegated to the Commissioner of Customs, authority to determine that a class of goods is the product of forced labor and exclude those goods.

Customs has been investigating imports alleged to be the product of forced labor in China. Customs has interviewed emigres about forced labor practices in China. Customs is also analyzing import samples to determine if they match the descriptions provided by the emigres and others. Additional special agents have been detailed to Hong Kong to assist in the investigation.

Although the letter from Senator Baucus and fourteen co-signers did not specifically address the issue of prison labor imports, appropriate action is called for to fulfill the intent of existing law. The Administration therefore proposes to negotiate a memorandum of understanding with China on procedures for the prompt investigation of allegations that specific products exports to the U.S. are being produced by prison labor.

Pending negotiation of the MOU, Customs will temporarily embargo specific products from China when there is reasonable indication that they are made by prison labor. Embargoes will be lifted only after the Chinese Government or the Chinese exporter provides credible evidence that the products are not produced by prison labor.

## Multilateral Lending to China

The G-7 consensus, led by the United States, was successful in prohibiting all MDB lending to China from June 1989 to February 1990 in response to the international outcry against the crackdown by the Chinese authorities at Tiananmen Square.

From February 1990 to July 1990, the G-7 consensus supported a gradual resumption of World Bank lending to China for projects that clearly met basic human needs (BHN). The consensus held firm and actively prohibited other loans from Board consideration. Only five loans (totalling \$590 million) were approved in WBFY 1990. This is substantially less than pre-Tiananmen Square levels of World Bank commitments to China, which were \$1.4 billion in WBFY 1988 and \$1.3 billion in WBFY 1989.

At the Houston Summit in July 1990, several G-7 countries decided that China's long-term development needs argued for lending outside the BHN limits favored by the United States. Accordingly, the G-7 Houston Summit Declaration of July 1990 on MDB lending to China expanded the boundaries of permitted MDB lending to China to include loans which were environmentally beneficial or which supported market-oriented economic reform. Only BHN loans were considered by the World Bank Board until December 4, 1990 when the market oriented economic reform loan for Rural Industrial Technology was approved by the Board. On November 29, 1990, the ADB approved its first loan to China since Tiananmen Square, Agricultural Bank Project, which the U.S. did not support. Despite the approval of infrastructure project loans by the World Bank and the Asian Development Bank, the U.S. has and will continue to withhold support on all loans that do not meet BHN criteria.

## On GATT Accession

Since China applied for GATT membership in July 1986, the United States has been a

leading participant in the collective efforts of major GATT Contracting Parties to develop terms for China's GATT participation that will support the objectives of the GATT and will influence Chinese Government policies to become, over time, more compatible with the GATT framework for world trade.

U.S. and other major GATT contracting parties' concerns about China's ability and willingness to live up to GATT obligations, particularly since June 1989, have stalled progress in the Working Party established to consider China's application for membership in the GATT.

The Administration intends to continue to press Beijing to undertake trade and economic reforms so that its GATT application can advance and its trade practices be brought under GATT disciplines.

At the same time, the Administration will begin to work actively with other GATT members to resolve in a favorable manner the issues relating to Taiwan's GATT accession. U.S. support for Taiwan's accession as a customs territory would be consistent both with GATT legal criteria and the "one-China" policy which acknowledges the Chinese position and has been adhered to by successive U.S. administrations.

Taiwan's GATT accession would yield substantial trade and commercial benefits to the United States and to the international trading system.

Taiwan has indicated that it is prepared to accede to the GATT as a developed economy, to bind virtually all its tariffs, and to join the major non-tariff measure GATT codes.

## The importance of MFN

As highlighted above, the Administration is aggressively seeking to resolve outstanding bilateral trade issues with the PRC. MFN underpins our ability to work constructively with the PRC. We believe that discontinuing MFN, or attaching conditions to its renewal, would cause serious harm to our trade interests, and would render futile pursuit of the initiatives outlined above.

It would reduce our leverage in market-access, intellectual property rights protection, and other trade-related negotiations. China's desire to retain access to the U.S. market has enabled us to engage Chinese leaders in consultations on bilateral and multilateral issues even during periods of tension. Because China is not a GATT member and not bound by GATT trade disciplines, it is especially important to have many levers that enable us to engage the Chinese on trade issues.

It would hurt U.S. exporters. If the United States rescinds China's MFN trading status, China will not only discontinue MFN tariff treatment for the United States, but would likely cease purchasing billions of dollars of U.S. wheat, aircraft, fertilizer, cotton yarn and fabric, wood and wood pulp, electric machinery, scientific equipment, and chemicals. Foreign competitors, whose goods would be subject to lower tariffs, would be quick to exploit our departure. Lost shares of China's market would not easily be regained even if MFN were restored at some future date.

It would hurt U.S. consumers. Tariffs on the 25 most important U.S. imports from China would rise from the present average tariff rate of 8.8 percent to an average rate of 50.5 percent. These increases would mean sharply higher prices for lower-end Chinese goods. The costs to U.S. consumers would be largely borne by poorer Americans, who are primary consumers of low-cost Chinese products.

It would damage America's reputation as a reliable trade partner. Our trade competitors will not join us in denying MFN status to

China. Other Chinese trade partners, especially in Asia, urge that China's MFN status be retained.

It would hurt investors, businesses, and workers in Hong Kong. Loss of MFN would impede China's integration into the regional economy; a development crucial to regional stability particularly as we near the 1997 deadline for Hong Kong's reversion to Chinese sovereignty. It could cost over 43,000 jobs in Hong Kong and result in direct revenue losses of approximately \$1.2 billion dollars. Hong Kong's GDP growth could be curtailed by as much as two percent.

It would set back efforts to bring about meaningful economic reform in China. A disproportionate burden of the MFN denial would fall on the primary engine of economic reform in China—the economies of the southern and coastal provinces. In Guangdong province, for example, 40 percent of industrial output is produced for export, half of which goes to the United States. Sectors that fall outside of the direct control of the central government have been especially important to China's development as an exporter; one-third of China's exports currently come from rural (individual and collectively owned) industries and from foreign-invested ventures. The foreign ties these provinces and non-state-owned factories developed with the outside world prior to Beijing's reassertion of central control in mid-1989 enabled these provinces to weather the austerity program; without these foreign markets, Beijing's grip would have been all the tighter. As Beijing's influence over the regions and sectors most closely integrated into the global economy has diminished, these regions and sectors have become increasingly sensitive to global economic conditions. Revocation of China's MFN trading status would cause unemployment to rise and factory losses to mount in export-producing regions.

## Conclusion

Those who engineered the violence in China in June 1989 are unlikely to bear the economic costs associated with the denial of MFN. Instead, those who suffer would be American businesses and their employees, American consumers, and the people of Hong Kong and the progressive areas of China.

China's opening to the outside world over the past decade has accelerated growth in the non-state sectors of the economy; resulted in strong links between China's coastal regions and the global economy that have enabled this reformist region to weather Beijing's periodic efforts to reimpose central government control over economic activity; and introduced market concepts to a generation of Chinese managers involved in joint ventures, trade negotiations, and training in the West. For this process to continue, China's most-favored-nation treatment in the United States is essential.

U.S. SENATE,  
COMMITTEE ON FINANCE,

Washington, DC, September 24, 1991.

Hon. GEORGE BUSH,  
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to urge the Administration to follow through vigorously on its commitments to take strong action with regard to the People's Republic of China.

During the recent Congressional debate on extension of MFN to China, the Administration articulated a policy of using "smart instruments" to address our concerns with China. The policy involved using carefully tailored policy tools to address bilateral

problems while continuing to engage China with MFN. Certainly, no policy can be expected to immediately solve all of our many problems with China. It will take continued high level pressure on many fronts to improve China's respect for human rights. And negotiations on arms sales must take place quietly behind the scenes.

However, in a letter to me dated July 19, 1991, you outlined a range of policy steps the Administration planned to take with regard to China. In my opinion, the Administration has been slow to implement a number of the steps outlined in the letter. In particular, I am disappointed that the Administration has not yet initiated a Section 301 investigation to address Chinese trade barriers or implemented the new policies directed at blocking imports of goods made with prison labor.

In your letter, you wrote that:

"\* \* \* my Administration has invited senior Chinese trade officials to Washington in August for a continuation of consultations begun in June regarding access for U.S. products to the Chinese market. If these talks fail to produce Chinese commitments to take substantial measures to improve market access, the Administration will self-initiate further action under Section 301 of our trade laws."

According to published press reports, the August session with the Chinese failed to yield meaningful results. Yet, instead of initiating a Section 301 case, the Administration allowed the Chinese until September 30th to respond to U.S. proposals before taking action under Section 301. I understand the rationale for giving China until September 30th to respond to U.S. proposals. But I believe it is essential to the credibility of the Administration's China policy that the Administration initiate a Section 301 investigation against Chinese trade barriers shortly after September 30th unless China makes very substantial progress toward opening its market.

With regard to goods with prison labor, you wrote the following:

"In particular, I am ordering the following additional measures: The Department of State will seek to negotiate a memorandum of understanding with China on procedures for the prompt investigation of allegations that specific imports from China were produced by prison labor. Pending the negotiation of this agreement, the U.S. Customs Service will deny entry to products imported from China when there is reasonable indication that the products were made by prison labor. The denial will continue until the Chinese Government or the Chinese exporter provides credible evidence that the products were not produced by prison labor."

Since the letter was written, an investigation described in recent stories on "60 Minutes" and in "Newsweek" has provided strong evidence of significant Chinese prison labor exports. Yet, I am unaware of any Customs Service efforts to stop imports of goods made with Chinese prison labor. I congratulate the Customs Service on its recent raids that seized an unprecedented amount of illegally imported Chinese apparel into the U.S. But action must also be taken to address imports of goods made by prison labor.

Finally, I am concerned that your commitment to "work actively" in support of Taiwan's effort to join the GATT has not yet been fulfilled. I understand that the Administration has been working behind the scenes to set the stage for future efforts. But I hope that the U.S. begins public efforts to assist Taiwan's entry into the GATT in the very near future.

I support the so-called "smart instruments" policy for China. But for such a policy to succeed, the "smart instruments" must be used. If the Administration fails to act, the Congress will have no alternative but to use the leverage provided by MFN to press for progress in China.

The Administration and the Congress worked cooperatively to forge a China policy during the Congressional debate on MFN extension. But it is now time to implement that policy.

I look forward to your reply and to working with you on this issue in the future.

With best personal regards, I am

Sincerely,

MAX BAUCUS.

THE WHITE HOUSE,

Washington, November 5, 1991.

Hon. MAX S. BAUCUS,

U.S. Senate, Washington, DC.

DEAR MAX: I appreciated receiving your views on the importance of following through on the issues we addressed in our last exchange of letters regarding the People's Republic of China. It is clear that we continue to agree that the best way to make progress is for the Administration and Congress to continue to work together.

We need to be firm with the Chinese about our expectations, and, at the same time, encourage them to take positive steps. There has been some positive movement since my last letter to you, but we all should recognize that forward movement very likely will be incremental and could well be complicated by setbacks along the way. Nonetheless, I am determined that U.S. policy encourage China to move in a positive direction.

We are taking strong, yet measured, action against the Chinese, including in the areas you mentioned—market access, apparel imports, and prison labor. We are also working actively with GATT contracting parties to resolve issues of Taiwan's GATT accession. The details of these actions are attached.

There is no question that MFN is the wrong tool to bring about change in China. I think we both are in complete agreement on that. I think we also agree that a strong China policy that vigorously addresses our concerns while continuing to engage China gives us the best hope for encouraging reforms while protecting our own national interests.

I welcome your support and look forward to continuing to work together to bring about positive change in China.

Sincerely,

GEORGE BUSH.

Enclosure.

#### MARKET ACCESS

U.S. trade agencies were instructed last July to press vigorously our concerns about unfair Chinese trade practices with the Chinese government. In talks with PRC Vice Minister Tong Zhiguang August 20-23, the U.S. outlined for the Chinese a series of tangible steps that would begin the process of dismantling trade barriers. Because the Chinese were unable to respond definitively to these proposals before the end of our August discussions, a September 30 deadline was set for an official response. Every consideration was given to the Chinese response received September 30, but after U.S. trade agencies determined that it did not meet the requirement that China make commitments to take substantial measures to improve market access, the U.S. Trade Representative self-initiated a Section 301 investigation.

Four principal market barriers will be investigated, including selected sector-specific and product-specific import prohibitions, import licensing requirements, and technical barriers to trade as well as failure to publish laws and regulations pertaining to restrictions on imports. Under the 1974 Trade Act, as amended, the investigation of Chinese practices normally must be concluded within twelve months. If it is determined at the end of that investigation that the barriers under review burden or restrict U.S. commerce in an unreasonable or discrimination fashion, the U.S. has the right to impose retaliatory trade action against China.

#### APPAREL IMPORTS AND PRISON LABOR

The Customs Service's unprecedented action associated with apparel imports demonstrates the Administration's determination to enforce federal laws applicable to the import of Chinese goods. Moreover, this action is testament to the Administration's resolve to implement the commitments in the President's July 19 letter to Senator Baucus to use the instruments available to enforce the law and to pursue U.S. policy objectives with the Chinese. Vigorous action to protect American interests and uphold the law in these cases will continue to be taken.

The U.S. has serious concerns about the export of Chinese goods produced with prison labor. The Department of State and the U.S. Customs Service have been actively pursuing steps to prevent importation of Chinese prison labor products. On September 23 a Chinese commitment was received to negotiate an understanding on procedures for the prompt investigation of allegations that specific imports from China were produced by prison labor. The U.S. will press for a rapid conclusion to those negotiations. The Chinese issued an official statement October 10 reiterating the national prohibition on export of prison made products.

If Chinese prison labor products have entered the U.S., it has been through a network of middlemen, including trading companies in China and abroad, that makes it difficult to trace such shipments. Cooperation of authorities in the PRC and with U.S. business people is needed to eliminate any such exports at their source. In an effort to reach out to new sources of assistance and information in achieving this objective, the Commissioner of the Customs Service held a public hearing on November 1, 1991 in Washington in order to expand awareness of the problem in the trade community and among the public.

At the same time, the U.S. will continue to do its utmost to prevent the entry of any prison labor product from China. The U.S. Customs Service has undertaken a range of short- and medium-term measures to block the entry into the U.S. of Chinese prison labor products. In this July 19 letter to Senator Baucus, the President noted the U.S. would prevent entry of products from China when there is a reasonable indication that such products were produced by prison labor. The Customs Service issued orders on October 4 to detain any shipments of certain Chinese merchandise (wrenches and steel pipe) that are believed to be produced by prison labor in China. We take our obligations in this matter seriously.

#### TAIWAN'S GATT APPLICATION

The Administration is working actively with other GATT contracting parties to resolve the issues relating to Taiwan's GATT accession. It has been made clear in discussions with other governments that the United States supports Taiwan's accession to



GATT as a customs territory and that we want GATT contracting parties to resolve this matter favorably. This position in no way implies a change in the long-standing U.S. policy that acknowledges the Chinese position that there is only one China and that Taiwan is a part of China.

#### CHINA: THE ADMINISTRATION'S ENGAGEMENT POLICY IS WORKING

U.S. interaction with the government and people of China has produced demonstrable progress. That interaction must continue despite setbacks we have encountered so that we can continue to advance our trade, non-proliferation, and human rights objectives. We advocate a strategy of targeted actions that gets results and does not put at risk MFN, the engine of economic growth and dynamic social change in China, especially in the South. Moreover, China's loss of MFN—conditional legislation is withdrawn by another name—would hurt U.S. businesses and consumers as well as Hong Kong, which has invested more than \$6 billion in the PRC. Our targeted approach has achieved results:

Trade—American business benefits from our efforts:

We obtained China's agreement in January to improve significantly protection of U.S. patents, copyrights, and computer software—commitments which were universally applauded by U.S. industry.

Our pressure resulted in U.S. shipping companies' ability to establish branch offices in China and to engage in normal business activities there.

The Administration's efforts to reduce our bilateral trade deficit have borne fruit. U.S. exports to China increased by about 30% in 1991. China was the fastest growing Asian market for U.S. exports last year.

A third round of negotiations, under our Section 301 investigation of Chinese market barriers is scheduled for April. The Administration is committed to resolving our concerns about PRC trade barriers by October 1992, the deadline for the investigation.

U.S. Customs has vigorously pursued textile transshipment cases and is stopping the import of prison labor-manufactured products.

Non-Proliferation—Administration's targeted approach has improved Chinese behavior:

As a direct result of the Administration's use of targeted sanctions, the PRC agreed in writing to observe Missile Technology Control Regime (MTCR) guidelines and parameters. We will monitor Chinese behavior; if they do not fully implement these commitments, the Administration will not hesitate to impose new sanctions.

We have elicited a change in China's long-standing opposition to the Nuclear Non-proliferation Treaty; China acceded to the NPT on March 9.

We have drawn China into the President's Middle East Arms Control talks; China supports the prospective South Asian non-proliferation regime; and is participating in Middle East peace talks.

Our intervention resulted in China's endorsement of placement of IAEA safeguards on the nuclear reactor that it is building in Algeria.

Human Rights—The Administration will not relent:

China's human rights record remains insufficient, but we are pressing hard for improvement.

The Chinese have given us a name-by-name response to our prisoners list; we are seeking more information.

We have urged China to release Tiananmen detainees. Some prisoners have been released, though many remain.

Some dissident relatives and dissidents have received exit permits. We insist that the Chinese live up to their assurance to Secretary Baker that all those not charged as criminals could leave.

After intensive discussions with us, China has published regulations banning the export of products of prison labor. We are negotiating an MOU, including a provision for investigations in China.

We co-sponsored with the EC a resolution at the UN Human Rights Commission highlighting the need for improvement in China's human rights situation, including Tibet; Tibet has seen a gradual lessening of tensions.

We have established a human rights dialogue and regular consultations with the Chinese. We are using this dialogue to seek positive change in the lives of Chinese citizens.

Global/regional issues—Our engagement is moderating Chinese behavior:

We elicited Chinese support for a comprehensive political solution in Cambodia; separate UN seats for South and North Korea and opposition to North Korea's effort to develop nuclear weapons; and China contributed to favorable resolution of the Gulf War, including sanctions enforcement.

[From the Brookings Review, Spring 1992]

#### CHINA POLICY

(By Harry Harding)

At the end of February China and the United States passed a major milestone; the 20th anniversary of Richard Nixon's visit to China and the signing of the Shanghai Communiqué in 1972. Neither country, however, is in the mood to celebrate.

Americans spent most of the 1970s and 1980s feeling buoyantly optimistic about relations with China. For the first 10 years after the Nixon visit, they viewed Peking as a virtual ally in containing Soviet expansionism. After the establishment of diplomatic relations between the two countries in 1979, they saw boundless opportunities for trade and investment with China. In the mid-1980s, many Americans concluded that China had renounced Marxism, embraced capitalism, and launched the most successful program of economic and political reform in the communist world. By early 1989, opinion polls showed that nearly three-quarters of the American public had a favorable impression of China, up from a mere 23 percent at the time of the Shanghai Communiqué.

Since the crisis in Tiananmen Square in June 1989, however, Americans have perceived China in much darker terms: repressive at home, irresponsible abroad, and engaging in unfair commercial policies toward the United States. Only one in three Americans regard China favorably. Both houses of Congress have passed, by large majorities, legislation that could cost China its most-favored-nation trade status. Even the Bush administration, having spent enormous amounts of its dwindling political capital to preserve a relationship that so many Americans now question, seems disenchanted with Peking.

The conceptual frameworks that guided the United States' China policy in the years since Nixon first journeyed to Peking are clearly inadequate today. China can no longer be seen as an ally against an expansionist Soviet Union, or as a pioneer in political and economic liberalization. Given China's burgeoning trade surplus with the United

States, it is even difficult to portray China as a lucrative trading and investment partner.

But in redesigning our China policy, it would be foolish to substitute one set of caricatures for another. If China is no longer an ally of the United States, neither has it become an American adversary. Although China has retreated from the forefront of reform, it has not returned to Maoism either politically or economically. To be effective, American China policy must reflect the complexity of China's own domestic and foreign affairs.

#### THE RETREAT FROM POLITICAL REFORM

The massive demonstrations in Peking in April and May of 1989 were warmly welcomed in the United States as a sign that young urban Chinese were demanding democracy as well as prosperity. The inability of the Chinese Communist party to suppress the demonstrations by condemning them in the press, by declaring martial law, or even by massive displays of military power made it appear that the pressures for political change had become irresistible.

From this perspective, the Chinese army's brutal and indiscriminate use of deadly force before dawn on June 4th was a grievous disappointment. Peking's subsequent refusal to apologize for the loss of innocent life, its insistence that the demonstrations constituted a "counter-revolutionary rebellion," and its arrest and, in some cases, execution of some of those involved in the demonstrations only heightened the American sense of outrage and dismay.

Since then, Americans have viewed China as a country in full retreat from reform. With reformers like Zhao Ziyang purged from the leadership, and with hard-liners like Li Peng in command, China seems to be the victim of political repression and economic centralization. The collapse of communism elsewhere, first in Eastern Europe and then in the Soviet Union itself, has made developments in China appear even more retrogressive. From the vanguard of reform, China has seemingly moved to the rear, along with other unrepentant nations like Cuba and North Korea.

This familiar portrait is, however, an exaggeration of a much more complicated reality. True, a wave of repression swept urban China after the Tiananmen crisis. Between 4,500 and 10,000 protesters were arrested, and at least 12 and perhaps as many as 100 executed. Since then, the repression has continued, targeting independent labor organizations, the so-called "house churches," and dissident movements in national minority areas. The party has again resorted to purges, censorship, and propaganda to ensure its control over the universities, the news media, the government bureaucracy, and the army.

Some of the more promising, if rudimentary, political reforms of the 1980s have also been rolled back. Meetings of national representative bodies, including both the party Central Committee and the National People's Congress, are less lively than in the past. Experiments with contested elections have been largely suspended. Newspapers and magazines no longer publish frank debates on matters of national policy. Above all, genuine political pluralism—defined as the creation of a multiparty political system and the tolerance of independent interest groups—is officially condemned as "bourgeois liberalization."

And yet, despite their best efforts, Chinese leaders have been unable to fully reactivate the mechanisms of political control that

were dismantled, or else allowed to decay, during the post-Mao reforms. Attempts to revive interest in Marxist-Leninist ideology, or in the revolutionary heroes of the Maoist era, have been greeted with popular derision. Political study groups for government officials and military training for some college freshmen are having little effect on popular attitudes. Censorship of the Chinese news media is not preventing new information and ideas from flowing into the country through foreign visitors, international radio broadcasts, and foreign periodicals.

Moreover, much of the society is now falling outside Peking's control. The party is simply unable to place members in all the small private and collective businesses that are springing up across the country. As a result, a civil society, largely independent of both the party and the state, is growing rapidly, especially outside the capital. Nor has the central government been able to halt the dispersion of financial authority, and thus political power, from Peking to the provinces.

In short, although China represents a "harder" form of authoritarianism than it did a few years ago, the Communist party has not been able to recreate the sort of totalitarian political system that still exists in North Korea and Cuba. The state may still be able to suppress dissident political behavior, but it can no longer prevent unorthodox political thoughts. The political liberalization of the 1980s has been stalled, but it has not been fundamentally reversed.

#### THE REVIVAL OF ECONOMIC REFORM

In the months immediately after the Tiananmen crisis the future of the economic system was a matter of intense debate in China. Long-silent conservatives were emboldened to advocate restoring central planning, restricting private economic activity, and even recollectivizing agriculture. To stem the inflationary pressures that had caused such popular discontent in 1988-89 and to cope with the economic sanctions imposed by the West after June 4th, the government reimposed controls over prices, domestic investment, and foreign trade. One consequence was the rapid growth of China's trade surplus with the United States, as Peking slashed imports while continuing to promote exports.

Within a few months, however, the proposals for reversing reform were decisively rejected, if only because the government no longer has the technical means or the political clout to reimpose central planning and state ownership. In fact, reform is moving forward in several important areas, including ownership, prices, trade, and finance. The private, collective, and foreign sectors of the economy, all of which tend to be responsive to market forces, continue to grow much more rapidly than the state industrial sector. More and more prices are being readjusted or decontrolled, including those of such sensitive commodities as grain and transportation. Subsidies for export industries are being phased out, and the remainder is being steadily depreciated to approach its true market value. Experiments with securities markets, foreign exchange markets, and other financial reforms continue.

The revival of economic reform reflects a fundamental conclusion reached by Chinese leaders since 1989. To ensure political stability, they believe, it is necessary to manage the economy well. And to ensure economic growth, their reasoning continues, it is necessary to promote economic reform. Over the longer run, of course, economic reform will create the new classes of entrepreneurs,

managers, and professionals who will eventually demand political change. In the short run, however, the Chinese leadership assumes that economic reform can obviate the need for political liberalization.

Still, despite undeniable progress in many areas, economic reform remains largely stalemated in three critical respects. The central government has not yet been able to create a coherent national tax system, to impose rationality on the banking system, or to subject unprofitable state enterprises to stringent budgetary constraints. These three problems present Chinese leaders with an acute dilemma. To deal with them vigorously could produce turmoil in the cities, where large numbers of workers in insolvent state factories would be thrown out of work by meaningful financial and enterprise reforms. But failure to address these three issues effectively will produce chronic budget deficits, lose credit, and inflationary pressures. Either way, tougher economic times, and the political unrest that accompanies them, may well lie ahead.

Moreover, the foreign trade reforms adopted since 1989 have removed few of the structural obstacles to American trade and investment in China. Many commodities are still subject to import controls, and some are banned altogether. Many of the regulations governing foreign trade and investment are kept secret from the American business community. American patents and copyrights have received scant protection from the Chinese government. In short, the renewal of economic reform has done little to resolve the most sensitive issues now plaguing the commercial relationship between China and the United States.

#### OBJECTIONABLE CONDUCT ABROAD

Many Americans also regard post-Tiananmen China as a rogue regime abroad, exporting weapons of mass destruction to unstable regions, supporting repressive governments, and engaging in unfair trade. China's harsh criticism of U.S. foreign policy, especially the Bush administration's call for a "new world order," has persuaded many Americans that China has again adopted a hostile posture toward the United States. Although an oversimplification, this portrait, too, is based on some troubling realities.

China's sale of arms abroad, especially the transfer of ballistic missiles to the Middle East, threatens to disrupt the delicate balance of power in sensitive regions. Reports of Chinese assistance to the nuclear programs of various countries, particularly Algeria and Pakistan, remain of great concern to the United States. Peking's diplomatic support and military assistance to Burma (now named Myanmar by its present leaders) help prop up one of the most repressive regimes in Asia. China's past backing of the genocidal Khmer Rouge in Cambodia is equally odious.

China's policies toward Hong Kong and Taiwan are also cause for worry. Although Peking acknowledges its interest in preserving the stability and prosperity of Hong Kong after 1997, when the territory returns to Chinese sovereignty, it clearly objects to the development of pluralistic democratic institutions in Hong Kong and is determined to vet all major decisions made there from now on. And although China has been willing to expand economic and cultural ties across the Taiwan Strait, Peking regularly threatens to use force to deter any movement toward Taiwanese independence, and deploys its diplomatic resources to resist Taipei's attempts to gain a more active and dignified role in the international community.

Chinese leaders and analysts have also taken a much harsher tone in their discus-

sions of the United States. They warn against U.S. attempts to create a unipolar "new world order" dominated by Washington. They refuse to endorse the American use of force to reverse Iraq's invasion of Kuwait. They criticize U.S. human rights policy as an attempt to undermine remaining communist governments. For the first time in years, the Chinese press now refers to American "hegemonism," and even occasionally "imperialism."

Some conservative Chinese leaders have gone so far as to call for a reorientation of China's foreign relations, proposing anti-American alignments with the third world, with the remaining communist states, with Japan, and (until it disintegrated) with the Soviet Union. Others have demanded a cut-back in cultural and commercial exchanges with the United States to restrict the channels by which "bourgeois liberalization" can corrupt Chinese society. If adopted, such proposals would set Sino-American relations back more than two decades.

#### RESPONSIBLE FOREIGN BEHAVIOR

But these worrisome developments have been only one facet of Chinese foreign policy in the post-Tiananmen era. On a more positive note, Peking has helped promote stability on the Korean peninsula by expanding its own political and economic relations with South Korea, by encouraging Pyongyang to enter the United Nations and resume its dialogue with Seoul, and by working quietly but effectively to persuade North Korea to accept international inspections of its nuclear program. Its past connections with the Khmer Rouge notwithstanding, China has helped broker a comprehensive political settlement in Cambodia and seems willing to accept a decidedly subordinate role for the Khmer Rouge as long as the new Cambodian government remains independent of Vietnam. Peking is also showing interest in the new agenda of international issues, including protecting the environment, combating drug trafficking, and preventing the spread of communicable disease, even though, like other developing countries, it insists that the costs of addressing the problems should be borne primarily by wealthier nations.

Moreover, despite all the internal debate, the general orientation of Chinese foreign policy has remained steady over the past three years. Peking still wants a peaceful and stable international environment, especially in Asia, so that it can continue to allocate the bulk of its national resources to economic modernization. Since 1989, China has established diplomatic relations with Indonesia, Singapore, and Brunei. It has eased strained relations with Mongolia, Vietnam, and India. It continues to build economic and cultural exchanges with Japan, South Korea, and the other members of ASEAN. And, despite its longstanding links with the Palestine Liberation Organization, Peking finally established diplomatic relations with Israel earlier this year, suggesting that China will now be willing to play a more impartial role in discussions of peace in the Middle East.

Similarly, its overheated rhetoric notwithstanding, China has done remarkably little to change its relations with the United States since the Tiananmen crisis. Peking (and, even more, the provincial governments) still actively court American trade and investment. Most academic and cultural exchange programs remain in operation, and more Chinese students and scholars are studying in the United States than ever.

China's policy is not to return to confrontation with the United States, as it did



in the 1950s and early 1960s, but rather to persuade Washington to lift its sanctions, restore official contacts, and return to the pre-1989 relationship.

#### DEFINING THE AMERICAN RESPONSE

What kind of China policy is best suited to these complex circumstances? A return to the euphoria of the 1970s and 1980s is unlikely to be appropriate, even in the era following the death of Deng Xiaoping. Despite widespread hopes for change, China may not see sustained progress toward political liberalization after the octogenarians have left the scene. Instead, it is quite possible that the present combination of economic reform and political authoritarianism will continue for some years to come. Alternatively, the problems that have troubled many other large developing countries—corruption, inequality, demands for provincial autonomy, and pressures from national minorities for self-determination—could provoke social unrest or political repression in China as well. And even if political and economic reforms assuage American concerns with human rights, China and the United States are likely to have different perspectives on a wide range of other bilateral, regional, and global issues. Thus Americans should not base their China policy on the optimistic assumption that the renewal of radical reform, and therefore the congruence of Chinese and American interests, is only a matter of time.

But viewing China with hostility would also be unwise. A diplomatic standoff with China would complicate America's ability to manage the strategic, economic, and environmental issues in which China necessarily plays an important role. A hostile stance toward China would also throw broader U.S. Asia policy into disarray, for America's friends and allies in the region would be highly reluctant to join in an antagonistic posture toward Peking. Preparing for a military confrontation with China would overstretch American resources at a time of rapid retrenchment in our defense budget. As long as China refrains from hostility toward the United States, there is no reason for the United States to take an adversarial posture toward China.

Redesigning American policy toward China also requires an accurate assessment of China's role in the world. In the past, Americans have tended to exaggerate China's significance, regarding it variously as the center of a dangerous worldwide revolutionary movement, as a limitless market for American exports, or the trump card to play in our global competition with the Soviet Union. Now, the tendency may be to denigrate China, overlooking the importance of its huge population, its strategic location, its rapidly growing economy, its massive ecological problems, its sizable military, its nuclear weapons, and its permanent seat on the United Nations Security Council. On almost all pressing international issues, China has the ability to make matters marginally better or considerably worse. Such a country cannot be treated with benign neglect.

A more realistic approach toward China would begin with an appreciation of the full range of American interests at stake. The United States cannot focus exclusively on any single objective, whether regional stability, human rights, commercial advantage, environmental protection, or a peaceful and prosperous future for Hong Kong and Taiwan. Rather, it must pursue all these interests simultaneously. As a corollary, China policy must not be monopolized by any single interest group—not labor unions trying to protect American jobs, American corpora-

tions seeking better access to the Chinese market, or even overseas Chinese student organizations promoting human rights back home.

On virtually all these issues, China's interests will partly converge with, and partly diverge from, those of the United States. Both nations want stability in Asia, but they view important regional issues differently, and China has territorial disputes with many countries friendly to the United States. China and the United States have complementary economies, but the specific terms of trade and investment are irritants to both. China seems willing to participate in the international regimes that govern world economic, environmental, and security issues, but as a large developing country its perspectives on many questions differ from those of the United States. The different ideologies, historical backgrounds, and cultural traditions of the two countries will continuously cause friction, especially over human rights. Seeing China either as a "friend" or a "foe" of the United States in these circumstances would be equally unrealistic.

The most appropriate U.S. strategy in such circumstances is to collaborate with Peking whenever possible, on those issues where U.S. and Chinese interests coincide. Preventing nuclear proliferation on the Korean peninsula, reducing tensions between Pyongyang and Seoul, ensuring the implementation of the Cambodian peace accords, and developing regional economic institutions that include both China and the United States are all issues that invite cooperation.

Conversely, when U.S. and Chinese interests diverge, as they do on bilateral commercial relations, human rights, and China's transfer of military technology abroad, it will be necessary to do some hard bargaining, offering Peking both incentives and disincentives to redefine its policies in keeping with American interests. Those incentives and disincentives, in turn, should usually be the same as those that the United States applies to other countries in comparable circumstances. And the disincentives need to be carefully designed to ensure that they do not inadvertently harm one set of U.S. interests while promoting another.

Advancing American interests through hard bargaining requires constant engagement of U.S. and Chinese officials, at both the leadership and working levels. Ceremonial summit meetings may not be appropriate until China further improves its record on human rights and proliferation. But frequent dialogue just below the summit is necessary on the full range of issues confronting the two countries. In particular, it is time for the United States to resume contact with the Chinese defense establishment to ensure China's compliance with the emerging international norms against the proliferation of weapons of mass destruction.

Finally, in discussing such issues as human rights, trade, and weapons transfers, the United States should make clear that it is seeking Peking's compliance with established international norms and standards, rather than forcing it to accept unilateral American preferences. When sanctions are necessary, they will be more effective if they are imposed and implemented in a multilateral fashion, so that they reflect the common judgment of the international community rather than the opinion of the United States alone.

#### THE EVOLUTION OF POLICY AFTER TIANANMEN

For the first 18 months after the tragic incident in Tiananmen Square, the United

States undertook policies quite different from those just outlined. After imposing a series of diplomatic, economic, and military sanctions against China in June 1989, the White House tried to resolve the crisis in Sino-American relations swapping concessions with Peking, hoping that a more accommodative American posture would evoke comparable Chinese gestures in return. Unfortunately, Chinese leaders may well have interpreted the administration's conciliatory policy as a sign of weakness. Their rapid response, particularly on human rights issues, soon created the impression in the United States that the White House was "kowtowing" to a brutal leadership in Peking.

Congress has attempted to mandate a tougher line, through the threat to deny China's most-favored-nation status unless Peking accepts a long list of American demands on issues ranging from human rights to trade policy. But linking every issue to a single sanction—the denial of most-favored-nation status—deprives the United States of the flexibility it needs to deal with a complex China. Moreover, actually withdrawing China's most-favored-nation treatment would threaten several important U.S. interests, including economic liberalization in China, prosperity for Hong Kong and Taiwan, and Chinese cooperation on global and regional issues. It would also provide an ideal pretext for Chinese leaders to restrict the academic and exchange programs through which new ideas and values enter the country, and to crack down on intellectuals with links to the United States.

Since last spring, the Bush administration has quietly changed course and adopted a new China policy in keeping with the strategy recommended above. It has enforced laws against false labeling of Chinese textiles and against the import of convict labor products. It has threatened the sanctions authorized by section 301 of the 1988 Trade Act to seek better protection for intellectual property and better access to the Chinese market. It has tightened restrictions on technology transfer to China, as a way of persuading Peking to honor international norms restricting the export of nuclear materials, ballistic missiles, and other weapons of mass destruction. It has promoted human rights in China by steady diplomatic pressure and by sustaining most sanctions put in place in June 1989.

#### THE CHINA POLICY NO ONE KNOWS

This strategy has begun to achieve results. China has agreed to ratify the nuclear non-proliferation treaty, to abide by emerging international rules governing the export of ballistic missiles, and to participate in negotiations limiting arms sales to the Middle East. It has promised to ban the export of commodities manufactured by prison labor, to halt the false labeling of textiles, and to better protect American intellectual property. In the area of human rights, less progress has been achieved. But even here China has released some political prisoners, accounted for others, and allowed relatives of dissidents in exile to join their families abroad.

None of these initiatives has completely solved the issues dividing the two countries. Peking's willingness to comply with its promises, particularly in the area of arms sales abroad, must be carefully monitored and verified. Washington will have to move skillfully, relaxing sanctions when there is real progress, keeping the pressure on when there is not, and even retaliating when there is backsliding or deceit on the part of Pe-

king. But the overall pattern suggests that a policy of graduated pressure can achieve results and that China is willing to make concessions to preserve its relationship with the United States.

Unfortunately, the Bush administration's new strategy toward China has not been adequately publicized. The only systematic explanation is contained in a letter from the president to Senator Max Baucus (D-Mont.), written at the height of congressional debate over China's most-favored-nation status last July, that has not been widely circulated. The White House may have expended so much capital on its earlier, less successful policy that it feels it has little left to invest in its newer, more appropriate strategy, particularly in an election year. Or it may be reluctant to admit that the earlier policy of swapping concessions failed and that it has been forced to take a tougher approach.

Whatever the explanation, the administration's failure to articulate its new China policy clearly and persuasively is a continuing handicap. For one thing, it makes it difficult for the White House to relax economic sanctions or restore high-level contacts with China, both crucial elements in the array of incentives and disincentives needed to deal with Peking. Many in Congress and the media associate such steps with the disastrous visit by National Security Adviser Brent Scowcroft six months after the Tiananmen crisis, when photographs of Scowcroft raising a champagne glass to toast his Chinese hosts earned Bush the fury of the U.S. press and public. The administration has not yet made the obvious but crucial case that positive gestures can be part of a tough-minded policy, not just an accommodative one.

Equally important, in the absence of a domestic consensus over its China policy, the White House faces a draining annual debate over the future of China's most-favored-nation status. Thus far, the administration has been able to secure enough votes in the Senate to prevent the outright withdrawal of Peking's most-favored-nation status, or the attachment of conditions to its renewal. But the failure to resolve this issue makes Sino-American ties much more fragile than they should be, and constantly threatens to drive the relationship into confrontation.

The time has come to break the deadlock on U.S. China policy. The Bush administration has finally begun to formulate a tough-minded strategy that fits the complex realities of China. But having a good policy in a vest pocket is not enough. The administration must show its cards and work with responsible members of Congress to rebuild the domestic consensus that was shattered by the crisis in Tiananmen Square.

A key element in forging that new consensus will be to conclude the debate over China's most-favored-nation status. The administration should accept broadly worded legislation that requires an annual assessment of China's domestic developments and international behavior before Peking's most-favored-nation status can be renewed. The congressional leadership should acknowledge that the revocation of normal trade treatment for China would be counterproductive under present circumstances, and that Peking's most-favored-nation status should therefore be maintained unless there is a drastic deterioration in the situation in China. Then, both the executive and legislative branches should work together to develop the more focused policy instruments that offer the best chance of resolving the difficult issues at stake in Sino-American relations.

Mr. BENTSEN. Does the Senator from Delaware desire time?

Mr. BIDEN. I ask the Senator if he would be willing to yield me 10 minutes.

Mr. BENTSEN. I am delighted to yield 10 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I listened with great interest, as I always do, to the Senator from Montana, a man with whom I have very few differences. But this happens to be one of those differences.

Mr. President, the House of Representatives has acted with remarkable bipartisan resolve to override the President's veto. And the question now is whether the Senate will summon similar strength and bipartisanship.

Will we use the American leverage that we have at this moment to insist on realistic improvements in Chinese behavior? Or will we instead allow the President to persist in a policy of appeasement that makes a mockery of American values and fails abjectly to defend American interests?

The reason for the President's failure of leadership is unclear; the failure itself, though, is plain to see. And now it seems to me, Mr. President, only Congress can cure the China syndrome that President Bush has inflicted upon American foreign policy.

I remind my colleagues that this legislation was designed not to terminate China's MFN status—notwithstanding what my good friend from Montana suggested it will have the effect of doing—but it was designed to use the powerful leverage of trade benefits to elicit a reasonable standard of Chinese behavior in a carefully calibrated way.

On human rights and trade behavior, the legislation requires no more than progress. We do not dictate that China become a democracy, as much as we would like it. All we do is require that there be progress.

On arms proliferation, the legislation requires no more than Chinese adherence to promises already solemnly given to the Bush administration. That is all we ask, "just keep your promise, China."

Three weeks ago, the Senate convened in secret session to focus on the ominous dimensions of past Chinese proliferation policies and Beijing's demonstrated propensity to circumvent pledges that have been solemnly made, a record that we are all aware of.

Clearly, several votes were swayed that day, Mr. President. And I believe that Senators in substantial numbers came away convinced that they could not, in good conscience, oppose this bill's proliferation provisions. Rather, opposition focused almost exclusively on other provisions.

I wish to make it clear, Mr. President, that, if the President's veto is

sustained today, I do not intend to let the proliferation matter drop. Indeed, I intend to propose these same proliferation provisions as an amendment to any appropriate legislative vehicle that will come before the Senate.

The provisions that I want to see codified in law do no more than lock in pledges that Beijing has now formally made to the United States—pledges on the basis of which the administration acted a month ago to lift sanctions against certain Chinese companies.

My friend from Montana pointed out the great progress that has been made as a consequence of the Bush policy. I would remind him and everyone who will listen that the very reason they acted the way they did—that is to talk about compliance with the MTCR and other regimes—is because the Congress insisted two summers ago to impose sanctions against Chinese companies who were involved in proliferation.

Isn't it fascinating? We are giving the President great credit for eliciting some response from our Chinese friends on proliferation, when the President vetoed a bill that the Congress passed saying, "Mr. President, unless you sanction Chinese companies, the following will happen." And guess what happened? There were sanctions imposed. And then what did the Chinese do? The Chinese came along and said, "Well, all right; we will enter into negotiations on MTCR" and made other pledges, the very pledges I just want them to have to keep. "We will do it if you lift the sanctions." And now we are being told sanctions will not work.

The only reason they got to where they are today is because the President was forced by the Congress to impose sanctions.

Mr. President, I find that fascinating circular reasoning.

The provisions I want to see codified in law do no more than lock in the pledges that Beijing has formally made now in return for us lifting sanctions against companies in China—pledges on the basis of which the administration acted a month ago to lift the sanctions the President did not want to impose against Chinese companies.

In effect, a critically important Sino-American contract has been sealed, and these provisions in this bill simply establish—and announce for Beijing to hear—the strong and sure response that would result from a gross Chinese violation of a contract they have now entered into.

That is all it does. No new conditions. Just do what you promised to do that you only would promise to do after we lifted sanctions the President did not want; just do what you promised to do. And if you do not, then we are going to reimpose sanctions of a slightly different nature.

Mr. President, these provisions are far from abstract. They concern the transfer of modern ballistic missiles



and nuclear technology to Syria and Iran, two of the most dangerous countries in the Middle East, led by leaders in both those countries on whom I hope we would not make the same mistake that this administration made with the leaders of Iraq.

These missiles, the so-called M series, are far more capable in range and in accuracy than the Scud missiles launched in the gulf war by Saddam Hussein, and about which we continue to have a running debate in the United Nations and a continued threat to use force to eliminate. These missiles, the M series that the Chinese have now promised not to transfer, make the Scud missile look obsolete.

So let us understand what is at stake here. There was a promise made by China: We will not sell this M series, trade this M series, send this M-series technology to Iran, God bless them, and to Syria, God bless them.

China says: We promise we will not do that. The chairman has a piece of legislation at the desk that says: OK, you made a promise. Now, if you break that promise, this will be the consequence, at least one of them. We are going to see to it that most-favored-nation status no longer pertains to you, China.

That technology we are talking about transferring is a big deal. This M series of missiles is highly accurate. They are highly accurate and have ranges that are classified, that exceed the Scud's, which we continue to argue about in the United Nations and continue to use the threat of war, again, to eliminate.

I find this absolutely fascinating. We will not vote in this body to make the Chinese keep a promise they made to transfer missiles that are infinitely more dangerous than the very ones the President is validly threatening to go back to war over.

Is that not absolutely incredible? We will consider sending Americans back into the gulf to get rid of missiles that are to this missile what a 1957 Ford is to a 1992 Corvette in terms of its performance capability. We will not dare threaten to cut off MFN. We will threaten to send American boys to eliminate the old Ford, but we will not threaten lifting MFN status for the new Corvette that they might send.

Mr. President, it is abundantly clear that the Chinese leaders and the arms merchants in China are oblivious to such considerations. They see the missiles and nuclear technology business solely as a source of hard currency. Because they are acting on economic motives, we must understand once and for all the only way to respond is economic pressure, countervailing economic pressure. And it will work.

These provisions will force the Chinese leaders to choose between an international arms market measured in hundreds of millions of dollars and

an American consumer market where China enjoys in the area of \$13 billion annual surplus.

By forcing Chinese leaders to make this choice, we can stop the arms sales that can imperil not only American allies, but eventually American troops in the field.

In recent years, Mr. President, the international community has worked with increasing intensity to stem the proliferation of weapons of mass destruction. We have seen progress in the Nuclear Non-Proliferation Treaty; in the nuclear suppliers group; in the Missile Technology Control Regime; and in the Australia group that has acted to limit the spread of technology for chemical and biological weapons.

In this context, Mr. President, we can find some encouragement that, after years of resistance China has finally agreed to sign the Non-Proliferation Treaty and pledged to abide by the Missile Technology Control Regime. But make no mistake: These recent commitments from Beijing are tactical concessions that almost certainly resulted from pressure created by the very legislation before us today, and similar legislation the President resisted in the past.

Are these pledges enough? The realistic answer is that we have good reason for skepticism. On the basis of past behavior—in other words, the evidence of experience—China will take every opportunity to circumvent arms control regimes. Our protection consists of making sure that Beijing knows that this time its violations would entail serious and sure consequences.

As to our assessment of Beijing's plans and propensities, I am compelled to say that I have serious concerns about public testimony given by the Director of Central Intelligence 3 weeks ago. On the same day that we in the Senate were convened in closed session to discuss the disturbing implications of intelligence reports about Chinese arms sales, Director Gates was over in the House giving China a clean bill of health.

His testimony that day raises questions of both propriety and accuracy—questions I have posed directly in writing to Director Gates and also shared with members of the Intelligence Committee.

For now, let it suffice to say that the Senate cannot afford to accept blithe reassurances from any quarter. Our goal must be to express a clearcut policy—plain for Beijing to hear and understand—that the United States intends to hold Chinese leaders to the letter and spirit of their word.

If we do, I believe the likely consequence is that China will comply with international standards—precisely because we have made it unmistakable that the alternative will be severe: China will pay an onerous and well-warranted price.

In conclusion, in recent months we have heard much about the new world order. We have now an unusual opportunity to give meaning to that phrase by putting teeth into a new strategy of containment that prevents the rampant proliferation of weapons of mass destruction.

By doing so, the Senate can take a constructive step to ensure that we do not let another genie out of the bottle that could help destroy the new world order before we have even begun to explore its full possibilities.

I urge that Senators overcome their automatic loyalty to the President in favor of an automatic penalty against Beijing if China acts in blatant violation of its pledges to the United States.

Mr. BENTSEN. Mr. President, I thank the Senator from Delaware, who has made himself quite a student of this issue. If there was anyone who was the author of this specific part of the legislation, the Senator from Delaware is that author. I think he has made a very persuasive statement here and has been most helpful in the debate.

Mr. BIDEN. Mr. President, will the Senator yield for 30 seconds for a correction?

Mr. President, when I made reference to the administration's opposition of sanctions, the sanctions bill we passed, I indicated we overrode the President's veto. We overrode his objection.

I am so focused on veto here, I misspoke. We overrode his objections to the sanctions provisions, that is what we did. We did not override it; we just outvoted him. It was part of a larger bill. It became the law, and he acted. It passed here, and he acted.

I apologize. I said veto. I did not mean to say that.

Mr. BENTSEN. Well, it was a good thought, Senator.

The Senator from Maryland was seeking recognition. I yield 5 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I thank the distinguished chairman of the committee for yielding me time.

I want to join with my colleagues in expressing strong support for the effort now before us on the floor of the Senate to override the veto of H.R. 2212. This legislation actually provides for the continuation of MFN status under certain conditions.

What we are confronted with here is three grounds, any one of which alone, in my judgment, would be a sufficient basis to deny or to condition MFN status, most-favored-nation status. You have a human rights grounds; you have an arms proliferation grounds; and you have the very basic economic grounds, to which MFN is ordinarily tied and ordinarily analyzed.

I want to touch on the first two just briefly. They both have been addressed

by colleagues of mine. Senator BIDEN, the able Senator from Delaware, just discussed the missile issue in great detail. And both the chairman and the majority leader earlier addressed the human rights issue.

But it is important to appreciate there are three major aspects of American policy that are being flouted by the PRC, by the People's Republic of China—not one; not two; but three major aspects of American policy that are being flouted.

And the administration, to the credit of the people who write these reports, condemns the Chinese behavior in its own words. The administration's own human rights report issued not even 2 months ago, January 31, 1992, criticized China for repressive practices that fall far short of internationally accepted norms. That is not my language; that is the language of the administration's human rights report.

The report pointed out that China was "a one-party state adhering to Marxist-Leninist principles in which the Chinese Communist Party, backed by the military and security forces, monopolizes decisionmaking authority."

Continuing with the report language:

The party maintains control through its widespread apparatus and traditional societal pressure, as well as through a nationwide security network which includes the People's Liberation Army, the Ministry of State Security, the Ministry of Public Security, the People's Armed Police and State Judicial Procuratorial and Penal System. The security forces have been responsible for human rights abuses, including torture and arbitrary arrests and detention.

They then talk about the crackdown which has taken place in China in 1991, after some, a little bit of loosening, hasty verdicts, inadequate access to legal counsel, and the Government's refusal to allow independent observers to attend the trials. Many were sentenced to lengthy terms merely for expressing views critical of the ruling regime. The Chinese Government continues to detain hundreds of Tiananmen Square demonstrators without charges or trial, has executed at least 50 of these demonstrators, and sentenced several thousands to labor camps.

The United Nations has compiled testimony from 12 private human rights groups, including Amnesty International, documenting Chinese human rights abuses in Tibet. That report is being discussed this very week in Geneva before the U.N. Human Rights Commission. That actually represents the first time that the U.N. Human Rights Commission has addressed the issue of human rights abuses in Tibet. It details a variety of abuses, systematic torture and ill-treatment. We have had, in effect, a cultural genocide taking place in Tibet over the years.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. SARBANES. Does the Senator have another 5 minutes to yield?

#### EXTENSION OF TIME FOR COMMENCING RECESS

Mr. BETNSEN. Mr. President, I yield an additional 5 minutes and ask unanimous consent that we be allowed to continue until 12:37 p.m.

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

Mr. SARBANES. Mr. President, on the 31st of January, President Bush met with Chinese Premier Li Peng at the United Nations. They delayed releasing the human rights report in order for the President to hold this meeting. Then he was told at the meeting by Li Peng that human rights was an internal Chinese affair, not subject to foreign interference. It is a disastrous human rights record, and on that basis alone, MFN status ought not to be accorded.

Second, because of the limitation of time, I am not going to go into detail with respect to the Chinese arms proliferation issue that was just addressed very ably, at some length by my colleague from Delaware, Senator BIDEN, but let me simply observe that the Chinese are transporting important weaponry, including very important missile technology to the very countries in the Middle East that we are concerned about posing a threat to peace and security in the area.

In the few minutes I have left, Mr. President, I want to turn to the trade issue itself very directly because we get these assertions on the floor, well, it is an important trading partner; then we are told about who is exporting commodities from the United States to China. We are not told about the Chinese imports into the United States and this enormous trade deficit.

In 1988, China had a \$3.5 billion trade surplus with the United States. In 1989, \$6.2 billion; 1990, \$10.4 billion; 1991, \$12.7 billion trade surplus for China. That is the second largest negative trade balance we run with any country in the world, exceeded only by our trade imbalance with Japan.

Some may say they are effective and competitive trading partners; that is what is happening; we believe in an open trading environment. Do not believe it for a minute. The Treasury was required by the Omnibus Trade and Competitiveness Act, which was managed so well by the very distinguished chairman of the committee, the Senator from Texas, to submit a report each year on international economic policy and exchange rate policy and to look at what countries were doing.

Let me just read their finding. This is from the Bush administration, just like the human rights report detailing the gross abuses of human rights was in the report of the Bush administration. This is from their Treasury Department. Listen to this. I am now quoting:

The Treasury Department is seriously concerned about the size of China's trade and

current accounts surpluses. These surpluses stem primarily from the network of pervasive administrative controls maintained by the Chinese authorities over all aspects of external economic activity. The authorities combine a highly regulated system of foreign exchange allocation with strict import licensing and an array of other controls to tightly manage China's trade flow. The result is large and growing external surpluses.

You bet it is. Their trade balance with the United States is greater than their trade balance with the entire world. In other words, we more than provide them with an overall favorable trade balance.

The Treasury went on in its assessment to say the following:

It is our assessment that a principal cause of these large external surpluses is the network of pervasive administrative controls over external trade, including the foreign exchange allocation system which restrict imports and prevent market forces from freely determining the exchange rate. The Chinese Government clearly manages its balance of payments in such a way as to generate a target level of foreign exchange reserves.

The authorities use a variety of direct and indirect instruments to reach these broader objectives.

They are manipulating the trade arrangement. We have people come to the floor and say, well, now we do not want you to consider human rights in a trade relationship. I do not agree with that. I think it is a legitimate and important part of our policy to do so. Then they say we do not want you to consider missile proliferation when you are talking about a trade relationship. I do not agree with that.

I think both are reasonable concerns, but let us take the trade relationship on its own terms. Take the trade relationship itself on its own terms and open your eyes to what the PRC is doing on the trade relationship. They are not playing by the rules. They are manipulating this trade relationship. They have driven their trade surplus up from \$3.5 billion in 1988 to \$12.7 billion in 1991. That is a favorable trade balance for China.

The \$12.7 billion is the amount by which Chinese exports to the United States exceed our exports to China. Our exports to China are running about \$4 to \$5 billion a year and their exports to the United States are running at about \$17 billion a year. That is the imbalance. And they are manipulating the trade relationship in order to do it.

Then we come along and say, well, we are going to have most-favored-nation status for a country that is manipulating this trade relationship. What kind of fools are we to allow this process to happen? And at the same time they are exhibiting gross abuse of human rights, a record that is absolutely despicable. And they are creating this missile proliferation concern.

On any one of the three grounds, they ought not to have most-favored-nation status, and here we are now trying to pass a piece of legislation conditioning



that most-favored-nation status to changes in these essential areas of policy.

Mr. President, we need to override this veto.

I thank the chairman for yielding my time.

Mr. BENTSEN. Mr. President, I ask unanimous consent that we be allowed to extend the debate for an additional 10 minutes, with that time being charged to the manager of the legislation, and that those persons being recognized for that purpose would be the distinguished Senator from Massachusetts [Mr. KENNEDY] for 5 minutes, and the distinguished Senator from California [Mr. CRANSTON] for an additional 5 minutes.

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

Mr. BENTSEN. I yield 5 minutes to the distinguished Senator from California.

Mr. CRANSTON. I thank the distinguished chairman very much.

Mr. President, I rise today to voice my unwaivering support for H.R. 2212, the United States-China Act of 1991. The Congress must override President Bush's veto. Our colleagues in the House of Representatives had no difficulty in standing up to the President's veto. Now we must do our part.

It has been left to Congress to correct a wayward foreign policy toward the renegade Chinese leadership. Changes in policy toward South Africa, El Salvador, and Cambodia have all come from Congress. The progress and reform occurring in those countries today is due to successful Senate-House initiatives.

The United States-China Act of 1991 is a similar initiative. It does not intend to isolate China. It simply sends the message that Chinese indifference to genuine United States concerns about weapons proliferation, human rights, and trade will not be tolerated. The administration has failed to deliver this important message.

This legislation was designed to induce China to stick by its many promises to abide by the missile technology control regime and the Nuclear Non-proliferation Treaty. China's track record on breaking nonproliferation pledges necessitates these conditions. In the last decade we have heard these meaningless promises:

China's Premier pledged at the White House in 1984 not to "help other countries to develop nuclear weapons."

In July 1985, the Reagan administration told Congress that "China has now declared its opposition to proliferation and taken concrete steps toward global nonproliferation norms and practices."

In October 1985, China's Vice-Premier said China "does not practice nuclear proliferation."

In September 1988, China's Foreign Minister said, "It is totally unnecessary to worry about China's exports of military products."

In April 1991, a Department of State spokesman said, "The Chinese have stated that they will act prudently and responsibly with respect to missile exports worldwide."

Yet, Mr. President, the record shows that during the 1980's, China secretly provided weapons to South Asia, South Africa, South America, and the Middle East, including the transfer of nuclear and chemical technologies. Just in the last year, the Chinese have sold ballistic missile launchers to Pakistan and have secured contracts to sell nuclear-related material to others.

Enacting this legislation would raise the stakes for China in its dangerous game. Should China be so unwise as to break yet another commitment to control weapons sales, it will lose.

This legislation, Mr. President, also places reasonable conditions on human rights reforms that are intended to lead to improvements in the treatment of prisoners as well as the release of other prisoners.

Last June, I asked witnesses before the Foreign Relations Committee about the effectiveness of such conditions. One expert replied that she thought conditions on MFN renewal would not isolate China simply because China's leaders do not want their country to be isolated.

There is no doubt that China's human rights relations continue to deteriorate. According to Asia Watch, the Chinese Government secretly began a new series of political trials about 4 months ago. By the beginning of March, at least 20 democracy movement activists had been tried and sentenced for peaceful advocacy of democracy.

China also continues its repugnant practice of exporting goods produced with slave labor. At hearings I chaired last fall, a United States Customs Service official testified that goods suspected of being made by forced labor in China were reaching the United States Customs testified that it was working with State to reach an understanding with the Chinese on procedures for investigating these allegations. To date, the Chinese have not agreed to international inspection of suspected prison slave labor sites. China does not want us to learn how and where they exploit their labor to undercut American workers.

This legislation would put an end to what has been called "China's dirty little trade secret." It requires China to cease the exportation of goods produced wholly or in part by convict labor. It also establishes civil penalties for those violating the U.S. ban on the importation of goods made by convict or forced labor.

China's record on trade is truly dismal. The Chinese leadership has promised to stop violating our intellectual property rights, but they have yet to provide a timetable for enforcing it.

Serious barriers continue to block United States access to China's enormous markets. To date, China is running a \$15 billion trade surplus with the United States. It has created the gap by stealing our technology, by refusing to buy our products, and by selling us the goods made with slave labor.

Mr. President, I urge my colleagues to vote to override. It is time to send a clear message that China's record on weapons proliferation, human rights, and trade, to quote the President's words on other matters, cannot stand. We must send a message that the Chinese will understand. They will understand this message if and when we override the veto.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. I thank the Chair.

Mr. President, the stunning success of yesterday's referendum in South Africa on reforms to end apartheid demonstrates once again the effectiveness of international sanctions. The threat of reimposition of sanctions, had the referendum failed, contributed substantially to its success.

There is no doubt that the dream of freedom and democracy is closer today for all South Africans because of United States sanctions against that repressive regime.

The people of China deserve our support no less than the people of South Africa. There is no reason why sanctions or the threat of sanctions would not be as effective against the Beijing government as they have been against the South African regime.

Mr. President, the final vote on the South African referendum was 68.7 percent in favor of continuing reforms aimed at dismantling the apartheid system. President de Klerk got 68.7 percent, and those of us in this institution know what an overwhelming endorsement this response is. All of the analyses that were given by commentators this morning pointed out that the most powerful factor influencing that outcome was concern among the business community in South Africa regarding the reimposition of sanctions—a powerful, powerful international weapon.

For those of us who were part of the development of that legislation in the Senate, and who know the positive effect it has had in advancing democracy in South Africa, it is clear that we should override the President's veto and place reasonable conditions on China's MFN status.

Mr. President, I hope our membership will override this veto.

The measure before us imposes sensible conditions on renewal of most-favored-nation trade status for the People's Republic of China. These conditions are designed to encourage improvements in China on human rights,

the treatment of workers, and arms control. President Bush's veto flies in the face of fundamental American values of freedom, democracy, and respect for human rights.

America should reward political reform and encourage democracy in China, not kowtow to the policies of a despotic regime intent only on preserving its own interests.

Yet, since the bloody Tiananmen Square massacre in June 1989, the Bush administration has time and again urged Congress to overlook China's brutal human rights abuses, blatant unfair trade practices, and indiscriminate sales of weapons of mass destruction throughout the world.

The President weakened U.S. sanctions imposed following the Tiananmen Square massacre even as the Beijing regime escalated its cruel and repressive policies. At the time, the White House pledged that it would impose sanctions against the Beijing regime more carefully tailored to punish those within China who were guilty of wrongdoing.

For 3 years, the White House has failed to impose such sanctions and has subverted every attempt by Congress to act against what the State Department itself calls a repressive and authoritarian one-party state.

Today, the regime in China shows no more respect for the rights of the Chinese and Tibetan people than it did in 1989.

The ineffectiveness of our China policy was demonstrated by Chinese Premier Lee Pung last year on the second anniversary of the Tiananmen Square massacre. Rather than expressing concern over the loss of life following that tragic bloodbath, he emphasized that the violent military crackdown was an appropriate response to the peaceful student protest and that the Government would be justified in responding in a similar way to such demonstrations in the future.

During his meeting with President Bush at the United Nations in January, Lee Pung indicated that China's policies would not be affected by foreign pressure, exactly the same argument that we heard from former Prime Minister Botha in South Africa. When the President raised the issue of human rights, Lee Pung rebuffed him, calling such issues an internal affair and not open to discussion.

Within China and Tibet, the Beijing regime continues to brutalize all forms of opposition. During the first 2 weeks of March, additional prodemocracy advocates were sentenced to long jail terms. Artists were arrested for filming a prodemocracy video containing pictures of tanks. Democracy advocates in labor camps were forced into incommunicado detention. A new crackdown was initiated against religious leaders. And the Beijing government refused to honor its promise to permit certain

prominent dissidents to leave the country.

Chinese troops continue to occupy Tibet illegally and commit physical and cultural genocide against the Tibetan people. In addition, the Chinese regime continues to imprison and torture thousands of Chinese and Tibetan prodemocracy advocates. Many of these courageous patriots are forced to work as slave laborers to make products for export to the United States.

Yet President Bush opposes conditioning China's trade status on the improved treatment of these citizens. In the past few weeks, President Bush even refused to permit the United States to join other Western democracies in supporting a resolution in the U.N. Human Rights Commission addressing China's repression in Tibet.

President Bush just does not get it on China. His policy is a failure and it is time for a change.

Human rights is not the only area in which the Chinese regime has failed to bring its policies into line with basic internationally recognized standards of behavior. No significant progress has been made in the area of trade. The United States Trade Representative reports that China continues to engage in numerous unfair trading practices with the United States. As a result of these unfair practices, our trade deficit with China is second only to its trade deficit with Japan.

The President's unwillingness to sanction Beijing for its unfair trading practices undermines the efforts of United States businesses seeking to export their products to China.

Moreover, despite repeated assurances from Beijing to the contrary, China continues to use prisoners as slave labor to lower the price of exports. Official documents obtained last year by the human rights organization Asia Watch call for intensified prison labor production, targeted especially at the United States and other Western markets.

I ask unanimous consent to be allowed to insert in the RECORD an editorial by Orville Schell which appeared today in the Washington Post and which details slave labor abuses by the Chinese government.

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

[From the Washington Post, Mar. 18, 1992]

UNDERWRITING COMMUNISM IN CHINA

(By Orville Schell and Todd Lappin)

It's almost spring again, and for the third time since Beijing's hard-line leaders ordered People's Liberation Army tanks to "recapture" Tiananmen Square from democracy activists in June 1989, the Bush administration and Congress are again at loggerheads over the best way to promote democratic change and human rights in China.

On Feb. 25, the Senate passed, 59 to 39, a bill to impose conditions on the renewal of China's most-favored-nation preferential tariff status. The House had already passed the

bill by a vote of 409 to 21. The measure would require the president to certify that Beijing has released political prisoners from China's notorious "gulag" and has made substantial progress toward protecting the human rights of its citizens.

Although passage of the bill sent a signal to Beijing, the final tally was eight votes short of the two-thirds majority needed to overcome a promised presidential veto. Indeed, on March 2, President Bush returned the bill to Congress without his signature, arguing that "conditional MFN would severely damage the Western-oriented, modernizing elements in China, weaken Hong Kong and strengthen opposition to democracy and economic reform."

The logic of the president's argument in favor of "constructive engagement" and against imposing sanctions on China is based upon two questionable assumptions regarding the way in which exposure to the West through trade leads to political liberalization.

First, the president seems to fear that resolute action by the United States will have the unwelcome effect of causing China's hard-line leaders to reflexively turn inward, thus returning the Middle Kingdom to a state of Maoist isolation and stifling further liberal change.

Second, Bush seems to take it for granted that foreign trade, economic growth and openness to the West will ineluctably lead to greater democratization and political reform in China. After more than 10 years of Deng Xiaoping's economic reforms, however, there is compelling evidence suggesting that such assumptions are not necessarily axiomatic.

Few would challenge the notion that China's economic reforms will improve the standard of living for China's citizens. But is there any guarantee that greater material prosperity will automatically improve the Beijing government's respect for human rights or political pluralism? Not necessarily.

Certain kinds of economic progress may adversely affect political liberalization by pumping new life into an ideologically bankrupt regime that might otherwise have collapsed under its own dead weight. The recent demise of the Soviet Union shows us how much totalitarian regimes depend upon economic growth to perpetuate themselves. Mikhail Gorbachev's initial willingness to experiment with perestroika stemmed not so much from an innate love of democracy as from his recognition that without reform, his country and the Communist Party would slide toward economic ruin.

China's leaders have recognized this fact since the late 1970s, and they have had this lesson graphically reaffirmed by witnessing the collapse of so many other fraternal Communist regimes. Deng's famous dictum that "it doesn't matter if the cat is black or white as long as it catches the mouse" perfectly embodies Beijing's expedient willingness to harness capitalist market mechanisms in order to perpetuate Communist Party rule.

Although Marxist hard-liners have dominated Chinese politics for more than two years since the 1989 crackdown, Deng's faction of economic reformers seems to have once again seized control. Last week China's Politburo declared that "to judge whether a move is 'socialist' or 'capitalist' will depend mainly on whether it will benefit the development of the productive forces under socialism, the comprehensive national strength of our socialist country and the living standard of the people." Stripped of its feline im-



agery, Deng's original formula for preserving the political viability of the Chinese Communist Party is now more plain than ever.

In fact, after more than 10 years of capitalist reform, China today is the world's most successful laboratory for free-market totalitarianism. In a macabre way, its political system has demonstrated an astonishing talent for grafting laissez-faire branches onto an old and despotic Leninist trunk.

China's prison system, in which thousands of political prisoners still languish, has actually flourished under China's crypto-capitalist "responsibility system" and provides an interesting example of how economic reforms can be used to perpetuate rather than end political repression. Thrown back on their own resources, China's prison managers have learned to exploit market mechanisms and their most abundant resource—forced labor—to manufacture a variety of products for sale to foreign buyers who pay in hard currency. The profits derived from this practice are paradoxically being used to relieve the state of the need to subsidize its much-feared penal system. The net effect of China's liberal economic system has been to shore up one of those very Leninist institutions that the Bush administration imagines its policy of unconditional free trade will end up "reforming."

If there is an encouraging lesson to be learned from China's burgeoning free-market miracle, it is that the People's Republic has become inextricably involved with and dependent upon the outside world for investment capital, sophisticated technology and foreign markets. In 1991 China enjoyed a \$12.69 billion trade surplus with the United States, a surplus figure surpassed only by Japan. America is now China's largest foreign market for its export goods. To imagine that Beijing's octogenarian leaders can now force Chinese society back into isolation by breaking off this foreign trade is naive in the extreme. In this day and age, they simply cannot afford the economic and political costs that such a reversal would entail. It is this dependency that now gives the United States such an unprecedented amount of diplomatic leverage when dealing with Beijing.

President Bush is correct when he advocates a policy that encourages continued American engagement in order to advance the process of democratization in China. He is also correct in identifying China's economic reforms as a vehicle through which democratic change can sometimes take hold. But he is, unfortunately, mistaken in presuming that a deterministic relationship exists between economic growth and political liberalization.

Senators should not blithely assume that conducting business as usual is the most effective remedy for mitigating the excesses of China's one-party authoritarianism. It would be both sad and ironic if America's failure to tie its foreign policy to human rights considerations ultimately abetted the creation of the most prosperous Marxist-Leninist dictatorship the world has ever known.

Mr. KENNEDY. The United States should not grant MFN status to a trading partner which refuses to buy U.S. goods and which exports products made by slave labor.

China also continues to undermine international peace by transferring advanced weapons and nuclear technology to countries which the White House itself has labeled as terrorist regimes.

The likelihood of terrorist states acquiring nuclear capability is a chilling

prospect. But President Bush opposes sanctioning China for transferring nuclear technology to Iran. He opposes sanctioning China for constructing a nuclear reactor in Algeria large enough to make plutonium for nuclear weapons. He opposes sanctioning China for providing Saddam Hussein with chemicals for the production of nerve gas and nuclear weapons.

It is time for Congress to reject this failed policy and make clear to the Chinese regime that the United States will not conduct business as usual with an outlaw regime that murders its own citizens. This is not a partisan issue. As Jeanne Kirkpatrick recently observed in challenging the President's China policy, the cold war is over and the United States now "has a major stake in encouraging civilized standards of respect for human rights."

America must not abandon the prodemocracy movement and its brave leaders in China and Tibet. We must not reward slave labor with trade favors. We must reject the promiscuous sale of nuclear technology weapons to Third World tyrants.

By vetoing this measure, which imposes realistic and reasonable conditions on the Chinese Government, President Bush is ignoring his responsibility to protect the interests of the American people in supporting human rights and democracy. It is now up to the Congress to assume this task. So long as the dictators in China continue to pursue their repressive and irresponsible policies, China should be a least favored nation, not most favored nation.

I urge the Senate to override the President's veto, and to enact this timely and important measure.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent, notwithstanding the order previously entered, that I be allowed to continue, not to extend beyond the hour of 1 o'clock, as though in morning business.

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

#### LEAHY-KASTEN COMPROMISE PROPOSAL ON LOAN GUARANTEES FOR ISRAEL

Mr. LEAHY. Mr. President, I want to let Senators know where we stand on the foreign aid appropriations bill.

Mr. President, Senator KASTEN, who is the distinguished ranking member on the Foreign Operations Subcommittee, and I met yesterday with President Bush to try to reach agreement on a loan guarantee program to help Israel absorb immigrants from the former Soviet Union and Ethiopia. I regret very much to have to tell the Senate that that meeting was unsuccessful.

I immediately informed the distinguished majority leader, Senator MITCHELL, last night of the outcome of the White House meeting.

I am going to be having further discussions with Senator MITCHELL, and with numerous other Senators from both parties today about what our next steps might be.

Despite herculean efforts to mediate a solution, I have not been able to bridge the enormous gap between the administration's desire for a totally free hand and those in the Senate who want minimal or no conditions on this aid to Israel.

There are very powerful parties engaged here with extremely different views on what should be done. The effort I have made over the past several months, aided by others, including the distinguished ranking member, has been to try to bring these opposing camps together on a proposal that could work.

I have worked very closely with the ranking member, and I want to thank him for his friendship, his strength, and his cooperation in a thankless and evidently unsuccessful effort.

Barring some last-minute development, and I cannot foresee what that might be, it appears that there cannot be a foreign aid appropriation for fiscal year 1992. It would be impossible to pass that bill on the Senate floor without an acceptable Israeli loan guarantee provision on it. The President has categorically informed me that he would veto the Leahy-Kasten proposal we offered to him.

I believe it would be wrong to subject the Senate to the certainty of a veto on the foreign aid bill, and I do not believe we should risk the shattering blow to United States-Israeli relations that a veto over the loan guarantee would cause.

The Leahy-Kasten compromise proposal is the only package I thought would come close to what the administration might be willing to sign and still have a chance of getting through the Senate. It was the proposal I felt could bring these two polarized groups together.

Senator KASTEN and I consulted many Senators in both parties about our proposal. We made a number of important changes reflecting their views. Key Senators assured me that if the administration would agree to the Leahy-Kasten proposal, they would vote for it. They would vote for it notwithstanding their own strong preference for legislation with terms, frankly, more favorable to Israel than in ours. The desire among Senators for a compromise was palpable.

After rejecting the Leahy-Kasten proposal last Friday evening, the White House offered us a counterproposal on Saturday. Discussions continued all day Saturday. On Sunday I spoke at length with the President by tele-

phone. I think all parties were trying to work their way through this. We agreed to meet at the White House on Tuesday—President Bush, myself, Senator KASTEN, and Secretary Baker.

I wanted this meeting to explain the Leahy-Kasten compromise proposal personally to the President. I felt our proposal was so patently fair and reasonable that it was difficult for me to understand why the President would not accept it. But the President made very clear to us that he would veto the Leahy-Kasten compromise, and that the White House counterproposal of last Saturday for all intents and purposes is a take-it-or-leave-it proposition. We all understand there may be a few things here and there that could be changed, but for the basic proposal, that is it.

In fact, on the basis of that meeting, I can only conclude the administration is not willing to accept the material changes that would give us a chance of getting a proposal through the Senate.

Any compromise, any negotiation by its very nature, requires parties on both sides to give. The position of the administration in my estimation does not recognize that need to give. They are not asking for a compromise. They are asking for a capitulation.

This is not an issue that can get through the Senate with capitulation. It is an issue that with a great deal of discomfort could get through the Senate with some realistic compromise.

I am proud of the compromise proposal Senator KASTEN and I put forward. While assuring a small but urgently needed portion of the guarantees immediately, it goes far in meeting the fundamental position of the administration as explained by Secretary Baker in many meetings over the past weeks. My own determination to support United States policy regarding the Israeli settlements is well known. What I offered is consistent with that policy.

I said this to the President and the Secretary yesterday. I said if any one told us last fall that we could get a bipartisan group of Senators together on a proposal which would allow the President of the United States to cut off loan guarantees if there are further settlements, that would include the Leahy formula dollar-for-dollar reduction for settlements presently under construction, and would make it very clear of our commitment to the U.S. policy regarding settlements, the policy that has been adhered to by Presidents since 1967, if any one said last fall we could put all that together in a package and pass it in the Senate, all of us would have assumed they were wrong. I said to the President, here we have that package. Yet, the answer was it is not acceptable.

It makes me wonder if the White House ever intended to agree to the compromise with loan guarantees at all.

Let me go over what is involved here, Mr. President. When I began developing this idea, I said my proposal would be tough but it would be fair. It reconciles two fundamental goals which have motivated me throughout this incredible difficult issue:

First, it makes available urgently needed humanitarian assistance to Israel in its historic mission of providing a haven for Jews fleeing the former Soviet Union, something everyone of us has endorsed.

Second, it ensures that this assistance is consistent with American policy, that began with President Lyndon Johnson and has been followed by every President, Republican and Democrat since, that opposes further Israeli settlements prior to a negotiated resolution of the status of the territories.

As far as I am aware, the White House has not released the text of its counterproposal of last Saturday. It is not for me to make that text public. However, I am certainly willing to have all Senators and the American people see what Senator KASTEN and I were prepared to try to move through the Senate.

So, Mr. President, I ask unanimous consent that a draft of the Leahy-Kasten proposal be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. LEAHY. Mr. President, let me now just point out the highlights of that proposal.

It would establish a 5 year special loan guarantee program of "not to exceed" \$2 billion a year. I mention that because that is contrary to what some of the press accounts have been, not to exceed \$2 billion a year, and except for an initial amount in the first year, as explained below, the President would have the authority to decide how much is to be available to Israel each year based on Israel's financial need in absorbing the immigrants. It could be anything between zero and \$2 billion. The President would control over 90 percent of the entire loan guarantee program. I do not know when any chairman of a committee with foreign affair jurisdiction has proposed that kind of discretion on the part of the President.

Since this is a humanitarian program, to absorb the immigrants who have come into Israel, our proposal stipulates that the determination of the amount of guarantees is to be based on need, not on foreign policy considerations. Mr. President, that is consistent with other U.S. humanitarian aid programs.

Then, because of the demonstrated need arising from the nearly 400,000 immigrants already in Israel, it would mandate a fixed amount of guarantees within 30 days of enactment. That amount was, incidentally, never finally

established. There is not any question in my mind we could have reached agreement easily on that figure.

That amount could be determined only after the Leahy dollar-for-dollar reduction for the cost of housing under construction. It would be half of whatever was left after that deduction.

That deduction, the Leahy dollar for dollar deduction, applies to housing under construction. The administration has stated that it will not object to completion of housing under construction as of January 1.

Then the amount of loan guarantees to be given would be half of whatever was left after Leahy dollar-for-dollar deduction. I think the deduction would have been somewhere between \$350 and \$400 million. That would have made the first tranche of guarantees about \$800 million to \$850 million. As I said, that figure was open to discussion.

All the rest of the 5-year guarantee program would be at the discretion of the President, including the balance for the first year after that initial tranche.

The President would be empowered to suspend any further guarantees if at any time he decided Israel was initiating new construction in the occupied territories he deemed inappropriate. He was to be the sole judge of what was inappropriate. We would have permitted construction of hospitals and schools if they were for both the Arab and Jewish populations, as well as security-related infrastructure. Secretary Baker assured us repeatedly throughout these talks he never intended to include security-related infrastructure in the definition of impermissible construction.

The Congress would have the right to vote a resolution disapproving that suspension if it disagreed, but the President could veto the resolution. This would require a two-thirds vote of both houses to override the President's veto.

No matter how one feels about the issue of loan guarantees to Israel, I think any fair-minded person would agree this compromise proposal represents an extraordinary grant of authority to a President on a matter where an overwhelming majority in the Senate fundamentally disagrees with President Bush.

As I said earlier, in light of the White House's determination to veto any loan guarantee proposal the Senate would be willing to pass, I do not see how it would be possible to proceed with my subcommittee markup of the fiscal 1992 foreign aid appropriation bill.

I have discussed the situation with, Congressman DAVE OBEY, chairman of the House Foreign Operations subcommittee. If we are unable to move forward here, I would expect him to begin moving a continuing resolution soon to fund the foreign aid program for the rest of the year at last year's



levels. Once that continuing resolution reaches the Senate floor, anything is possible, including a reappearance of the Israeli loan guarantee issue.

I would hope that Senators will think very long and very carefully before offering a loan guarantee proposal on the continuing resolution. Anything short of the White House counterproposal is sure to be vetoed. That would be a calamity for United States-Israeli relations, already rocked hard enough.

Mr. President, let me conclude by again saying how much I regret this outcome. It is unnecessary. It is unfair to the rest of the foreign aid program. It is deeply disillusioning to me personally, and will certainly affect my attitude in dealing with the administration on future foreign aid matters.

#### EXHIBIT 1

#### LEAHY-KASTEN DRAFT LEGISLATION LOAN GUARANTEE PROGRAM FOR ABSORPTION OF IMMIGRANTS IN ISRAEL

#### SEC. (a) AUTHORITY TO ISSUE GUARANTEES.—

(1) IN GENERAL.—Subject to the terms and conditions of this section, during the period beginning April 1, 1992 and ending September 30, 1996, the President shall issue guarantees against losses incurred in connection with loans to Israel for the purpose of providing economic assistance to Israel in connection with Israel's extraordinary humanitarian effort to resettle and absorb Jewish immigrants from the republics of the former Soviet Union and Ethiopia.

(2) FISCAL YEAR LEVELS.—Subject to subsection (c)(2), and in addition to any other authority to issue guarantees for such purposes, the President shall issue guarantees in furtherance of the purposes of this section. The total principal amount of guarantees which may be issued under this section during any fiscal year shall be as follows:

(A) FISCAL YEAR 1992.—Subject to paragraph (3), the principal amount of such guarantees made available in fiscal year 1992 shall be \$2,000,000,000.

(B) FISCAL YEARS 1993-1996.—The principal amount of such guarantees made available in each of fiscal years 1993 through 1996 shall not exceed \$2,000,000,000.

(3) GUARANTEES IN FISCAL YEAR 1992.—

(A) INITIAL GUARANTEES.—Notwithstanding any other provision of this section except subsection (e), guarantees shall be made available in fiscal year 1992 for Israel initially as follows:

(i) The principal amount of guarantees designated in paragraph (2)(A) shall be reduced by \$xxx,000,000, the estimated expenditures by the Government of Israel, directly or indirectly, to complete the construction of housing units and related infrastructure in the administered territories where such construction was begun prior to [insert date certain].

(ii) Of the principal amount of guarantees remaining after reducing the principal amount in accordance with clause (i), one-half shall be made available, without any conditions contained herein, or otherwise, for Israel within 30 days of enactment of this Act. The guarantee for this amount shall be obligated and committed by such date, and shall be issued within 60 days of such date, unless a later date is selected by the Government of Israel.

(B) REMAINDER OF FISCAL YEAR 1992 GUARANTEES.—

(i) The President shall make available the remaining guarantees for Israel in fiscal

year 1992 within 90 days of the date of enactment of this Act, unless the President determines, in accordance with clause (ii), and so reports to Congress, that a lesser amount is appropriate.

(ii) The determination of the President under clause (i) shall—

(I) specify the remaining amount of guarantees to be made available for Israel in fiscal year 1992;

(II) be based only on the level of immigration to Israel and Israel's financial needs in absorbing the immigrants. Such determination is to be based on an assessment of need and shall not be based on foreign policy considerations; and

(III) be effective to reduce the amount of guarantees made available in fiscal year 1992 unless, within 60 days from the submission of such determination, the Congress enacted a joint resolution disagreeing with that determination and providing for a different amount. Any such joint resolution shall be considered in accordance with the expedited procedures referenced in subsection (d)(2)(C) and (D) of this section.

(iii) Subsection (d) and, except where inconsistent with the provisions of this subparagraph, the provisions of this section, shall be applicable to guarantees made available for Israel under this subparagraph.

(b) ANNUAL CONSULTATIONS.—

(1) ANNUAL CONSULTATIONS.—The Government of Israel and the United States Government shall engage in annual consultations concerning economic and financial measures, including structural and other reforms, that Israel intends to undertake during the pendency of this guarantee program to enable its economy to absorb and resettle immigrants from the former Soviet Union and Ethiopia and to accommodate the increased debt burden that will result from loans guaranteed pursuant to this section. Such consultations shall be completed—

(A) for fiscal year 1992, within 30 days of the date of enactment of this Act; and

(B) for each of fiscal years 1993 through 1996, by October 31 of each such fiscal year.

(2) REPORT.—Not later than 15 days after the completion of the consultations referred to in paragraph (1) of this subsection, the President shall submit a report on such consultations to Congress which shall include—

(A) the specific economic and financial measures that Israel intends to undertake to enable its economy to absorb and resettle immigrants from the former Soviet Union and Ethiopia and to accommodate the increased debt burden that will result from loans guaranteed pursuant to this section; and

(B) the timetable Israel intends to follow in implementing these measures.

(c) DETERMINATION OF ANNUAL GUARANTEE LEVELS.—

(1) ANNUAL DETERMINATION.—Except as provided in subsection (a)(3) (i) or (ii), the President shall determine the actual amount of guarantees to be issued in each fiscal year of this program, with the amount of guarantees to be made available based on the level of immigration to Israel and Israel's financial needs in absorbing the immigrants. Such determination is to be based on an assessment of need, and not on foreign policy considerations. The President shall submit such determination to the Congress by November 1 of each fiscal year during the pendency of this program.

(2) CARRYOVER OF AUTHORITY.—If less than the full amount of guarantees authorized to be made available in a fiscal year is issued to Israel during that fiscal year, the authority

to issue the balance of such guarantees shall extend to any subsequent fiscal year ending on or before September 30, 1996.

(d) SUSPENSION.—

(1) AUTHORITY TO SUSPEND.—If, at any time, the President determines that the Government of Israel, directly or indirectly, on or after the date of enactment of this Act, has engaged in new construction activity in the administered territories that the President determines is inappropriate, the President may, subject to the conditions set forth in this subsection, suspend the issuance of all or part of the additional loan guarantees not yet issued under this section in the fiscal year in which this determination is made. New construction shall not be interpreted to include necessary infrastructure needed for the general use of the Arab and Jewish population, nor to needed medical and educational facilities open to the Arab and Jewish populations, nor to security-related infrastructure, nor to scattered dwellings built to accommodate expanded families of those persons living in the territories. This provision shall not be applicable to land and property owned by Jews in such territories prior to May 14, 1948.

(2) PROCEDURES FOR SUSPENSION.—Any such suspension shall be in accordance with the following procedures:

(A) The President shall not suspend the issuance of additional loan guarantees under this subsection until submitting to the Speaker of the House of Representatives and the President Pro Tempore of the Senate his determination to do so, including the basis for such proposed suspension.

(B) Such proposed suspension shall not become effective until 60 calendar days after the date of submission of such determination, and shall become effective then only if the Congress does not enact, within such 60-day period, a joint resolution prohibiting such suspension.

(C) Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(D) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

(3) RESUMPTION OF THE PROGRAM.—In the event that the President suspends the issuance of additional loan guarantees under this subsection, and Congress does not disapprove such suspension by joint resolution, the issuance of additional loan guarantees in the pertinent fiscal year under the program established by this section may be resumed only if the President determined and so reports to Congress, that the reasons for the suspension have been resolved.

(e) USE OF GUARANTEES.—No part of any loan for which guarantees are issued under this section may be used for projects or activities in geographic areas which were not subject to the administration of the Government of Israel before June 5, 1967.

(f) GOODS AND SERVICES.—Congress expects that, within the twelve months following each issuance of the guarantees authorized hereunder, the amount of U.S. goods and services purchased for use in or with respect to the country of Israel will be increased over such amounts purchased within the prior 12 months in an amount at least substantially equal to fifty percent of the prin-

principal amount of loans actually made and guaranteed during such fiscal year.

(g) **REPORTING REQUIREMENT.**—Not later than October 1, 1992, and semiannually thereafter, the Secretary of State shall submit a report to Congress concerning—

(1) the manner in which the loans made pursuant to this section are being used;

(2) the degree of compliance by the Government of Israel with the terms and conditions set forth in this section;

(3) the progress Israel is making with the economic and financial reforms referred to in subsection (b);

(4) the extent of Israel's creditworthiness and ability to repay the loans made under this section; and

(5) the extent to which United States companies are participating in the guarantee program in accordance with subsection (f).

(h) **TIMING OF GUARANTEES.**—Each loan guarantee issued under this section shall guarantee 100 percent of the principal and interest payable on such loans. Subject to the conditions set forth in this section—

(1) loan guarantees shall be made in such increments as the Government of Israel may request;

(2) the guarantee for each such increment shall be obligated and committed within 30 days of the request therefor; and

(3) the issuance of the guarantee for each such increment shall occur within 60 days of such request, unless a later date is selected by the Government of Israel.

(i) **TERMS AND CONDITIONS.**—

(1) Each loan guarantee issued under this section shall guarantee 100 percent of the principal and interest payable on such loans.

(2) The standard terms of any loan or increment guaranteed under this section shall be 30 years with semiannual payments of interest only over the first 10 years, and with semiannual payment of principal and interest on a level payment basis over the last 20 years thereof, except that the guaranteed loan or any increments issued in a single transaction may include obligations having different maturities, interest rates, and payment terms if the aggregate scheduled debt service for all obligations issued in a single transaction equals the debt service for a single loan or increment of like amount having the standard terms described in this sentence. The guarantor shall not have the right to accelerate any guaranteed loan or increment or to pay any amounts in respect of the guarantees issued other than in accordance with the original payment terms of the loan. For purposes of determining the maximum principal amount of any loan or increment to be guaranteed under this section, the principal amount of each such loan or increment shall be—

(A) in the case of any loan issued on a discount basis, the original issue price (excluding any transaction costs) thereof; or

(B) in the case of any loan issued on an interest-bearing basis, the stated principal amount thereof.

(j) **APPLICABILITY OF FOREIGN ASSISTANCE ACT AUTHORITIES.**—Section 223 of the Foreign Assistance Act of 1961 shall apply to guarantees issued under subsection (a) in the same manner as such section applies to guarantees issued under section 222 except that subsections (a), (e)(1), (g) and (j) of section 223 shall not apply to such guarantees and except that, to the extent section 223 is inconsistent with the Federal Credit Reform Act of 1990, that Act shall apply. Loans shall be guaranteed under this section without regard to sections 221, 222, and 238(c). Notwithstanding section 223(f), the interest rate for

loans guaranteed under this section may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with financing under this section in the event the borrower elects not to finance such costs or fees out of loan principal. Guarantees once issued hereunder, shall be unconditional and fully and freely transferable.

(k) **FEES.**—Notwithstanding any other provisions of law, fees charged for the loan guarantee program under this section—

(1) shall be an aggregate origination fee equal to the estimated subsidy cost of the guarantees issued under this section, calculated under the Federal Credit Reform Act of 1990;

(2) may be adjusted so that the amount due annually reflects any reestimate of the subsidy cost of the guarantees issued under this section, except that any such reestimate must be approved in advance in an appropriations Act;

(3) shall include an amount for the administrative expenses of the Agency for International Development in administering the program under this section, which amount shall be paid to such agency and merged and consolidated with funds appropriated for "Operating Expenses of the Agency for International Development"; and

(4) the origination fee shall be payable to the United States Government on a pro rata basis as each guarantee for each loan or increment is issued, and the administrative fee charged shall be at the actual estimated cost for each fiscal year, payable to the United States Government by the Government of Israel within 30 days of issuance of the guarantees in such fiscal year.

Mr. LEAHY. Mr. President, I now ask unanimous consent that a section-by-section analysis of the Leahy-Kasten proposal be included in the RECORD. This should help Senators better understand the purposes and intent of the Leahy-Kasten proposal.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

#### SECTIONAL ANALYSIS

Subsection (a) establishes a 5-year program to provide United States Government guarantees of loans entered into by Israel for the purpose of providing Israel with economic assistance in connection with the extraordinary humanitarian efforts that Israel is making to resettle Jewish immigrants from the former Soviet Union and Ethiopia.

Subsection (a)(2) establishes an annual guarantee level of not to exceed \$2,000,000,000 that is to be made available in each of fiscal years 1993 through 1996. The actual amount of guarantees provided is made subject to an annual Presidential determination described in subsection (c). Subsection (a)(2) also prescribes a \$2,000,000,000 guarantee level for fiscal year 1992, the availability of which is described in subsection (a)(3).

Subsection (a)(3) describes the conditions under which guarantees will be made available in FY 1992. The \$2,000,000,000 to be made available in FY 1992 is to be reduced by \$ , which represents the estimated amount of expenditures by the Government of Israel, directly or indirectly, to complete the construction of housing units and related infrastructure in the administered territories where such construction was begun prior to After making this reduction, one-half of the balance is required to be obligated and committed for Israel within 30 days of the date of enactment of this section. Except for the

condition contained in subsection (e) (prohibiting use of loans being guaranteed for activities in geographic areas not subject to Government of Israel administration prior to June 5, 1967), no other conditions are to operate to limit the availability of these guarantees. Unless otherwise determined by the Government of Israel, this initial portion of FY 1992 guarantees is to be issued within 60 days from the date on which guarantees are obligated and committed.

The balance of the FY 1992 guarantees are to be made available for Israel within 90 days of enactment of this section. These guarantees are also subject to the provisions of subsection (e). Similarly, subsection (d) (allowing the President to suspend the issuance of guarantees in the event he finds that the Government of Israel has, after enactment of this section, engaged in new construction activity in the administered territories) applies as well to this portion of the FY 1992 guarantees. In addition, the President may determine to provide less than the amount that would otherwise be provided for Israel. In order to do so, the President must make a determination, and report this determination to Congress, (1) that specifies the amount to be made available for Israel, and (2) is based solely on the level of immigration to Israel and Israel's financial needs in absorbing the immigrants, and is not to be based on foreign policy considerations. The President's determination would be effective to reduce the level of guarantees unless the Congress enacted a joint resolution disapproving such determination within 60 days of its submission.

Subsection (b) establishes a system of joint consultations between the Governments of the United States and Israel concerning economic and financial measures that Israel intends to undertake during the life of this guarantee program to enable its economy to absorb the influx of immigrants and to accommodate the increased debt burden that will result from the guarantees issued under the program. For FY 1992, the consultations are to be completed within 30 days from date of enactment of this section. For fiscal years 1993 through 1996, by October 31 of each fiscal year. Fifteen days after completion of consultations, the President is to submit a report to the Congress which describes the specific measures Israel intends to take and the timetable for doing so.

Subsection (c) describes the system for determining annual guarantee levels for fiscal years 1993 through 1996. Subsection (c) provides the President with the authority to determine the actual level of guarantees to be made available for Israel for each fiscal year, thus allowing guarantees to be provided at the \$2,000,000,000 level or in such lesser amount as the President determines. The President is to base his determination solely on the level of immigration to Israel and Israel's financial needs in absorbing the immigrants, and it is not to be based on foreign policy considerations. The determination is to be submitted to Congress by November 1 of each year. Authority not determined for use in a fiscal year is to be carried over into the next.

Subsection (d) provides the President with the authority to suspend the issuance of additional loan guarantees for a fiscal year if, at any time, he determines that the Government of Israel, directly or indirectly, has engaged (after the date of enactment of this section) in new construction activity in the administered territories that he determines is inappropriate. New construction does not include necessary infrastructure for the gen-



eral use of the Arab and Jewish population, nor does it include (1) medical and educational facilities open to the Arab and Jewish populations, (2) security-related infrastructure, (3) scattered dwellings built to accommodate expanded families of those persons living in the territories. The provision is not applicable to land and property owned by Jews in such territories prior to May 14, 1948. For the suspension to be effective—

(1) the President must first submit the determination, and the basis therefore, to the Speaker of the House and the President Pro Tempore of the Senate; and

(2) a joint resolution prohibiting such suspension is not enacted within 60 calendar days after it the determination has been submitted. The subsection prescribes expedited procedures for the consideration of such joint resolution.

Loan guarantees may be resumed in the pertinent fiscal year only if the President determines and reports to the Congress that the reasons for the suspension have been resolved.

Subsection (e) requires that no part of any loan for which guarantees are issued under this section may be used for activities in geographic areas that were not subject to the administration of the Government of Israel before June 5, 1967.

Subsection (f) states the expectation of Congress that goods and services procured from the United States by Israel during the 12-month period after issuance of guarantees will increase by at least 50 percent of the principal amount of the loans made and guaranteed during the previous year.

Subsection (g) requires the Secretary of State to report semiannually to the Congress on the status of the guaranteed loan program, the degree of compliance by the Government of Israel with the terms and conditions of this section, the Government's progress in making financial and economic reforms, the extent of Israel's ability to repay the loans guaranteed, and the extent to which U.S. companies are participating in the program.

Subsection (h) requires that, subject to the conditions contained elsewhere in this section, loan guarantees are to be issued in such increments as the Government of Israel requests, the guarantee for each loan is to be obligated and committed within 30 days of the request, and the guarantee issued 60 days thereafter unless a later date is selected by the Government of Israel.

Subsection (i) requires that each guarantee is to guarantee 100 of the interest and principal and interest payable on subject loans. The subsection describes in further detail the terms and conditions for loans guaranteed.

Subsection (j) makes applicable certain provisions of the Foreign Assistance Act of 1961 to the guarantees issued under this section.

Subsection (k) contains requirements regarding the amount of fees charged under the guarantees program in this section. In general, such fees are to be equal to the estimated subsidy cost of the guarantees issued under the section (as determined under the Federal Credit Reform Act of 1990) and the administrative expenses of the Agency for International Development in administering the program under this section.

#### THE FLOOD IN MONTPELIER, VT

Mr. LEAHY. Mr. President, last week my hometown of Montpelier, VT, where I was born and raised, was hit by

the worst flood in my life; in fact, it was the single greatest catastrophe in Montpelier since the flood of 1927.

On Friday I walked through the ruined business section of my capital where a lifetime of hard work and memories were washed away in an instant. An ice jam along the Winooski River caused the water to leap the river bank and flow through the city at depths of up to 7 feet.

The day I was there I missed four or five votes here. That is about the same number I missed, I think, in the last 5 years. That was really secondary, because I wanted to be home, be with my friends and family.

The home I was raised in was damaged severely by the flood waters. The printing shop my father and mother had in the downtown area for so many years of my life was in that area. All of the stores along downtown where I had walked and gone and delivered newspapers were badly damaged.

I have seen so many people I have known all my life who were trying to clean out, start anew, even though they know they are going to be working probably for the next couple of years to pay for the damage caused by the rise of the river.

One business that was flooded is the Capital Market. It opened in 1927—the year of Montpelier's last great flood. Narcisco and Josie Alvarez, 96 and 89 years old, respectively, have worked in that store every day since. Their son, Ray, the present owner, announced this week—after surveying the damage—that the closing would be permanent. They cannot go on.

It really tugs at me. This is a store where you go in and ask for a cut of meat and they will know from experience just how it should be cut. They have people that always shopped there and now have gotten older with them. They deliver their groceries, for no extra charge.

I think there is an adding machine at the Capital Market, but I have never seen anybody use it. They take a paper bag, before they put anything in it, write the bill down on the side of the bag and add it faster than an adding machine could. You take the paper bag home with your groceries and your receipt is written out in pencil on the side of it. It is a wonderful store. There are so many others like that in Montpelier. I think it is the passing of an era.

I commend those who are trying to continue on. In probability a city of less than 8,500 people, in the grand scheme of the country, it may not seem like much, but Montpelier is a symbol of all that is right about Vermont.

But Mr. President, let me say that our spirits are down at the moment—because a landmark of our childhood is leaving State Street. I cannot believe that Marcelle, my mother or I will not

be stopping at the Capital Market when I am up in Vermont next week. Like other Montpelier natives—I cannot believe it will not still be there, with Ray and Josie and Narcisco ready to talk about all the news in Montpelier. Today, they are the news—and today—the news is all bad.

Mr. President, I ask that an article written by Maura Griffin of the Associated Press, printed in the Barre-Montpelier Times Argus edition of March 17, 1992, be printed in the RECORD. Thank you.

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

[From the Barre-Montpelier (VT) Times Argus, Mar. 17, 1992]

"END OF AN ERA": OWNER OF CAPITAL MARKET READY TO CALL IT QUITS  
(By Maura Griffin)

At Capital Market, bills have always been added up in pencil, groceries delivered free of charge and customers called by name. But on Monday the store's owner, his eyes filling with tears, said he would not reopen after the recent flood.

"We came in with the flood of '27 and we're going out with the flood of '92," Ray Alvarez said in a shaky voice. "It's a big decision to close. This has been my life, and my parents' life."

Alvarez' parents, Narcisco and Josie, started the store in 1927 with \$400. They took over a dressmaker's shop that had gone out of business after the Winooski River had sent up to 7 feet of water through downtown.

For all of Ray Alvarez' life, the grocery has offered produce, meat, fish, bread and other necessities to Montpelier's residents. In the small store with only two aisles, cereal boxes are stacked to the ceiling and the meat is kept in old-fashioned coolers built into the wall.

Regular customers have monthly accounts, and items are tallied up by hand on scrap paper. To shop at Capital Market is to step back in time.

"Three months from now, whatever decision I made—to open or close—I would think that I made the wrong one," Ray Alvarez said, looking around at the store. "But I can't do it anymore. I'm 65 years old. I've already had one heart attack."

A delivery man carried worn wooden boxes to nearby residents who did not want to come to town to shop. Delivery has always been free, and although other parts of the business had to subsidize it, Alvarez said he never wanted to stop the service.

"Many of these people traded with us their whole lives, we couldn't stop when they weren't able to come into the store," he said. "My mother built up relationships with the old gals. She even knew when they start to go and make mistakes on their orders. She'd help them out."

The store was also known for its meats, with a meat cutter always on duty. One cutter worked for 30 years, another for 11 years. "We always kept our help. They came and they stayed," Alvarez said.

As with many family-owned businesses, the owners of Capital Market have saved some money, in part because the owners never had any time outside the store to spend it, Alvarez said.

After he deals with the aftermath of the flood and his bills, Alvarez said he will spend the next few months relaxing, unwinding

from the 12-hour days in the store where he has spent most of his life.

"Come on, let's button this place up," he said on Monday, closing the blinds and shutting off the lights.

#### RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:30.

Thereupon, at 1:04 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD]

#### UNITED STATES-CHINA ACT—VETO

The Senate continued with the reconsideration of the bill.

The PRESIDING OFFICER. Who yields time?

The Senator from Oregon is recognized.

Mr. PACKWOOD. May I inquire what the arrangement for time is?

The PRESIDING OFFICER. The Senator from Oregon has 92 minutes, the Senator from Michigan has 45 minutes.

Mr. PACKWOOD. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PACKWOOD. 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. PACKWOOD. Mr. President, I might announce, I have conferred with Senator RIEGLE who is managing the bill for the majority party. Neither he nor I think there are going to be enough speakers to carry this to 4 o'clock, which is the time set for vote. So I think we suggest to all speakers on all sides who want to speak on this to come over now. There is a possibility we might conclude earlier.

Mr. President, this is the third time in the last 7 months that the Senate has fully debated the China most-favored-nation conditional bill. I think all Members have heard the full range of arguments on both sides of this issue and I think we all know how this vote is going to turn out.

Over the last year, this debate has focused almost exclusively on China's human rights, weapons proliferation, and trade policies. I emphasize the three again: Human rights, weapons proliferation, and trade. While the debate has been good, it unfortunately has totally neglected to focus on how these new conditions will impact on the Jackson-Vanik amendment.

Before we close the chapter on this round of debate on China and most-favored-nation, it is useful to go back and retrace the history of the Jackson-

Vanik amendment, for that is the legal structure we are working under.

The status of the law at the moment is this: Almost all Nations are entitled to most-favored-nation status. I want to emphasize, almost all nations in the world get it.

If we were to not extend it to China, it would not be denying them some special treatment. We would, in essence, be saying what we do for all the rest of the world with one or two exceptions, we are not going to do to you.

So, let us not put this in the light something uniquely granted to China. Most-favored-nation status means they get trade treatment no less favorable than any other nation. Let me give an example. We allow cars to come into this country on a 2.5-percent tariff. If for some reason we were to negotiate with Germany that cars could come in for a 1-percent tariff, we would have to grant that to all other nations that have most-favored-nation status and let their cars come in at 1 percent. That is all it means, that they get the same treatment anybody else gets.

So all nations get it: Libya gets it, Syria gets it, Iran gets it, Iraq gets it—although we have trade embargoes against some of these countries. These are hardly bastions of democracy and civil liberty protection, but they get it.

Then in 1951 we passed a law that said while all nations get it, Communist nations or nations that were under the control of Communists do not, such as Eastern Europe. So they were denied, from 1951 on, the most-favored-nation status and were required to pay much higher duties than were the bulk of the rest of the world.

But then in 1974 we passed the Jackson-Vanik amendment, and this amendment allows the President to waive the ban on most-favored-nation status for Communist countries if he finds: First, free emigration is allowed; or second, if it would promote freedom of emigration. We passed that.

Now here is the situation you have as of 1974. All nations of the world, for all practical purposes, get most-favored-nation status, but the Communist countries do not. Then we said if the Communist countries will allow free emigration of their peoples, then they get it. And, prior to the granting of this most-favored-nation status for a Communist country, the United States had to negotiate and approve a trade agreement with the country. Once they have negotiated the trade agreement and once most-favored-nation status is provided for the first time, then the President can extend the waiver on an annual basis, year-by-year, so long as the emigration requirements are met.

After the President makes his annual determination as to whether to waive the ban on most favored nation for a Communist country, the extension is automatic unless Congress disapproves the President's decision. We have to do

that by a joint resolution of the House and the Senate, but then the President can veto our disapproval.

Now let us go back as to how the process works. All nations get most-favored-nation status except Communist countries. Then we said but with the Jackson-Vanik amendment, even the Communist countries can get it if they will allow their people to leave the country freely. But then we said, even though the President grants that status to a Communist country, if Congress does not like it we can disapprove of it by a joint resolution. But, then, if he does not like our disapproval he can veto the joint resolution. Then, if we do not like his veto we can try to override it.

The President has waived the ban and granted, last summer, most-favored-nation status to China. Instead of disapproving the President's waiver, Congress has passed a conditional bill. The President has vetoed the conditional bill and the House has overridden his veto. We are now debating the issue as to whether or not we should override the President's veto. I do not think we should.

On May 29, 1991, the President announced that he intended to continue this extension of MFN status for another year—and we have done it every year since 1980. And until 1990, we never had much of a debate about this issue. It never came up for a vote in Congress. The President granted the waiver and we never even debated the issue in Congress.

So you say to yourself, what has changed? Has China suddenly become a pariah in trade policies, or human liberties policies, or emigration? No. Not any different than they were. They have always allowed reasonable emigration.

The problem of any Chinese wanting to get into the United States is not that China will not let them out. We will not let any more in. Every year China grants more visas for Chinese to leave for the United States than we allow in, so we cannot use the argument they will not let their people out. They are letting them out.

Has China's trade policy changed dramatically in the last several years? No, not really. It is, as are many Asian countries, reasonably protectionist, but that does not distinguish it from Japan. It certainly does not distinguish it from India which is probably the most protectionist country in the world. They get MFN status.

Has China's human rights policy changed? No, not really. But one thing did change: We saw Tiananmen Square on television, and it is almost as if we have reached an era where, unless it appears on television, it did not happen. We have known from the time the Communists took over the mainland in the late 1940's that the Communist government in China abused human lib-



erties. In the early days they marched people to the wall and executed them. They put people in prison and kept them there for years with no trial, on suspicion. And they did this during the 1950's, during the 1960's, during the 1970's, during the 1980's without question. And we knew it. If you read the Amnesty International report during the year, you knew they were doing it.

So Tiananmen Square was no change of Chinese policies involving human liberties. It is just that we saw it on television for the first time. And that has been the principal focus of the debate as why, now, most-favored-nation status should not be allowed for China.

But now I want to consider whether or not we want to adopt that standard: The standard being they must have a human rights policy sort of like ours. Not exactly. But they perhaps should have some freedom of speech, freedom of the press, perhaps trial by jury, perhaps some prohibition against self-incrimination—sort of our Bill of Rights. And if they do not have it, then they cannot have most-favored-nation status.

Mr. President, that is a fair debate. But if we are going to debate that issue, then why limit it to China? If we want to change and say while the original purpose of the Jackson-Vanik amendment was to encourage Communist countries to let people out—and Lord knows it has worked—we were aiming it principally at Russia and we were aiming it principally at Jewish emigration out of Russia, and it has worked. The Russians are now letting great numbers of Jewish citizens emigrate out of Russia.

But if we want to condition it on further factors, be that trade, or be that weapons proliferation, or be that human rights, that is a fair debate. But if we are going to say unless a country sort of has our Constitution, our Bill of Rights, they are going to be denied this most-favored-nation status, then let us look at the consequences.

First, I think there is not a nation in Africa that would qualify. None. There are none in the Middle East except for Israel and perhaps Turkey now. There would be some in Asia that would qualify, some not, but it might depend on the phase of the governmental moon they were in. They might be flirting with democracy for a while and have a panoply of human rights and then a military coup takes over and human rights are gone. So it would change from year to year depending on what kind of government the country had. You would have none in Africa; none in the Middle East except Israel, probably Turkey; some in Asia, some not; most now in Latin America, although 10 or 15 years ago you would have had no more than 1 or 2 in Latin America that would have qualified under that standard.

As I say, that is a fair debate, but I think it is unfair to single out China

and say for you and you only, we are going to have a special standard and pretend that no one else in the world violates that standard.

We have heard time and again that trade is good for the United States and that, indeed, when we trade with nations and get to know them, and we have our commercial officers there, and they have theirs in this country and business men and women get to know each other, buy and sell goods that this will do more to foster good will, cooperation and peace. I think that is right. Trade indeed is a tool that can be well used in that direction. We do not have a great deal of success with countries when we just isolate them and say we will have nothing to do with you.

So I think it would be a mistake to say to China and China only, because you have bad human rights, you don't get most-favored-nation status. I want to emphasize again, Mr. President, I think that is a fair debate to have involving all countries, and it would be a worthwhile debate to see if we want to expand the limitations on the granting of most favored nation.

We want to think also about what it will do to the consumers in this country. If for every country that does not have our Constitution or Bill of Rights or something like it, to say we are going to dramatically raise the tariffs on the products you send to this country, we know who in the last analysis takes a beating, and that is the consumer. It is usually a middle-income or lower-income consumer because very frankly in most cases, not all, in most cases the products we are importing from Africa or Asian nations are lower-value products, apparel, textiles. Not high-quality textiles from Italy or high-quality apparel from France, but usually the kind of things you would buy at a discount store: Sneakers for \$5 or a T-shirt for \$4. They are normally in that category, and those are the articles upon which the prices would be raised. Those are the articles that low-income and middle-income Americans buy.

So I hope that we will sustain the President's veto and will continue the most-favored-nation status for China. I can certainly say from the standpoint of my State of Oregon, we have an immense trade relationship with all of Asia and with the People's Republic of China. And in Oregon, this issue means jobs. If the most-favored-nation status is denied, Oregon loses jobs at a time when Oregon and some of its industries, and especially its wood products industry, is in a desperate situation.

So I encourage the Senate today to sustain the President's veto. This issue will come up every year. We do not need to worry about it going away. The President will again this coming summer—if he wants to continue the status for China—have to waive the ban on

most-favored-nation status, and we can have this debate all over again.

At that stage, I will be perfectly willing to enter into a debate on the subject of should we expand the reasons we do not grant most-favored-nation status and should we grant it to people who do have or do not have human rights policies or we will not grant it to nations who sell weapons overseas. But as far as weapons are concerned, we better be prepared then not to extend it to Germany and France because they sell weapons overseas.

As far as trade policies are concerned, we better be prepared not to extend it to India and Brazil because they have absolutely abominable trade policies. As far as human rights are concerned, we better be prepared to not extend it to probably half the nations in the world because they have abominable human rights policies.

At a proper time and place, Mr. President, we should debate that. This is not the time, and we should sustain the President's veto. I thank the Chair.

Mr. RIEGLE. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. Mr. President, the list of reasons against a renewal of most-favored nation trade status for China is so long and compelling that it is hard to believe the President has once again chosen to overrule them.

Nuclear and conventional arms proliferation; unfair trade practices; flooding American markets with goods made by prisoners, including political prisoners; relentless oppression and human rights abuses; occupation, religious persecution and cultural genocide in Tibet—the list goes on.

Instead of demonstrating its disapproval of China's activities, this administration has vetoed the conditions set by Congress, and in the same sad line of action or inaction, it has recently taken two other steps backward.

First, it lifted three remaining trade sanctions against China. Second, at the U.N. Commission on Human Rights in Geneva last month, the American delegation actively worked to dilute a resolution condemning China's human rights abuses in Tibet and lobbied successfully against its final passage. I know the administration disagrees with the Senate over the status of Tibet as an independent country, but there should not be disagreement over the existence of severe human rights abuses in Tibet. Indeed, they are well documented in the State Department's own country reports on human rights practices.

In its repression of Tibet, China deserves no shielding of the signal that we are sending to Beijing by what we did in Geneva last month.

Mr. President, this administration's policy of engagement is a failure.

China continues to evade textile quotas with devastating effect on America's textile workers. It floods our markets with goods from prison while refusing to allow American companies access to their markets. China's trade surplus with the United States rose \$2.7 billion between 1990 and 1991, and now is second only to our trade surplus with Japan.

The policy of engagement is also undermining efforts to stem nuclear and other weapons proliferation. During a press conference yesterday afternoon, Secretary Cheney responded to a question on the North Korean ship that had been tracked through the Persian Gulf by saying this administration remains extremely concerned about the proliferation of weapons in the Middle East.

Concerned, maybe. Willing to take action to curb proliferation, apparently not. The administration does not dispute that China sells missiles and missile technology to Syria, Iran, Pakistan, and other volatile countries, but the administration does not do anything, anything effective, about it.

Finally, the President's posture toward the Government of China harms the people of China and the people of Tibet.

Recent reports by the International League for Human Rights, which I had the privilege of serving as President, and by Amnesty International and Asia Watch document with heartbreaking clarity the terrible human rights abuses perpetrated by the Chinese Government. On the very day that this body voted in favor of H.R. 2212, the Chinese Government sentenced another seven participants in the Tiananmen Square prodemocracy demonstrations to lengthy prison terms.

By his insistence on coddling China, the President puts American jobs and American principles of freedom, democracy and human rights at risk.

For all these reasons, Mr. President, I will vote to override the President's veto. China is no people's republic and should not receive our blessing until it moves closer to becoming one.

I yield any remaining time back to the Senator from Michigan.

Mr. PACKWOOD. Mr. President, I yield 7 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. I thank the Chair.

Mr. President, I want to express my support for the President's veto of this conference report on H.R. 2212, the China most-favored-nation conditions bill. I know there has been a lot of good-faith effort in this. I know that in the House Congresswoman NANCY PELOSI has been absolutely extraordinary in her work and her effort. I commend her.

I can understand what has been done with regard to the conditions that have

been placed here, but unfortunately those conditions can never be met, and I think that is because of the manner in which they were crafted. I appreciate the good-faith views of those who hold strong by that. I do believe that each of us obviously is deeply concerned about the known human rights violations that exist in the People's Republic of China.

Let us just call that a given and get away from that. We are talking about trade here. We are not talking about other things.

I understand the concerns about their proliferation of missiles and nuclear weapons technology, and all of us express reservations about that. Those concerns are very real, and I would be very disturbed if the administration were not taking some very serious steps to deal with them in a most aggressive manner. But I agree with the administration on one key point: That our responsibilities are best met when our Nation can help direct the course of change by maintaining a dialog and keeping the lines of communication open as we attempt to positively influence the People's Republic of China.

My decision to sustain the veto comes down to one very simple concern: How would we maintain or increase our influence with China, a country representing one-fifth of the world's population, once we have withdrawn a trade status which we give to 162 other nations on the face of the Earth? What do we gain from cutting off communication?

Someone said in our caucus—and we have as interesting a discussion on this as they do on the other side of the aisle—shut them down completely. What is served? They will proceed to go ahead and peddle stuff all over the world and nobody will be watching. Then they can put people in chains and nobody will be able to see.

What in the world is this? Absolutely Alice in Wonderland. Isolate them where they liked to be for centuries and think that they are going to improve without the world looking in on them? Bizarre. Absolutely bizarre. How do you deal with the global issues of the day? How do you deal with ozone depletion, issues of global warming, issues of population control—which I deeply believe in? How can we do that when we leave out one-fifth of the world's population? Absolutely absurd.

How do you address these issues when the People's Republic of China is not anywhere near the table? Without including the most populous nation on Earth, many of those critical international problems simply will not be effectively dealt with. It is as simple as that.

We first granted this status to this republic in 1979. It is not some all-encompassing thing or some benefit only involved on the chosen ones of our allies. It only provides reduced tariffs.

This is all it does. This is all this hideous thing does. It only provides reduced tariffs and other trade privileges that we give to any other trading partner.

It does not signal approval or disapproval of that country's government. If it did, we would not have this same process with Syria, Iran, and Libya, and we have most-favored-nation status with Iran and Syria and Libya. We extend MFN to all but a handful of nations. It is nondiscriminatory rather than favorable treatment. That is what it is. It is not favorable. It is just nondiscriminatory. It is economic policy and not foreign policy. It is not a gift.

Our economy and our commerce benefit greatly by our granting this status. Obviously, Mr. President, our Nation has not had a great deal of success in the past with unilateral actions against other nations. The grain embargo, for one. We just end up shooting ourselves and American exporters and consumers in the foot and in the pocketbook. The greatest injury has always been to our national competitiveness. That is what we always have found, always will. It is the same every time. We must learn from that.

On the issue of human rights, why not listen to the Chinese students? That would be a good thing to do. Because many of them are telling us not to do this. "We learned about your country because of the minimum openness and now do not give them a chance to close up again."

I want to share with you a most fascinating newspaper column, and I ask unanimous consent it be printed in the RECORD.

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

#### POLITBURO MEETING VOWS TO ACCELERATE OPENING, REFORMS

China Politburo stressed reform and open policies at the plenary session of the Political Bureau of the Central Committees of the Communist Party of China (CPC), held in Beijing on March 9 and 10.

Presided over by Jilung Zemin, the meeting stressed that it is imperative to firmly carry out the Party's basic line of making economic construction the central task and adhering to the four cardinal principles and the policies of reform and opening to the outside world.

Yesterday all major newspapers in the capital and throughout the country carried the news story on their front pages.

The politburo said China should seize the current opportunity to accelerate the pace of reforms and opening to the outside world, pushing forward the economic construction and continuing to march forward along the road of socialism with Chinese characteristics.

The meeting said that to liberate and develop the productive forces is the basic task of the Chinese Communist Party as it leads the Chinese people in building socialism. Therefore, it is imperative to unswervingly adhere to taking the economic construction as the central task, holding fast to the four cardinal principles, reforms and opening to the outside.



This is the most valuable experience the Party has gained in leading the Chinese people in practice since the Third Plenary Session of the 11th Central Committee of the Chinese Communist Party under the guidance of the ideas of Deng Xiaoping of building socialism with Chinese characteristics, the meeting said.

And it is also the main cause for the great changes that have taken place in socialist China in the past dozen years.

So long as the Party firmly groups the basic line of "One central task and two main points" (economic construction, four cardinal principles, and open and reform policies) and will not waver in it even for one hundred years, the country will be able to maintain long-term stability and be hopeful.

The meeting emphasized that reform and opening to the outside world should be carried out in a bolder way and one should dare to make innovations and experimentations. It is necessary to further emancipate the mind and adhere to the principle of seeking truth from facts. We should not only develop the productive forces under the condition of socialism, but also liberate the productive forces through reform.

To judge whether a move is "socialist" or "capitalist" will depend mainly on whether it will benefit the development of the productive forces under socialism, the enhancement of the comprehensive national strength of our socialist country and the promotion of the living standard of the people, the meeting said.

The pace of reform and opening to the outside world should be accelerated.

"For what we regard as correct, just try it and go ahead daringly," the meeting said.

Planning and market are both economic means. It is necessary to be good at applying these means to accelerate the development of the socialist commodity economy, the meeting said.

Those attending the meeting agreed that it is also imperative to be bold in absorbing and learning from all the achievements of civilization, and in absorbing and learning from the advanced management methods of other countries in the contemporary world, including the developed countries in the West.

The 1990s is a crucial period, the meeting said. So people should have a clear view of the situation and take the opportunity to do a solid job, strive for efficiency and accelerate the ratio of economic growth, in order to reach a new stage of economic development.

Science and technology are the first productive force, the meeting stressed. In speeding up the rate of the economic growth, it is necessary to rely on science, technology and education.

This meeting pointed out that China should pay particular attention to thoroughly investigating and studying the vital problems that affect the reform and construction so as to form strategies and policies for the future and conscientiously organize their implementation.

The meeting discussed this and made necessary arrangements. Leaders at all levels should guard against formalism and bureaucracy and devote more of their energy in doing down-to-earth work, it said.

The meeting called on all the Party members, especially leader at various levels, to conscientiously study the series of expositions of Deng Xiaoping on building socialism with Chinese characteristics and further enhance their consciousness of generally carrying out the Party's basic line.

While keeping vigilance against "Right" deviation, main attention should be paid to

guarding against "Left," deviation, the meeting said. It is necessary to strengthen the construction of advanced culture and ideology and the construction of democracy and legal system so as to consolidate and promote the political stability and unity.

Mr. SIMPSON. It discloses the meaning of the politburo of the People's Republic of China, March 10 and 11 where they are talking about capitalism, they are talking about the need for openness, and they are coming, they are coming our way.

On the issue of human rights, I believe that only with the renewal of MFN to China can we best serve the cause of freedom and human rights. MFN is not the stick to be used on China to manifest our disagreement over that nation's human rights policies, which are appalling to all of us. Retaliation by the PRC would be a certainty. And all that would accomplish would be the removal of whatever influence we currently have over there.

No other country is planning, I assure you, to deny China MFN status. Not a single country on Earth is going to join us in this remarkable effort. Other countries will only move in—indeed, are moving in—to fill any gap that we open. Imposing conditions contained in this bill would inflict serious injury on our friends in Hong Kong. Ask the people of Hong Kong what they think of this proposal. They are stunned and appalled, and they ought to be, because in 1997 that is judgment day for them.

This would inflict a very serious injury on our friends in Hong Kong and on Guangzhou Province, once known in the West as Canton, where many of the democratic reformers in China work and live and trade and spread their message of capitalism.

We cannot undermine the stability of this area by pulling the economic rug from under Hong Kong and southern China. More importantly, we cannot fail to appreciate the way capitalist and democratic values of Hong Kong are penetrating the area's consciousness.

There is an old adage, "There are few easy successes, even for those who do everything right." Hong Kong and Guangzhou Province are well on the road to democracy. Revoking or seriously conditioning MFN would injure these forces for reform by threatening their stability and prosperity in the few years prior to 1997, when Beijing will assume full control of Hong Kong.

Then let us look at the positive steps that have been taken in the United States-People's Republic of China relationship. We have maintained a continuing dialog on human rights. High-level visits have been authorized so United States officials can personally—face-to-face—outline the threat human rights abuses pose to our bilateral relationship, and to the People's Republic of China's relationship with the rest of the world. A great many detainees of

the Tiananmen tragedy have been released, and missing political activists and their families' whereabouts have now been accounted for.

Do not miss the real achievement of recent days, the confirmation by Chinese officials to finally adhere to the Missile Technology Control Regime guidelines and parameters. That confirmation came in exchange for the lifting of sanctions on two Chinese companies. The sanctions were in place to encourage the Chinese to engage in nonproliferation discussions. They prohibited United States importation of missile technology transfer systems, and United States export licensing of satellites and high-speed computers. The President's sanctions worked.

There is a debate as to whether or not the recent transfers of components by China to Syria, Iran, and Pakistan have violated those parameters. The transfers to date have not been determined by the administration or anyone else to be in violation of MTCR limits. The transferred items were deemed at best to be dual use, the end uses of the sold products not yet ascertained.

Chinese acceptance of nonproliferation principles will not be accomplished in isolation. The administration is keeping a close eye on the situation, ready to impose sanctions if true missile sales do take place, because again, constructive nonproliferation negotiations can only occur if we maintain dialog.

I am also very aware of the trade deficit that exists with China—we are continually told about that—\$2 billion in 1987, increasing to an estimated level of \$17.4 billion in 1991. It is serious. The trade deficit must be dealt with immediately. I do not argue with that one whit.

Yet, tying the trade imbalance to the renewal of MFN is not the answer. Are we saying that we do not have other bad trading partners? I can think of one which has a \$50 billion imbalance with us. I do not think of them as being bad in any way. We deal honestly with other countries where we have trade deficits in an effort to try to reduce those figures, and that is what I think we must do here.

We should not consider this question solely on the basis of parochial economic gain. Instead, we should consider: How do we effect meaningful change in the P.R.C.? I believe that anything constructive can only occur through dialog, communications, or talking. Or put another way, effective change will never occur without dialog, whether you are talking with nations or human beings, talking in marriage, or whatever it is.

Denying a 1-year extension of MFN would only undercut our long-term objectives. It would only serve to repress the Chinese people further and reverse the modernizing trends that are still nourishing the prodemocracy forces.

And let us not forget that American involvement in China, and the awareness of the Chinese people of American ideals of economic and political freedom, helped to spur China's major social and economic changes in recent years.

We must accept the fact that we cannot solve the world's problems by simply using ostracism, isolation, and intransigence. That is not our exclusive right or our role. I believe that if we take that approach without also taking the concrete positive steps—sitting down at the table with the Chinese—we will fail in our efforts to advance American ideals. We will fail in our efforts to address serious global concerns on the environment, and we will fail in our efforts to bring China ever more fully into the world economy, which in the final analysis will benefit our own domestic economy.

I thank the Senator from Oregon. I commend him greatly on his courage and the essence of debate, presenting clear facts in the midst of a debate which has become highly emotional with relation to the People's Republic of China and human rights. And if we can, we must somehow separate that from what we are doing here.

Thank you very much.

Mr. GORTON. Mr. President, will the distinguished Senator from Michigan yield 10 minutes to me on this side of the proposal?

Mr. RIEGLE. Yes.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Washington.

Mr. GORTON. Mr. President, by its own terms, this debate is over the international trade policy of the United States, over whether and under what conditions most-favored-nation treatment shall be extended to the People's Republic of China.

I find it a paradox that this Nation and this administration, so fierce to call the People's Republic of China on its widespread violations of human rights and of the rules of free trade, is afraid to risk—putting at risk a trade deficit of \$12 billion a year.

For some reason or another, we seem so protective of that huge trade deficit that we must accede to whatever policies the People's Republic of China may wish to impose on us and others with respect to trade policy, weapons, and human rights.

Mr. President, it is not the United States which should fear this confrontation; it is the People's Republic of China. The People's Republic of China depends far more on markets in the United States than does the United States on markets within the People's Republic of China.

The assumption which permeates all of the arguments in favor of upholding this veto is that the passage of this bill over the President's veto will instantly result in the People's Republic of China

cutting off all the trade and other relationships with the United States.

While other countries may certainly seek the markets which an end to most-favored-nation status would create, there are no substitute markets for the People's Republic of China's goods which it is now selling in the United States.

The assumption that the People's Republic of China will go it alone, Mr. President, is in my view false.

This bill differs from the bill which originally passed the Senate of the United States, which included conditions which this Senator felt were impossible for the P.R.C. to meet. And, therefore, the bill was ineffective in meeting its own stated goals. Those goals have been modified considerably. They have been eased greatly. In fact, there is only one mandatory condition in this bill, and that is an accounting for the prisoners taken as a result of the massacre at Tiananmen Square. In every other area, the President need only certify that there has been progress toward meeting goals outlined in the bill and to which the administration itself agrees.

We have followed the policy demanded by those opposing this bill now for almost 3 years. The net result has been the tiniest possible improvement in human rights, modest improvement in weapons proliferation, and worsening problems with respect to our trade deficit, a trade deficit which is double today what it was 3 short years ago.

This Senator is convinced that the People's Republic of China will show more respect and will move more rapidly in the face of a firm, consistent attitude on the part of the United States than it will by our constantly turning the other cheek and accepting promises made with fingers crossed, almost immediately thereafter to be broken.

Mr. President, the proper course of action for the United States as the leader of the free world is not to forget the massacre at Tiananmen Square, and not to forget the desire for democracy among the People's Republic of China. The proper and moral course of action is not to grant implicit approval to the repressive activities of the Government of that nation by simply continuing to say that it will be business as usual.

But even going beyond what is right and moral, is it even the pragmatic course of action to bet on the past rather than the future, Mr. President?

The governing group in the People's Republic of China are all in their eighties. Their fate is almost certain to be identical to the fate of those who oppressed Eastern Europe and the former Soviet Union. They represent the past. They represent a failed idea.

Strivings for democracy in younger generations represent the future in China, and it is on that future that we should be betting, not only from the

point of view of being on the right side of history and democracy, but simply of being the right side of trade policies and close relationships with what, in the future, will be a free China. We should bet on the right. We should bet on the future.

We should have confidence in our ability to succeed in our goals. We should not act in quaking fear that somehow or another we will damage a trade relationship with a country which is not open to our goods and which has now created a \$12 billion per year trade deficit with this country. With regrets but with firmness, Mr. President, I suggest that the veto of the President should be overridden.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time?

The Senator from Michigan.

Mr. RIEGLE. Mr. President, I yield myself such time as I may consume, and then I am going to yield time to the Senator from Arizona [Mr. DECONCINI].

I stand with Chairman BENTSEN and Majority Leader MITCHELL, both leaders on the China MFN issue. I do so to emphasize the need for conditional MFN status for China. I think it is disappointing we have to send President Bush yet another message that this is the proper United States policy for China at this time.

The relationship between the United States and China is important to the American people and American industry, which continue to hear about and be damaged by unfair trading practices by China. Congress and the American people are gravely concerned about the lack of responsible behavior that China has shown in human rights, nuclear proliferation, trade liberalization, and intellectual property rights protection.

The Finance Committee has looked closely at these issues, and particularly the trade and intellectual property right policies of the Chinese Government. We have found that China continues to maintain tariff and non-tariff barriers that unfairly restrict United States access to this important market. These practices cost the United States \$10.4 billion in scarce capital in 1990 and, in turn, the loss of hundreds of thousands of U.S. jobs. The Bush administration has failed to use the trade tools that we do have in law, like section 301 and super 301 to pry open this market for free and fair competition to competitive products, particularly those from our country.

Two weeks ago, the Senate Finance Committee Subcommittee on Trade held a hearing on the protection of U.S. intellectual property and the Special 301 provision of the Omnibus Trade and Competitiveness Act of 1988. The hearing focused on the recently announced intellectual property rights protection agreement with China.

However, based on that analysis and other analyses, I am concerned about



the commitment of the Chinese Government to fully implement the agreement. I also remain skeptical of the ability of the Bush administration to insist that China reduce the number and occurrence of violations of the intellectual property rights of United States interests.

Clearly, the relationship between our two countries is at a very critical point. We must not continue our status quo policy of rewarding our trading partner for maintaining closed markets and unfair trading practice. Instead, we must use the tools that we have—namely, conditional MFN status, section 301, super 301 and special 301—to promote property recognition of the intellectual property rights and improve access to the Chinese markets of goods made here in the United States. Congress did its part in providing these trade remedy tools that are now in law. Now, it is responsibility of the United States Trade Representative and the President to use these tools to properly defend the commercial rights of the United States economy, our workers, and companies in America so that they are able to engage in fair and open trade with China. We must work aggressively to correct the trade inequities that continue to plague the United States-China relationship.

I urge my colleagues to send a clear message to President Bush that granting most-favored-nation trade status to China must be conditioned on reasonable standards in the important areas of human rights, nuclear proliferation, fair and proper trade liberalization practices, and intellectual property rights protections. For these reasons, we should override the veto.

Let me now yield to my colleague from Arizona, who wishes how much time?

Mr. DECONCINI. I will not be more than 10 minutes.

Mr. RIEGLE. I yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. Mr. President, I thank the Senator from Michigan and agree with what he just said. I think this is an area we really ought not to be debating. The issue is clear cut.

Mr. President, I was shocked and saddened to learn that President Bush has, once again, turned his back on the issue of human rights. By vetoing H.R. 2212, the President, who indeed was a hero of the gulf coalition and deserved to be, has demonstrated here a callous disregard for the blood that was spilled in Tiananmen Square in the name of liberty and freedom.

Where do we draw the line and how do we draw that line?

The centerpiece of U.S. foreign policy has historically been the pursuit of democracy and the protection of human rights around the globe. We demonstrated that dealing with the former

Soviet Union and Eastern Europe for years and years. We had a truly bipartisan policy of human rights. No most-favored-nation status with the exception of Bulgaria, on occasion, and Romania once. We stood against totalitarianism and violation of the principle of human rights, and I think it worked.

Yet President Bush has ignored the very underpinnings of our foreign policy. President Bush is hell-bent on unconditionally extending most-favored-nation status to China.

The People's Republic of China is responsible for nuclear weapons proliferation, slave labor, unfair trade practices and a deplorable human rights record that would make Saddam Hussein look good.

During the cold war, Congress and the President spoke with one voice and loudly condemned the Soviet Union for repression such as the Chinese Government is doing now to its people. We are told that, hey, things are getting better; they are modernizing and the reason they are is because we have been holding out a carrot instead of a stick. They have most-favored-nation status; we have to move slowly.

When people are being repressed and deprived of their right to exercise their conscience, their right to travel, their right to get a visa, their right to express political opinions, there is no justification for continuing blindly ahead. And that is what we have here.

So many of our colleagues have stood so strong for so long on human rights as they relate to the former Soviet Union, that I do not know how they can rationalize that this is any different.

Now the President wants this Nation to send a message to China that such practices are OK. They were not OK for the former Soviet Union, but they are now. In view of the past and current Chinese actions, this Senator finds the unconditional granting of most-favored-nation status to the People's Republic of China to be unacceptable and literally obscene.

In August last year at Yale University, President Bush said, "MFN is a means to bring the influence of the outside world to bear on China."

But while the President defends the aging Chinese leadership, that same leadership ruthlessly undermines those very freedoms which the American people have held so dear. The President has professed that he holds these dear when he recognized the violation of those rights in the Middle East. But what about China? The Chinese appear to respect only strength. President Bush, through his veto of this compromise legislation, and it is a compromise—it is not nearly as strong as I think it should be, but I supported it regardless—protects his friends in Beijing and demonstrates a weakness and certainly not a strength.

While the world looks to the United States for leadership, and commitment to human rights, President Bush lamely ducks this responsibility. And I do not know why. Maybe because it is the political season and he cannot afford to offend somebody here. That I do not understand. I have noticed one thing about human rights policy in the United States—in our foreign policy. I have witnessed not just the 15 years that I have been here—but prior to that, if you stand on the principle of human rights for the right reason you finally succeed. Even if you do not succeed, you do not have to explain why you have stood for the human rights of people in other countries. The moral principle is self-evident.

The State Department has acknowledged that civil and human rights violations "remained repressive, falling far short of internationally accepted norms." Former detainees have reported that the Government subjected them to cattle prods, electrodes, prolonged periods of solitary confinement, and beatings, in order to obtain confessions for crimes they did not commit.

Talk about human rights violations.

The People's Republic of China still illegally occupies the country of Tibet. China has reportedly executed 1 million Tibetans in its continued policy of genocide. When the recipient of the Nobel Peace Prize, the Dalai Lama, addressed Congress last year, he confirmed these atrocities against a peaceful, independent people. These people are being denied the most basic of human rights—freedom of the press, freedom of speech and, most importantly, freedom of religion—while Chinese troops occupy their country. How can any country employing such practices be considered a most favored nation? They cannot be under any circumstances. We went to war 1 year ago to repel another aggressor nation from occupying a peaceful neighbor. What about the occupation of Tibet?

I would like to hear the answer to that by those who want to see most-favored-nation status granted to China. When are they going to get out of Tibet?

Where is the consistency? Where is the humanity? Where is the justice? Will we allow this aggression to stand? How can we stand here and defend most-favored-nation status to the People's Republic of China? I do not see how anybody can.

This is also a jobs issue. As has been pointed out, in times of economic hardship, how can the United States afford to extend most-favorable-trade status to a nation with inequitable trade practices such as China? Our trade deficit with China has risen steadily since the Tiananmen Square massacre. Our trade deficit is only exceeded by our deficit with Japan. In 1989, the trade deficit sat at \$6.3 billion. In 1990, it grew 67 percent to \$10.5 billion. The es-

timated 1991 deficit with China is approximately \$15 billion. And while our trade deficit with China grew, our exports to that extensive market shrank 17 percent between 1989 to 1990. Mr. President, I ask my colleagues, Is this a level playing field?

Nor has China been an equal partner of the United States in building a more stable, peaceful, post-cold-war era. China, while not vetoing any of the U.N. Security Council's resolutions, did nothing to contribute to helping the Persian Gulf allies put down Saddam Hussein's aggression in the gulf. By sitting mute and exercising the veto, are we supposed to now reward this country with most-favored-nation status? China has instead been busy making the world a more violent and less stable place.

China has reportedly provided Pakistan—a country with which United States ended foreign and economic assistance because of its nuclear weapons program—with a complete design of a tested nuclear weapon, and with enough enriched uranium to build two atomic bombs.

And I am sorry that had to happen. Pakistan is a friend of the United States, but we cannot be inconsistent on nuclear nonproliferation, just like we cannot afford to be inconsistent on respect for human rights.

Apparently, China has also sold Pakistan the M-11 missile, which is capable of delivering a nuclear weapon approximately 185 miles.

China also helped Pakistan develop its first nuclear-capable missile.

Prior to the Persian Gulf war, China sold Iraq 30 Silkworm antiship missiles, and helped boost Iraq's nuclear weapons program by assisting the Iraqis to produce nuclear fuel. In fairness to the President, however, the Chinese have not played favorites.

China has also assisted both of Iraq and Pakistan's historic rivals—India and Iran.

Both nations have received substantial assistance from China in their efforts to develop both nuclear and conventional weapon systems. India has been sold over 130 tons of heavy water, which can be used to produce plutonium for nuclear weapons. China has trained Iranian nuclear technicians, and helped them develop short range missiles. In addition, China has reportedly sold Iran 30 Silkworm antiship missiles.

To this Senator, it appears that the stronger George Bush pushes for MFN status for the PRC, the more convinced the aging leadership in Beijing becomes that they will no have to change their current repressive and destabilizing behavior toward their own people. Indeed, the only time China makes any positive changes is when pressure from the United States and other nations forces it to.

Faced with the prospects of stiff sanctions during Congress' MFN debate

in 1990, the PRC released 200 prisoners incarcerated for nonviolent demonstrations.

Similarly, last year, as this debate approached, two peace leaders were also released from Chinese detention. These actions are not coincidental. Indeed, they clearly demonstrate to this Senator that China is vulnerable to sanctions and will only be convinced of the need to cease its current tyranny through appropriate, measured actions taken on the part of the United States. President Bush may feel that he is playing the China card and continuing in the footsteps of former President Nixon. If that is the case, then he is sadly mistaken. We once may have wanted to play China off of the Soviet Union in order to protect our security interests. But there is a new world order. The Soviet Union no longer exists. Indeed, we and the Russians are partners in this new order. China, however, refuses to join in this partnership. It is my belief that China will never join this new order as long as its protector if the White House refuses to make China face up to its responsibilities in the new world.

I urge my colleagues to override this cynical veto and work for a China that can join the family of civilized nations. Urge this action not just to protect jobs for Americans, not just to lower our trade deficit, and not just to help the people in the third world who have only known war and personal loss. I also urge this action for the people of China who have earned the right to live in dignity and freedom. This may be an economic battle, but it is also a moral one.

I urge my colleagues to vote in favor of the override.

Mr. President, I hope my colleagues on the other side of this issue will look at it purely from what is right, not what is political. The President is not going to be hurt if his veto is overridden. Instead, there is going to be a great benefit gained for the people of China who have been so terribly repressed by this present Government.

Mr. PACKWOOD addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. PACKWOOD. Mr. President, in 30 seconds I am going to yield to the Senator from Kansas.

But just to highlight the interesting differentiation, my good friend from Arizona talked about China selling all these weapons to different countries. He did not note that it was France that was building the nuclear reactor for Iraq, in Iraq, that was going to make atomic bombs. Israel took it out a decade ago, thank God, for the rest of the world's security and safety.

We knew France was building it. I never heard anybody say we should deny most-favored-nation status to France because they were building an

atomic bomb plant for Iraq. We are holding China to a dual and different and singular standard.

Mr. DECONCINI. Will the Senator yield for a question?

Mr. PACKWOOD. Yes.

Mr. DECONCINI. Does the Senator propose that argument, which I do not dispute, is then a justification to not take some kind of action towards the People's Republic of China? Is that the argument?

Mr. PACKWOOD. My argument is this: Up until this time the sole basis under Jackson-Vanik for denying most favored nation was the issue of emigration and did they allow their people to freely leave. China does.

If we want to go to an argument about human rights policy for weapons systems or trade policy, I think that is a fair debate. But Brazil and India have a worse trade policy than China. Germany and France have been major weapons suppliers to countries around the world. And most of the world, most of it, has human rights policies as bad as China and we never debate those countries.

Mr. DECONCINI. Will the Senator yield for another question?

Mr. PACKWOOD. Yes.

Mr. DECONCINI. The Senator says—I forget the exact word—the previous human rights discussion of Jackson-Vanik and other laws has been focused on the ability to leave the country. Would the Senator dispute that the human rights issue has also been a religious one, that of freedom of conscience?

Mr. PACKWOOD. Has been what?

Mr. DECONCINI. Freedom of conscience in the Soviet Union and other countries, not merely the right to leave the country but also the right to practice their religion? Is it not true, Senator, that it is more than just the right to leave the country that is the fundamental policy of the United States?

Mr. PACKWOOD. Yes, but on the condition of the most-favored-nation status under Jackson-Vanik, the only criteria we have used in the past is: Do you allow the right of emigration? We have conditioned a variety of things on human rights and a lot of other trade conditions but not MFN status.

I yield such time as the minority leader wants.

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. DOLE. Mr. President, the NCAA basketball tournament—which sports fans call the "March madness"—begins tomorrow night. If things go as they should, we will be crowning the University of Kansas as national champion in a few weeks.

But even K.U. and its outstanding coach, Roy Williams, can not match the perfect 24 and 0 record George Bush has amassed—not on the basketball court, but here in the Congress, the



court of last resort when it comes to Presidential vetoes.

In just a few minutes, we are going to up that record to 25 and 0.

Whenever we have one of these two veto votes, we also hear about stories attributing votes, one way or the other, to horse-trading and arm-twisting. But the simple fact is that George Bush has won every one of these showdowns because the bills he has vetoed have been bad bills.

And this is a bad bill, too. The President was right to veto it. And we are going to do the right thing in sustaining his veto.

It is a bad bill because it will not work. It will not do what the proponents of the bill say they want to achieve.

It will not lead to the release of a single political prisoner. It will not open up China's markets. It will not stop arms sale.

There is not the slightest bit of evidence, or logic, or history that suggests enactment of this bill will accomplish any of the goals laid out by the proponents.

But what is even worse than that. Overriding the President's veto—putting this bill in law—will not only do no good; it will do a great deal of harm.

It will harm China's young, entrepreneurial class—the country's strongest advocates of reform—far more than it will harm the old men in Beijing.

It will be a devastating blow to the economy of Hong Kong, dramatically reducing the chances it can survive as an enclave of freedom and free markets after 1997.

It will hit home in every wallet and pocketbook in this country. The fact is, we import billions of dollars of low-cost, good quality products from China which we simply cannot get anywhere else at anywhere near those prices.

Let me give you just one example. Ending MFN for China will raise the price of a pair of inexpensive shoes—the kind that typically sell for \$10-\$25—to \$1 to \$2. If you are in a low-paying job or have a fixed income, or are living on unemployment compensation, and you have three or four kids who need shoes—that hurts.

Most damaging of all, enacting this legislation will wipe out many, many American jobs. One reputable economic research organization has put the toll at 300,000 jobs.

There has been a lot of genuine anguish—and some crocodile tears—over the plight of our Nation's unemployed. There have been a lot of partisan potshots at George Bush, saying he does not care about the unemployed.

Well, he does care. And he does not want to put tens and tens of thousands of Americans on the unemployment roles so a few politicians can feel good about taking a high moral stance on China.

And let me urge the American voters, the next time one of their Senators

starts making a heart-wringing speech about his or her concern for the unemployed, ask that Senator how he or she voted on this issue, to put 300,000 Americans out of work.

Because this is not just a China bill; a foreign policy bill.

In a very concrete way, this is a jobs bill, too. And we are kidding ourselves, and kidding our constituents, if we do not face up to that.

And let me list one last way enacting this bill will do real damage.

Just before we voted on the conference report in late February, we had a closed session of the Senate, to debate reports of Chinese sales of advanced weapons and technology to other countries. The distinguished Senator from Delaware [Mr. BIDEN] proposed that session. I commend him for making that suggestion, because I believe we benefitted from our discussion of this critical issue. We were able to separate some facts from speculation, and put some other facts in the proper context.

No doubt about it, we all deplore some things the Chinese have done in this area. And we are unanimous in demanding that China cease and desist in some of its irresponsible arms sales policies.

But let us analyze this. Why do the Chinese do these deals? We heard it in the closed session, and in private briefings. But it is not a classified matter. It is just common sense. They sell arms for the same reason we sell wheat, and airplanes, and computers, and, yes, arms. They sell arms to make money—desperately needed hard currency.

But here is the logic of the supporters of this legislation. We want China to stop selling arms, so—to pressure them to do that—we close down one of the most lucrative markets they have for earning hard currency from non-military exports, the United States market.

We just shut down the United States market to the Chinese.

What do you think the Chinese will do? They still need the hard currency. They are suddenly getting a lot less of it, at least in the short run, from selling nonmilitary goods to the United States. The only other thing they have to sell, that anyone wants to buy, is military equipment and technology.

In those circumstances, are they likely to sell more arms, or fewer arms? It does not take a genius or a rocket scientist to figure that one out.

Mr. President, if we are going to use MFN to bludgeon the Chinese on matters like arms proliferation, we are creating an interesting linkage—in fact it was just referred to by the Senator from Oregon—and setting an interesting precedent. MFN is based on emigration policies. It has never been linked to anything else.

Maybe one of these days we will have a proposal on the floor to provide some

friendly country with some loan guarantees, for example. Maybe one of us will think back to the good initiative of the Senator from Delaware, and call for a closed session to talk about that country's arms exports. Maybe we will start conditioning loan guarantees, or direct aid, or any other aid to any other country, or continued implementation of a free trade agreement, or even MFN on that country, maintaining a simon-pure policy on arms sales.

If we are going to start down the road on arms sales and start reviewing every country that is involved in arms sales and say you ought to loose your MFN, that is a debate we ought to have. That is a debate we ought to have. If we want to change the law we ought to have that debate, but that should not be the debate here.

Mr. President, President Bush has a strategy for advancing America's interests in every one of these areas we have discussed. We are making progress, substantial in some areas like trade and arms proliferation; less substantial, but still significant, in human rights.

We are going to keep the heat on China. We are going to stay engaged. We are not going to turn our backs to 1 billion 100 million people.

It seems to me if we want to have an impact on 1.1 billion people and the leaders of the People's Republic of China we ought to be seated at the table, not outside. Not locked out because we have taken some action, or the Senate has taken some action. It seems to me we are in a better position, if we have a difference of opinion, if we want to influence their policy, to be inside the tent and not outside the tent.

So, in my view that is the way to get the job done. Not by mounting some high moral perch and firing our moral Scuds.

Mr. President, I urge every Senator to vote to sustain President Bush's veto on this bad legislation.

This is an important vote. It is an important vote to agriculture; it is an important vote to consumers in America; it is an important vote to a lot of other people who do business in the People's Republic of China and create American jobs. Make no mistake about it. If President Bush finds the Chinese are engaged in some unlawful conduct with reference to arms sales or everything else, he can stop it in a minute. He can stop it in a minute. And he will do that in a minute.

But I am prepared, if anybody has any doubts, to give the President the benefit of the doubt in this very important issue. I hope the President's vote would be sustained.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, I yield such time as he may consume to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia [Mr. FOWLER] has the floor.

PRIVILEGE OF THE FLOOR—H.R. 2212

Mr. FOWLER. Mr. President, before I begin I ask unanimous consent that Mr. Joel Wusthoff, a staff intern for Senator MITCHELL on the Democratic Policy Committee be accorded the privilege of the floor during the consideration of, and votes on, H.R. 2212, this legislation.

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

Mr. FOWLER. Mr. President, the issue of granting MFN status to China is one that troubles me greatly on many levels. With its vast resources, China is on the verge of becoming an economic colossus of the 21st century. Surely as the minority leader just stated, our two nations must try to find a way to forge closer ties.

At the same time, though, we cannot ignore that in other ways the Chinese Government also represents a brutal system, intolerant of any dissent; it violates the fundamental values of democracy and freedom upon which our international relationships must be based.

In considering the MFN status for China I personally cannot forget the meetings I had in Georgia with groups of Chinese students following the massacre in Tiananmen Square. Row after row of young Chinese men and women were trying to maintain their composure as they related in graphic detail the experiences of their friends and families, stories that we may have forgotten, but they have not forgotten. Stories of families and friends being crushed by tanks, mounds of bodies burning and many other horrors.

Mr. President, this administration and this Congress knows full well that all efforts to gloss over these events, ones that may seem distant to us today but whose pain has not abated for those students in Georgia and their loved ones in China, this cannot alter the fact that nothing has really changed in Beijing.

At a time when other former autocracies are struggling to reform themselves into democracies all over the world, one of the last bastions of autocratic rule is being treated or would be treated by us to special status. Certainly, we should do no favors for a regime which treats its own people without mercy.

It is not enough for this administration that gross human rights abuses are ignored. I would like to take just a moment on trade policy.

Right now, Chinese exports to the United States are growing twice as fast as our exports to them. We should use that economic leverage at the very least to try to correct that imbalance.

According to the President's economic plan, we must ship more of our jobs and our capital to China. Right

now, I can tell you again from evidence in my own State, China is cheating on its textile quotas and hurting jobs, industrial jobs all over Georgia and throughout the southern textile producing States. We have lost thousands of jobs because the Chinese, and others, erect high barriers to keep out our goods and promote their own industry, one that we know all too well is based on low, low wages and sorry conditions.

And yet the administration is asking us once again to accept politics as usual. No, we should not go begging in Japan. No, we ought not to be caving in to the Chinese. It seems to me if we are going to do \$100 or \$150 billion in trade with China, they ought to do \$150 billion in trade with us. If we are going to have a bilateral treaty with the Chinese, the Taiwanese or anybody else, if we are going to sell \$150 billion in goods and services to them, they ought to be buying \$150 billion in goods and services from us.

Mr. CHAFEE. Can I ask a question on that issue on my time?

Mr. FOWLER. I will be delighted.

Mr. CHAFEE. Mr. President, I am having a little trouble following the Senator. If we buy \$150 billion, any amount, from a country, the return commensurate requirement is that they buy the same amount from us; is that what the Senator is suggesting?

Mr. FOWLER. I am suggesting to the Senator from Rhode Island that those countries whose economies are fully capable of sustaining an equal trade relationship with the United States of America, countries whose economies are strong, countries who have signed or would like to engage in bilateral trade negotiations and be a principal trading partner with the United States of America, yes, we should use our leverage as the largest consuming country in the world to require that at end of the year, to the greatest possible extent, our trading balances should balance.

Certainly, we can do that with the Japanese. Certainly, we can do that with the Taiwanese. Certainly, we can do that with the Chinese. The only thing, in my opinion, that is keeping that from happening is the timidity of our country in not insisting that what should be an equal trading relationship is, in fact, at the end of the year and on the bottom line an equal trading relationship. We buy \$150 billion from them; they buy \$150 billion from us.

Mr. CHAFEE. That is a very interesting approach.

Mr. FOWLER. I am glad the Senator likes it.

Mr. CHAFEE. I may not understand it. It seems to me what the Senator is saying is that we are a big, powerful country and we can bully these countries into buying from us exactly what we are buying from them. It reaches an interesting conclusion. For example, we have a trade surplus with Australia.

We have a trade surplus with the Economic Community of Europe. Is that evil? And should we in a throes of guilt decide that we should not be selling more to Australia than we buy; there is something morally wrong with this, following the lines which the Senator has diagramed, and the same with the European Community? In other words, every nation with which we have a trading surplus, somehow we should reverse that and get it down to equal; is that what the Senator is saying?

Mr. FOWLER. I will be very pleased to debate trade policy and discuss this. As the Senator knows, that is not what I just said. But allow me to finish my statement on China.

Mr. CHAFEE. If he can clarify that point—

Mr. FOWLER. I will be very pleased to discuss this both on the floor and off. I am simply saying that where we have competitors who are capable; not telling them what to buy. I am trying to think of a surplus in the Senator's own State, but I cannot do it. I assume what brought the Senator to his feet was my discussion of what I said about the President's trip to Japan.

They do not want to buy our cars. They do not have to buy our cars. I agree with the Senator. We cannot make the Japanese buy our cars. We can try, but I do not think we can make them do it. I would like to. I would like to save Detroit, but I can say to them that we have huge surpluses of wheat for an island nation which they need which they can certainly buy to make our balance with them less imbalanced.

In Georgia, we have millions of tons of chickens that they need. We will sell them chickens. We will sell them cotton. We will sell them soybeans, but it takes a little steel in the spine of this administration if we are going to use the economic leverage that we have where we do have these imbalances with nations whose economic status of living and whose economies are perfectly able to be equal if we would use a little of our power to do it.

I thank the Senator and will be glad to work with him at a future time on a better trade policy.

Mr. President, in conclusion, we should pursue reciprocal agreements in trade relations, including MFN, that would only speed the process of reform in China. But we should do it from a position of strength. We should not be afraid to insist on the terms laid down by the Senate, measurable progress on free trade, human rights and proliferation of weapons of mass destruction.

When it gets down to it, we have no choice but to engage China in every effort to change its reactionary policies and hold it to responsible standards of international behavior. We have the means to do that, I submit, because the people are willing, despite the fact that the rulers in Beijing are not.



For us, the opening of China does represent a great opportunity. To China, exchanges with the free world represents a desperate need. We should proceed there with the confidence that if any semblance of the present Government hopes to survive, it must, it must, it must undertake the reforms that we espouse.

As for me personally, I am not going to break from the commitment I made to those Chinese students, anguished students who looked to our Government for leadership in those difficult days following the barbarity in Tiananmen Square.

I pledged then, as I do today, that we will demand real change of the rulers in Beijing before granting them any of the favors that they seek.

I thank the distinguished chairman of the committee. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

Mr. CHAFEE. I yield myself such time as I might consume off the time on our side.

Mr. President, I think we really ought to make clear what we are talking about. If there is ever a term that was inappropriate for the situation, it is most-favored-nation. Most-favored-nation does not mean a nation is favored in any way. It means that if you do not get that status, you are put in a very small group of pariahs in the world.

The United States, for example, grants most-favored-nation to—listen to this selection: Syria and Libya. We give most-favored-nation to Iraq. We give most-favored-nation to Iran. We give most-favored-nation to Cambodia. There is only a handful of nations that we do not give most-favored-nation treatment to: Cuba, Vietnam, Albania, North Korea.

So when we say we should give most-favored-nation to China, it is not giving them some specially selected treatment that is a favored type; it is giving them something we give every other nation in the world except the four or five nations I have previously mentioned.

What are we dealing with here? What those on the other side who seek to override the President's veto are saying is that unless China conforms to these certain criteria that the President will have to certify, then we do not grant them this most-favored-nation treatment.

Some of those we clearly know that the Chinese are not going to subscribe to under pressure from the United States. Indeed, I think we have to realize this is the way they view the situation, to China, a great and proud nation, bigger than this Nation in population, longer in history by far than we, with a history of isolationism, a history of turning its back to the rest of the world. We are saying, for exam-

ple, if you do not release all the prisoners as a result of the Tiananmen Square massacre, and the President so certifies, which he cannot, they do not get the treatment we accord every other nation and, indeed, that every other nation accords to China. Is this not peculiar?

Here we go seeking markets, saying we want to improve trade, and yet we are saying to China with one-fifth of the world's population, we are not going to deal with you—unless you kowtow to us and do exactly what we want, we are not going to trade with you.

Now, Mr. President, I have listened to this debate, and I noticed an awful lot of it was about trade and the imbalance of trade. The objections are not necessarily on the human rights side. The objections are that China has a trade surplus with us, and so we ought to cut them off. Of course, that is what passage of this legislation would result in.

We do not like the trade situation in China. If they are violating it in some respect, intellectual property or prison labor, all things that are alleged, then we have ways to respond.

As the Presiding Officer well knows, we can use the Super 301 action, which is provided for in our trade laws. What we seek, Mr. President, is access, and the way to get access is not to proceed as we are doing here, to deny MFN, which cuts off all relations. It does not just cut off trade relations. It really sours all relations with China.

Mr. President, this is very unfortunate legislation. I believe that we have a way of dealing with it; if we do not like the trade process, the trading method in which China indulges, and they are contrary to accepted procedures, we have ways to proceed, as I mentioned before. But let us not put China off in some little box and try and erect a wall around them, erect a wall around how many people they have, 1.2 billion people, and say we are not going to deal with you. The Japanese, the Brits, the Dutch, the Germans, and everybody else can deal with you but not us, because we do not like a series of things you are doing.

If we really are interested in dealing with these matters, human rights progress, preventing exports made by prisoners, terminating religious persecution, allowing freedom of the press, stop jamming Voice of America, stop intimidation of Chinese in America, allow access by international human rights groups—on it goes—if we really believe in all those things, Mr. President, then we must open our ways and methods of dealing with the Chinese. Just as we have had success in the intellectual property field, we have reached an agreement which seems rather satisfactory. We have to see how it works out in practice, but there is no question but what it represents a sig-

nificant breakthrough in our relationship with China.

We never would have achieved that, Mr. President, if this legislation had gone through and the President had not vetoed it. Like it or not, and those on the other side will describe it in various complicated ways, the facts are that if this legislation should pass denying MFN to China except with certain certifications by the President and the United States, China would cut off its relationships with us.

So, Mr. President, this is a significant vote. It is a significant vote not necessarily for trade reasons, although it is for that, but it is much more significant as to whether we truly will bring China into the family of nations. China, as everybody knows who has studied 8th grade history, has had a long history of isolationism, which they have enjoyed, and it was not unique. It just did not go back to when they started the Great Wall of China in the year 403 B.C. Think of it, from 1946 until President Nixon went to China in the 1970's, China was separated from the rest of the world. It was a breakthrough for President Nixon and Secretary Kissinger to go there. Gradually, we have opened up these relationships and improvements have been made.

Mr. President, I greatly hope the vote to sustain the President's veto will pass, and not just pass by a couple of votes. I hope it will pass overwhelmingly. I might say this is very important, as I said previously, to our relationships with China as a massive part of the world, which we cannot dismiss, but also on the trade side likewise.

I come from a State that has the world's largest toy company in it. That toy company does business in China to a very substantial degree. They have a factory set up. They purchase likewise from other factories in the southern part of China not far from Canton. Now, they can see in that part of China growing up a spirit of individual enterprise, a spirit of free enterprise, which we all applaud. And we believe there is a connection between that and the eventual arrival of the democratic principles, and indeed there is in that section of China.

If the President's veto should not be sustained, the ability to import from those factories would clearly end, and thus several thousand jobs would be lost in my State. We have a million people in our State—very small. What I am reporting here would be duplicated in other States as well, and I suspect in the State of the Presiding Officer, although I am not familiar enough with his situation in Connecticut. So we are cutting off our nose to spite our face if this veto should not be sustained.

For those reasons, Mr. President, I hope very much we can get on with this vote and that the votes in favor of the President's position will be overwhelming.

Mr. President, I see no one else prepared to speak at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, I yield the Senator from New Mexico such time as he requires.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. Mr. President, as I understand it, we have some time remaining, and I ask unanimous consent that I be able to speak on a subject that is not the pending matter.

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

### THE TAX INCREASE

Mr. DOMENICI. Mr. President, I have a bill that is being walked down here that Senator BOND wants to join me on, and I will try to introduce it as part of this discussion. I will ask for some time on that.

I rise today to give the Senate part two of my analysis of the tax increase that passed the Senate a few days ago, increasing marginal rates in the tax structure of the United States.

I choose to call my series—this is part two—"The Economic Growth Means More Jobs, Not More Taxes." That is the theme. I want to talk about a married couple, who are small business people providing new jobs in my State.

I consider them to be important contributors to the economy of my home city, Albuquerque. But some who voted for the tax bill apparently do not think they contribute new jobs, but rather that they ought to pay more taxes. The company's name is Wood Workers Supply. John Wirth and his wife, Billy Jean, in 1973 started the business with 5 employees. In 1976, they put together their first mail-order catalog. Today they provide and pay checks for 165 families in Albuquerque in three or four different places. Eighty-five of those are in Albuquerque; 35 in Casper, WY; 45 in Graham, NC.

The jobs at Wood Workers Supply are good jobs, on average about 20 to 25 percent more than the average paying jobs in the city of Albuquerque. Wood Workers Supply sells machinery, power tools, woodworking supplies, and John and Billy Jean pride themselves in featuring American-made products in their stores.

That way, they support other American industries and workers. And 50 percent of the sales are made to cabi-

net makers, furniture makers craftsmen, and homebuilders, who want to be more productive and competitive. New equipment helps them achieve that goal.

After almost 20 years of working 70 hours a week, he and his wife have built a nice business. They are proud of the contribution to the economies of the cities I just described, but they are rudely surprised to learn that they were part of the wealthy class who were not paying their fair share of taxes, at least according to some, at least according to the bill that passed the Senate, the Finance Committee bill. John tells me, frankly, that he and his wife plow almost all of their profits back into the business. Yet, if the finance bill becomes law, they would have to pay substantially more in taxes over the next year.

John and Billy Jean had a different plan for that money. They were going to create about 100 new jobs. They are expanding, and in October 1991, they opened a new facility in North Carolina. They planned to open a new one in New Hampshire later this year that would have employed about 30 people. If all goes according to plan, they would even open one in the State of Kentucky with another 30 jobs.

John is negotiating with a mail-order firm that he wants to move to his home city of Albuquerque. It is a small operation, but it would mean an additional eight jobs within the next 1½ to 2 years. He is negotiating to buy a small manufacturing plant that would move to Casper, WY.

His business plan would be in trouble if the bill that we voted in a few days ago—the tax bill, the so-called economic growth and jobs bill and tax fairness bill—according to John, if the new rates go into effect, the additional tax will slow down, rather than permit him to expand.

So his ability to expand without borrowing money, without looking to the Government for anything, will be impeded not helped by the jobs bill which will not create jobs, but will collect more taxes, including more from this couple and their business.

The President asked the Congress to enact an economic growth package. Those who support the bill that passed here claim that it is an economic growth bill, but I believe it is no economic growth bill. Growth means jobs. The real world impact of this bill is to delay the creation of jobs by business men and women like John and Billy Jean, and thousands of other small business people who leave much of their profits in their business to grow, to add jobs, yet report the income since they are partnerships or subchapter S corporations, report it as income and under the bill will pay taxes on all of it at about 16 percent higher than they are paying today, a rather substantial increase in what they will pay out of

the money that they would have used to grow and add jobs.

Recently our largest newspaper in Albuquerque, the Albuquerque Journal, ran a political cartoon that I think captures the folly of the bill that is now in conference. The cartoon showed the Congress raising taxes so it could spend more taxpayer money on Government programs, and in their cartoon, Benefits for the Unemployed, the Finance Committee bill spends the money on special interest provisions and in new entitlements.

Mr. President, as we all know, I think that the entrepreneurs that I have described here have a better idea. They want to create jobs with this money. They make a very efficient and responsible use of the capital and the human resources that are a part of their business.

It is misguided policy to raise taxes on some job-creating entrepreneurs and business people who are depending on it to provide long-term economic growth. John, who I have been speaking of, is a bit of a philosopher. He notes that the Founding Fathers never contemplated a country where 60 percent of the Federal tax burden would be shouldered by 10 percent of the taxpayers.

Let me run through those numbers on Federal income tax burdens because there is a lot of misinformation floating around. In 1977 the top 10 percent paid 50.5 percent of the individual taxes. In 1980, their burden dipped slightly, 49.1, but it has increased since then. By 1992 it increased to 60.2 percent. This means that the other 90 percent are paying 39.8 percent of the total tax burden.

Frankly, Mr. President, I think I am beginning to understand why the lowering of the marginal tax rates during the last half of the decade of the eighties caused so many small businesses to grow and add so many millions of new jobs. I think it is precisely because they left their money in their businesses, that is the small business people, and those who were corporate chartered but under tax laws were partnerships they left their money in their businesses and that added innumerable thousands of jobs.

Some might say that is not the way they want the tax laws to work. Frankly, I believe the proof is in the pudding. If you want jobs, you do it that way. You leave business people, men and women, small businesses, you leave them to the job of job creation, and you do not maximize the taxes you take from them because to do that leaves an economy such as ours less apt to grow, prosper, and do what many of us want, provide opportunities for people.

I thank Senator CHAFEE for yielding, and I yield the floor.

Mr. BENTSEN. Mr. President, I yield such time as I may need, and I must re-



spond to my friend from New Mexico concerning his comments about the tax bill.

Let me make a point. The President has stated that he was sorry he ever got into the 1990 budget agreement. But that agreement is the only discipline we have on the administration and this Congress to try to see if someday we can get this budget deficit down. But the President has demonstrated how he has turned his back on that budget agreement by presenting legislation to us that the CBO, Congressional Budget Office, says would cost this country \$24 billion.

I hear my friend from New Mexico talking about this tax increase, tax increase, tax increase. What is not said by this administration is there is an equivalent tax cut in that bill.

When President Reagan talked about cutting taxes and raising the capital gains tax, he called it reform. This bill can justifiably be called reform also, because what we are trying to do is bring some fairness back into the tax system.

President Reagan proposed a 35-percent tax rate on anyone making over \$70,000 a year. That was his proposal. This bill affects families that make over \$175,000 a year, and that is after their deductions. That actually means they will certainly have a gross income of something over \$200,000 a year. The bill raises their tax rate by 5 percent, from 31 to 36 percent on families making over \$175,000 a year, or individuals making over \$150,000 a year. The vast majority of those people making over \$70,000 a year, that President Reagan would have had pay a 35-percent tax, under this proposal, will be left paying 28 percent a year.

Then let us look at what the bill means in the way of progressive taxation. In this country, if you make \$35,000 a year or if you make \$1 million a year, the difference in your tax rate is only 3 percent. The ability to pay, fairness in the tax system, I think those are major considerations that we have to address.

Another proposal that was not mentioned is what the bill does for the self-employed or for the small employer who today can only get a tax credit for 25 percent of his health insurance premium. We are talking about moving it up to 100 percent. We are working to make that permanent.

Then in the ill-fated attempt to make this bill bipartisan, we reached out to take the seven incentives that the President put in his program and put them in ours, some with minor modifications and others word-for-word. I am talking about things to encourage income growth like accelerated depreciation. We put in a credit for a first-time home purchase. We added a much better IRA, one that would say to all Americans when they sit down to write their check to the

IRS, they will have the option of writing it to their IRA and taking a \$2,000 deduction. And we would allow the utilization of that to help people buy their first home, help them take care of the college education of their children, or take care of a major medical illness. Those are positive things that have been put in the piece of legislation that we will be going to conference on today at 5 o'clock.

So, these are major things to bring fairness to the tax system. We do not bust the budget but live within the budget agreement. For top income people, the top seven-tenths of 1 percent, we still would have a top rate substantially below that of our principal economic competitors, like Japan, Germany, and the United Kingdom.

Mr. President, it is not easy to put together one of these tax packages. There is not everything in it that I would have liked or that others would. But overall, it is a substantial improvement on present law.

We say to those people, middle-income folks that took the biggest hit in the last decade, who saw their taxes go up as their incomes went down, that we are going to give you a \$300 credit for each child you have. The cost of rearing children today has continued to escalate, whether you are talking about housing, medicine, or food. And for those typical families of four with 2 children, we have a \$600 tax credit; that is a 25-percent tax cut for a family making \$35,000 a year, the median income.

So it is a step in the right direction. Does it solve all our problems? Of course, it does not. Does it immediately turn this economy around? Of course, it does not. We did not get in this shape overnight. This is a situation that came upon us gradually over a period of years.

And this bill is a step in the right direction in trying to help the economy with, long-term growth and restoring some fairness to the system.

Mr. President, I retain the remainder of my time.

How much time do I have remaining? The PRESIDING OFFICER. The Senator has 3 minutes and 15 seconds.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would point out that when the taxes are increased from 31 percent to 36 percent, it is, of course, not a 5-percent increase, it is a 16-percent increase.

I also would point out that this benefit for these children goes only to those children who are age 15 and younger; in other words, under the age of 16. And the total benefit is 83 cents a day per child. So I do not think any of us suggesting that is going to stimulate the economy.

And the other point I would like to make, it is not just solely inside the Beltway talk to say that 83 cents a day is not very much. In my State, which

certainly is not a wealthy State—and we are going through all kinds of problems currently—I present this situation to our people and say, if you are going to add \$32 billion of tax revenue to the Nation—and that is what this costs over 5 years, \$32 billion—is it best to have it go to a very limited class?

It does not go to everybody, it does not go to the very poor, and it certainly does not go to the rich. It goes to those with incomes roughly from \$20,000 to \$50,000 and then phases out. It only goes to those who have children 15 or under, and it is for this limited amount.

So I propose that to the folks at home. Is this the way you would like \$32 billion additional revenue to go in our country? And the answer unanimously is, "No. Let us put it to reduce the deficit of this country." And that is where we ought to go.

I am not opposed to new taxes. I have voted for new taxes around here plenty of times. But if we are going to go into a big new tax program such as this, then let us use it to look after these children, not their parents with 83 cents a day, but help relieve this terrible burden we are placing on these children to the tune of \$300 billion a year of additional debt that someday they are going to have to pay and their children and their families.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Rhode Island has 13 minutes and 33 seconds.

Mr. CHAFEE. 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.

The bill clerk proceeded to call the roll.

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

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

#### UNITED STATES-CHINA ACT—VETO

The Senate continued with the reconsideration of the bill.

Mr. D'AMATO. Mr. President, I rise today to oppose the effort to continue most-favored-nation trading status with China. Yesterday's newspapers contain information that suggests China is providing Iran with some of the technology necessary to construct nuclear weapons. If anyone in this Chamber can think of anything more horrifying than that, they have a more vivid imagination than I do.

It was with great foreboding that I supported the administration's position in support of most-favored-nation trading status for China. I had hoped that after the collapse of communism in the Soviet Union, the Chinese Government would begin to significantly

change their behavior. Obviously, that has not occurred. Until the Chinese Government learns how to act as a responsible member of the world community, they should not enjoy an advantageous trade relationship with the United States.

Mr. President, I ask unanimous consent that the attached articles be printed in the RECORD in their entirety.

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

[From the Los Angeles Times, Mar. 17, 1992]  
CHINA HELPING IRAN BUILD NUCLEAR ARMS,  
U.S. SAYS

WASHINGTON.—Although a recent inspection found no evidence of nuclear weapons research, U.S. officials believe that Iran is engaged in a determined, long-term effort to develop nuclear weapons with the help of technology from China.

Over the past few years, China has provided Iran with a mini-reactor and with technology similar to that used by Iraqi President Saddam Hussein in attempting to develop nuclear weapons.

"I don't think the Iranians are going about it in such a brutish fashion as Saddam Hussein," one State Department official said. "Their program is much more subtle and long-term."

In 1990, Iran and China signed a 10-year agreement for scientific cooperation and the transfer of military technology.

U.S. officials said that the items publicly acknowledged to have been transferred between the two countries—such as an electromagnetic separator for producing isotopes—are "very small-scale stuff" and, by themselves, could not be used to make nuclear weapons. But they said the Chinese exports would be invaluable for an Iranian nuclear weapons program, because they would help Iran acquire the know-how to later build nuclear weapons.

Iran now ranks, along with North Korea and the Commonwealth of Independent States, among the top concerns of U.S. officials worried about the spread of nuclear weapons.

CIA Director Robert Gates testified in Congress last month that Iran "is building up its special weapons capability as part of a massive . . . effort to develop its military and defense capability." Iran is looking to China to supply missiles and nuclear technology, he said.

China contends that all of its nuclear help to Iran has been above-board and that the facilities it is helping Iran develop comply with the legal safeguards of the International Atomic Energy Agency. A Chinese Foreign Ministry spokeswoman said last November that while China has supplied Iran with nuclear technology, it is "only for peaceful purposes."

#### WEST WORRIES CHINA WILL SELL MISSILES

(By Paul Lewis and David Silverberg)

HONG KONG.—China intends to proceed with missile sales contracted before it agreed to abide by the Missile Technology Control Regime (MTCR) last November according to experts here and in Washington.

"There are two reasons why China is not likely to conform to the wording and spirit of the MTCR," Chong-Pin Lin, associate director of Chinese studies at the Washington-based American Enterprise Institute, told Defense News last Thursday.

"One is financial," said Lin, who noted that missile sales bring China desperately needed foreign currency.

"The second is the nature of the control structure," Lin added. "It is very difficult for the highest levels of government to control the corporations."

Experts here add a third reason for the Chinese reluctance to abide by the MTCR: a fear of losing prestige and influence in the Third World.

In addition to the well-publicized M11 missile deal between Pakistan and China, the China Precision Machinery Import-Export Corp. (CPMIEC) in 1988 entered into an agreement with Syria to develop the intermediate range M9 missile.

The CPMIEC, a company established by the Chinese Ministry of Aerospace Industry and under the direction of the State Council, was until recently, along with China Great Wall Industry Corp., on a U.S. sanctions list as a result of sales of such missiles.

The M9 missile has been developed with Syrian funds and has recently undergone tests at a government-owned range in Gansu province. The M9 is a solid-fuel mobile missile with a range of up to 600 kilometers (372 miles).

The M9 is a more modern missile than the M11 developed for Pakistan and is better suited for delivering a crude nuclear warhead. The M9 also can be armed with a chemical or biological warhead.

The missile does not possess pinpoint accuracy, but it is more precise than the Iraqi Scud B or its al-Husayn derivative used in the Persian Gulf war. Fitted with a fuel-air munition, the M9 could be used as a tactical weapon.

Delivery of M9 missiles to Syria is said to be imminent and sources say that up to 24 missile transporter-launchers already are in place in the country.

However, in testimony before the U.S. Senate's Joint Economic technology and security subcommittee last Friday, Richard Clarke, U.S. assistant secretary of state for politico-military affairs, said the world's chief missile proliferator at the moment is North Korea rather than China.

Clarke said North Korea is marketing three missiles: the original Scud, an extended-range Scud-C, and a new missile called the No-Dong I. The missile is still in development, said Clarke, but it is expected to have a range of over 1,000 kilometers (620 miles), covering all of South Korea and Japan.

"If, as we suspect, they will also try to sell this new missile in the Middle East, it will also pose a threat to stability there," said Clarke.

Chinese officials are also reported to be less cooperative than previously in helping draft new restraints on conventional arms sales to the Middle East, according to administration sources.

The United States, Britain, France and Russia have largely agreed that they will notify one another before major defense sales in the Middle East. They have also largely agreed on the types of equipment that will require notification. However, the Chinese position is becoming less cooperative, the sources report.

Mr. DODD. Mr. President, once again, I rise for the purpose of calling attention to the repressive policies and programs of the Chinese leadership.

Mr. President, last July, 55 Members of this body agreed to send a clear signal to the sheltered old men of Beijing. We agreed that we would no longer look the other way as China violated fair trade practices, flaunted inter-

nationally recognized standards of human rights, and armed the Third World with nuclear weapons technology.

Three weeks ago, when the conference report first made its way to the floor, 59 Members of this body lent it their support. A majority of the Senate, like the majority in the House of Representatives—and backed by a clear majority of Americans—agreed that the time had come to reverse United States policy in China.

Today, thanks to the efforts of the majority leader, this issue is before us once again. We may pick up a few more votes today. We may come closer to our goal. But in the end, we all know the likely outcome.

Barring an unforeseen circumstance, Mr. President, this override vote will fail. Business with China will continue as usual. And the leaders of Beijing will have pulled the wool over our eyes once again.

We all know what brings us to this confrontation today. For the 26th time since taking office, the President has rejected the clear majority of Congress and told the American people that he knows best. In the process, the President has taken the hopes and aspirations of the Chinese people and blotted them out with his veto pen.

I know the President has had a long history of dealing with the Chinese. I know he considers himself an expert on the Chinese people, their culture, and their ways. And I know that his record, in Congress, at the United Nations, and within the intelligence community, has given him lengthy experience in Chinese relations.

But sometimes I think that you can get so close to a subject that you lose all objectivity, Mr. President. And that is what I suspect has happened here.

The President sees a China that is struggling within itself, one faction pushing for reform and another resisting change. The President sees a China that knows it must join the international community, and is only delaying the inevitable.

The President sees a China that is making economic reform, a China that needs positive reinforcement to nurture it along. The President sees a China that will eventually come to embrace democracy and full economic freedom, if only we will give it the chance.

Let me tell you about the China I see, Mr. President.

I see a China that continues to detain hundreds of Tiananmen Square demonstrators, without regard to due process or recognized standards of judicial review.

I see a China that has tortured hundreds of its own citizens during detention and interrogation, despite the persistent condemnation of the international community.

I see a China that has mocked the rules of world trade, and now holds a



\$13 billion trade surplus with the United States as a result.

I see a China that has sold missile launchers to Pakistan, nuclear technologies to Algeria, and missile technology to Syria, adding to an arms race that threatens us all.

I see a China that makes concessions on the eve of United States congressional debates, but then closes its ears to its own people.

I see a China that is so insulated from reality that its Premier, Li Peng, calls the issue of human rights an infringement on his nation's sovereignty.

Finally, Mr. President, I see a China that has been allowed to act with impunity for so long, it has forgotten what it means to be a responsible member of the world community.

Mr. President, we are not asking much with this legislation. This legislation would not sever our relationship with China. It would not put an immediate end to MFN treatment. But it would put an end to the legacy of complicity and tolerance that has marked our relationship with China. Such action is long overdue.

I hope the Senate will have the courage to override this Presidential veto.

Mr. DURENBERGER. Mr. President, I rise to oppose today's effort to override the President's veto of H.R. 2212, the conference report conditioning most-favored-nation [MFN] trade status for China.

Several times in recent months, the Senate has debated and voted on this issue. This has been an important debate that has helped illuminate the many interrelated issues on the MFN matter.

Mr. President, on several occasions in recent months, I have spoken in this chamber against measures to restrict MFN for China. I will not waste the Senate's time by restating those positions in full.

I would, however, just summarize my perspective very briefly. First, I remain convinced that it is in our Nation's best economic and geopolitical interests to maintain normal trading relations with China. Several times, I have urged my colleagues to consider not only the likelihood that conditioning MFN would fail to achieve the desired objectives in China, but that it would profoundly damage United States economic and political interests.

Second, it is difficult for this Senator to envision what benefits our country derives from returning to a policy in which we actively seek to isolate China.

Third, I remain persuaded that unilaterally using trade as a foreign policy weapon only hurts the American exporter and consumer. Other countries will always step in to fill the void left by our unilateral withdrawal from a market. This is precisely what happened with the failed United States

embargo against the Soviet Union in 1979.

More recent experience has also taught us that the corollary to this reality is also true. That is, that economic and trade policy can be a meaningful foreign policy tool only when applied multilaterally, in concert with the world's other trading partners. United Nations economic and trade sanctions against Iraq have had meaning only because the world acted in unison.

I ask my colleagues again, will Japan follow our lead in restricting trade with China? Will France or Germany? Will Australia or Brazil? No, Mr. President, of course not. Their farmers and businesses will simply step in and take the business that we unilaterally sacrificed.

Fourth, it remains my view that it is fundamentally inappropriate for the United States, acting alone, to start and stop trade with other countries because of disputes over human rights matters. If we applied these same standards to any number of our other trading partners, we would be unilaterally restricting trade all over the Third World.

Last summer, I quoted at length from the publications of respected international human rights organizations regarding the records of various trading partners. No one is calling for revoking normal trade relations with Indonesia or Kenya, Mexico or Brazil, Turkey, South Korea, or India. Acting alone, the United States cannot, regrettably, change the behavior of the rest of the world. The forum for addressing these issues is not through trade, but through vigorous diplomatic efforts.

Mr. President, I wish to emphasize that neither President Bush nor this Senator believes that extending unconditioned MFN can be interpreted as condoning China's human rights practices, its irresponsible weapons proliferations policies, or its various troublesome trade practices. But strictly conditioning and ultimately revoking MFN on a unilateral basis simply will not have the desired impact in China.

Mr. President, I renew my call to President Bush and Secretary Baker to keep the pressure on China to improve their various policies and practices that we and other responsible members of the international community rightly find so objectionable. Clearly, more needs to be done to persuade China to respect internationally accepted norms of behavior in areas such as human rights and weapons proliferation.

But MFN is the wrong tool for the job. It is a blunt instrument that holds little promise for achieving otherwise laudable objectives. Effectively revoking MFN will only kick the legs out from under the negotiating table at which we address our very real and se-

rious problems with China. That might give some of us a degree of short-term satisfaction, but precious little long-term gain.

Mr. President, I urge my colleagues to take the long-term view and sustain President Bush's veto. Thank you, I yield the floor.

Mr. SANFORD. Mr. President, I rise today to urge my colleagues to override the President's veto of a vital piece of legislation, H.R. 2212, a bill that would limit most-favored-nation status for China. It is not complicated. We simply insist on a decent level of human rights, we insist that China quit cheating on weapons proliferation, and we insist that China get honest in their trade practices. When the President vetoed this bill on March 2, he said that his policy of offering MFN status unconditionally "invites China's leadership to act responsibly." Well, Mr. President, I want to send an invitation they can't refuse. The President's policy of currying favor with the Chinese Government has produced no change in China's abominable human rights record, no change in China's continuing disrespect for attempts to halt the proliferation of weapons to unstable Middle East countries, and absolutely no change in China's pattern of chronic unfair and illegal trade practices. The clear message is that the Chinese Government doesn't need to close up in order to get what it wants from the President of the United States.

Chinese violations of human rights are well documented. Religious persecution, imprisonment without trial, torture, and execution are frighteningly commonplace. The violence in Tiananmen Square and the ensuing treatment of students and other citizens are prime examples of what still goes on in China. And yet the Chinese feel that these activities are internal Chinese affairs. Sure they are. So is it our internal business as to who trades here. The point is that the promotion of human rights is a special concern, a special obligation. The United States of America is the great shining torch to which the oppressed people of the world look for hope and freedom.

China not only threatens her own citizens, but by blatantly engaging in nuclear proliferation, China is threatening all citizens of the world. China has sold lithium hydride to Iraq that could have been used against our troops in the gulf in the form of missile fuel or even nerve gas. And they continue to sell deadly M-9 and M-11 missiles to Syria and Pakistan. China is still refusing to act as a responsible member of the world community, yet President Bush chooses to reward them with most-favored-nation status.

To make all this more pointed, our Nation is experiencing economic chaos fueled by mounting trade deficits and increased competition from the subsidized markets of the east. China is

the second largest deficit trading partner of the United States, behind only Japan. The American people are buying more Chinese goods and selling fewer United States goods to China than ever before. Who can blame American men and women for feeling that the President has let them down? The Chinese continue to send textiles and apparel to the United States under fraudulent visas to be sold at cut rate prices in crass violation of trade agreements. When North Carolina textile mills shut down because Chinese goods, much of it made by prison labor, are dumped on the United States market, the President says it is fair trade. Well it is foul trade and a foul deal when our citizens are put out of work by a Chinese labor force that makes, on average, .37 cents per hour. And this foul deal will clearly be the work of the President and the minority party in the U.S. Congress should this veto be allowed to stand.

Mr. President, we must stop the unfair trade practices. We have the opportunity here to call China to task. To demand that they practice fair trade, or lose favored trade status. Is it too much to demand that they not cheat? That they respect basic international trade law? The President says yes, and would have us close our eyes to these violations. But why should they reap the benefits of most-favored-nation trading status with the United States?

I fully support the conditions to most-favored-nation status for China as set forth in H.R. 2212. Is it a reasonable proposition that we have offered to China.

It is too bad that the President has decided to cast his vote for allowing the dangerous world political situation to be aggravated by the uninhibited sale of weapons of war, and against North Carolina and American working people.

Mr. HARKIN. Mr. President, I rise in support of H.R. 2212, to extend most-favored-nation [MFN] status to the People's Republic of China with certain conditions. I encourage my colleagues to join me in voting to override the President's veto and reject his failed China policy.

Mr. President, we should be clear about what this bill does and does not do. The bill does not impose an embargo against China and does not end economic relations with that country. It does not seek to disengage the United States from China but rather change the terms of our engagement. H.R. 2212 extends MFN status for China on the condition that China adheres to its prior commitments on weapons proliferation, ends its discriminatory trade practices, and has made progress in human rights. President Bush has had nearly 3 years since the June 1989 massacre of Tiananmen Square to positively influence Chinese policies by constructive engagement. The President's policy of forgive and forget has

clearly failed. It is time to pursue a policy consistent with our values and our interests: respect for human rights, nonproliferation, free and fair trade.

For the past 2 years President Bush has argued that extending MFN would give Chinese leaders the incentive to improve their human rights practices. Yet, today according to the State Department's 1991 human rights report "China's human rights practices remained repressive, falling far short of internationally accepted norms." the reputable human rights organization Asia Watch reports:

If anything, the Chinese authorities showed themselves even less willing in 1991 than in 1990 to ease up on the relentless repression they have pursued since the military crackdown in Beijing and other cities on June 4, 1989.

It is estimated that thousands of prodemocracy activists remain in jail; religious persecution, as well as arbitrary arrests, unfair trials and torture persist. Moreover, the Government of China continues to violate the fundamental rights of the Tibetan people and repress citizens who advocate non-violent democratic reforms.

China's human rights abuses are not limited to areas of political and civil rights. China also violates human rights through its use of prison-labor for commercial gain. I should point out that the International Labor Organization Convention 105 prohibits the use of forced or compulsory labor "as a means of political coercion or education or as punishment for holding or expressing political views ideologically opposed to the established political, social or economic system." Further, section 307 of the Smoot-Hawley Tariff Act of 1930 has prohibited the importation of prison-made goods into the United States for over 60 years. Yet, in a direct violation of international labor treaties and United States law, the Chinese Government continues its practice of using forced labor in producing cheap products that are later exported. Last November, when Secretary Baker visited Beijing, products made by prison labor in the Shandong Province were on display at a trade fair in San Francisco. Evidence indicates that prison labor is involved in the export of sugar, T-shirts, underwear, wine, tea, leather, shoes, fertilizers, electric fans, handtools, diesel engines, and other products. Last July, during a debate on extending MFN status to China, I pointed out that the April 1991 Business Week, cited State Department documents showing official Chinese statements that China exports \$100 million each year in goods produced by forced labor. Mr. President, China's use of prison labor to export cheap goods is not only illegal and morally repugnant but also devastating to American workers forced to compete against China's prison-exports.

Other trade practices by China are also harmful to the United States.

These practices include restriction of foreign firms' access to China's domestic markets, lack of adequate protection for patents, copyrights, and trademarks, as well as severe restrictions on foreign investment in China. As a result of China's discriminatory trade practices our bilateral trade deficit with China is now second only to Japan. In 1991 our trade deficit with China increased by \$2 billion to \$11.7 billion. That trade deficit means the loss of over 250,000 United States jobs.

The bill before us, H.R. 2212, seeks to redress our trade relations with China. It encourages China to end its discriminatory trade practices by protecting intellectual property rights and providing American exporters with fair access to Chinese markets including removing nontariff barriers. Mr. President, it is true that China is potentially a large market for the United States. But if strong action isn't taken to end China's discriminatory trade practices and open up China's markets, our exports will continue to suffer. We simply can no longer afford to be on the losing end of our trade relations or fail to take action when unfair trade practices hurt American workers.

Aside from our concerns about human rights and China's unfair trade practices, H.R. 2212 addresses one of the most serious threats to our national security—the proliferation of chemical, biological and nuclear weapons. A New York Times article of February 22, questions whether China will halt its sale of long-range ballistic missiles and nuclear-related technologies to Pakistan, Iran, Libya, Iraq, and Syria. Such sales would be destabilizing to volatile regions and counter to vital U.S. interests. I am aware that China has signed the Nuclear Non-Proliferation Treaty and accepted the terms of the Missile Technology Control Regime. And, if China intends to adhere to those agreements, neither China nor the administration should object to the provisions in the bill relating to nonproliferation. However, if China violates those agreements and the verbal assurances it has given to the United States, China should pay a heavy price. China would automatically lose its MFN status and possibly billions of dollars in trade with the United States. The nonproliferation provisions in H.R. 2212, therefore are not punitive but provide the proper incentives for China to adhere to its prior commitments.

Mr. President, as I have stated before, I support the normalization of political and economic relations with China. The choice, however, is China's. To receive most-favored-nation status China must choose between maintaining policies which are clearly unacceptable or pursue policies which afford its citizens their basic human rights, adhere to its prior commitments on nonproliferation, and end its



discriminatory trade practices. Again, I support MFN for China, but not at the expense of sacrificing our concerns for human rights, interest in fair trading practices and the protection of our national security. Most-favored-nation status is not a right. And, it is both reasonable and fair for the United States to extend MFN status while safeguarding our principles, economic security and our national interests by encouraging serious political and economic reform in China.

Mr. ADAMS. Mr. President, today, I will once again support the attachment of conditions to the renewal of most-favored-nation status for China. A majority of the Members in both the House and the Senate have voted repeatedly to use our trading privileges to further the broader aims of U.S. foreign policy and to promote the national interest.

Curbing weapons proliferation is in the U.S. national interest. China continues to be a major supplier of missiles and missile technology to the Middle East and to South Asia—two of the most unstable regions of the world. Its promises to the Bush administration have to date proven empty.

Promoting human rights is in the U.S. national interest. The protection of individual rights is not only central to the values that our country holds dear, it is one of the strongest elements of our foreign policy. Moreover, countries that protect the rights of their own citizens are better international citizens as well. And that is in everyone's best interest.

Last, eliminating unfair trade practices is in the U.S. national interest. Improving Chinese protection of intellectual property and increasing market access are vital for United States businesses trying to get a foothold in China.

Mr. President, I believe that MFN is the one policy tool that the Chinese truly understand. The conditions we would attach are attainable, and both China and the United States would benefit from a bilateral relationship based on the principles espoused in the United States-China Act. MFN status is a privilege and both the United States and China should treat it as such. We simply cannot maintain the status quo—regardless of Chinese behavior—on the grounds that this constructive engagement may pay off in the future. I urge my colleagues to override the President's veto and to support the conditions before us.

Mr. BRADLEY. Mr. President, today I rise to vote to override the President's veto of H.R. 2212, the conference report on the United States-China Act of 1991.

President Bush's veto is yet another example of his seriously flawed China policy. The President has told us to wait, that continued trade with China as a most favored nation would have a positive impact, that our relations

would lead to freer markets and greater liberty. This we heard even in the wake of China's brutal crackdown on students in 1989.

Well, Mr. President, we have waited long enough. And as we have waited, the Chinese Government has solidified its totalitarian control over the people. Instead of seeing reforms, as the President predicted, we have seen a return to repression as usual. The President's own State Department has listed an array of human rights violations committed by this regime. In Tibet, we've seen a continuation of persistent and widespread rights abuses, from torture in penal institutions to obstructing religious worship.

The Chinese Government has also demonstrated a flagrant disregard to our nonproliferation goals. Its construction of a nuclear reactor in Algeria, and its arms contract with Syria are but two examples of a long-established practice of selling arms indiscriminately, regardless of the dangerous escalation of violence.

And let us not forget their own trade policy. I do not believe we should be offering the continued status of most favored nation to a country which the U.S. Trade Representative has confirmed has engaged in unfair trade practices. China's continued imposition of tariff and nontariff barriers has not gone unnoticed.

Mr. President, this veto must not stand; the United States can no longer remain silent while China represses its citizens, practices unfair trade practices, and heightens the risk of violence through its arms sales. The United States has the ability to send a message to the Chinese Government. A message that the Chinese people are unable to send for themselves. Let us send it for them.

Mr. MURKOWSKI. Mr. President, yet again we as legislators are debating whether to deal with China through contact or isolation. This is not a debate on whether China has a bad record on human rights, trade barriers, or proliferation questions. They do. No one in this body argues that point. What we need to decide is how best to force changes in China.

Mr. President, isolation will not change the policies of China. The only way to force reform in Beijing is to keep up the pressure through tough negotiations, increasing trade ties and targeted sanctions. We must vote today to continue these pressures and sustain the President's veto. Conditional MFN would be nothing more than isolation of China.

#### WEAPONS PROLIFERATION

I am as concerned as the rest of the country over China's human rights record and their unfair trade practices. But for me, the most important aspect of our vote today has to do with proliferation of weapons of mass destruction. There is no excusing China's

record—shows Chinese sales of missiles, chemical weapons, and nuclear technology to some of the worst regimes in the world.

I am convinced that this is the single most important issue in the United States-China relationship. As bad as China's record is on human rights and trade weapons proliferation has a direct impact on the national security interests of the United States. This is not just China's business, this is our business.

Therefore, we must focus our pressure and sanctions on the issue of proliferation directly, which is exactly what the Bush administration has done. Through continued pressure and tough talks, this administration has succeeded in making a significant breakthrough. China has publicly made two pathbreaking commitments: First, to sign the Nuclear Nonproliferation Treaty by next month; and second, to adhere to the terms of the Missile Technology Control Regime.

Mr. President, these achievements are not simple political rhetoric. The administration has achieved results and now the Senate should act to put those results in concrete by sustaining this veto. If the Senate fails to do so, China will have no reason to restrain its proliferation behavior.

I know that many in this Chamber will be suspicious of Chinese promises to abide by its commitments. I too have a healthy amount of skepticism—but we cannot test China's intentions by rejecting MFN. As vice chairman of the Intelligence Committee, I pledge to monitor China's behavior on these issues. If I learn of violations, I will be the first to come to the floor to demand a reconsideration of our policy.

#### TRADE AND HUMAN RIGHTS

Mr. President, there is a host of other good reasons to remain engaged with China. I have gone over these points time and time again, as have many of my colleagues. I will not go into detail at this time.

But we must keep in mind what removal of MFN—an undeniable result of this bill—will do to our other interests. It will hurt American business interests. It will remove our ability to negotiate on trade problems on copyrights, intellectual property rights, and unfair market practices. Loss of this power will mean we cannot protect ourselves, nor will we be able to change China's practices.

The loss of MFN will hurt the reformers in China, the very people we want to encourage. There are strong indications coming from Beijing that the policy of reform is making a strong comeback. What a loss it would be if we pushed this reform back a step.

Mr. President, we will also do untold damage to our friends in Hong Kong, and in Taiwan as well. There are no places more directly affected by China's hardline leaders than Hong Kong,

Taiwan, and even South Korea. But these nations are not isolating China, they are getting more involved every day. They know the true value of the power of the marketplace to bring about democratic reform. We must learn from their examples.

## CONCLUSION

Mr. President, the removal of MFN status for China most importantly reduces our ability to influence change in China. This would be a tragic mistake on our part. We must stick with our convictions that we can influence change in repressive nations, as we have done so successfully around the world in the last few years. We must reject this policy of isolation and sustain the President's veto.

Mr. CHAFEE. Mr. President, I know of no further speakers on our side who wish to speak on this veto situation. And, thus, I am prepared to yield back all the time on this side if the distinguished chairman of the committee would like to do so.

Mr. BENTSEN. Mr. President, I know of no further speakers on this side. I am prepared to yield back the remainder of our time, and I do so. I understand that the rollcall is automatic.

The PRESIDING OFFICER. The Senator is correct.

The Chair understands that both floor managers have yielded back all time reserved on the veto override.

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.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] is necessarily absent.

I also announce that the Senator from North Dakota [Mr. CONRAD] is absent because of a death in the family.

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

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—60 yeas, 38 nays, as follows:

[Rollcall Vote No. 52 Leg.]

## YEAS—60

|           |            |             |
|-----------|------------|-------------|
| Adams     | Glenn      | Metzenbaum  |
| Akaka     | Gore       | Mikulski    |
| Bentsen   | Gorton     | Mitchell    |
| Biden     | Graham     | Moynihan    |
| Bingaman  | Harkin     | Nunn        |
| Boren     | Heftin     | Pell        |
| Bradley   | Helms      | Pressler    |
| Breaux    | Hollings   | Pryor       |
| Bryan     | Inouye     | Reid        |
| Bumpers   | Kennedy    | Riegle      |
| Byrd      | Kerry      | Robb        |
| Cranston  | Kohl       | Rockefeller |
| D'Amato   | Kohl       | Sanford     |
| Daschle   | Lautenberg | Sarbanes    |
| DeConcini | Leahy      | Sasser      |
| Dodd      | Levin      | Simon       |
| Exon      | Lieberman  |             |
| Ford      | Lott       |             |
| Fowler    | MacK       |             |

Smith  
Specter

Wallop  
Wellstone

Wirth  
Wofford

## NAYS—38

Baucus  
Bond  
Brown  
Burdick  
Burns  
Chafee  
Coats  
Cochran  
Cohen  
Craig  
Danforth  
Dole  
Domenici

Durenberger  
Garn  
Gramm  
Grassley  
Hatch  
Hatfield  
Jeffords  
Johnston  
Kassebaum  
Kasten  
Lugar  
McCain  
McConnell

Murkowski  
Nickles  
Packwood  
Roth  
Rudman  
Seymour  
Shelby  
Simpson  
Stevens  
Symms  
Thurmond  
Warner

## NOT VOTING—2

Conrad

Dixon

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 38. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the bill on reconsideration fails to pass over the President's veto.

The PRESIDING OFFICER. The majority leader is recognized.

## ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes today.

## MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators be permitted to speak therein.

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

Mr. GORE addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Tennessee is recognized.

## FOURTH ANNIVERSARY OF THE GASSING OF THE KURDS

Mr. GORE. Mr. President, Monday, March 16, was the fourth anniversary of the gassing of the Kurdish city of Halabja, at the order of Saddam Hussein. More than 5,000 men, women, and children died in that attack. Today, Saddam Hussein—having survived even his military defeat at our hands—remains in power. He continues a genocidal war against any group that would stand against him: against the Shiites holding out desperately in the southern marshes of Iraq, and especially, against the entire population of the Kurdish region in the north.

There are no words to adequately or fully explain the nightmare of Saddam Hussein's continuing reign of terror, the suffering of innocent men, women, and children who have been methodically tortured—literally and figuratively—by a government that has them frightened, paralyzed, and smothered by despair.

For a description of these events, I especially commend to you and to all Members of this body, a staff report is-

sued in November 1991, to the Senate Committee on Foreign Relations, entitled "Kurdistan in the Time of Saddam Hussein." When this report was issued, 600,000 Kurds had fled to the Turkish border with Iraq and were facing mass death from exposure, epidemic disease, and hunger. After a belated start, but to its credit, the Bush administration ultimately acted. Operation Provide Comfort prevented a major calamity from becoming a catastrophe.

Thanks to that effort, the Kurdish people escaped the worst, but they continue to face a deadly threat.

For months, Saddam Hussein has imposed a land blockade on the Kurdish regions, literally starving to submission or death his own people—simply because he is afraid that if their voices are not silenced, they will overpower his. Food, fuel, and medicine are in critically short supply. The United Nations, which has taken over responsibility for humanitarian relief, is not—according to my information—responding at a level commensurate to the need.

Meanwhile, Iraqi military forces are reportedly beginning to press in upon the Kurdish regions. It is clear that Saddam Hussein is going to use every means at his disposal to destroy the Kurds. The question is: Can he get away with it?

Our country cannot turn its back on this cruel, inhuman, unthinkable repression. We alone can make a difference to millions of human beings—to men, women, and children, to parents and grandparents and the new generations they are struggling to protect and nurture.

We could bring food, fuel, and medicine to the Kurdish people—even as we and others must now undertake to help Turkey deal with the effects of the recent earthquake. We have the ability to make Saddam Hussein pay for any military infraction of the cease-fire. And, in my opinion, we have the ability ultimately to dispose of him and his entire wretched system of government.

But President Bush has created an obstacle to action by creating an obstacle in our thinking; namely, the sense that Saddam Hussein is somehow essential to the stability of his region and that we must take care to deal with him only within carefully weighted limits. We must get over it and beyond it. Saddam Hussein and those who serve him are war criminals. The people in the region will not begin to know safety until Saddam and his cohorts have met the fate of all tyrants, as one day they assuredly will.

Long ago, we should have started to prepare for that day of reckoning. Instead, based on the misguided notion that we needed Saddam Hussein's regime, the administration literally gave him the means to save himself, and to beat down those who rose up against him. It took a long time—too long—for



the administration to accept that this man is a permanent menace, and to begin to cast about for ways to bring him down.

Better late than never, maybe, but more than the administration's timing is off—the policy is still lagging and haphazard. Once the administration finally came to appreciate the need to depose Saddam Hussein, you would think that it would grasp any and all tools for that purpose. One of those tools, it seems to me, is to convene a formal war crimes tribunal to document crimes against humanity, committed by Saddam Hussein and his associates. But no tribunal was convened. Why?

This should have been done immediately after the liberation of Kuwait. That it was not done is extremely curious. But perhaps more curious still is the administration's slowness to act on another major opportunity to document without question the criminal nature of the Baathist regime. The possibility exists to remove from the Kurdish region all the necessary and terrifying documentation to keep a tribunal fully occupied investigating and prosecuting crimes against the Kurds alone.

These are the records kept by the Iraqi police themselves, of torture and death visited upon thousands of men, women, and even little children. In some cases there are video-tapes of these atrocities—videotapes too brutal even for American television. Recently, there has been some press and television coverage of these matters, but it is only the tip of the iceberg.

Starting in late November, I have appealed privately on more than one occasion for the administration to act to secure these documents and tapes. I have even provided the administration with the promised support of one of our greatest universities to help speedily organize and release this information. But the administration delays, and with each day, the risk increases that some portion of this information will be lost.

I understand that there are impediments of one sort or another. But even making allowances for that—generous allowance—it baffles me and disappoints me deeply that so much time has been lost, and still the administration plods along on a spiral bureaucratic track. Where is the passion for justice that one should find here?

Does our Government find it acceptable that this record should be lost, and that these voices of the dead be silenced forever? We have it without our capacity to document these atrocities and to make this information available. Does this administration really endorse a policy of inaction that threatens to erase a brutal record that must be remembered and prosecuted rather than being whispered away and forgotten? Does it wish to risk becom-

ing Saddam Hussein's accomplice by helping him escape exposure and condemnation? Surely, not. That cannot be the explanation, and it is not. Surely, the administration will act eventually to make sure that the one imperishable memory of Saddam Hussein will be the precisely documented and cataloged record of his crimes against humanity.

Tomorrow, Mr. President, the Senate Foreign Relations Committee will be holding a hearing on the subject of mass murder in Iraq. In doing this, they perform a sacred duty to the dead whose blood, as the Bible says, cries out from the earth on which it was spilled. But there are the living to remember as well as the dead. Hopefully, during this week of remembrance, our Government will reaffirm its support for the living: by stating bluntly that we will not stand idle while the Kurds perish by degrees, as Saddam Hussein tightens the noose. Instead, let us provision the Kurds, let us warn Saddam Hussein against violating their sanctuary, and let us take every necessary step to expose to world opinion what has been done to them by the powers that be in Iraq.

In the aftermath of the gulf war, President Bush decided not to react in the face of the uprising he had encouraged and, as a result, thousands of lives were unnecessarily lost. A brilliant war strategy was dimmed by the disarray of lackluster post-war confusion. We have an urgent opportunity before us. We cannot allow mistakes of policy or a loss of courage. We cannot ignore the voice of conscience for the sake of expediency.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

#### OMB INTERFERENCE IN OSHA'S EFFORTS TO PROTECT WORKER HEALTH AND SAFETY

Mr. KENNEDY. Mr. President, for too long, American workers have been exposed to an unacceptable range of dangerous conditions in the workplace. When Congress passed the Occupational Safety and Health Act of 1970, our goal was to end these intolerable conditions and guarantee every worker the basic right to safe and healthy conditions on the job.

The Nation made remarkable bipartisan progress toward this goal in the 1970's. But not in the 1980's. For the past 12 years, the Reagan and Bush administrations have systematically undermined the intent of the statute, obstructed its goals, and interfered with the ability of the Occupational Safety and Health Administration to fulfill its responsibility.

But the obstructionist tactics of the administration have sunk to new depths this year. In January, as part of his so-called regulatory moratorium,

President Bush asked OSHA to conduct a top-to-bottom review of every health and safety regulation issued in the past 20 years. Too many workers remain at risk and too many workplace hazards still exist for OSHA to divert its scarce resources to this kind of blanket review of the few regulations it has managed to issue.

Most of us also find it very curious that the Bush administration is suddenly committing resources to reviewing itself—because most of the regulations to be reviewed were issued under the Reagan and Bush administrations. They have already undergone earlier exhaustive reviews by the Office of Management and Budget.

Now, the absurdity of even that review has been outdone. Last week, the Office of Management and Budget blocked OSHA from going forward with a pending new standard to limit the threat of toxic chemicals to workers in the construction, maritime, and agriculture industries. The regulations would protect 6 million workers in those industries from exposure to dangerous chemicals that cause cancer and other serious diseases.

OMB makes the preposterous claim that these health regulations will actually jeopardize workers' health. The agency is relying on a far-out, off-the-wall, right-wing theory of cost-benefit analysis—a theory that if employers spend less money on health and safety, they will pay higher wages to employees or charge lower prices for their goods. As a result, OMB claims, workers will be able to eat more nutritious food, spend more quality time on leisure activities, purchase fancier health club memberships, and afford higher quality health care.

This is what OMB is saying to workers in agriculture and in the construction and maritime industries—keep on breathing those toxic paint and fertilizer fumes. Do not get up tight about the sandblasting. Do not give a second thought to the toxic chemicals you are handling. Do not worry about the lung cancer, the silicosis, the kidney damage, the anemia, the high blood pressure, the neurological disease you may be getting on the job. Do not worry if you wake up coughing in the night and short of breath. You will have higher wages to help you pay your medical bill. Consumers will be paying lower prices for commercial products—so at least those consumers will be able to afford healthier lives.

This is deregulation ideology run amok. It is Alice in Wonderland economics. OMB is saying that healthy working conditions are bad for workers' health.

OMB should stop kowtowing to business, and OSHA and the Labor Department should get on with their statutory responsibility of protecting workers' health. It is inexcusable that these toxic chemical regulations are being

delayed even 1 minute, let alone several years, because of irrational arguments like this.

For too long, the Bush administration has refused to address America's worsening health crisis. Now they are compounding the neglect by attempting to take the problems of most Americans in obtaining decent health care, and turn those problems upside down to justify further neglect of workers' health and obtain higher profits for business.

As I understand it, even the Labor Department is gagging over this flagrant intervention by OMB. Perhaps President Bush does not really know what OMB is doing in his name. This President, any President, should reject such an absurd and illogical application of cost-benefit analysis, and put a stop to this shameful and transparent attempt to protect business profits at the expense of workers' health.

One phone call would do it, Mr. President. What we need is a moratorium on OMB, not a moratorium on needed health and safety standards in the workplace.

Congress never intended any such result in the OSHA statute. In fact, in interpreting that law, the Supreme Court has flatly ruled that OSHA cannot rely on cost-benefit analysis at all in setting health standards for the workplace—let alone take such analysis to this extreme. OMB is out of its depth and out of its jurisdiction. If the White House wants a practical demonstration of effective cost-benefit analysis, the President should take OMB to the woodshed and strike a blow for worker health and safety.

Even on its own terms, OMB's cost-benefit analysis is ridiculous. They completely ignore the real costs of failing to protect the health of workers. They ignore the significant costs that occupational illness imposes on the health care system, the Social Security and disability system, and the worker's compensation system. They ignore the costs of lost productivity. They ignore the enormous human costs of worker deaths and illnesses.

In sum, OMB says that healthier workplaces undermine workers' health. That position is irrational and unacceptable, and President Bush should reject it forthwith.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

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

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2370 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### THE INTREPID WARRIORS

Mr. SIMPSON. Mr. President, I would like to take just a few moments to

commend our returning colleagues, the intrepid warriors, Senators BOB KERREY and TOM HARKIN, for their personal courage in taking on with enthusiasm and conviction one of the most awesome enterprises ever created by the mind of man. I say "mind of man" because if it was created by a Higher Power, I am certain it would have been a more rational activity. I am, of course, speaking about the campaign for the Presidency of the United States.

All of us here who have sought political office, whether in Congress or in State legislatures or city councils, or at any level—county commissioner, whatever—have the greatest variety of differences in character and philosophy as any set of human beings could possibly have.

However, most of my adult life, I have spent legislating. I do believe there is one common personality factor in legislators. We may serve poorly; we may serve well. We may be political success stories or abject failures. We may be the winners of elections or the losers.

But it has been my personal experience that the vast majority of people that truly strive, and then make the choice to run, the very intimate choice—you are putting your name on the ballot and people are there to accept or reject you by your name; are truly sincere in their common desire to be of some service to their fellow man.

The public criticism which those of us in political office receive is in large part due to the performance gap between our own human frailties and this still noble calling of public service.

Since we all have that basic desire to serve, it is then quite logical that folks who are either blessed or afflicted—however you might want to look at it—with that particular character trait might seek the opportunity to do the highest and best good for the greatest amount of people. And the office of the President of the United States is about the best you can do on that score.

Getting there, however, often involves the highest level of personal sacrifice that is imaginable by any of us. As Senators, we think we are under the constant light of scrutiny. It is nothing in comparison to what Senator HARKIN and Senator KERREY have recently endured. It is much more than living in a fish bowl—in the present tense. Every bit of your past is dredged right up there with you, too.

And one must never forget: You also need to express in the gravest and greatest detail exactly what you will do in the future—1 year, 10 years, 5 years, 4—"Who will serve in your administration? What is your specific plan for this special interest or that; and boy, there are plenty of them. What will be the tag on your philosophy and you slogan?" And much crazier questions than that.

So I admire both of our fine colleagues for their striving and vigor. Senator KERREY and Senator HARKIN had their message to deliver. They ran their campaigns and contributed greatly to the electoral process, just as have other colleagues on this floor, such as Senators DOLE, BENSTEN, THURMOND, BIDEN, CRANSTON, GLENN, GORE, HOLLINGS, KENNEDY, SIMON and PRESSLER, have done in the past.

And, I would hunch, I probably left some out. So now we welcome them back to the bosom of the Senate. As I have often said, done properly and well, legislating is still one of the driest forms of human endeavor. We welcome them back to that type of routine.

It is going to be a very partisan year. In fact, it already assuredly is. We see that each and every day. The bills we have just been discussing are no exception. The folks on our side of the aisle are going to continually step up on this floor to defend the President and advocate his proposals vigorously. The folks across the aisle are vigorously going to criticize the President, and whenever they nominate their person, they will be coming to the floor to glorify their nominee's proposals. All of this activity is "the mother's milk of politics," as my old friend Jesse Unruh of California, used to say, but it serves to complicate the nature of our work. There is even greater potential for complication and gridlock when colleagues of either party add the ingredient of their own campaigns for reelection to this strange recipe which we serve up daily on this floor.

However, all that is now behind our two friends, and we welcome them back to the relatively reduced wattage of the lights in this venerable Chamber. I have had, and will continue to have, political disagreements with both Senator HARKIN and Senator KERREY; and boy, have we had some. But let me say they both served with vigor and energy, and they are effective legislators and have demonstrated that very singular characteristic of a sincere and honest desire to serve their fellow citizens. I welcome them back.

Mr. President, I yield the floor.

#### APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 93-29, as amended by Public Law 98-459, appoints Ms. Cornelia Hadley, of Kansas, to the Federal Council on the Aging, for a term effective February 26, 1992.

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



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

#### TECHNICAL CORRECTIONS TO RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. PRYOR. Mr. President, on behalf of Senator MITCHELL and Senator DOLE, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 272, a resolution to make technical changes to rule XXV; that the resolution be agreed to; and the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 272) was considered and agreed to as follows:

#### S. RES. 272

*Resolved*, That paragraph 4(h) of rule XXV is amended to read as follows:

"(h)(1) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this sub-

division, as a member of more than three committees listed in paragraph 2.

"(6)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Labor and Human Resources, who serves as chairman of a committee listed in paragraph 2, may, serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(7) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may, serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(9) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(10) A Senator who on the last day of the One Hundred First Congress was serving on the Committee on Environment and Public Works and the Committee on the Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(11) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture,

Nutrition, and Forestry and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(12) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(13) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(14) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(15) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(16) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(17) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Veterans' Affairs, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraph 3 (a) and (b).

"(18) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred Second Congress, also serve as a member of

"(40) A Senator who on the last day of the One Hundred First Congress was serving as a



member of the Committee on the Budget and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(41) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget and the Special Committee on Aging may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3(a) and (b).

"(42) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(43) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Select Committee on Intelligence and the Committee on Veterans' Affairs may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3(a) and (b).

"(44) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Veterans' Affairs and the Special Committee on Aging may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(45) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(46) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Special Committee on Aging and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(47) A Senator may serve as a member of the Special Committee on Aging and the Committee on Small Business during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of

more than two committees listed in paragraphs 3 (a) and (b).

"(48) A Senator may serve as a member of the Special Committee on Aging and the Committee on Veterans' Affairs during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(49) A Senator may serve as a member of the Committee on Rules and Administration and the Select Committee on Intelligence during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b)."

#### RETAIL COMPETITION

Mr. PRYOR. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 429.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House insist upon its amendments to the bill (S. 429) entitled "An Act to amend the Sherman Act regarding retail competition," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That Mr. Brooks, Mr. Edwards of California, Mr. Synar, Mr. Fish, and Mr. Campbell of California be the managers of the conference on the part of the House.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate disagree to the amendments of the House; agree to the conference requested by the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees on the part of the Senate.

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

The Chair appoints Mr. BIDEN, Mr. KENNEDY, Mr. METZENBAUM, Mr. THURMOND, and Mr. HATCH conferees on the part of the Senate.

#### DEMOCRATIC CHANGES IN ZAIRE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 417, Senate Concurrent Resolution 80, a concurrent resolution concerning democratic changes in Zaire; that the committee amendments where appropriate be agreed to; that the concurrent resolution be agreed to; that the motion to reconsider the adoption of these items be laid upon the table; that the preamble and the amendments to the preamble be agreed to en bloc.

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

The amendments were agreed to.

The concurrent resolution (S. Con. Res. 80) as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, and the preamble, are as follows:

S. CON. RES. 80

Whereas the people of the United States support the development of democratic institutions in Zaire that reflect the will of the people of Zaire and are concerned about ongoing human rights abuses in Zaire as confirmed by the Lawyers Committee for Human Rights;

Whereas Zairean security forces have repressed peaceful mass demonstrations protesting the government's economic policies and urging the implementation of democratic reforms;

Whereas recent press reports and other reliable sources indicate that these incidents caused the death of several people as well as the arrest of numerous people opposed to the regime;

Whereas these tragic events occurred following a period of continuous procrastination in convening a sovereign national conference composed of political, civic, religious, and other organizations;

Whereas President Mobutu has indicated, clearly, a lack of commitment to a transitional government to return the country to democracy by dismissing the new Prime Minister Tshisekedi Wa Mulumba;

Whereas the leaders of government in Zaire, beginning with President Mobutu, have systematically obstructed each attempt to facilitate this conference which could bring about a peaceful transition toward democracy; and

Whereas the catastrophic economic and social situation and the rampant corruption of authority, against which the population of Zaire is revolting, are being aggravated by the political uncertainty deliberately prolonged by President Mobutu: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress—

(1) calls on President Mobutu to step down and permit the transitional government to return the country to democratic rule;

(2) firmly condemns all violations of human rights in Zaire;

(3) fully supports the aspirations of the Zairean people for democratic change, in particular the convocation of a sovereign national conference that would be fully representative of all the opposition forces, that would be conducted in a democratic manner, and that would have the full right to make its own decisions;

(4) supports the sovereign national conference to form the transitional government as soon as possible to organize free and democratic elections;

(5) invites the international community of nations to express their concern with respect to the repression and corruption of the regime and to provide support to the Zairean democratic forces desire for peaceful change;

(6) calls upon the President of the United States to urge the introduction of appropriate international observers to monitor the National Conference; and

(7) calls upon the President of the United States to express his willingness to offer appropriate assistance to help implement the political transition process.

#### MEASURE INDEFINITELY POSTPONED—SENATE CONCURRENT RESOLUTION 70

Mr. PRYOR. Mr. President, I ask unanimous consent that calendar No. 416, Senate Concurrent Resolution 70, a

concurrent resolution to express the sense of Congress with respect to the support of the United States for the protection of the African elephant, be indefinitely postponed.

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

#### RAIL SAFETY IMPROVEMENT INITIATIVES ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 326, S. 1571, the Rail Safety Improvement Initiatives Act of 1992.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:  
A bill (S. 1571) to amend the Federal Railroad Safety Act of 1970 to improve railroad safety, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments.

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1571

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

#### SHORT TITLE

SECTION 1. This Act may be cited as the "Rail Safety Improvement Initiatives Act of 1991".

#### AUTHORIZATION FOR APPROPRIATIONS

SEC. 2. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended to read as follows:

**"SEC. 214. AUTHORIZATION FOR APPROPRIATIONS.**

**"(a)** There are authorized to be appropriated to carry out this Act not to exceed \$41,024,000 for general safety operations, plus \$10,748,000 for railroad research and development (except magnetic levitation and other high-speed rail research and development), for the fiscal year ending September 30, 1992; not to exceed \$53,116,000 for general safety operations, plus \$15,167,000 for railroad research and development (except magnetic levitation and other high-speed rail research and development), for the fiscal year ending September 30, 1993; and not to exceed \$55,931,000 for general safety operations, plus \$15,759,000 for railroad research and development (except magnetic levitation and other high-speed rail research and development), for the fiscal year ending September 30, 1994. The Secretary is authorized to request, receive, and use payments from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities, other than State rail safety inspectors participating in training pursuant to section 206 of this title.

**"(b)** Sums appropriated under this section for railroad research and development and automated track inspection are authorized to remain available until expended."

#### PENALTY PROVISIONS

SEC. 3. (a) CLARIFICATION OF APPLICABILITY.—Section 209(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(a)) is amended by striking the parenthetical clause and inserting in lieu thereof the following: "(including but not limited to a railroad; any manager, supervisor, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; or any independent contractor providing goods or services to a railroad)".

(b) SANCTIONS AGAINST INDIVIDUALS.—(1) Within three months after the date of enactment of this Act, the Secretary of Transportation shall establish operational procedures to ensure the effective use of the authority under section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438) to assess civil penalties and issue prohibitory orders against individuals for violations of any rule, regulation, standard, or order prescribed by the Secretary of Transportation under that Act.

(2) Not later than January 1, 1994, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the extent to which the Secretary has used the authority to assess civil penalties and issue prohibitory orders as described in paragraph (1).

#### REGIONAL ENFORCEMENT PILOT PROJECT

SEC. 4. (a) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot project in at least one region of the Federal Railroad Administration to demonstrate the benefits that may accrue to the Federal railroad safety program from having legal counsel available in regional offices of the Federal Railroad Administration.

(b) PROGRAM DESIGN.—The pilot program shall be designed to test whether having a regional attorney who is a Federal employee within the Department of Transportation perform initial case review, assess penalties, settle cases, and provide legal advice to Federal Railroad Administration regional personnel on enforcement and other issues is preferable to having all such actions performed at the headquarters level.

(c) COMPLETION.—The pilot program shall be completed within eighteen months after the date of enactment of this Act.

(d) REPORT.—Within two years after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Congress describing the results of the pilot program. Factors to be considered in the report shall include, but are not limited to, the speed, volume, and effectiveness of civil penalty actions; the efficiency of the delivery of legal advice on safety issues; the financial and other costs of retaining regional attorneys in each region; and the effects on uniformity of enforcement resulting from performing in the regions of the Federal Railroad Administration the actions described in subsection (b).

#### PROTECTION OF RAILROAD SAFETY ENFORCEMENT PERSONNEL

SEC. 5. Section 1114 of title 18, United States Code, is amended by inserting "any officer or employee of the Federal Railroad Administration assigned to perform investigative, inspection, or law enforcement functions," immediately after "any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions,".

#### LOCOMOTIVE CRASHWORTHINESS AND WORKING CONDITIONS

SEC. 6. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(r)(1) The Secretary shall, within 24 months after the date of enactment of this subsection, submit to Congress a report on the status of efforts to improve the safety of locomotive cabs. Such report shall assess—

"(A) the adequacy of Locomotive Crashworthiness Requirements Standard S-580, adopted by the Association of American Railroads in 1989, in improving the safety of locomotive cabs; and

"(B) the extent to which environmental and other working conditions in locomotive cabs affect productivity and the safe operation of locomotives.

"(2) In carrying out the assessment required under paragraph (1)(A), the Secretary shall conduct research and analysis, including computer modeling and full-scale crash testing, as appropriate, to consider the costs and safety benefits associated with equipping locomotives with—

"(A) braced collision posts;

"(B) rollover protection devices;

"(C) deflection plates;

"(D) shatterproof windows;

"(E) readily accessible crash refuges;

"(F) uniform sill heights;

"(G) anti-climbers, or other equipment designed to prevent overrides resulting from head-on locomotive collisions;

"(H) equipment to deter post-collision entry of flammable liquids into locomotive cabs; or

"(I) any other devices intended to provide crash protection for occupants of locomotive cabs.

"(3) The report required under paragraph (1) shall include a statement of the Secretary's plans for related regulatory action or, if no regulatory action is planned, an explanation of why the Secretary considers such action unnecessary."

#### RAILROAD OCCUPATIONAL SAFETY AND HEALTH

SEC. 7. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(s)(1) The Secretary shall consult with the Secretary of Labor to ensure that the Secretary of Labor is currently apprised of the extent to which the Secretary has exercised jurisdiction to prescribe or enforce rules, regulations, standards, or orders affecting occupational safety or health under this title or any other Federal railroad safety law.

"(2) The Secretary shall promptly refer to the Secretary of Labor any information or credible allegation concerning safety or health hazards affecting railroad employees involving working conditions as to which the Secretary has not exercised the jurisdiction described in paragraph (1).

"(3) Upon enactment of this subsection, the Secretary shall publish in the Federal Register a request for comments from railroad labor, railroad management, and other interested persons regarding the matters described in paragraph (4) (A), (B), and (C). Such comments shall be submitted to the Secretary within 6 months after the date of enactment of this subsection.

"(4) Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to the Congress a report concerning coordination of Federal activities with respect to the safety and health of railroad employees under this title, the



other Federal railroad safety laws, and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.). The Secretary shall include in the report—

"(A) a description of any material hazards, or alleged material hazards, not currently addressed by a specific rule, regulation, order or standard, pertaining to working conditions with respect to which the Secretary has exercised the jurisdiction described in paragraph (1);

"(B) a description of any standards issued by the Secretary of Labor under the Occupational Safety and Health Act of 1970 for general industry, or for construction, that would apply to such working conditions, absent the Secretary's exercise of jurisdiction; and

"(C) a discussion of the extent to which application of standards issued under the Occupational Safety and Health Act of 1970 to such working conditions would—

"(i) enhance safety;

"(ii) conflict with rules, regulations, orders or standards issued by the Secretary;

"(iii) result in any operational or other hazard due to the nature of the railroad work environment; and

"(iv) impose excessive or unnecessary costs on the railroads and the public."

#### EVENT RECORDERS

SEC. 8. Section 202(m) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(m)) is amended to read as follows:

"(m) Following a railroad accident reportable to the National Transportation Safety Board, the Board shall have immediate access to event recorders, recording media of such recorders, and all train components related to event recorders, and shall have the first opportunity to read event recorder data and related materials. The railroad shall take all steps necessary to preserve such recorders and related equipment in accordance with rules established by the Board. In no case shall any person other than personnel of the Board attempt to operate such event recorder, or attempt to read or extract event recorder data, unless and until the Board has released the railroad from its obligations under this [paragraph.] subsection. If, within 4 hours after receiving notification by the National Response Center, the Board does not notify a railroad that the Board's employees are en route to the accident scene and that the Board intends to exercise its right to immediate access to the railroad's event recorder, recording media, and related equipment, the railroad shall be released from its obligations under this [paragraph.] subsection. Upon such release, the railroad and other agencies investigating the accident may operate the event recorder and read or extract event recorder data. If the Board exercises its right to immediate access to the railroad's event recorder, recording media, and related equipment, the Board shall provide access to these items to the railroad and other investigative agencies within a reasonable period of time. Any railroad or other person who violates this [paragraph] subsection shall be liable for a civil penalty under section 209."

#### VOICE COMMUNICATIONS AND ADVANCED TRAIN CONTROL SYSTEMS

SEC. 9. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(t)(1) Within 12 months after the date of enactment of this subsection, the Secretary, after consultation with the National Railroad Passenger Corporation, freight carriers, and rail equipment manufacturers, shall sub-

mit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on voice communications and advanced train control systems.

"(2) With respect to voice communications, such report shall—

"(A) summarize the present technology in use and available for ensuring operationally effective voice communications between trains and between trains and train dispatchers located at railroad stations; and

"(B) evaluate the advantages and disadvantages of requiring that every locomotive (and every caboose, where applicable) be equipped with a railroad voice communications system capable of permitting a person in the locomotive (or caboose) to engage in clear two-way communications with persons on following and leading trains and with train dispatchers located at railroad stations.

"(3) With respect to advanced train control systems, the report shall—

"(A) describe the status of advanced train control systems that are being developed, and assess the implications of such systems for effective railroad communications; and

"(B) [makes] make recommendations with regard to the need for minimum Federal standards to ensure that such systems provide for positive train separation and are compatible nationwide."

#### NORTHEAST CORRIDOR SAFETY COMMITTEE

SEC. 10. (a) MEETINGS.—Section 11(c) of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended to read as follows:

"(c) The Northeast Corridor Safety Committee shall meet at least once every two years to consider matters involving safety on the main line of the Northeast Corridor."

(b) REPORT.—Section 11(d) of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended—

(1) by striking "Within one year after the date of enactment of this Act" and inserting in lieu thereof "At the beginning of the first session of the 103d Congress, and biennially thereafter,"; and

(2) by adding at the end the following new sentence: "The report shall contain the safety recommendations of the Northeast Corridor Safety Committee and the comments of the Secretary on those recommendations."

(c) TERMINATION DATE.—Section 11 of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended by adding at the end the following new subsection:

"(e) The Northeast Corridor Safety Committee shall cease to exist on January 1, 1999, or on such date as the Secretary determines to be appropriate. The Secretary shall notify the Congress in writing of any such determination."

#### JUDICIAL REVIEW

SEC. 11. (a) IN GENERAL.—Section 202(f) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(f)) is amended to read as follows:

"(f) Any final agency action taken under this title or under any of the other Federal railroad safety laws, as defined in section 212(e) of this title, is subject to judicial review as provided in chapter 7 of title 5, United States Code. Except as provided in section 203(e) of this title, any proceeding to review such final agency action shall be brought by filing a petition in the appropriate court of appeals. Such petitions shall be handled in the manner prescribed in chapter 158 of title 28, United States Code. Nothing in this sec-

tion precludes the Secretary, through the Attorney General, from bringing an action in a district court when such action is permitted under this title."

(b) TECHNICAL AMENDMENTS.—(1) Section 2341(3)(B) of title 28, United States Code, is amended by inserting "or the Secretary of Transportation" immediately after "Secretary of Agriculture".

(2) Section 2342 of title 28, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(7) all final agency actions described in section 202(f) of the Federal Railroad Safety Act of 1970."

#### POWER BRAKE SAFETY

SEC. 12. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(u)(1) The Secretary shall conduct a review of the Department of Transportation's rules with respect to railroad power brakes, and within 18 months after the date of enactment of this subsection, shall revise such rules based on such safety data as may be presented during that review.

"(2) In carrying out paragraph (1), the Secretary shall, at a minimum, consider—

"(A) whether to require two-way end of train devices (or devices able to perform the same functions) to enable a train crew to initiate braking from the rear of a train; and

"(B) whether to issue requirements or standards regarding dynamic braking equipment.

"(3) The Secretary shall, within 2 years after the date of enactment of this subsection, report to the Congress on the results of the review conducted under paragraph (1) and any revisions of rules or other actions taken in connection therewith."

#### LOCAL RAIL FREIGHT ASSISTANCE PROGRAM

SEC. 13. Section 5(q) of the Department of Transportation Act (49 App. U.S.C. 1654(q)) is amended—

(1) in the first sentence, by inserting "\$16,000,000 for fiscal year 1992, \$20,000,000 for fiscal year 1993, and \$25,000,000 for fiscal year 1994" immediately before the period at the end; and

(2) in the third sentence, by striking "any period after September 30, 1991" and inserting in lieu thereof "any period after September 30, 1994".

The PRESIDING OFFICER. Without objection, the reported committee amendments are agreed to.

Mr. EXON. Mr. President, I rise in support of S. 1571, the Rail Safety Improvement Initiatives Act of 1992. As chairman of the Surface Transportation Subcommittee of the Committee on Commerce, Science, and Transportation, I am pleased to have my colleagues, Senators HOLLINGS, KASTEN, BURNS, ROCKEFELLER, HARKIN, and SIMON, with me as cosponsors on this bill.

The railroad industry is fundamental to our Nation's transportation system. Our economy relies on railroad shipment and freight delivery, and intercity travelers in many portions of the country count on Amtrak for their

transportation needs. We depend on the railroads to be reliable, but most importantly, they must be safe.

Recent accidents in the industry, with significant loss of life and harm to the environment, underscore this paramount concern for safety. Safety enforcement of the railroad industry is a Federal responsibility, assumed by the Federal Railroad Administration [FRA] within the Department of Transportation [DOT].

The legislation we are considering today, the Rail Safety Improvement Initiatives Act of 1992, initiates a new, 3-year authorization for FRA safety programs and sharpens the agency's existing safety responsibilities. The proposed 3-year funding cycle will broaden FRA's current safety programs, support additional initiatives, and provide for needed research and development efforts.

Amounts authorized to be appropriated under the bill for the general safety programs of FRA include \$41.024 million in fiscal year 1992; \$53.116 million in fiscal year 1993; and \$55.931 million for fiscal year 1994. The bill also authorizes appropriations for the railroad research and development programs of FRA—exclusive of research and development for magnetic levitation and other high-speed rail systems—the sums of \$10.748 million for fiscal year 1992; \$15.167 million for fiscal year 1993; and \$15.759 million for fiscal year 1994. These funding levels will permit FRA to accelerate action on its current safety regulatory agenda, move forward on the new administrative initiatives mandated by this legislation, and support critical research and development efforts vital to continued safety improvements in the railroad industry.

Among revisions to existing railroad safety laws contained in S. 1571, the Secretary of Transportation would be required to establish and complete within 18 months a pilot project to demonstrate the benefits of having available in FRA regional offices resident legal counsel empowered to streamline the enforcement review process. In order to clarify and extend the Secretary's enforcement authority, the legislation would broaden the statutory definition of "person" subject to such authority, require the Secretary to establish procedures to ensure the effective use of authorized sanctions, and provide for additional protection under Federal criminal law for Federal enforcement personnel. S. 1571 also prescribes technical amendments which would require that appeals of any final agency action taken under Federal railroad safety laws must be brought in the appropriate court of appeals.

Of note, S. 1571 will help clarify the applicability both of the railroad safety laws and the Occupational Safety and Health Act of 1970 to the working conditions of railroad employees.

Under the bill, the Secretary would be required to work with the Secretary of Labor, to solicit public comments, and to report to Congress on efforts to facilitate interagency coordination and enforcement on issues related to the health and safety of railroad employees.

S. 1571 would also require the Secretary to review and revise DOT's rules on railroad power brakes, and to investigate the adequacy of railroad locomotive cab safety and working conditions. Other requirements in the legislation include a report by the Secretary to Congress on the current effectiveness of voice communications systems, and on the prospects for implementation of new advanced train control technologies. The bill also designates that the Northeast Corridor Safety Committee must meet every 2 years to consider matters concerning safety on the main line of the Northeast corridor. In addition, S. 1571 includes authorizations for the Local Rail Freight Assistance Program, in the amounts of \$16 million for fiscal year 1992, \$20 million for fiscal year 1993, and \$25 million for fiscal year 1994.

I am pleased to accept and incorporate a number of amendments to S. 1571 as reported. The amendment by Senator HOLLINGS, chairman of the Committee on Commerce, Science, and Transportation, and cosponsor of this legislation, would require the General Accounting Office [GAO] to conduct an in-depth study of the Secretary's rules and regulations pertaining to track safety, to be followed by a rulemaking conducted by the Secretary to revise the Secretary's track safety regulations in accordance with GAO's recommendations.

Another amendment, by Senator SIMON, would require the Secretary within 1 year of enactment of the bill to conduct a study of the working conditions of railroad dispatchers. This study would examine the findings of a report, the "National Train Dispatcher Safety Assessment 1987-1988," released by FRA in 1990, in order to determine the scope of any further legislative or regulatory action which may be warranted.

A third amendment, by Senator SEYMOUR, would require the Secretary within 9 months after enactment of the bill to report to Congress on the routing of railroad hazardous materials shipments within the State of California. Through this report the Secretary would assess the relative safety of particular rail routes within California and recommend what actions can be taken, without unreasonably burdening commerce to improve inherently unsafe routes or reduce hazardous materials traffic along those routes.

In addition, I am pleased to offer three amendments to S. 1571 as reported. The first amendment is a technical to redate the short title of the

bill to 1992 and strike one provision which is no longer needed. The second amendment I am introducing today would revise the section on locomotive cab crashworthiness and working conditions included in the bill as reported to require that the Secretary institute a rulemaking on this subject instead of a study. The amendment lists specific criteria to be considered in the scope of this rulemaking, and requires, if ultimately no regulations are prescribed in this important safety area, that the Secretary shall report to Congress on the reasons for that determination.

A third amendment I am offering today would revise the legislation as reported by requiring the Secretary to conduct a rulemaking addressing standards governing railroad power brakes and dynamic braking equipment. In carrying out this rulemaking the Secretary will require in specified circumstances two-way end of train devices capable of initiating braking from the rear of a train, with full implementation of this requirement to be completed within 48 months after issuance of performance standards for such end-of-train devices. I am pleased to incorporate into the bill this amendment which I believe will add significantly to the safety of our railroad industry.

In conclusion, Mr. President, the Rail Safety Improvement Initiatives Act of 1992 as amended charts a positive course for our Nation's railroad safety programs, revitalizing existing efforts and implementing a number of needed new initiatives. I am dedicated to working with my distinguished colleagues to pass this important piece of legislation.

Mr. HOLLINGS. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, I rise in support of S. 1571, the Rail Safety Improvement Initiatives Act of 1992. This legislation, which I have cosponsored, will reauthorize the rail safety enforcement programs of the Federal Railroad Administration [FRA] within the Department of Transportation [DOT] for a 3-year period, through fiscal year 1994.

I commend my colleagues Senator EXON, chairman of the Surface Transportation Subcommittee, and others for forging a bipartisan consensus on the scope and direction of the Federal rail safety oversight and enforcement programs. The new initiatives in this bill, including an expansion of the safety enforcement authority of the Secretary of Transportation, a clarification of the applicability both of the railroad safety laws and the Occupational Safety and Health Act of 1970 to the working conditions of railroad employees, and investigations into requirements for railroad power brakes and locomotive cab crashworthiness, all signal a congressional commitment to ensure the safe operation of our Nation's railroad industry.



One area of the Secretary's regulations which has not received recent attention is railroad track safety. These regulations have not been amended since the early 1980s, and thus may not take into account technological and operational innovations since that period. The National Transportation Safety Board continues to investigate a number of recent railroad accidents, including the July 31, 1991, Amtrak accident in Lugoff, SC, which claimed seven lives. While the causes remain unclear, railroad track and roadbed conditions may have been a contributing factor in at least one of these accidents.

I therefore am introducing an amendment to the Rail Safety Initiatives Act of 1992, which would require the General Accounting Office [GAO] to conduct a study of the adequacy of the Secretary's rules, regulations, orders, and standards that are related to track safety and the effectiveness of the Secretary's enforcement program. The GAO is to complete this study within 18 months after the date of enactment of this legislation, and at that time will submit a report to Congress including its recommendations for appropriate administrative action.

Within 12 months of the submission of GAO's report, the Secretary shall complete a rulemaking proceeding on track safety, taking into account the recommendations made by the GAO. At the completion of the proceeding, the Secretary also shall submit to Congress a statement explaining the actions the Secretary has taken to implement the recommendations received from the GAO.

This amendment is important to advance the safe operation of our Nation's system of railroad transportation. I urge my colleagues to support this amendment, and the Rail Safety Initiatives Act of 1992, as amended.

Mr. SIMON. Mr. President, I am proud to be a cosponsor of the Rail Safety Improvement Initiatives Act of 1991 which not only addresses a number of outstanding rail safety problems, but reauthorizes the Local Rail Service Assistance Program as well. Thanks to the outstanding work of my friends and colleagues, Senator HOLLINGS and EXON, this is a bill that has bipartisan support and has evolved after consultation with all of the groups working on rail safety.

I am also grateful that my colleagues have accepted an amendment to address my concern for the workplace environment of train dispatchers. The Federal Railroad Administration's report, "National Train Dispatcher Safety Assessment 1987-1988," issued in February 1990, was undertaken because the FRA was concerned about the occupational stress of train dispatchers and the impact of such stress on safety.

Railroad train dispatchers have grave safety responsibilities. The potential

for a serious mistake arises anytime the dispatchers are distracted from their primary duty, the safe and timely movement of rail freight traffic.

FRA identified a number of problems which could lead to serious dispatching errors. Some of these are: noise and confusion in and about the workplace, multiple dispatchers within a single room, and unauthorized persons in the office of a dispatcher. At times the noise levels are so high that verbal communications must be repeated.

My amendment will set a date by which the Secretary of Transportation shall report to Congress on any steps being taken by the Department of Transportation and the railroad industry to rectify these problems and recommend any actions necessary to correct those problems which affect railroad safety.

I am also proud to be cosponsoring the Local Rail Service Program. I wish we could authorize more because this program is a fine example of how much benefit communities can receive with careful investment of a small amount of Federal dollars in vital transportation service.

Not only does LRSA help the small branch rail lines that feed our major rail systems, but it is a strong contributor to local economies. If a farmer can load his commodities on rail instead of oversized trucks too heavy and too large for local roads and bridges, he not only receives good service but local governments save many road repair dollars as well.

By combining LRSA funds with local and private sector contributions to fund the local rail projects, Illinois has leveraged these to the maximum covering more projects in more communities. Many more communities need this assistance.

Mr. SEYMOUR. Mr. President, I am extremely pleased the Senate is taking action today to reauthorize important rail safety programs.

There have been several sad reminders over the past year demonstrating how vulnerable we are to rail accidents. In California, in particular, back-to-back rail accidents during the month of July, both of which involved the release of hazardous materials into the environment, have renewed the cry for greater oversight and enforcement in the area of the transportation of hazardous materials by rail.

The first spill occurred on July 14, 1991, when a Southern Pacific train derailed near Dunsmuir, dumping 19,000 gallons of metam sodium, a powerful pesticide, into the upper Sacramento River. And 1 week later, on Highway 101 near Seacliff, a train derailment spilled a powerful corrosive, hydrazine, onto one of the busiest highways in California, causing the evacuation of 300 residents and trapping commuters in their cars for hours.

In terms of the Dunsmuir spill, I am sure many of my colleagues saw pic-

tures and media reports which said that, for all practical purposes, the river would be dead. This toxic chemical wiped out hundreds of thousands of fish, killed virtually all plant life in a 45-mile stretch of the river, and threatened drinking water for millions of Californians. Some have referred to the Dunsmuir accident as an unprecedented environmental disaster.

Perhaps the most shocking news to come out of this train wreck was the fact that neither the Department of Transportation nor the Environmental Protection Agency list or regulate metam sodium as a hazardous substance in rail transportation. Ironically enough, the Coast Guard does list this substance as hazardous when shipped in bulk form and therefore polices its transport by ship.

Fortunately, neither of these spills resulted in serious human injury or death. However, we have not been so fortunate in the past. The Dunsmuir spill clearly demonstrated how vulnerable our environment is to the release of dangerous chemicals.

Clearly, we must seek ways to identify and correct inherent safety flaws that may exist in our rail transportation network. And perhaps more important, we must move forward at a much quicker pace to identify chemical substances such as those involved in the Dunsmuir and Seacliff spills that could threaten the environment should they be released.

It is for these very reasons that I am offering this amendment to the rail safety bill. My amendment requires the Secretary of Transportation to report back to Congress on those rail routes in California that are inherently less safe than others for the rail transportation of hazardous materials.

At this time, in the event of an accident, investigators to evaluate such factors as driver conduct and mechanical failure. My amendment would expand the scope of such reviews to include the investigation of any potentially dangerous conditions inherent to a rail route. These include such factors as climate and the topography of the region. In its study, DOT will also look at factors such as railroad track and equipment maintenance, operating practices, and train handling procedures. Finally, Federal departments and agencies responsible for protecting California's public lands and environment will be consulted, and the public will be given an opportunity to comment.

Mr. President, we need to understand fully the causes of the Dunsmuir accident, all rail accidents—if the rail line itself, the grade, the turn or other factors contributed to the wreck. If such factors are major causes of the derailment, then no matter how carefully the driver handles the train, or how well-maintained the engine or the track, there could exist, literally, a

built-in danger to the route. This is unacceptable, particularly if hazardous materials are being transported.

Once such routes are identified, the Secretary would offer recommendations for action to reduce or eliminate the transfer of hazardous materials over inherently unsafe routes. Clearly, stepping beyond the condition of individual trains and examining the rail routes themselves, would move the industry in the direction of greater safety. I do want to point out that I had hoped to expand the scope of this study to include the entire nation, but in the interest of time, limited FRA resources and to speed investigators to California, I reluctantly agreed to limit the study to California. Nonetheless, I am sure the results of this study will have applications nationwide, and will add to the efforts the Commerce Committee has been making for years to provide for the safe transportation of hazardous materials.

Mr. President, if we learned anything from the Dunsmuir spill, it was that there is insufficient coordination among the Department of Transportation and the Environmental Protection Agency in the listing of hazardous materials. I had prepared a second amendment, which I planned to offer when this bill was scheduled for floor debate last November. That amendment was designed to protect the environment from the unsafe rail transportation of dangerous chemicals by ensuring better communication among Federal agencies.

Under that amendment, the DOT and EPA would work together to amend the Secretary's current hazardous materials transportation regulations to include a definition of "chemical substances" that may pose a significant risk to the environment. Once defined, the Secretary would then take action to provide for the safe transportation of these substances if they are not already regulated as hazardous materials under the Hazardous Materials Transportation Act. I am pleased to say this amendment is no longer necessary as DOT published a rule in late January to accomplish this goal.

Mr. President, I commend Chairman HOLLINGS, Senator DANFORTH, the ranking member, and the subcommittee chairman, Senator EXON, for their leadership in this area. My hope in offering this amendment, using the Department of Transportation's guidance, is to allow the Congress to revisit this and other issues so that we can further expand on the rail safety provisions contained within this important bill.

Mr. President, I urge the adoption of my amendment.

Mr. BURNS. Mr. President, I want to be on record as this legislation passes as a supporter and cosponsor of Senator EXON's amendment to require two-way end-of-train devices. The original bill includes a provision which

I supported to require the Federal Railroad Administration [FRA] to review DOT's rules on power brakes taking into consideration the need to require two-way end-of-train telemetry devices on caboosless trains. This amendment goes further, and I want to commend Senator EXON and his staff for working out this compromise between the various parties.

This amendment tells the Secretary not only to conduct a review, but to actually revise the rules to require two-way end-of-train devices or devices able to perform the same function. It gives the railroads enough time to phase in the required devices to ensure that we are not causing economic hardship for them. It also allows certain exclusions for the same purpose.

Overall, however, it meets the requirements of the railroad engineers who are interested in making sure the trains they operate run in the safest manner possible. These two-way-end-of-train devices make it possible for the engineer of a caboosless train to apply emergency braking action at the end of a train. My interest in this issue stems from a February 1989 rail accident near Helena that may have been prevented had one of these devices been present. As a result of that accident, Montana became the first State to enact a law requiring the use of two-way-end-of-train devices whenever a train operates without a caboos in mountain-grade territory.

This is an important safety issue, Mr. President, and I am glad to see the Senate addressing it at this time. The working men and women of the railroad industry will know that we are on their side. And people in places like Helena, MT, can be assured that Congress is acting to prevent another runaway train accident from causing them to be evacuated from their home during the subzero Montana winter.

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

Mr. KASTEN. Mr. President, in 1988, the most far-reaching railroad safety legislation since the creation of the Federal Railroad Administration [FRA] was implemented. Under the leadership of FRA Administrator Gil Carmichael, the FRA has worked diligently to implement the provisions of the 1988 act, and voluntarily has initiated other important improvements.

S. 1571, the Rail Safety Improvement Initiatives Act of 1992, would reauthorize FRA's programs. It also addresses several concerns that have emerged since 1988. Specifically, S. 1571 provides for the following:

First, clarification of the applicability of penalties for safety violations, and establishment of procedures to ensure that penalties are effective.

Second, a regional enforcement pilot project to consider whether legal counsel in FRA regional offices would expedite enforcement.

Third, increased Federal law protection for railroad police.

Fourth, assessment of current locomotive cab safety and environmental standards. Senator EXON will offer an amendment to make this part of a 24-month rulemaking procedure.

Fifth, a report by the Secretary of Transportation, in consultation with the Secretary of Labor, on coordination of Federal activities affecting the safety and health of railroad employees.

Sixth, a report on the status of advance-train-control systems and the need for Federal standards to ensure that they provide for positive train separation and are compatible nationwide; and assessment of current voice communication technologies and their use.

Seventh, continuation of the Northeast Corridor Safety Committee created by the 1988 act.

Eighth, a review of current railroad power brake rules. Senator EXON will offer an amendment to mandate two-way end-of-train braking devices on certain trains no later than December 1997.

Ninth, reauthorization of the Local Rail Freight Assistance Program.

The provisions of S. 1571, and the amendments to be offered during Senate consideration, have been written with the cooperation of rail labor, the railroads, and the FRA. I urge my colleagues to support this legislation.

#### AMENDMENT NO. 1736

(Purpose: To amend section 6)

#### AMENDMENT NO. 1737

(Purpose: To amend section 12)

#### AMENDMENT NO. 1738

(Purpose: To correct the short title and to strike section 8)

#### AMENDMENT NO. 1739

(Purpose: To provide for certain actions with respect to track safety standards and the enforcement of those standards)

#### AMENDMENT NO. 1740

(Purpose: To require the Secretary of Transportation to report to the Congress on unsatisfactory workplace environments)

#### AMENDMENT NO. 1741

(Purpose: To require a report on the routing of hazardous materials shipments)

Mr. PRYOR. Mr. President, I ask unanimous consent that it be in order to send to the desk en bloc six amendments. I ask for their immediate consideration en bloc. I ask that the amendments be agreed to and the motion to reconsider laid upon the table en bloc.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the record reflect that these amendments are in behalf of Senator EXON, three amendments, Senator HOLLINGS, Senator SIMON and Senator SEYMOUR.

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



So, the amendments (No. 1736, No. 1737, No. 1738, No. 1739, No. 1740, and No. 1741) were agreed to en bloc as follows:

#### AMENDMENT No. 1736

Strike all on page 5, line 17, through page 7, line 7, and insert in lieu thereof the following:

#### LOCOMOTIVE CRASHWORTHINESS AND WORKING CONDITIONS

SEC. 6. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(r)(1) The Secretary shall, within 24 months after the date of enactment of this subsection, complete a rulemaking proceeding to consider prescribing regulations to improve the safety of locomotive cabs. Such proceeding shall assess—

"(A) the adequacy of Locomotive Crashworthiness Requirements Standard S-580, adopted by the Association of American Railroads in 1989, in improving the safety of locomotive cabs; and

"(B) the extent to which environmental and other working conditions in locomotive cabs affect productivity and the safe operation of locomotives.

"(2) In support of the proceeding required under paragraph (1)(A), the Secretary shall conduct research and analysis, including computer modeling and full-scale crash testing, as appropriate, to consider the costs and safety benefits associated with equipping locomotives with—

"(A) braced collision posts;

"(B) rollover protection devices;

"(C) deflection plates;

"(D) shatterproof windows;

"(E) readily accessible crash refuges;

"(F) uniform sill heights;

"(G) anti-climbers, or other equipment designed to prevent overrides resulting from head-on locomotive collisions;

"(H) equipment to deter post-collision entry of flammable liquids into locomotive cabs; or

"(I) any other devices intended to provide crash protection for occupants of locomotive cabs.

"(3) If on the basis of the proceeding required by paragraph (1) the Secretary determines not to prescribe regulations, the Secretary shall report to Congress on the reasons for that determination."

#### AMENDMENT No. 1737

Strike all on page 14, line 20, through page 15, line 17, and insert in lieu thereof the following:

#### POWER BRAKE SAFETY

SEC. 12. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(u)(1) The Secretary shall conduct a review of the Department of Transportation's rules with respect to railroad power brakes, and within 18 months after the date of enactment of this subsection, shall revise such rules based on such safety data as may be presented during that review.

"(2) In carrying out paragraph (1), the Secretary shall, where applicable, prescribe standards regarding dynamic braking equipment.

"(3)(A) In carrying out paragraph (1), based on the data presented, the Secretary shall require two-way end of train devices (or devices able to perform the same function) on road trains other than locals, road switchers, or work trains to enable the initiation of

emergency braking from the rear of the train. The Secretary shall promulgate rules as soon as possible, but not later than December 31, 1993, requiring such two-way end of train devices. Such rules shall, at a minimum—

"(i) set standards for such devices based on performance;

"(ii) prohibit any railroad, on or after 12 months after promulgation of such rules, from purchasing or leasing any end of train device for use on trains which is not a two-way device meeting the standards described in clause (i);

"(iii) require that such trains be equipped with a two-way end of train device meeting such standards not later than 48 months after promulgation of such rules; and

"(iv) provide that any two-way end of train device purchased before such promulgation shall be deemed to meet such standards.

"(B) The Secretary may consider petitions to amend the rules promulgated under paragraph (3)(A) to allow the use of alternative technologies which meet the same basic performance requirements established by such rules.

"(4) The Secretary may exclude from rules promulgated under paragraphs (1), (2), and (3) any category of trains or railroad operations if the Secretary determines that such an exclusion is in the public interest and is consistent with railroad safety. The Secretary shall make public the reason for granting any such exclusion. The Secretary shall at a minimum exclude from the requirements of paragraph (3)—

"(A) trains that have manned cabooses;

"(B) passenger trains with emergency brakes;

"(C) trains that operate exclusively on track that is not part of the general railroad system;

"(D) trains that do not exceed 30 miles per hour and do not operate over heavy grades, unless specifically designated by the Secretary; and

"(E) trains that operate in a push mode."

#### AMENDMENT No. 1738

On page 1, line 5, strike "1991" and insert in lieu thereof "1992".

Strike all on page 9, line 15, through page 10, line 22.

#### AMENDMENT No. 1739

At the end of the bill, add the following new section:

#### TRACK SAFETY

SEC. 14. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(v)(1) The General Accounting Office shall conduct a study of—

"(A) the adequacy of the Secretary's rules, regulations, orders, and standards that are related to track safety; and

"(B) the effectiveness of the Secretary's enforcement of such rules, regulations, orders, and standards, with particular attention to recent relevant railroad accident experience and data.

"(2) The General Accounting Office shall, within 18 months after the date of enactment of this subsection, submit to the Secretary and Congress a report on the results of such study, together with recommendations for improving such rules, regulations, orders, and standards, and such enforcement.

"(3) Upon receipt of such report, the Secretary shall initiate a rulemaking proceeding to revise such rules, regulations, orders,

and standards, taking into account the report and the recommendations by the General Accounting Office submitted along with the report. Not later than 12 months after the date of submission of the report, the Secretary shall complete such proceeding and submit to Congress a statement explaining the actions the Secretary has taken to implement such recommendations."

#### AMENDMENT No. 1740

On page 9, line 14, strike the quotation marks and the period at the end.

On page 9, between lines 14 and 15, insert the following:

"(5) Not later than 1 year after the date of enactment of this subsection, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning any action that has been taken by the Secretary and the railroad industry to rectify the problems associated with unsatisfactory workplace environments in certain train dispatching offices identified in the National Train Dispatcher Safety Assessment for 1987-1988, published by the Federal Railroad Administration in July 1990. The report shall include recommendations for legislative or regulatory action to ameliorate any such problems that affect safety in train operations."

#### AMENDMENT No. 1741

At the end, add the following new section: REPORT ON ROUTING OF HAZARDOUS MATERIALS SHIPMENTS

SEC. 15. (a) REQUIREMENT FOR REPORT.—Within 18 months after the date of enactment of this Act, the Secretary of Transportation shall report to the appropriate committees of Congress on whether, based on relevant data concerning train accidents within the State of California there are particular factors that make certain routes in that State inherently less safe than others for the rail transportation of hazardous materials and, if so, what actions can be taken, without unreasonably burdening commerce, to ameliorate those factors or reduce hazardous materials traffic over any inherently unsafe routes. The report shall address—

(1) whether the accident data on train accidents resulting in hazardous materials releases in recent years reveal that any inherent, permanent conditions such as topography or climate have played a causal role in or increased the likelihood of such accidents;

(2) whether the data referred to in paragraph (1) suggest that factors such as railroad track and equipment maintenance practices, railroad operating practices, and train handling procedures have played a causal role in or increased the likelihood of train accidents resulting in the release of hazardous materials; and

(3) what actions Federal agencies may take, are taking, or have taken to address whatever factors are determined to be playing a causal role in, or increasing the likelihood of, train accidents resulting in the release of hazardous materials.

(b) CONSULTATION; PUBLIC COMMENT.—In preparing the report required by subsection (a), the Secretary shall consult with Federal departments and agencies responsible for protecting the environment and public lands in California, and provide an opportunity for written comment by the public on the issues to be addressed in the report.

The PRESIDING OFFICER. If there are no further amendments the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading.

The bill was engrossed for a third reading and was read the third time.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2607, the House companion measure; that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1571, as amended be inserted in lieu thereof; that the bill be deemed read for a third time, passed, the motion to reconsider laid upon the table.

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

So the bill (H.R. 2607), as amended, was passed.

Mr. PRYOR. Mr. President, I ask further unanimous consent that S. 1571 be returned to the calendar.

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

#### RELATIVE TO HUMAN RIGHTS IN TIBET

Mr. PRYOR. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 271 regarding human rights in Tibet; that the Senate then proceed to its immediate consideration; that the resolution and the preamble be agreed to; and that the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution with its preamble, reads as follows:

#### S. RES. 271

Whereas, in the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, signed into law by President Bush on October 28, 1991, Congress declared Tibet to be an occupied country whose true representatives are the Dalai Lama and the Tibetan Government in exile;

Whereas, in this same Act, Congress declared that "it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another";

Whereas the Department of State, in its February 1992 "Country Reports on Human Rights Practices in 1991" annual report, cited "persistent abuses in Tibet", "frequent credible reports from Tibetan refugees of torture and mistreatment in penal institutions in Tibet", "harsh sentences for political activities", and religious and cultural persecution of six million Tibetans;

Whereas the people of Tibet have long been denied their right to self-determination;

Whereas human rights abuses have been routine and harsh in occupied Tibet since the People's Republic of China invaded Tibet in 1949-1950;

Whereas the United Nations General Assembly passed resolutions condemning China's human rights abuses in Tibet in 1959, 1961, and 1965;

Whereas a Subcommittee of Independent Experts of the United Nations Commission on Human Rights passed Resolution 1991/10 ("Situation in Tibet", August 23, 1991), condemning recent Chinese human rights abuses in Tibet, including executions, torture and denial of national religious and cultural identity;

Whereas twenty-two countries, led by the European Community as the main sponsor, formally submitted a resolution ("Situation in Tibet", February 27, 1992) to the full United Nations Commission on Human Rights annual meeting in Geneva in February-March 1992;

Whereas this resolution ("Situation in Tibet", February 27, 1992) declared its concern "at continuing reports of violations of human rights and fundamental freedoms in Tibet which threaten the distinct cultural, religious and ethnic identity of the Tibetans;" acknowledged United Nations reports on torture, summary or arbitrary executions, religious intolerance and enforced or involuntary disappearances; called "on the Government of the People's Republic of China to take measures to ensure the full observance of human rights and fundamental freedoms of the Tibetans"; and invited "the Government of the People's Republic of China to continue to respond to requests by special rapporteurs for information" and requested "the Secretary-General to submit a report to the Commission on Human Rights at its forty-ninth session on the situation in Tibet";

Whereas an altered text was offered implying China's sovereignty over Tibet;

Whereas, due to a procedural motion, this altered resolution was not acted on in the United Nations Commission on Human Rights; and

Whereas the United States should take a firm stand against human rights abuses wherever they occur, and should also speak out against the illegal occupation of Tibet: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government should support resolutions like the European Community-led resolution on the "Situation in Tibet" submitted to the United Nations Commission on Human Rights;

(2) the United States Government should vigorously condemn Beijing's human rights abuses in occupied Tibet in all appropriate international forums; and

(3) the United States Government should raise human rights abuses in Tibet with senior officials of the People's Republic of China.

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

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

#### VISIT TO THE SENATE BY PRIME MINISTER BEGUM KHALEDA ZIA OF THE PEOPLE'S REPUBLIC OF BANGLADESH

Mr. PELL. Mr. President, we have the great honor to have visiting with us Prime Minister Zia of Bangladesh, the first woman Prime Minister of her country and a good politician in her own right, five times a member of Parliament.

We are glad to have you visit us today. If my colleagues were here they would all join me in applauding. [Applause.]

We wish her well.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### JOSEPH BUTTINGER: REFUGEE LEADER, VIETNAM SCHOLAR AND FIGHTER FOR HUMAN FREEDOM

Mr. PELL. Mr. President, I want to take a moment to remember Joseph Buttinger, a long-time worker and leader on behalf of refugees the world over, and a founding member and active director of programs for the International Rescue Committee.

Mr. Buttinger's life touched some of the greatest issues of our times. He was born in Austria in 1906 of working-class parents and left school at age 13 to help support his family. He became a leader of youth movements in Austria and later of the Social Democratic Party. He was active in the anti-Nazi underground during the 1930's in Austria and France, until he had to flee to the United States in 1939 with his American wife, Muriel Gardiner, a prominent figure in the history of psychoanalysis.

During and after World War II, Joseph Buttinger helped establish many of the refugee programs for which the International Rescue Committee has been widely recognized and honored. His personal actions helped smuggle thousands of anti-Fascist refugees out of Europe. For over 40 years he served as director of the IRC's Paris office and European division, and as an IRC board member and vice president.

During the 1950's, he aided refugees in Vietnam and took an abiding interest in the history and culture of that country. He formed the American Friends of Vietnam, and became a prominent scholar of that country's culture and politics. His two-volume work "Vietnam: A Dragon Embattled" was described in a review in the New York Times as "a monumental work"



that is "a strategic breakthrough in the serious study of Vietnamese politics in America."

Joseph Buttinger pursued his scholarly career with some half dozen other books on Vietnam and on the history of socialism. In 1972 the Austrian Government awarded him its Golden Order of Merit. According to the New York Times, the then-Chancellor of Austria, Bruno Kreisky, observed that "Mr. Buttinger was such a hero that if he had returned he would have become Chancellor."

As a fellow worker and board member of the IRC, I take special pride in having been associated in my own small ways with the heroic accomplishments of Joseph Buttinger. His life is a reminder of how much can be achieved by one person dedicated to the service of others and the cause of human freedom. We mourn his passing on March 4, 1992.

Mr. President, I ask unanimous consent an obituary from the New York Times be printed in the RECORD at this point.

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

[From the New York Times, Mar. 8, 1992]

JOSEPH A. BUTTINGER, NAZI FIGHTER AND VIETNAM SCHOLAR, DIES AT 85

(By Bruce Lambert)

Joseph A. Buttinger, a Nazi fighter who became an advocate for refugees of persecution and a renowned authority on Vietnam and the American war there, died on Wednesday at the Margaret Pietz Center for Nursing in Queens. He was 85 years old.

He died of natural causes after suffering from Alzheimer's disease, friends said.

Mr. Buttinger was born on an impoverished Bavarian farm and left home at 15 to work in an Austrian glass factory. He soon became the leader of Austria's Socialist youth movement and by 24 was secretary of the Social Democratic party and an ally of labor unions. After being imprisoned for several months in 1934, he became chairman of the Socialist underground and a top leader of the anti-Nazi movement.

FLIED TO PARIS IN 1938

In the resistance, he met a courier and eventually married her. She was Muriel Gardiner, a wealthy American medical student who later became a noted psychoanalyst and wrote a political memoir titled "Code Name Mary." Many experts said she was the model for Lillian Hellman's book "Julia." Ms. Hellman denied it but declined to identify the woman she had portrayed.

When Germany occupied Austria in 1938, the Buttingers fled to Paris, where he was chairman of the exiled Socialists. In 1939, several months before the fall of France, the couple moved to the United States.

In 1940, Mr. Buttinger helped found what became the International Rescue Committee, a nonprofit organization aiding refugees of political, religious and racial persecution. Its initial work was with refugees from the Nazis, and later refugees of many Communist countries and other dictatorships. For 42 years, he served variously as director of the organization's Paris office and European division, board member and vice president.

Working with refugees in Vietnam in the 1950's, he became immersed in the history, culture and politics of that nation. He formed an organization, American Friends of Vietnam, and became a friend and supporter of the ruler, Ngo Dinh Diem. Later, disillusioned with Diem's dictatorial ways, Mr. Buttinger renounced him.

Despite having no formal education beyond the sixth grade, he became a respected historian and analyst of current events in Vietnam. As the United States went to war with Vietnam, his scholarship was in demand. His evolving view was that American policy was historically and morally misguided and doomed to fail.

His two-volume work, "Vietnam: A Dragon Embattled" (Praeger, 1967) was heralded in a review in The New York Times as "a monumental work" that "marks a strategic breakthrough in the serious study of Vietnamese politics in America" and as "the most thorough, informative and, over all, the most impressive book on Vietnam yet published in America."

#### OTHER TITLES

His other books included: "In the Twilight of Socialism" (Praeger 1952), "The Smaller Dragon—A Political History of Vietnam" (Praeger, 1958), "A Dragon Defiant: A Short History of Vietnam" (Praeger, 1972) and "Vietnam: The Unforgettable Tragedy" (Horizon, 1977).

Thirty-three years after he fled Austria, the Government awarded him its Golden Order of Merit. Chancellor Bruno Kreisky once mused that Mr. Buttinger was such a hero that if he had returned, he would have become chancellor.

His wife died several years ago. He is survived by his daughter, Constance Harvey of Aspen, Col.; a sister, Marie Fuchs, who lives in Austria; a brother, Louis, who now lives in the United States, and six grandchildren.

Mr. PELL. 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.

The PRESIDING OFFICER. Without objection, the order for the quorum call is rescinded.

#### 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.)

#### ANNUAL REPORT OF THE ACTION AGENCY—MESSAGE FROM THE PRESIDENT—PM 119

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 407 of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 5047), I transmit herewith the Annual Report of the ACTION Agency for Fiscal Year 1991.

GEORGE BUSH.

THE WHITE HOUSE, March 18, 1992.

#### MESSAGES FROM THE HOUSE

At 12:28 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 bill, in which it requests the concurrence of the House:

H.R. 4449. An act to authorize jurisdictions receiving funds for fiscal year 1992 under the HOME Investment Partnership Acts that are allocated for new construction to use the funds, at the discretion of the jurisdiction, for other eligible activities under such Act and to amend the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 to authorize local governments that have financed housing projects that have been provided a section 8 financial adjustment factor to use recaptured amounts available from refinancing of the projects for housing activities.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 292. A concurrent resolution expressing the sense of the Congress with respect to United States participation in the United Nations Conference on Environment and Development (UNCED).

At 6 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3508) to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. RICHARDSON, Mr. LENT, Mr. BLILEY as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3635) to amend the Public Health Service Act to revise and extend the program of block grants for preventive health and health services, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. ROWLAND, Mr. LENT, and Mr. BLILEY as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4210) to amend the Internal Revenue Code of 1986 to provide for increased economic growth and to provide tax relief for families; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. VANDER JAGT, and Mr. CRANE as managers of the conference on the part of the House.

The message also announced that the Speaker makes the following corrections in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 347) entitled "An act to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes":

From the Committee on Banking, Finance and Urban Affairs, Mr. SCHUMER is appointed in lieu of Mr. VENTO for consideration of title IV of the Senate bill.

The panel from the Committee on the Judiciary is also appointed for consideration of section 135 of the Senate bill. Additionally, Mr. FRANK of Massachusetts is appointed in lieu of Mr. CONYERS.

#### MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and ordered placed on the calendar:

H. Con. Res. 292. A concurrent resolution expressing the sense of the Congress with respect to United States participation in the United Nations Conference on Environment and Development (UNCED).

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2812. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated March 10, 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Environment and Public Works, the Committee on Finance, and the Committee on Foreign Relations.

EC-2813. A communication from the Administrator of the Farmers Home Administration, Department of Agriculture, transmitting, pursuant to law, the annual report on the use of private attorneys contracted to perform certain legal actions taken in con-

nection with housing programs administered by the Farmers Home Administration; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2814. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend chapter 138 of title 10, United States Code, to provide deployed United States Armed Forces the authority to acquire logistics support, supplies, and service without geographic restriction, to remove the limitations on the amounts that may be obligated or accrued during a period of active hostilities involving United States Armed Forces, and for other purposes; to the Committee on Armed Services.

EC-2815. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize certain construction at military installations for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

EC-2816. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend Chapter 47, title 10 (the Uniform Code of Military Justice), to improve the quality and efficiency of the military justice system; to the Committee on Armed Services.

EC-2817. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report on the consolidation of the Military Departments' FY 1991 unit exchange of training and related support between the United States and Foreign Countries; to the Committee on Armed Services.

EC-2818. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report on United States Costs in the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC-2819. A communication from the Director of the Defense Mapping Agency, transmitting, pursuant to law, a report on the Agency's plans to study the potential conversion from partial in-house performance to full commercial contract of custodial services functions; to the Committee on Armed Services.

EC-2820. A communication from the Assistant Secretary of State (Conservation and Renewable Energy), transmitting, pursuant to law, notice in relative to the submission of the annual report on Electric and Hybrid Vehicles Program; to the Committee on Commerce, Science, and Transportation.

EC-2821. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Secretary's actions with respect to Ezeiza International Airport, Buenos Aires, Argentina; to the Committee on Commerce, Science, and Transportation.

EC-2822. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2823. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund

of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2824. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2825. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2826. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report entitled "Fifteenth Report to Congress: Comprehensive Program and Plan for Federal Energy Education, Extension, and Information Activities: Annual Revisions"; to the Committee on Energy and Natural Resources.

EC-2827. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the clean coal technology demonstration program for calendar year 1991; to the Committee on Energy and Natural Resources.

EC-2828. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report of building project survey for Orlando, Florida; to the Committee on Environment and Public Works.

EC-2829. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation to authorize the imposition of certain recreation user fees at water resources development areas administered by the Department of the Army; to the Committee on Environment and Public Works.

EC-2830. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 11, United States Code; to improve pension plan funding; to limit growth in insurance exposure; to protect the single-employer plan termination insurance program by clarifying the status of claims of the Pension Benefit Guaranty Corporation and the treatment of pension plans in bankruptcy proceedings; and for other purposes; to the Committee on Finance.

EC-2831. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties entered into by the United States in the sixty day period prior to March 12, 1992; to the Committee on Foreign Relations.

EC-2832. A communication from the Assistant Secretary of State (Indian Affairs), transmitting, pursuant to law, a report on certain unclaimed funds designated for per capita payments; to the Select Committee on Indian Affairs.

EC-2833. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, to make permanent the authority to collect reimbursement from health insurers and others for non-service-connected care provided to service-connected veterans; to the Committee on Veterans' Affairs.



EXECUTIVE REPORTS OF  
COMMITTEE

The following executive reports of committee were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Janelle Block, of Wisconsin, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1994.

George C. White, of Connecticut, to be member of the National Council on the Arts for a term expiring September 3, 1996.

Ian M. Ross, of New Jersey, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1998.

(The above nominations were reported with the recommendation that the nomination be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND  
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 2364. A bill to amend title XI of the Social Security Act to increase the penalties for unauthorized disclosure of private social security information, and for other purposes; to the Committee on Finance.

By Mr. NICKLES:

S. 2365. A bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians; to the Committee on Finance.

By Mr. COATS (for himself and Mr. SEYMOUR):

S. 2366. A bill to provide for coverage of Congress under Federal civil rights and employment laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. RIEGLE (for himself, Mr. DASCHLE, Mr. KERREY, Mr. HARKIN, Mr. CONRAD, Mr. WELLSTONE, Mr. LEVIN, and Mr. HEFLIN):

S. 2367. A bill to amend the Agricultural Act of 1949 to remove the requirement that the Secretary of Agriculture charge a loan origination for a crop of oilseeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 2368. A bill to increase the criminal penalties and add civil penalties applicable for transporting or importing goods made by convicts or prisoners, and for failure to mark packages made by convicts or prisoners, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 2369. A bill to amend section 7101 of title 38, United States Code, to provide for the reclassification of members of the Board of Veterans' Appeals and to ensure pay equity between those members and administrative law judges; to the Committee on Veterans Affairs.

By Mr. DOMENICI (for himself, Mr. BOND, and Mr. MOYNIHAN):

S. 2370. A bill to restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Labor and Human Resources.

By Mr. COATS:

S. 2371. A bill to establish a computer education program for certain students; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. PRYOR, Mr. DOLE, Mr. BOREN, Mr. HELMS, Mr. HEFLIN, Mr. CONRAD, Mr. COCHRAN, Mr. MCCONNELL, Mr. FOWLER, Mr. CRAIG, Mr. DASCHLE, Mr. SEYMOUR, Mr. BAUCUS, Mr. GRASSLEY, Mr. ADAMS, Mr. AKAKA, Mr. BENTSEN, Mr. BOND, Mr. BREAUX, Mr. BURDICK, Mr. BURNS, Mr. CRANSTON, Mr. COATS, Mr. D'AMATO, Mr. DIXON, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. GORTON, Mr. HATCH, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KOHL, Mr. LEVIN, Mr. MACK, Mr. MURKOWSKI, Mr. NUNN, Mr. PRESSLER, Mr. REID, Mr. SANFORD, Mr. SHELBY, Mr. SPECTER, Mr. WALLOP, Mr. WARNER, Mr. WOFFORD, Mr. KENNEDY, Mr. THURMOND, Mr. LAUTENBERG, Mr. INOUE, and Mr. MITCHELL):

S.J. Res. 272. A joint resolution to proclaim March 20, 1992, as "National Agriculture Day"; to the Committee on the Judiciary.

By Mr. SEYMOUR (for himself, Mr. STEVENS, Mr. SHELBY, Mr. ADAMS, Mr. LAUTENBERG, Mr. COATS, Mr. COCHRAN, Mr. HEFLIN, Mr. DOLE, Mr. D'AMATO, Mr. JOHNSTON, Mr. KASTEN, Mr. CRAIG, Mr. BURNS, Mr. DASCHLE, Mr. MACK, Mr. DECONCINI, Mr. DODD, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. RIEGLE, and Mr. SYMMS):

S.J. Res. 273. A joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week"; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. ADAMS, Mr. CRANSTON, and Mr. DECONCINI):

S.J. Res. 274. A joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND  
SENATE RESOLUTIONS

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

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 272. A resolution to make technical corrections to Rule XXV of the Standing Rules of the Senate; considered and agreed to.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 2364. A bill to amend title XI of the Social Security Act to increase the penalties for unauthorized disclosure of private social security information, and for other purposes; to the Committee on Finance.

## SOCIAL SECURITY PRIVACY PROTECTION ACT

• Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to strengthen criminal penalties in the Social Security Act against the unauthorized disclosure of private Social Security data.

On February 28, 1992, we convened hearings before the Finance Subcommittee on Social Security and Family Policy to hear testimony on an investigation into the alleged widespread theft and sale of personal and private records maintained by the Social Security Administration.

Mr. President, this is a very disturbing matter. Private firms, so-called information brokers, have allegedly bribed Social Security Administration employees to steal personal records of individuals from the Agency's computers for the purpose of selling the information to interested buyers. Such buyers apparently include private investigators, prospective employers, lawyers, insurance companies, and others interested in obtaining, for whatever purpose, someone else's Social Security number and employment and earnings history.

The results of the investigation to date are all the more disturbing because the scam does not appear to be an isolated case, or limited to a particular part of the country. The FBI has arrested at least 18 people in 10 States in connection with the investigation, and Social Security Administration employees in four States have recently been indicted.

One company in Tampa, FL, was so bold as to send out promotional brochures that boasted instant access to confidential computer data on virtually anyone in the country. One such brochure came into the hands of investigators in the Atlanta regional office of the inspector general of the Department of Health and Human Services. These investigators, together with the FBI, commenced one of the Government's most concerted efforts to date to crack down on the newly emerging information broker industry. The investigation appears to involve the largest case ever of theft from Government computer files, and may well involve the most serious threat to individual privacy in modern times.

Mr. President, throughout the history of the Social Security program we have sought to ensure the absolute privacy and confidentiality of the personal information maintained by the Social Security Administration. This agency maintains records on 200 million Americans. This information includes a person's Social Security number, full name, place of birth, date of birth, names of both parents, names of current and past employers, and a complete earnings history. It is of the utmost importance that we keep the promise made over a half century ago to keep this personal information private to the maximum extent possible.

One of the issues addressed by witnesses at our hearing was the question of statutory penalties for the unauthorized disclosure of this private data. Provisions of title 18 of the United States Code make it a felony to bribe

public officials or reveal confidential tax data. Offenders may be punished by up to 5 years imprisonment. These are the laws the U.S. attorneys in this case are using to prosecute the accused.

The Social Security Act also includes provisions against the unauthorized disclosure of private data maintained by the Social Security Administration, but these provisions make the offense a misdemeanor punishable by up to one year imprisonment, or a fine not exceeding \$1,000, or both.

Mr. President, I consider it appropriate that the Social Security Act include penalties specific to the unauthorized disclosure of the private information maintained by the Social Security Administration on 200 million Americans. But I think these penalties must be strengthened. We must make it very clear that such disclosure is considered a very serious infraction, and must provide penalties severe enough to serve as a serious deterrent. Accordingly, this bill would amend the Social Security Act to make the improper disclosure of Social Security data a felony punishable by imprisonment of up to 5 years, or a fine of up to \$10,000 for each occurrence of a violation—that is, for each individual Social Security disclosure—or both.

I wish to commend the diligent efforts of those employees of the Social Security Administration and the Office of the Inspector General at the Department of Health and Human Services who uncovered and investigated this scandal. I know the Commissioner of Social Security finds this matter as disturbing as we all do and will take steps to ensure that Social Security employees are aware of the consequences of such infractions. We can help in this task by providing for stiffer penalties and stronger deterrents in the Social Security Act against the unauthorized disclosure of private Social Security information.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of these remarks the text of the bill and an editorial on this issue from the Buffalo News of March 5, 1992.

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

S. 2365

*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 "Social Security Privacy Protection Act of 1992".

#### SEC. 2. INCREASED PENALTIES FOR UNAUTHORIZED DISCLOSURE OF SOCIAL SECURITY INFORMATION.

##### (a) IN GENERAL.—

(1) UNAUTHORIZED DISCLOSURE.—Section 1106(a) of the Social Security Act (42 U.S.C. 1306(a)) is amended—

(A) by striking "misdemeanor" and inserting "felony";

(B) by striking "\$1,000" and inserting "\$10,000 for each occurrence of a violation"; and

(C) by striking "one year" and inserting "5 years".

(2) UNAUTHORIZED DISCLOSURE BY FRAUD.—Section 1107(b) of such Act (42 U.S.C. 1307(b)) is amended—

(A) by inserting "social security account number," after "information as to the";

(B) by striking "misdemeanor" and inserting "felony";

(C) by striking "\$1,000" and inserting "\$10,000 for each occurrence of a violation"; and

(D) by striking "one year" and inserting "5 years".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on the date of enactment of this act.

[From the Buffalo News, Mar. 5, 1992]

#### KEEP SOCIAL SECURITY PRIVATE—STIFFEN PENALTIES FOR REVEALING PEOPLE'S RECORDS

Computerization brings problems along with efficiency and one area that needs careful protection is privacy. It's alarming to hear that Social Security records are not as confidential as everyone thought they were.

Testimony at a recent congressional hearing showed a fairly widespread pattern of unauthorized, illegal disclosure of Social Security records by federal employees. Fastback artists broker the information—a person's earnings history, say, or the names and addresses of present and past employers, even some bank account numbers—by obtaining the data from the government workers with access to it and then selling it to private clients for a hefty profit.

Sometimes these insidious brokers get the information by tricking Social Security employees. Sometimes they bribe them.

It is clear that the testimony, in a session conducted by Sen. Daniel Patrick Moynihan, D-N.Y., chairman of a key subcommittee on Social Security, isn't based on some Orwellian fantasy. A federal investigation by the FBI and others has so far resulted in indictments, both of federal employees and outsiders, in 10 states.

Since 1983, 70 Social Security employees have been convicted, according to the testimony, of illegally disclosing such data. Two months ago in Tampa, Fla., two executives of a private information firm pleaded guilty to participating in a conspiracy to sell Social Security records.

"Here we have a large-scale invasion of the Social Security system's confidentiality," Moynihan said. "It's not a one-time event. We have a new situation here."

New—and dangerous. These sleazy brokers invade and violate individual privacy. Their racket compromises the government's integrity. Their success taints a tacit contract between American workers and their national government.

One policy issue here is whether existing law is strong enough to combat and deter these abuses. It may be possible to convict those who abuse the system of bribery, a felony under Title 18 of the U.S. Code. The FBI and other investigators and prosecutors are pursuing this course.

However, the federal privacy act that governs the unauthorized disclosure of confidential information makes that breach only a misdemeanor, not a felony.

The law governing illegal disclosures of Social Security facts and figures should be strengthened. Unauthorized disclosure should become a felony. Otherwise, cases of such disclosure where bribery cannot be proved elude the stiffer felony punishments.

Peddling private records for profit is too basic an injury to personal privacy. It is too

central to the relationship of individuals and their government. And as our society becomes more computerized, that threat is likely to grow, not diminish. ■

By Mr. RIEGLE (for himself, Mr. DASCHLE, Mr. KERREY, Mr. HARKIN, Mr. CONRAD, Mr. WELLSTONE, Mr. LEVIN, and Mr. HEFLIN):

S. 2367. A bill to amend the Agricultural Act of 1949 to remove the requirement that the Secretary of Agriculture charge a loan origination fee for a crop of oilseeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### REMOVAL OF LOAN ORIGATION FEE FOR OILSEEDS

• Mr. RIEGLE. Mr. President, I rise today along with seven of my colleagues to introduce legislation to remove the mandatory 2-percent soybean and oilseeds loan origination fee included in the Omnibus Reconciliation Act [OBRA] of 1990. The origination fee was included in the 1990 Reconciliation Act to reduce Government expenditures without destroying the benefits of the soybean marketing loan program. However, it is clear this approach has failed because fewer producers have participated and less revenues have been gathered by the Federal Government.

Originally, the 1990 farm bill in conjunction with the OBRA of 1990 established a minimum \$5.02 loan rate per bushel and loan deficiency payments for 1991 to 1995. Under the OBRA of 1990, soybean and oilseed farmers who borrow from the USDA under the loan program are required to pay a 2-percent loan origination fee. This effectively resulted in a 10-cent cut in the loan rate, making the actual rate at \$4.92 per bushel.

Since the passage of OBRA of 1990, the 2-percent origination fee has significantly discouraged farmers from participating in the loan program. Participation in the program has dropped more than 30 points over the previous 5-year period and revenues have been generated at a far slower pace than anticipated. The unintended result will be to eventually lower prices and reduce income protection during low-price periods.

The legislation I am introducing today contains an offset, which until now has been the main reason Congress has not removed this origination fee. The legislation my colleagues and I are introducing requires farmers to repay the loan during the same fiscal year in which the oilseeds are placed under loan. Currently, the loan program permits oilseeds producers to repay a loan at anytime within 9 months of placing the commodity under loan, which may result in carrying over the loans into the next fiscal year, resulting in additional cost in the year the loan is made. Requiring payment in the same year the loan is made eliminates the cost.



Mr. President, soybean producers in Michigan need the relief from the origination fees provided under this legislation. I urge my colleagues to join us in supporting this legislation and working for its passage. I ask for unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2367

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

**SECTION 1. REMOVAL OF LOAN ORIGATION FEE FOR OILSEEDS.**

(a) IN GENERAL.—Section 205 of the Agricultural Act of 1949 (7 U.S.C. 1446f) is amended—

(1) by striking subsection (m); and  
(2) by redesignating subsection (n) as subsection (m).

(b) LOAN MATURITY.—Section 205(h) of such Act is amended by striking "on the last day of the 9th month following the month the application for" and inserting "September 30 following the date".

(c) CROPS.—The amendments made by this section shall be effective only for the 1992 through 1995 crops of oilseeds.

• Mr. DASCHLE. Mr. President, today I join with several of my colleagues to introduce legislation that repeals the organization fee levied against producers of oilseeds who participate in the Federal Commodity Loan Program. The Omnibus Budget Reconciliation Act of 1990 instituted a number of fees and assessments on agricultural producers in an effort to reduce Government expenditures. The origination fee for oilseed marketing loans is one such fee that was imposed, but has burdened producers and undermined the loan program itself. We urge support for the elimination of the origination fee so that the loan program can be a more effective income management tool for oilseed producers.

Since the oilseed origination fee was imposed, participation in the loan program for soybeans has dropped 31 percent below the average for the preceding 5 year period. This drop is attributable to the 10-cents-per-bushel origination fee, which can push the effective interest rate on a commodity loan up as high as 30 percent, depending on how long the oilseed is kept under loan. Consequently, the fee is raising substantially less revenue than anticipated, while at the same time it is discouraging oilseed producers from using the best tool they have to assist them with the orderly marketing of their products.

Previous efforts to do away with the origination fee have been unsuccessful because they have failed to provide a budget offset. Our bill would offset the projected cost of eliminating the origination fee by requiring producers to repay the loan during the same fiscal year in which the oilseeds are placed under loan. Currently, the loan program allows producers to repay the

loan at any time within 9 months of placing the commodity under loan. The resulting carryover of outstanding loans from one fiscal year to another accounts for the costs that have been attributed to the loan program. Furthermore, requiring repayment of the loans within the same fiscal year they are taken out would not be a significant burden on producers because they would still have up to a full year to take advantage of the loan.

Commodity loan programs are designed to give cash-strapped producers time to market their crops so that they can sell them at a time of year when prices are high, rather than at harvest time when prices are typically at the lowest level of the year. The additional costs imposed by the origination fee are discouraging thousands of producers from participating in the loan program. The origination fee must be repealed if the loan program is to function as intended.

• Mr. CONRAD. Mr. President, today I am very pleased to join my colleagues in introducing legislation that not only eliminates the loan origination fee required on all oilseed loans taken out by producers, but does so without negatively impacting the budget.

The oilseeds loan origination fee was implemented as part of the Omnibus Budget Reconciliation Act of 1990. Billed as a budget deficit reduction tool, the 2 percent fee is deducted from a farmer's loan deficiency payment. Soybean producers as well as those of the six minor oilseed crops—sunflowers, flax, canola, rapeseed, safflower, and mustard—are assessed.

Mr. President, keep in mind that the marketing loan program was authorized for oilseed producers effective crop year 1991, in part, to help fight extraordinarily high subsidies in the European Community and to reestablish the United States as the premier oilseed producing Nation. Prior to 1991, minor oilseed crops had no type of loan program while soybean producers had a general loan program. The bottom line is that farmers haven't even had a chance to try out the new marketing loan program, to benefit from the program, and they have already been discouraged from participating by the fee.

I believe the origination fee has discouraged oilseed producers from utilizing the marketing loan program and discouraged oilseed production in the U.S. Here's a brandnew program, with no proven record. Farmers may elect to participate, a tough decision in any case, but the added consideration of a users' fee may be enough to weigh against a farmer's decision to sign up.

A case in point is soybean production. In 1991, we witnessed participation in the loan program drop well below the previous 5 year average. While the loan program was designed to provide farmers with more marketing flexibility, it can only serve as an

effective marketing tool if producers are using it. It is clear more soybean growers are choosing not to use it. And I am concerned that producers of other oilseed crops may follow suit.

In crop year 1990, North Dakota led the Nation in the production of sunflower and flaxseed, accounting for 68 percent and 92 percent of the Nation's production respectively. That year, in my State alone, we harvested 15 million hundredweight of sunflowers and 3 million bushels of flax. Soybean production totaled 12.8 million bushels.

To continue producing oil crops at competitive levels and at a profit, oilseed producers in my State and others need access to a marketing loan program that provides the flexibility necessary to market wisely. We have the program. It was implemented by the 1990 farm bill. The key is access. Eliminating the loan fee would eliminate much of the ambivalence toward the program. The program could then work as it was intended—as an affordable marketing tool for oilseed producers. At the same time, our bill provides accountability in requiring an offset. The legislation requires that oilseed loans be repaid before the end of the fiscal year in which they are secured. The net effect is zero budget impact. Mr. President, I enthusiastically join my colleagues in sponsoring this legislation.

• Mr. HARKIN. Mr. President, I am pleased to cosponsor this legislation to eliminate the 2-percent loan origination fee on Commodity Credit Corporation marketing loans on oilseeds. One of the most important reasons for my vote against the 1990 Omnibus Budget Reconciliation Act was the large cut in commodity programs that it required. Perhaps the most irksome and perplexing aspect of that measure for farmers is the oilseed loan origination fee.

The greatest impact of the origination fee has been on soybean producers. The loan rate for soybeans is \$5.02 a bushel, and that is what farmers could reasonably think they would receive for pledging soybeans as collateral for the CCC marketing loan. After deducting the 2-percent loan origination fee, however, the loan proceeds to the farmer amount to only \$4.92 a bushel. That is bad enough, but the real kicker is that the farmer must repay the loan at the full \$5.02 rate plus interest.

The oilseed marketing loan is meant to provide short-term credit and allow farmers to delay marketing in order to take advantage of higher prices that may occur later in the marketing year. The origination fee negates much of the benefit of the oilseed loan program by increasing the costs of taking out loans. Most farmers repay the loans before the end of the 9-month loan term, and with the added cost of the origination fee, the earlier the repayment, the higher the effective interest rate—as high as a 30-percent effective annual interest rate on a loan outstanding for 1 month.

It is thus little wonder that use of the soybean marketing loan for the 1991 crop has fallen off 31 percent from the average for the preceding 5-year period. As a consequence, the revenue raised by the origination fee has also fallen far below expectations, thus greatly impairing its effectiveness in reducing program outlays.

Moreover, the burden of the loan origination fee, as is so often the case with such contrivances, falls most heavily on those who can least afford to bear it. Simple economics would dictate using commercial credit—especially for short-term financing—rather than suffer the high costs of using the CCC marketing loan. But farmers who are just starting out, or who have had a bad year, have a harder time obtaining credit and may well be forced either to sell at low harvest-time prices or bear the high costs of the loan origination fee.

This bill is designed to offset the projected cost of eliminating the oilseed loan origination fee by requiring repayment of the loans in the same fiscal year that the loan is taken out.

The oilseed loan origination fee was a bad idea from the beginning, and I urge my colleagues to join now in supporting this legislation to eliminate it.●

By Mr. AKAKA:

S. 2369. A bill to amend section 7101 of title 38, United States Code, to provide for the reclassification of members of the Board of Veterans' Appeals and to ensure pay equity between those members and administrative law judges; to the Committee on Veterans' Affairs.

#### RECLASSIFICATION AND PAY OF MEMBERS OF THE BOARD OF VETERANS' APPEALS

● Mr. AKAKA. Mr. President, I am today introducing legislation that would ensure that members of the Board of Veterans' Appeals [BVA] are compensated at the same rate as administrative law judges [ALJs], their functional peers in other Federal agencies. A similar bill has been introduced in the House by Representative MIKE BILIRAKIS of Florida.

#### THE BOARD OF VETERANS' APPEALS

Mr. President, the BVA is the highest adjudicatory body within the Department of Veterans Affairs. Each year, on average, the Board renders decisions on 40,000-plus appeals for benefits claims. These cases span the range of veterans' benefits, including claims for entitlement to service connection, increased disability ratings, total disability ratings, pensions, insurance benefits, educational benefits, home loan guarantees, vocation rehabilitation, and dependency and indemnity compensation.

The Board is comprised of 67 members who sit on 21 three-member sections, which hold hearings in every VA jurisdiction across the Nation. Board members must be able to handle all

types of appeals regardless of their complexity. For example, they must possess a capacity for analysis and articulation and the ability to balance important and conflicting considerations. They must have command of judicial practice and the ability to assure a fair hearing. They must have both in-depth understanding of VA procedure and of the impact of ordering examinations or hospitalizations. He or she must be at ease in guiding research and citation of medical texts or in preparing a controversial or complex medical question for review by an expert from within or without the Department.

Because of varied and specialized requirements associated with the job, BVA members are necessarily selected through a highly exacting, competitive process. Reflecting the overriding need for individuals trained in BVA procedures and familiar with VA statutes, regulations, and practice, Members are usually chosen from the ranks of experienced staff counsels to the Board sections.

#### VETERANS' JUDICIAL REVIEW ACT OF 1988

The work of the BVA, while always difficult, has grown in complexity and volume over the years. From 1984 to 1991, with one exception, the BVA averaged more than 40,000 cases decided annually. However, during this same period, processing time jumped from 132 days in 1984, 186 in 1990, and 160 in 1991. This year, judging from the first quarter statistics, the number of BVA decisions will drop drastically, to as little as 25,000. This would be a significant reduction in itself, but is doubly so when one considers the fact that the BVA is now operating with a full complement of members for the first time in years. This decline in caseload and promptness can only be attributed to passage of the Veterans' Judicial Review Act [VJRA] of 1988, Public Law 100-687, which created a new Federal court of jurisdiction, the U.S. Court of Veterans Appeals, exclusively to review final decisions of the BVA.

Richard B. Frank, president of the Board of Veterans' Appeals Professional Association, cogently summarizes the adverse affect of judicial review on the Board's work in a recent letter to me:

By far the most significant event in the Board's history since its creation in 1933 was the Veteran's Judicial Review Act of 1988. Although the act is popularly thought of as only granting veterans "a day in court" at the United States Court of Veterans Appeals after the VA adjudication process is complete, in fact, the VJRA also permitted the Court to mandate radical changes in the adjudication process.

Prior to the VJRA, the Board issued written decisions designed to be accessible to a veteran without legal, or indeed, college education. These decisions reflected accurately a process that was informal, nonadversarial and result oriented. The Court has grasped the language incorporated in the VJRA that the Board provide "reasons and bases" for its decisions to dictate fundamental alterations

in the formality, length and complexity of our decisional documents. While we acknowledge that the current decisions are more expansive and intellectually rigorous, these advantages have been gained at a price.

The Board now effectively writes decisions for the court rather than the appellant since any decision may be subject to appeal. To satisfy the Court that our decision contains adequate "reasons and bases" the Board made a fundamental shift in its decision writing effective November, 1991. The new format demands a decision of substantially greater length that interleaves the evidence and the law and regulations. Citations to Court decisions are mandatory; citations to advanced medical texts or treatises are commonplace. Many cases entail a discussion of a very sophisticated procedural analysis involving claims reopened after prior adjudications tailored to a framework derived the Court from language in the VJRA. We are confident that the resulting document is equal to or surpasses the decisional documents of any other administrative adjudicated body in the subject matter and legal complexity. Less happily, we are also confident that many decisions, if not most, are now inaccessible to the average appellant.

Not surprisingly, the changes dedicated by the Court and the VJRA have very materially slowed the productivity of the Board. In Fiscal Year 1991, the Board issued about 43,000 decisions. For the first quarter of Fiscal Year 1992, the Board produced over 8,000 decisions. On an annual basis, that would generate about 33,000 decisions for the year. During that quarter, however, the new format was in effect for only two months. The figures for January 1992 continue to chart a decline in productivity. At this time, the estimates of the Board Members for our ultimate production for Fiscal Year 1992 range from approximately 25,000 to 32,000.

This sharp decrease in overall productivity has been coupled with a sharp decline in the number of decisions that reach the merits. The Court has crafted an extraordinarily broad and still expanding "duty to assist" the claimant in developing his claim upon the Department from language in the VJRA. This "duty" is by far the major driving force that has propelled the Board from a remand rate that historically was always less than twenty percent to a rate that has crossed fifty percent and is still climbing.

The marked decline in productivity and the sharp increase in remands will inflict serious damage on the processing time for all appeals. In round numbers, during Fiscal Year 1991, the Board reached the merits of the issues on appeal in about 34,000 of 43,000 cases. At that time the Board's processing time, which recently had ranged as high as about 180 days, hovered around 150 days. Based upon current trends for Fiscal Year 1992, even if the Board issues 33,000 decisions, only half will reach the merits of the issues on appeal. This means the number of decisions reaching the merits will be only half of what it was the year before, from its already high levels. Board Members are keenly aware of what this means to appellants, but we have no recourse under judicial review.

Mr. President, Mr. Frank does not mention one other result of judicial review that has bearing on my legislation: the limitation of the terms of BVA Members to 9 years. Congress included this term limitation provision in the VJRA order to make BVA members more accountable for their ac-



tions. This is a reflection of the degree of importance Congress attached to these positions, for, to my knowledge, no other GS-15 level employee in Government is similarly restricted to a statutory term limit. This flip side of this is that, in conferring this honor on BVA members and ALJ's are treated: while ALJ's enjoy elevated pay and status, without limitation on their terms of office, BVA members suffer from vastly increased responsibilities while subject to the fear that they may not be reappointed after 9 years of dedicated service.

#### FEDERAL PAY ACT OF 1990

Mr. President, as the foregoing suggests, the natural evolution of BVA responsibilities, combined with the impact of judicial review, has rendered the work of the Board vastly more difficult and onerous. In these circumstances, VA faces great challenges in recruiting and retaining qualified Board Members.

Unfortunately, another development external to the Department has compounded this problem and created a very real possibility that BVA ranks could be eviscerated. I am referring, of course, to the passage of the Federal Pay Act of 1990, which, by making all administrative law judges in Federal service of equal grade, as part of the Senior Executive Service [SES], created for the first time a disparity in compensation between ALJ's and BVA members.

By elevating ALJ's to SES status, the Pay Act set them far apart from BVA members, who continue to be paid at the GS-15 level. At current rates, an ALJ can make as much as \$17,000 more than their BVA colleagues. Board members have had to stand idly by while their nominal peers in other agencies are paid higher salaries and admitted to the Federal Government's elite executive ranks.

Yet, it is clear that the duties and responsibilities of ALJ's and Board members are virtually identical in every important respect; indeed, some would even argue that the work of BVA members is even more difficult and complex than that of many if not all ALJ's.

Mr. President, I have in my hand letters from three distinguished administrative law judges who support my contention that the work of ALJ's and Board members is nearly indistinguishable and therefore merits equal pay. What makes their comments noteworthy is that all three judges are also former members of the Board of Veterans' Appeals and thus in a position to comment intelligently on this matter. I ask that their letters be printed in the record following my remarks.

#### TALENT FLIGHT

What is the upshot of judicial review and the Federal Pay Act? In a word: inequity. BVA members are doing more work today than in the pre-judicial review era, for the same pay and for less

job security. But, Mr. President, a far more important issue than simple fairness to our 67 BVA members is at stake: unless this situation is corrected, the BVA—and by extension, the Nation's 27 million veterans—stands in imminent danger of losing some if not all of its most qualified Members. Once again, I quote Richard Frank of the BVA Professional Association:

Within the last dozen years, no fewer than eight Board Members and six senior counsels have left the Board to become ALJs. This would seem modest, if it were not for the fact that four of these occurred within the past two years and four more current Board Members and four senior counsels are now on the list to become Social Security ALJs. It must be emphasized that this total represents all of the Board Members, except one, who ever applied that that all of these individuals made this choice prior to the passage of the Pay Act. The one exception arose from the fact that the Board Members so restricted her choices geographically that she never received an offer.

Some uncertainty now surrounds exactly when the list to become Social Security ALJs will reopen. Our current information is that the list will be reopened sometime in the first half of next year. At that time, at least 38 of the current 44 attorney Board Members will be applying to get on the list to become Social Security ALJs. (The only reason all 44 will not apply is because it is currently understood that all ALJ positions will be outside the Washington Metropolitan area. Should ALJ positions within the metropolitan area become available, the number of Board Members applying will increase). If they enjoy the success their predecessors have, there will be a massive loss of experienced Board members and no reason to believe that their replacements will not soon follow them to become ALJs.

#### CONCLUSION

Mr. President, if we continue to insist on maintaining an artificial pay distinction between ALJ's and Board members, we stand to do a vast disservice not only to current and future BVA members, but also to the thousands of veterans who appeal their claims to BVA each year. These men and women, who put their lives on the line for our country, at the very least deserve to have their cases heard by the most qualified personnel in the most expeditious fashion. If morale among BVA members becomes as low as we predict, and leads to a continuing exodus of our best and brightest, the BVA will become an attorney's dumping ground, a second-rate body that will produce second rate decisions, increase the number of cases remanded by the Court of Veterans Appeals, and inflate the time it takes for a veteran to have his or her claim decided. In short, as is always the case when we try to cut corners, veterans and their families will be the ones to suffer most. All of us in this chamber have had to intervene at one time or another on behalf of dozens, hundreds, perhaps thousands of veterans who have asked for assistance in resolving a claims problem with VA. I promise my colleagues that these requests will rise dramatically in the

coming months and years if the BVA is allowed to become a backwater for Federal careerists.

Mr. President, the bill I am introducing today would help ensure that veterans claims are adjudicated by the most knowledgeable individuals. As such, it would help prevent a further deterioration in the quality of BVA decisions and the speed with which veterans' claims are adjudicated. Moreover, my bill is hardly a budget breaker—far from it. According to the latest Congressional Budget Office estimate for the House companion bill introduced by Congressman BILIRAKIS, this initiative would cost VA only \$5 million over 5 years—a pittance when one considers that VA services and benefits total more than \$30 billion annually.

Thank you, Mr. President. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that several letters relative to this legislation be printed in the RECORD.

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

SOCIAL SECURITY ADMINISTRATION,  
OFFICE OF HEARINGS AND APPEALS,  
June 10, 1991.

CHARLES L. CRAGIN,  
Chairman, Board of Veterans' Appeals, Washington, DC.

DEAR MR. CHAIRMAN: I have information which may be helpful to you. I was employed by the Board as a staff attorney and senior attorney from June 1970 until November 1977, at which time I was appointed by Administrator Cleland and approved by President Carter as an associate member. In April 1980 I resigned to accept an appointment as an Administrative Law Judge with the Department of Health, Education & Welfare, now Health and Human Services. Since June 1980 I have been Hearing Office Chief ALJ in Shreveport, LA. This gives me a good perspective for comparison of the positions of Board Member and ALJ.

Succinctly stated, the differences are hardly worth mentioning. The incumbent must be able to analyze and summarize in a decisional format the facts and governing legal criteria in a clear and concise fashion. The decisional formats are quite similar. There must be an evaluation of the credibility of witnesses and probative value of documentary and other evidence, in addition to an adequate understanding of all legal, medical and other technical factors which bear on the assurance of a fair hearing.

The decisions must take into account federal, state and occasionally foreign statutes and regulations, as well as court decisions. There is virtually no substantive review or supervision beyond the traditional review on appeal under the substantial evidence criteria. The decisions are completely independent and final, and are issued to the parties in the name of the member or ALJ. The issues may be quite simple or enormously complex. The authority to make and publish decisions derives from direct delegation by the Secretary of the Department, and independence is absolute.

Previously developed evidence and the validity of previous adjudicative processes by the agency must be reviewed. Conflicts in the record must be resolved. Credibility of both lay and expert witnesses must be ap-

praised and oral argument and briefs considered. The examinations must be controlled. Findings of fact and conclusion of law are made. Attorney fee arrangements must be approved by appropriate order. A comparison of the position descriptions will highlight the parallels. I really can't think of a substantive difference. I became an ALJ based almost exclusively on qualifying experience with the Board, and was eligible at both the GS 15 and 16 level.

Should the need arise I would enjoy discussing this matter with you in person. Contacts with old friends at the Board indicate that the operation continues to prosper under your leadership.

Sincerely,

W. THOMAS BUNDY,  
U.S. Administrative Law Judge.

SOCIAL SECURITY ADMINISTRATION,  
OFFICE OF HEARINGS AND APPEALS,  
Raleigh, NC, July 23, 1991.

CHARLES L. CRAGIN,  
Chairman, Board of Veterans Appeals, Washington, DC.

DEAR MR. CRAGIN: There has recently come to my attention a proposal to reclassify the position of Associate Member of the Board of Veterans Appeals (BVA) to conform to the classification now applicable to Administrative Law Judges.

I was a member of the Board from 1977 to 1980 and have been an Administrative Law Judge (ALJ) since that time. The two positions are so closely comparable that I was surprised that the recent action to remove ALJs from the general pay schedule and into a new and separate pay schedule did not include members of the Board. I write now to support the new and higher classification for Board members.

The breadth of knowledge and experience and the temperament required are virtually identical and the duties are very similar. Of great importance is the need to retain high quality professionals in order to give to the Veterans population a high quality adjudicative system.

In summary, I believe that pay parity for Board members is important to veterans and their interest in maintaining a fair and effective appeals process.

Sincerely,

H. CLAYTON ADAMS,  
Administrative Law Judge.

P.S. Just recently, members of the Appeals Council of the Social Security Administration's Office of Hearings and Appeals have been redesignated "Administration's Appeals Judges" and given the advantages of the new pay structure for ALJs. Their responsibilities are even more similar to those of the BVA than to those of ALJs.

FALLS CHURCH, VA,  
April 26, 1991.

Mr. CHARLES L. CRAGIN,  
Chairman, Board of Veterans Appeals, Washington, DC.

DEAR CHAIRMAN CRAGIN: I have recently become aware of the interest of the Board and its Members in the possibility of reclassifying the Associate Member position from the General Schedule of Civil Service positions to that of Administrative Judges, in conformity with the general trend prevalent in the federal government today.

In order to give you some knowledge of my background so that you are in a position to evaluate my comments I offer you the following birds-eye view of my federal service. I served in the federal civil service for 42 years, starting in the Treasury Department.

I began as an Assistant Messenger after High School, went to night school, served in the Army for 4 years during WW II, returned to the VA as an Adjudicator and quickly switched to the Board of Veterans Appeals in mid-1946, where I remained until 1972. At that time I was a Chief Associate Member. I left to become an Administrative Law Judge with the Occupational Safety & Health Review Commission, where I was appointed the Commission's first Chief ALJ. I retired from federal service in 1980.

I always felt that the work of the Associate Members was not fully appreciated outside the Board and this thought was reinforced when I became more fully aware of the scope of the work of ALJs.

Some of the comparisons that come quickly to mind are:

Both ALJs and Associate Members make and issue decisions for their Departments, Boards, Commissions, etc., but with one marked difference. The ALJs decisions are subject to review (revision, reversal or confirmation), whereas the BVA decisions issue without review as the final decision of the VA.

Among all federal agencies utilizing ALJs, their decisions are all appealable to United States District Courts with the exception of one agency, the OSHRC, whose decisions are appealable directly to the United States Courts of Appeals. This is true also of your decisions, although, in my day there was no appeal at all.

As ALJs are expected to handle all matters that come before them, both simple and complex, as defined by their agency specialty, so too the Associate Members handle those simple pension issues constituting the bulk of trials before Social Security ALJs as well as the more complex medical, insurance, line-of-duty, education and domestic relations questions.

Whereas the ALJ decision is subject to at least one level of review within the agency, the decisions by the Board are not subject to any result-oriented review, that is no review changes the decision by the Associate Members.

A well-reasoned decision by the Board, as well as by an ALJ, will define the problem; describe the evidence; the process by which the appeal came before the Board; state the applicable law; resolve conflicting testimony through Findings of Fact and Discussion, including evaluating the credibility of testimony, both lay and expert.

Neither the ALJ nor the Associate Member's decisional process is subject to higher authority review or what in the military is termed command influence, although the ALJ may be reversed by his agency.

I am sure that a personnel specialist would be able to more clearly define the similarities of these two positions as well as the few areas where dissimilarities exist. For instance I believe the biggest hurdle is the fact that ALJs act as solo trier of the facts and decision maker, while your Associate Members act as a member of a panel and cannot alone control the results. I have always believed that I would have been a more effective Associate Member if I had functioned alone, even though I always felt fortunate to work with good panels. Thus I would recommend you explore a wholesale revision of the Board's make-up to establish one person decisions. I believe this would result in increased productivity as well as improved quality, since no individual's decisions would be shielded from a court's penetrating review.

I would be happy to visit with you and discuss this matter in greater detail if you should so desire.

Sincerely,

CHARLES K. CHAPLIN.

By Mr. DOMENICI (for himself, Mr. BOND, and Mr. MOYNIHAN):

S. 2370. A bill to restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Labor and Human Resources.

#### RESTORATION OF HIGHWAY OBLIGATION

Mr. DOMENICI. Mr. President, I believe that the debate about the infamous Brooklyn courthouse has gone on long enough. There seems to be uniform consensus that we need to restore this \$1 billion which was taken from 1992 highway obligations in order to accommodate the mandatory nature of this courthouse project.

At a time some are advocating supplemental appropriations to increase infrastructure spending, I strongly believe that we must first correct this problem by restoring the full obligation limit provided by the Congress. I am pleased to join my colleagues, Senator BOND, and Senator MOYNIHAN in sponsoring legislation which would subject the courthouse project to the normal appropriations process and restore approximately \$1 billion to highway programs in this fiscal year.

I urge my colleagues to accept this bill so that we might restore the money to highways. Adoption of the bill will result in each State receiving an immediate increase of nearly 6 percent in their 1992 apportionments. We have been consistently urged by State officials, as well as the National Governors' Association, to restore this \$1 billion, and I am hopeful that we might do that today.

Mr. BOND. Mr. President, I rise in support of the measure that my good friend, the Senator from New Mexico, has just introduced. This measure is extremely important for highways, transportation, and infrastructure throughout this country. It restores the full \$1 billion that had been set aside by OMB action as a result to the courthouse included in the highway bill.

Senator MOYNIHAN has graciously agreed to it, and has supported the legislation to make this courthouse subject to appropriations, meaning it is back in line and not in the highway bill.

In addition, the measure offered by Senator DOMENICI provides offsets by removing the statute of limitations for the collection of student loans, and this will allow approximately the full amount of money to be spent on highways as initially proposed.

I express my thanks also to Senator DOMENICI, as well as Senator MOYNIHAN. Restoring this \$1 billion will put 50,000 people to work building highways across this Nation. Without this legis-



lation, which I hope this body can consider and pass very quickly, we would see losses in every State in the Nation; \$18 million, at least, and three major projects in my State would have to be put on hold.

I believe that this is an appropriate solution to the mixup which occurred in the highway bill. I am pleased that we have been able to come to agreement on how to deal with it.

I hope the body can act expeditiously. Missouri badly needs the \$18 million. The rest of the country, I know, needs the highway money. I urge my colleagues to give this measure their full support.

I thank the Chair. I yield the floor.

By Mr. COATS:

S. 2371. A bill to establish a computer education program for certain students; to the Committee on Labor and Human Resources.

#### BUDDY SYSTEM COMPUTER EDUCATION ACT

• Mr. COATS. Mr. President, Deanna Overton, a former student at Fuqua Elementary School in Terre Haute, IN, says that Buddy turned her life around. Buddy isn't one of her classmates, Buddy is a Macintosh Computer that she keeps at home. Deanna received her computer as a part of a school project called the Buddy System.

Deanna failed fourth-grade a few years ago. She attributes these low marks to her boredom in class. "I hated school. I couldn't stand it," she said, Deanna claims that she hated school so much that she used to put a thermometer on a light bulb to convince her parents she was too sick to go to school. But that was before Buddy.

Today, instead of D's and F's, Deanna receives A's and B's. Rather than avoiding school, Deanna enjoys school work. Her teachers consider her a leader. Deanna's mother, Debbie Sparks, says, "she [Deanna] has grown up in so many ways. She breathes that thing and she's so grown up."

Students and parents aren't the only ones boasting about the Buddy system project. "I would not have believed this was possible for fourth-, fifth-, and sixth-grade pupils to possess the skills that these kids possess," stated Rose Ann Santilli, a sixth-grade teacher at Fuqua Elementary.

These are just a few illustrations of the Buddy system project successes. The Buddy system, the largest project of its kind in the world, originated in Indiana in 1987.

Buddy was conceived by a small private sector group, working with the Indiana Corporation for Science and Technology and the State Superintendent of public instruction, H. Dean Evans, as a positive response to issues such as education in the information age, changing, work force skills, and Indiana's challenge to compete in the world economy.

Early funding for Buddy came through grants and in-kind contributions from Lilly Endowment, Indiana Bell, GTE, IBM, Apple, Indiana Corporation for Science and Technology, and the Indiana Department of Education, with additional funding from the Indiana State Legislature.

Just how does the Buddy system work? Teachers assign nightly electronic homework. They communicate with parents by listing homework assignments on the bulletin board by sending individual electronic messages privately to parents. Students eagerly work on assignments, often creatively going beyond the specified requirements. Each Buddy computer is networked to online information sources to provide access to encyclopedia services, news, weather, sports, and educational games. A project file server offers electronic mail, bulletin boards, and chat services to all users.

One of the most important aspects of Buddy has been parental involvement. Buddy students teach their parents and siblings how to use the computer. Parents are then able to communicate with the classroom teacher via bulletin boards and chat systems. Parents are also encouraged to join parent user groups to extend parent training and trade inexpensive shareware with each other.

Buddy's track record is extremely impressive. The project has grown to serve more than 2,000 Hoosier families at 20 sites throughout Indiana. An evaluation, conducted by Dr. William Quinn of Quality Performance Associates, issued phenomenal results. I ask unanimous consent that a list of the Buddy system evaluation findings be included in the RECORD at this point in my statement.

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

#### THE BUDDY SYSTEM EVALUATION FINDINGS

Students spend an average of 66 minutes a day at home on the computer—and an additional 2½ hours on the weekend.

About 50% of parents have increased involvement in their child's homework.

Mothers (74%), fathers (49%) and other siblings (68%) also use the Buddy computer on a regular basis.

81% of educators agree that students are writing more than they would without computers. In a random survey, Buddy 5th grade student work was over twice as long as comparison students' and scored higher on quality measurements.

98% of students are comfortable working with computers. Some even surpass their teachers in understanding how to use various computer applications—a major educational outcome for the Project.

88% of educators agree students are more willing to do homework if done on the computer.

76% of teachers report that Buddy has resulted in better communication between teachers and parents, often through electronic mail.

Parents praise how Buddy increases their children's interest in learning and indicate

that their children's self-confidence is higher as a result of Buddy.

Almost 90% of educators agree that student work on the computer is more creative and of higher quality. 93% see Buddy students doing school work that is more complex and at higher levels than they would do otherwise.

100% of educators say that students demonstrate greater pride in their work, and 93% see greater self-esteem in Buddy students.

Student-developed applications software, simulation database and telecommunications activities all are improving critical thinking skills.

Buddy students substantially outperformed students in traditional computer lab settings on 9 of 10 computer tasks. On a technology skills test, 84% of Buddy students scored higher than the average score achieved by comparison students.

100% of educators indicate that Buddy helped them to grow professionally, with 88% reporting new excitement for teaching.

Mr. COATS. Mr. President, for these reasons, I rise today to introduce a bill which would provide other students with the opportunity to have a Buddy. This bill would authorize a demonstration grant program to promote public-private partnerships which enable 6th-, 7th- and 8th-grade students to utilize personal computers at home, as well as in the classroom. The Secretary of Education would award grants to implement demonstration programs in three States. Each State receiving a grant would provide a continuous 3-year computer-based education project to two consecutive groups of 6th-, 7th-, and 8th-grade students, beginning with each group's entry into the 6th grade and ending the summer following each group's completion of the 8th grade.

The purposes for this extension of computer access beyond the classroom environment is threefold. First, it would enhance learning by providing students with the technological tools and guidance necessary to develop skills critical to educational growth and success in the workplace. Second, it would encourage parental involvement in education and total family use and understanding of computers and telecommunications through at-home applications. Finally, it would establish foundations for life-long learning through improvement in education skills and student motivation and attitudes.

Congresswoman JILL LONG, of Indiana, has introduced a companion bill in the House. I would like to commend her for her efforts to ensure that the rest of our Nation be provided with the opportunity to ensure that the rest of our Nation be provided with the opportunity to experience the benefits of the Buddy System.

I urge my colleagues to join me in supporting the Buddy Program and I ask unanimous consent that this article from the Tribune-Star be inserted in the RECORD in its entirety.

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

[From the Tribune-Star, May 6, 1991]  
**BUDDY PROGRAM BRINGS CHANGE—COMPUTER  
 HELPS PUPIL TURN SCHOOL LIFE AROUND**  
 (By Sue Loughlin)

Deanna Overton's Buddy helped turn her life around.

But her Buddy would never know it. Overton's Buddy is a Macintosh computer that she keeps at her home through a Fuqua Elementary school project called the Buddy System.

Pupils in fourth- fifth- and sixth-grades have take-home computers. Fuqua was one of five pilot sites statewide in 1988 when the program first began.

Overton is a sixth-grader at Fuqua, a pretty girl with dark hair and eyes. She is articulate and confident, and enthusiastically demonstrates her computer skills and projects.

That's why it's almost impossible to believe that Overton failed fourth-grade a few years ago. She was getting Ds and Fs in school, and she was very bored with classes and very unhappy.

"I hated school. I couldn't stand it," she said. She confessed she used to take a thermometer and put it on a light bulb to feign sickness.

And then came Buddy.

In some ways, her failing may also have been her saving grace. Had she not failed, she never would have been part of the Buddy program, which started three years ago with fourth-graders at the school.

Overton said in the summer of 1988, she learned that later in the year she'd get to take a computer home—and that was something to look forward to. In the 1988-89 school year, she raised her grades to average. The original Buddy pupils were allowed to keep the computers in fifth- and sixth-grades, although the computers had to be returned during the summer.

Now, Overton gets As and Bs and she talks about how much she loves school work, especially if her Buddy is involved. Teachers describe her as a leader, and not just in use of computers.

She talks knowledgeably about Buddy Net, Microsoft works and HyperCard stacks, and eagerly demonstrates projects she's put together on weather or fractions, complete with visual effects and audio. "I love doing visual effects," she said. She races through her descriptions of what she's doing leaving the computer illiterate mindboggled.

Overton recently spoke to the Vigo County School Board about her experiences with the Buddy Program and in February she talked to an Area Principals Conference at Turkey Run State Park.

"Computers are the world of tomorrow," Overton says. "The project has given me a head start with my future."

Those who don't soon learn about computers "will be lost."

She's already set her sights on college and wants a career in computers. "The computer has helped me so much," she said from the Fuqua library recently.

Although she'll be going to Sarah Scott next year, she won't be losing the computer. She has two younger brothers who will be participating in the program. By the time her brothers are out of school, she said, she plans to buy one of her own.

Overton's mother, Debbie Sparks, says "she has grown so many ways. She breathes that thing and she's so grown up." She said her daughter has become much more mature.

Overton is a teacher to her brothers and sisters at home, who are also using it.

Sparks is proud of her daughter and she thinks the Buddy program "is wonderful."

Her mother said the program gives all kids, wealthy and low income, the same chance to succeed.

Judy Summers, the Buddy site coordinator at Fuqua, said, "Kids are proud of their work, and they are more motivated to do their work." They do much more creative writing because it is easier to edit. "The longhand method is discouraging to creativity for many of our kids" when they must constantly rewrite.

Teachers in the program include Linda Smith and Duane Miller, fourth grade; Roxanne Bertsch and Harry Brady, fifth grade; and Rose Ann Santilli and Len Mullins, sixth grade.

Santilli, a first-year teacher who began teaching the sixth grade with very little computer experience, inherited a group of pupils who had been totally immersed in computers for two years.

"It was a little intimidating at the beginning," Santilli said. "The kids were so far advanced."

She said the pupils were "wonderful" and helped her learn how the program works. She'll take HyperCard training this summer, and one of the pupils has volunteered to "tutor" her before she begins.

"I would not have believed this was possible for fourth-, fifth- and sixth-grade pupils to possess the skills that these kids possess," Santilli said. "They have no problem with data bases or spreadsheets."

Summers said there is cooperative learning between teacher and pupils, as well as between pupils. Santilli was the facilitator in providing classroom knowledge, and pupils were facilitators in showing how to apply the knowledge to the computer.

About 90 percent of pupils choose to do homework by computer, and many do extra assignments on their own.

Many of Santilli's sixth-graders are concerned about next year, however, when they will no longer have a computer at home unless younger siblings are part of the program.

Summers says that pupils have made about 20 to 25 presentations, and all have taken part in demonstrations. State legislators, the state superintendent for public instruction, the governor and the vice president of education for Apple Computer have all visited Fuqua to see the Buddy Program in action.

The pupils aren't the least bit intimidated, and present their projects with much finesse.

"These kids have a self-confidence with adults I have never seen," Summers said.

Unlike adults, the youths are not afraid to explore new technology; they are willing to make mistakes to learn and go one step further. "I think you could put them on any computer and they will figure it out," Summers said.

The Buddy System has helped pupils improve many skills, including critical thinking, problem solving and cooperative learning. It has also cut down on TV time.

Teacher Linda Smith has witnessed many positive results from Buddy, and says it has dramatically changed the lives of some pupils.

The computer has become an equalizer for some, such as those with a learning disability who cannot write legibly by longhand. "When they produce work, it looks like everyone else's now."

She's seen a change in study habits and learning patterns. She's seen children master new technology. "I've seen many of them become creative thinkers and problem solvers" who are determined to find an answer to a problem. They won't easily give up."

Parents are interested and involved, and more are helping children with homework. "Parents are beginning to use the computer themselves," and some have even discovered talents they didn't know they had.

Parents are drawing house plans and doing spread sheets for monthly budgets by computer.

Smith said she's also seen more teamwork and small group participation among pupils. "You teach them the basics and they're off and running. That's it, they're gone," she said. The first year of the project, "the kids were teaching us, they were so quick to pick up on it."

When the program began, she said she was the least computer literate of the teachers involved. "They put that Mac down in front of me and I literally lost it . . . I was so terrified." She said it took her three weeks and "10 million calls" until it finally began to click.

She recalls the day the first group of fourth-graders saw their computers for the first time and turned them on. "It was like an entire whole new universe opened up to them."

Just a day later, the first pupil yelled, "Come here, Mrs. Smith! Look what we found," they were not afraid to explore.

"It's made a difference in my life, too."

Smith said. If anyone would have told her three years ago that she would successfully apply for a Lilly Endowment grant, she'd have told them they were crazy. She recently was awarded a \$4,500 Teacher Creativity Fellowship to study petroglyphs (Indian rockwriting) in the Southwest. She'll incorporate what she uses into her teaching and the Buddy program.

"It's been a great three years," she said. •

By Mr. SEYMOUR (for himself,  
 Mr. STEVENS, Mr. SHELBY, Mr.  
 ADAMS, Mr. LAUTENBERG, Mr.  
 COATS, Mr. COCHRAN, Mr. HEFLIN,  
 Mr. DOLE, Mr. D'AMATO,  
 Mr. JOHNSTON, Mr. KASTEN, Mr.  
 CRAIG, Mr. BURNS, Mr.  
 DASCHLE, Mr. MACK, Mr.  
 DECONCINI, Mr. DODD, Mr. MURKOWSKI,  
 Mr. DURENBERGER, Mr.  
 RIEGLE, and Mr. SYMMS):

S.J. Res. 273. Joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week"; to the Committee on the Judiciary.

NATIONAL SHERIFFS' WEEK

• Mr. SEYMOUR. Mr. President, I rise today to introduce legislation to designate the week of June 21, 1992 as "National Sheriffs' Week." This legislation, which already has the support of 21 of my distinguished colleagues, will bring much deserved recognition to the thousands of dedicated men and women who serve our communities as county law enforcement leaders.

From the early days of the Old West, when local sheriffs and their trusted deputies defended small western towns from unruly gunslings, to contemporary America, where today's officers confront an unprecedented, sophisticated crime wave driven by the lucrative drug trade, our Nation's sheriffs have played a significant role in the criminal justice history of our great Nation.

The role of local sheriffs has been greatly enhanced over the years. Clear-



ly, local law enforcement is an essential pillar in our anti-drug and anti-crime efforts. And while our county officers face increasingly dangerous odds protecting our streets from violent crime, drug trafficking, and illegal gang activity, these heroes continue to perform their duty each day with pride, courage and dedication unmatched by those in any profession.

At a time when our communities are being ripped apart by the forces of crime and drugs, it is essential for citizens, community leaders, and law enforcement to establish harmonious, working relationships to fight head on the criminal elements that have brought death and destruction to America's streets. This legislation will encourage such relationships by bringing to the forefront of public attention the duties, responsibilities, and activities associated with county law enforcement.

Americans are all too familiar with the overall objective of local law enforcement to track down and rub out the criminal elements of our society. But many citizens are unenlightened about the full range of community outreach activities engaged in by county law enforcement. Our Nation's sheriffs' departments sponsor such proactive, preventative programs as defense training for women and drug education programs in our schools. In addition, officers work closely with communities to establish neighborhood watch and drug free zone programs to help citizens take back their streets.

Indeed, the primary duty of our local police officers is to boldly execute the hand of justice in many innovative ways. And our county sheriffs continue to lead the charge in developing community-based programs to combat a scourge that has so severely ravaged our Nation.

Mr. President, I want to encourage my colleagues to join me in supporting this important legislation. By doing so, we can show our unyielding support for those heroes who proudly wear the tin star.●

By Mr. DODD (for himself, Mr. KENNEDY, Mr. ADAMS, Mr. CRANSTON, and Mr. DECONCINI):

S.J. Res 274. A joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day"; to the Committee on the Judiciary.

#### CHILD CARE WORTHY WAGE DAY

● Mr. DODD. Mr. President, I rise today to introduce along with Senator KENNEDY, Senator ADAMS, Senator CRANSTON, and Senator DECONCINI, a joint resolution which designates April 9, 1992, as "Child Care Worthy Wage Day."

We all know that good child care is necessary to a child's healthy development and that the care and nurturing a child receives in the earliest years is an important determinant of future

health and success. In recent years the need for quality, affordable child care has increased dramatically. Today, approximately 10 million children are in child care for at least part of the day and that number is expected to increase in subsequent years.

Those who are entrusted with the care of our children are responsible for preparing the future leaders, workers, and parents of America. Child care providers, whether they are child care center staff, neighborhood family day care providers, or relatives, know how much goes into the simple word "care." Care encompasses the safety, health, development, and education of children.

Many parents today must sacrifice financially to pay for quality child care. Too often, those who work in the child care profession must also make a financial sacrifice. They provide an invaluable service for which they are paid at near poverty levels, often with few—if any—health benefits.

Mr. President, passage of this resolution will bring well-deserved professional recognition to child care providers and help to improve the quality of child care providers and help to improve the quality of child care throughout the Nation. I urge my colleagues to join me in cosponsoring this joint resolution to designate April 9, 1992, as Child Care Worthy Wage Day. I ask unanimous consent that the text of this resolution be printed in the RECORD.

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

#### S.J. RES. 274

Whereas approximately 10,000,000 children in the United States are in partial or full-day child care and the number is expected to increase in subsequent years;

Whereas children are one of the most important resources of the United States;

Whereas the safety, health, and education of children should be a national priority;

Whereas good child care services ensure that children are safe, well-nourished, and given developmentally appropriate education;

Whereas the first national education goal states that by the year 2000 every child in America will go to school ready to learn, and insofar as quality, affordable child care is one of the determinants of school readiness;

Whereas individuals who work in the field of child care and early childhood development settings often have specialized and formal training and education in early childhood health, development, education and care;

Whereas continuity of quality staff and low staff turnover rates are significant components of quality child care;

Whereas the turnover rate among child care teaching staff and family day care providers has tripled to over 40 percent annually since the mid 1970s;

Whereas even those child care workers who fulfill State or federally mandated education and training requirements earn between one-third and one-half of what comparably educated workers earn in other fields;

Whereas real wages for child care teachers and providers, when adjusted for inflation,

have decreased over 25 percent in the last 15 years;

Whereas the average child care worker is paid \$11,000, which is near the poverty level, and often does not receive health or retirement benefits; and

Whereas it is important to recognize the significant contribution of the child care work force to the future academic achievement of children in the United States, the future productivity of the Nation, and the well-being of its children and families; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1992, is designated as "Child Care Worthy Wage Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.●

#### ADDITIONAL COSPONSORS

##### S. 177

At the request of Mr. INOUE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 177, a bill to amend section 1086 of title 10, United States Code, to provide for payment under the CHAMPUS Program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under Medicare, and for other purposes.

##### S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

##### S. 391

At the request of Mr. REID, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 391, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

##### S. 810

At the request of Mr. HARKIN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 810, a bill to improve counseling services for elementary school children.

##### S. 914

At the request of Mr. GLENN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

##### S. 1361

At the request of Ms. MIKULSKI, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of

S. 1361, a bill to remedy the serious injury to the United States shipbuilding and repair industry caused by subsidized foreign ships.

S. 1574

At the request of Mr. RIEGLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1574, a bill to ensure proper and full implementation by the Department of Health and Human Services of medicaid coverage for certain low-income medicare beneficiaries.

S. 1736

At the request of Mr. SASSER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1736, a bill to amend title XVIII of the Social Security Act to provide for improved quality and cost control mechanisms to ensure the proper and prudent purchasing of durable medical equipment and supplies for which payment is made under the medicare program, and for other purposes.

S. 1866

At the request of Mr. KENNEDY, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1866, a bill to promote community based economic development and to provide assistance for community development corporations, and for other purposes.

S. 1966

At the request of Mr. BIDEN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1966, a bill to establish a national background check procedure to ensure that persons working as child care providers do not have a criminal history of child abuse, to initiate the reporting of all State and Federal child abuse crimes, to establish minimum guidelines for States to follow in conducting background checks and provide protection from inaccurate information for persons subjected to background checks, and for other purposes.

S. 2000

At the request of Mr. PRYOR, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2000, a bill to provide for the containment of prescription drug prices by reducing certain nonresearch related tax credits to pharmaceutical manufacturers, by establishing the Prescription Drug Policy Review Commission, by requiring a study of the feasibility of establishing a pharmaceutical products price review board, and by requiring a study of the value of Federal subsidies and tax credits given to pharmaceutical manufacturers, and for other purposes.

S. 2085

At the request of Mr. PRYOR, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 2085, a bill entitled the Federal-State Pesticide Regulation Partnership.

S. 2106

At the request of Mr. CRANSTON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2113

At the request of Mr. DOLE, his name was added as a cosponsor of S. 2113, a bill to restore the Second Amendment rights of all Americans.

S. 2232

At the request of Ms. MIKULSKI, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2232, a bill to make available to consumers certain information regarding automobiles.

S. 2262

At the request of Mr. LEAHY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2262, a bill to make emergency supplemental appropriations to provide a short-term stimulus to promote job creation in rural areas of the United States, and for other purposes.

S. 2288

At the request of Mr. BROWN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2288, a bill to amend part F of title IV of the Social Security Act to allow States to assign participants in work supplementation programs to existing unfilled jobs, and to amend such part and the Food Stamp Act of 1977 to allow States to use the sums that would otherwise be expended on food stamp benefits to subsidize jobs for participants in work supplementation programs, and to provide financial incentives for States and localities to use such programs.

S. 2336

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2336, a bill to establish a loan program at the Department of Commerce to promote the development and commercialization of advanced technologies and products.

S. 2351

At the request of Mr. ADAMS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2351, a bill to provide for research to test the efficacy and cost-effectiveness of nutrition screening and intervention activities in populations of older individuals and to determine the extent of malnutrition in such populations.

S. 2357

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2357, a bill to reduce and control the Federal deficit.

SENATE JOINT RESOLUTION 231

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 231, a joint

resolution to designate the month of May 1992, as "National Foster Care Month."

SENATE JOINT RESOLUTION 236

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 236, a joint resolution designating the third week in September 1992 as "National Franchise Week."

SENATE JOINT RESOLUTION 238

At the request of Mr. RIEGLE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 238, a joint resolution designating the week beginning September 21, 1992, as "National Senior Softball Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution to designate April 15, 1992, as "National Recycling Day."

SENATE JOINT RESOLUTION 255

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 255, a joint resolution to designate September 13, 1992 as "Commodore Barry Day."

SENATE JOINT RESOLUTION 261

At the request of Mr. CRANSTON, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Joint Resolution 261, a joint resolution to designate April 9, 1992, as a "Day of Filipino World War II Veterans."

SENATE JOINT RESOLUTION 266

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 266, a joint resolution designating the week of April 26-May 2, 1992, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. THURMOND, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 270, a joint resolution to designate August 15, 1992, as "82d Airborne Division 50th Anniversary Recognition Day."

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. SIMON, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Oklahoma [Mr. BOREN], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Concurrent Resolution 80, a concurrent resolution concerning democratic changes in Zaire.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. KERRY, the names of the Senator from Vermont



[Mr. JEFFORDS] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Concurrent Resolution 89, a concurrent resolution to express the sense of the Congress concerning the United Nations Conference on Environment and Development.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 89, supra.

#### SENATE RESOLUTION 246

At the request of Mr. DOLE, the names of the Senator from Montana [Mr. BURNS] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Resolution 246, a resolution on the recognition of Croatia and Slovenia.

#### SENATE RESOLUTION 249

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Resolution 249, a resolution expressing the sense of the Senate that the United States should seek a final and conclusive account of the whereabouts and definitive fate of Raoul Wallenberg.

#### SENATE RESOLUTION 258

At the request of Mr. SIMON, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Resolution 258, a resolution expressing the sense of the Senate regarding needed action to address the continuing state of war and chaos and the emergency humanitarian situation in Somalia.

#### SENATE RESOLUTION 270

At the request of Mr. DECONCINI, the names of the Senator from Tennessee [Mr. GORE] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Resolution 270, a resolution concerning the conflict of Nagorno-Karabakh in the territory of Azerbaijan.

#### SENATE RESOLUTION 271

At the request of Mr. SIMON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Resolution 271, a resolution relative to human rights in Tibet.

#### SENATE RESOLUTION 272—RELATIVE TO SERVICE ON SENATE COMMITTEES

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

##### S. RES. 272

Resolved, That paragraph 4(h) of rule XXV is amended to read as follows:

"(h)(1) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred

Second Congress, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(6)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Labor and Human Resources, who serves as chairman of a committee listed in paragraph 2, may, serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(7) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his

service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may, serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(9) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(10) A Senator who on the last day of the One Hundred First Congress was serving on the Committee on Environment and Public Works and the Committee on the Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(11) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(12) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(13) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason

"(35) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Foreign Relations and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as her service as a



member of each such committee is continuous, but in no event may she serve, by reason of this subdivision, as a member of more than three communities listed in paragraph 2.

"(36) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(37) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Finance and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(38) A Senator who was sworn in on January 10, 1991, may serve as a member of the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry, may, during the One Hundred Second Congress, serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(39) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(40) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(41) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget and the Special Committee on Aging may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(42) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision,

as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(43) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Select Committee on Intelligence and the Committee on Veterans' Affairs may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(44) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Veterans' Affairs and the Special Committee on Aging may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(45) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(46) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Special Committee on Aging and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(47) A Senator may serve as a member of the Special Committee on Aging and the Committee on Small Business during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(48) A Senator may serve as a member of the Special Committee on Aging and the Committee on Veterans' Affairs during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(49) A Senator may serve as a member of the Committee on Rules and Administration and the Select Committee on Intelligence during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b)."

## AMENDMENTS SUBMITTED

### RAIL SAFETY IMPROVEMENT INITIATIVES ACT

#### EXON AMENDMENT NO. 1736

Mr. PRYOR (for Mr. EXON) proposed an amendment to the bill (S. 1571) to amend the Federal Railroad Safety Act of 1970 to improve railroad safety, and for other purposes, as follows:

Strike all on page 5, line 17, through page 7, line 7, and insert in lieu thereof the following:

#### LOCOMOTIVE CRASHWORTHINESS AND WORKING CONDITIONS

SEC. 6. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(r)(1) The Secretary shall, within 24 months after the date of enactment of this subsection, complete a rulemaking proceeding to consider prescribing regulations to improve the safety of locomotive cabs. Such proceeding shall assess—

"(A) the adequacy of Locomotive Crashworthiness Requirements Standard S-580, adopted by the Association of American Railroads in 1989, in improving the safety of locomotive cabs; and

"(B) the extent to which environmental and other working conditions in locomotive cabs affect productivity and the safe operation of locomotives.

"(2) In support of the proceeding required under paragraph (1)(A), the Secretary shall conduct research and analysis, including computer modeling and full-scale crash testing, as appropriate, to consider the costs and safety benefits associated with equipping locomotives with—

"(A) braced collision posts;

"(B) rollover protection devices;

"(C) deflection plates;

"(D) shatterproof windows;

"(E) readily accessible crash refuges;

"(F) uniform sill heights;

"(G) anti-climbers, or other equipment designed to prevent overrides resulting from head-on locomotive collisions;

"(H) equipment to deter post-collision entry of flammable liquids into locomotive cabs; or

"(I) any other devices intended to provide crash protection for occupants of locomotive cabs.

"(3) If on the basis of the proceeding required by paragraph (1) the Secretary determines not to prescribe regulations, the Secretary shall report to Congress on the reasons for that determination."

#### EXON (AND OTHERS) AMENDMENT NO. 1737

Mr. PRYOR (for Mr. EXON, for himself, Mr. BURNS, and Mr. SPECTER) proposed an amendment to the bill S. 1571, supra, as follows:

Strike all on page 14, line 20, through page 15, line 17, and insert in lieu thereof the following:

#### POWER BRAKE SAFETY

SEC. 12. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(u)(1) The Secretary shall conduct a review of the Department of Transportation's

rules with respect to railroad power brakes, and within 18 months after the date of enactment of this subsection, shall revise such rules based on such safety data as may be presented during that review.

"(2) In carrying out paragraph (1), the Secretary shall, where applicable, prescribe standards regarding dynamic braking equipment.

"(3)(A) In carrying out paragraph (1), based on the data presented, the Secretary shall require two-way end of train devices (or devices able to perform the same function) on road trains other than locals, road switchers, or work trains to enable the initiation of emergency braking from the rear of the train. The Secretary shall promulgate rules as soon as possible, but not later than December 31, 1993, requiring such two-way end of train devices. Such rules shall, at a minimum—

"(i) set standards for such devices based on performance;

"(ii) prohibit any railroad, on or after 12 months after promulgation of such rules, from purchasing or leasing any end of train device for use on trains which is not a two-way device meeting the standards described in clause (i);

"(iii) require that such trains be equipped with a two-way end of train device meeting such standards not later than 48 months after promulgation of such rules; and

"(iv) provide that any two-way end of train device purchased before such promulgation shall be deemed to meet such standards.

"(B) The Secretary may consider petitions to amend the rules promulgated under paragraph (3)(A) to allow the use of alternative technologies which meet the same basic performance requirements established by such rules.

"(4) The Secretary may exclude from rules promulgated under paragraphs (1), (2), and (3) any category of trains or railroad operations if the Secretary determines that such an exclusion is in the public interest and is consistent with railroad safety. The Secretary shall make public the reason for granting any such exclusion. The Secretary shall at a minimum exclude from the requirements of paragraph (3)—

"(A) trains that have manned cabooses;

"(B) passenger trains with emergency brakes;

"(C) trains that operate exclusively on track that is not part of the general railroad system;

"(D) trains that do not exceed 30 miles per hour and do not operate over heavy grades, unless specifically designated by the Secretary; and

"(E) trains that operate in a push mode."

#### EXON AMENDMENT NO. 1738

Mr. PRYOR (for Mr. EXON) proposed an amendment to the bill S. 1571, supra, as follows:

On page 1, line 5, strike "1991" and insert in lieu thereof "1992".

Strike all on page 9, line 15, through page 10, line 22.

#### HOLLINGS AMENDMENT NO. 1739

Mr. PRYOR (for Mr. HOLLINGS) proposed an amendment to the bill S. 1571, supra, as follows:

At the end of the bill, add the following new section:

##### TRACK SAFETY

SEC. 14. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended

by this Act, is further amended by adding at the end the following new subsection:

"(v)(1) The General Accounting Office shall conduct a study of—

"(A) the adequacy of the Secretary's rules, regulations, orders, and standards that are related to track safety; and

"(B) the effectiveness of the Secretary's enforcement of such rules, regulations, orders, and standards, with particular attention to recent relevant railroad accident experience and data.

"(2) The General Accounting Office shall, within 18 months after the date of enactment of this subsection, submit to the Secretary and Congress a report on the results of such study, together with recommendations for improving such rules, regulations, orders, and standards, and such enforcement.

"(3) Upon receipt of such report, the Secretary shall initiate a rulemaking proceeding to revise such rules, regulations, orders, and standards, taking into account the report and the recommendations by the General Accounting Office submitted along with the report. Not later than 12 months after the date of submission of the report, the Secretary shall complete such proceeding and submit to Congress a statement explaining the actions the Secretary has taken to implement such recommendations."

#### SIMON AMENDMENT NO. 1740

Mr. PRYOR (for Mr. SIMON) proposed an amendment to the bill S. 1571, supra, as follows:

On page 9, line 14, strike the quotation marks and the period at the end.

On page 9, between lines 14 and 15, insert the following:

"(5) Not later than 1 year after the date of enactment of this subsection, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning any action that has been taken by the Secretary and the railroad industry to rectify the problems associated with unsatisfactory workplace environments in certain train dispatching offices identified in the National Train Dispatcher Safety Assessment for 1987-1988, published by the Federal Railroad Administration in July 1990. The report shall include recommendations for legislative or regulatory action to ameliorate any such problems that affect safety in train operations."

#### SEYMOUR AMENDMENT NO. 1741

Mr. PRYOR (for Mr. SEYMOUR) proposed an amendment to the bill S. 1571, supra, as follows:

At the end, add the following new section: REPORT ON ROUTING OF HAZARDOUS MATERIALS SHIPMENTS

SEC. 15. (a) REQUIREMENT FOR REPORT.—Within 18 months after the date of enactment of this Act, the Secretary of Transportation shall report to the appropriate committees of Congress on whether, based on relevant data concerning train accidents within the state of California, there are particular factors that make certain routes in that state inherently less safe than others for the rail transportation of hazardous materials and, if so, what actions can be taken, without unreasonably burdening commerce, to ameliorate those factors or reduce hazardous materials traffic over any inherently unsafe routes. The report shall address—

(1) whether the accident data on train accidents resulting in hazardous materials releases in recent years reveal that any inherent, permanent conditions such as topography or climate have played a causal role in or increased the likelihood of such accidents;

(2) whether the data referred to in paragraph (1) suggest that factors such as railroad track and equipment maintenance practices, railroad operating practices, and train handling procedures have played a causal role in or increased the likelihood of train accidents resulting in the release of hazardous materials; and

(3) what actions Federal agencies may take, are taking, or have taken to address whatever factors are determined to be playing a causal role in, or increasing the likelihood of, train accidents resulting in the release of hazardous materials.

(b) CONSULTATION; PUBLIC COMMENT.—In preparing the report required by subsection (a), the Secretary shall consult with Federal departments and agencies responsible for protecting the environment and public lands in California, and provide an opportunity for written comment by the public on the issues to be addressed in the report.

#### NOTICE OF HEARINGS

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, will hold an oversight hearing on the operation of the market promotion program, Wednesday, March 25, 1992, at 9:30 a.m., in SR-332.

For further information please contact Lynnett Wagner of the committee staff at 224-2035.

#### AUTHORITY FOR COMMITTEES TO MEET

##### SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics, and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Wednesday, March 18, at 9:30 a.m. and to continue at 2 p.m. with a hearing on the international criminal activity of BCCI.

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

##### SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, March 18, beginning at 10 a.m., to conduct a hearing on the Water Resources Development Act of 1992 and related issues.

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

##### SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Science,



Technology and Space Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 18, 1992, at 9:30 a.m. on the space station and launch issues.

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

#### SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet on Wednesday, March 18, 1992, at 9:30 a.m., in open session, to receive testimony on dual-use critical technology programs being undertaken by the Department of Defense and the Department of Energy.

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

#### SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Wednesday, March 18, 1992, at 9 a.m., in closed session, to receive testimony on command, control, communications and intelligence matters in review of the amended Defense authorization request for fiscal year 1993 and the future year defense plan.

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

#### SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on March 18, 1992, beginning at 9:30 a.m., in 216 Hart Senate Office Building, to consider for report to the Senate S. 1602, the Fort Peck Indian Tribes Montana Compact Act of 1991; confirmation on the reappointment of Carl J. Kunasek to be Commissioner on the Navajo-Hopi Relocation, and for other purposes; and to meet on the implementation of the Indian Gaming Regulatory Act.

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

#### ADDITIONAL STATEMENTS

##### PIEDMONT INTERFILM, INC., RECIPIENT OF AWARD

• Mr. HOLLINGS. Mr. President, I rise today to honor the hard-working men and women of Piedmont Interfilm, Inc., which recently was awarded the "Vendor of the Year Award" from Alcatel, an international telecommunications company based in France.

Interfilm, which also sells internationally, employs 35 people in its Piedmont plant and is now doubling the size of its plant to 63,000 square feet.

Those who doubt the ability and the work ethic of Americans should spend some time with the hard-working people at Piedmont Interfilm. Their receipt of the "Vendor of the Year Award" is still another example of the reason why the American worker is consistently rated the most productive in the world. •

#### THE DULUTH DOMESTIC ABUSE INTERVENTION PROGRAM

• Mr. DURENBERGER. Mr. President, I often find myself rising on this floor to praise my home State of Minnesota for its creativity and courage in facing up to some of the more vexing social ills facing our country. Today is no exception. Recently, the New York Times Magazine published an article entitled, "When Men Hit Women." The article documented a ground-breaking program in Duluth, MN, which treats both women who are abused by men, and the men who abuse them.

Domestic violence is one of the most terrible problems facing our country today. Many towns, cities, and States, either because of ignorance or shame have in the past closed their eyes to this largely hidden blight. Duluth, however, has chosen to confront it straight on.

A Duluth citizen named Ellen Pence has a brave and clear vision about what needs to be done to combat domestic violence. Central to that vision is the idea that a community as a whole must decide simply this: They will not tolerate domestic violence—period. Duluth became the first local jurisdiction in America to adopt a mandatory arrest policy for misdemeanor assaults.

But the people of Duluth recognize that arresting a father, a boyfriend, a husband, or a mother, is not enough. Treatment is a key part to confronting this problem and that is where the city's Domestic Abuse Intervention Program [DAIP's] comes in. The DAIP's is a comprehensive intervention program which treats both the victim and the perpetrator.

Where the norm in the past for most of the country has been for local authorities to ignore reports of domestic violence unless they are witnessed, the program in Minnesota goes the distance.

It is with great pride that I commend the New York Times Magazine article, the program which prompted the story, and the progressive State where the program resides. Mr. President, I ask that the article be placed in the Record.

The article follows:

##### WHEN MEN HIT WOMEN

(By Jan Hoffman)

This Saturday night shift has been excruciatingly dull for the police in Duluth, Minn., a brawny working-class city of 90,000 on the shoreline of Lake Superior. The complaints trickle into the precinct, the callers almost

embarrassed; black bear up a tree; kids throwing stuffed animals into traffic. But it's 1 A.M. now, and the bars are closing. People are heading home.

1:02 A.M.: Couple arguing loudly. Probably just "verbal assault," the dispatcher tells the car patrols.

1:06 A.M.: Two squad cars pull up to the address. A tall blond man opens the door as a naked woman hurriedly slips on a raincoat. The man looks calm. The woman looks anything but.

"We were just having a squabble," he begins.

"He was kicking the [expletive] out of me," she yells.

"Let's go in separate rooms and talk," says one of the officers, following the Duluth Police Department procedure for domestic disputes.

In the living room, George G. tells his side of the story. "We've been trying to work on things. And so we were talking. And wrestling."

How does he explain the blood oozing from the inside of her mouth? "She drinks, you know. She probably cut herself." From inside the bedroom, Jenny M., whose face is puffing up, screams: "Just get him out of here! And then you guys leave, too!"

The police officers probe for details, telling her that something must be done now, or there will probably be a next time, and it will hurt much worse. Jenny M. glares, fearful but furious. "He slapped me and kicked my butt. He picked me up by the hair and threw me against the wall."

"She lies, you know," George G. confides to an officer, who remains stone-faced. Jenny M. starts crying again. "I don't want him hurt. This is my fault. I'm the drinker. He's not a bad guy."

Following protocol, the officers determine that the couple live together. And that she is afraid of him. Next, they snap Polaroids of her bruised face, and of his swollen, cut knuckles. Then the police head toward George G. with handcuffs. He looks at her beseechingly. "Jenny, do you want me to go?"

An officer cuts him short. "George, it's not her choice."

George G. thrusts his chin out and his fists deep into the couch. "But this is just a domestic fight!"

One cop replies: We don't have a choice, either. We have to arrest you." They take him away, handcuffed, leaving Jenny M. with leaflets about the city's Domestic Abuse Intervention Project (D.A.I.P.).

By 1:34 A.M. George G. has been booked at the St. Louis County jail, where he will sit out the weekend until arraignment on Monday morning. Within an hour, a volunteer from the city's shelter will try to contact Jenny M., and in the morning, a man from D.A.I.P. will visit George and explain the consequences in Duluth for getting into "a domestic fight."

It was 10 years ago this summer that Duluth became the first local jurisdiction in America to adopt a mandatory arrest policy for misdemeanor assaults—the criminal charge filed in most domestic violence cases. But the arrest policy alone is not what makes Duluth's perhaps the most imitated intervention program in the country. Its purpose is to make every agent of the justice system—police, prosecutors, probation officers, judges—deliver the same message: domestic violence is a crime that a community will not tolerate. The program's centerpiece is D.A.I.P., which acts as a constant, heckling monitor of all the organizations. The project, which also runs barterers' groups

and supervises custody visits between batterers and their children, chugs along on \$162,000 a year. Financing comes from the state's Department of Corrections, foundation grants and fees for D.A.I.P.'s manuals and training seminars.

The Duluth model—pieces of which have been replicated in communities throughout Minnesota, in cities like Los Angeles, Baltimore, San Francisco, Nashville and Seattle, and in countries like Canada, Scotland, New Zealand and Australia—has been admiringly described by Mary Haviland, a New York City domestic abuse expert, as “an organizing miracle.”

Typically, a first-time offender is incarcerated overnight. If he pleads guilty, he'll be sentenced to 30 days in jail and put on probation, pending completion of a 26-week batterer's program. If he misses three successive classes, he is often sent to jail. Men who are served with civil orders of protection are routinely sent into the same treatment program. Staff members and volunteers from the shelter maintain contact with victims throughout the process.

Many experts regard Duluth as embodying the best of what the almost 20-year-old battered-women's movement has sought to achieve. The movement, inspired by the grass-roots feminist campaign that opened rape-crisis centers in the late 60's, sprang up in the mid-70's as a loose coalition of emergency shelters. Duluth's own shelter, the Women's Coalition, was founded in 1978. Reflecting the national movement's multiple approaches a few years later, Duluth activists then prodded local law-enforcement agencies to take the issue seriously and eventually urged that batterers be offered treatment as well as punishment.

Nowadays in Duluth, women who seek help from the legal system do receive some protection, and their batterers are usually held accountable. After a decade of many trials and many errors, Ellen Pence, one of the project's founders and its national proslutizer, estimates that 1 out of every 19 men in Duluth has been through the program. During that same period, not one Duluth woman died from a domestic homicide. Given the rate of Duluth's domestic homicides in the 70's, says Pence, “there are at least five women alive today that would have otherwise been killed.”

The results from Duluth are not, however, wholly triumphant. One study shows that five years after going through the Duluth program and judicial system, fully 40 percent of the treated men end up reoffending (or becoming suspects in assaults), either with the same woman or new partners. Pence thinks the real number may be closer to 60 percent. And the number of new cases each year that come before either criminal or family court judges has remained constant—about 450 a year.

“The changes in the country have been enormous,” says Elizabeth M. Schneider, a Brooklyn Law School professor and expert on battered women. “But we seriously underestimated how wedded our culture is to domestic violence.” Upward of four million American women are beaten annually by current and former male partners, and between 2,000 to 4,000 women are murdered, according to the National Woman Abuse Prevention Center. C. Everett Koop, the former Surgeon General, has identified domestic violence as the No. 1 health problem for American women, causing more injuries than automobile accidents, muggings and rapes combined. The connection with child abuse in a family has been well documented: be-

tween 50 and 70 percent of the men who physically harm their partners also hit their children.

At this point, while intervention may be possible, prevention seems all but unimaginable. Despite the community's exceptional efforts, as Pence flatly admits: “We have no evidence to show that it has had any general deterrent effect. The individual guy you catch may do it less. But in Duluth, men don't say, ‘Gee, I shouldn't beat her up because I'll get arrested.’ After 10 years, we've had a lot of young men in our program whose dads were in it.”

“I have no idea where the next step will come from,” she adds. “We're too exhausted just trying to stay on top of things as they are.”

Ellen Pence's commitment to ending family violence is hard-earned. An aunt was shot to death by her husband, a sister is a former battered wife and, one night about 20 years ago, a neighbor fleeing an abusive partner left her young boy with Pence, who subsequently helped raise him. In 1981, D.A.I.P. received a \$50,000 state grant for a simple but powerful reason: the city's judges and police chief were the only ones in Minnesota willing to take her proposal seriously. A Minnesota native, Pence, now 43, is an exasperating, indefatigable earthshaker, who, by dint of her salty wit and impassioned outbursts, simply will not be denied.

Duluth, she concedes, is not exactly the mayhem capital of the Midwest. In 1990, homicides hit a record high of three. The local scourge is predominantly alcoholism, not drug addiction. The people are mostly Scandinavian and Eastern European, with a modest minority of Ojibwa Indians, blacks and Southeast Asians. With fir-dotted hills that swoop sharply down to the largest freshwater lake in the world, Duluth appears to be a pretty decent place to live—particularly for those with a fondness for ice fishing and months of subfreezing weather. Its incidence of domestic violence is probably no worse than anywhere else in the country, and, a decade ago, was treated just as casually. In 1980, there were just 22 arrests for domestic assault, and only four convictions.

First, Ellen Pence took on the cops.

Traditional practice: If an officer doesn't witness a misdemeanor assault, the officer won't arrest.

New practice: If an officer has probable cause, including a victim's visible injury, to believe a misdemeanor domestic assault occurred within four hours of the arrival of the police, the officer must arrest. In 1990, the Duluth police arrested 176 men and 23 women for misdemeanor domestic assaults—of whom almost all were convicted. (Experts agree that violence by women against men is usually in self-defense or retaliation, and is often less severe.)

Over the years, mandatory arrest has become increasingly popular, having been adopted, though inconsistently enforced, in dozens of municipalities and 15 states—although recent studies have called into question whether police arrests are the best way to protect domestic-abuse victims.

Still, mandatory arrest earns favorable reviews from police and prosecutors, and a D.A.I.P. survey found that 71 percent of the victims approved of the Duluth police's handling of their situations. But some battered-women's advocates remain skeptical, particularly because the policy can be disproportionately tough on poor minority families. Most experts point out that while battering occurs across all races and classes, poor people are more likely to be reported to

authorities and punished than men from middle-class households. “For people who are more disadvantaged economically, like Native Americans, blacks and Hispanics, there are higher levels of all kinds of victimization, including family violence,” says Angela Browne, the author of “When Battered Women Kill.”

Another significant problem with mandatory arrest is that it can backfire: on occasion, when faced with two bloodied people accusing each other of attacking first, police have arrested the woman as well as the man. When this happens, children may be sent into foster care. In Connecticut, which has one of the country's toughest domestic-violence policies, the dual-arrest rate is 14 percent.

Many police are still reluctant to arrest because prosecutors tend to put the cases on the back burner. Prosecutors, in turn, blame their lack of action on the victims, who, they say, often refuse to press charges, fearing a batterer's revenge or believing his promise of reformation. Duluth, however, has what officials call a “flexible no-drop” policy: regardless of the victim's wishes, the prosecutor will almost always pursue the case.

“I assume that victims won't cooperate,” says Mary E. Asmus, the chief prosecutor of Duluth's city attorney's office. Asmus has a working procedure for obtaining evidence independent of the victim's cooperation. At trial, she'll offer police photographs, tapes of calls to 911 and medical records. She also subpoenas all victims. If the victim recants on the stand, Asmus, making unusual use of a state rule of evidence, will offer the woman's original statement to police—not to impeach her witness, but to assert the facts of the incident. In her nine years as a Duluth prosecutor, Asmus has lost only three domestic-violence cases in court.

Nationwide, some of the most aggressive domestic-violence prosecutors are in Philadelphia, San Francisco and San Diego, which files at least 200 new cases each month. To pressure women to testify, some prosecutors have gone so far as charging them with filing false police reports and perjury, issuing contempt-of-court citations, and, in rare instances, even jailing them. The no-drop policy has ignited fiery debate. One prosecutor argued in a recent National District Attorneys Association Bulletin that it “smacks of the worst kind of paternalism.” In Westchester County, N.Y., Judge Jeanine Ferris Piro retorts, “Some jurisdictions allow a victim to drop charges, and that's sending a subtle message that they don't take the crime seriously.”

Not surprisingly, a no-drop policy often puts prosecutors at odds with the same activists who are demanding that the justice system go after batterers. Susan Schechter, author of “Women and Male Violence,” contends that such a policy can erode a battered woman's sense of self-esteem and control, “particularly when she has a good sense of her own danger and what's best for her and the kids.” Pence says that in Duluth, D.A.I.P. has managed to cut the dual-arrest rate way down. “We trust our system,” she says, “so we're willing to force a woman into it.” But Pence doesn't condone mandatory arrest or no-drop prosecutions unilaterally.

While tougher policies have diverted more cases into criminal court, women who just want their abusers out of the house but not sent to jail seek relief through a different route: the civil order of protection, which limits the batterer's contact with the woman and her children. Applying for such an order



can be a labyrinthine undertaking—even on a good day. Every jurisdiction has its own criteria for who qualifies, as well as for the duration of the protection order. Women with mixed feelings about getting the order in the first place can quickly become frustrated.

And judges become frustrated with them. Gender bias studies of various state court systems have sharply criticized judges for penalizing battered women. In Duluth, the D.A.I.P. targeted the judiciary. "We explained why they were seeing what they were seeing," Pence recalls. "They were interpreting a woman's fear as ambivalence and masochism. We showed them what happened in cases when they just gave a guy a lecture or a fine." Now she occasionally trots out one or two Duluth judges on her judicial-training sessions around the country. One grumbles fondly that "Ellen Pence is turning us into feminist tools."

Judge Robert V. Campbell of Duluth's District Court presides over most of its order-of-protection hearings. If a woman fails to appear in court because her abuser may be present, "I'll continue the order for a month or so, on the theory that she's being intimidated," Campbell says. A Duluth woman named Brenda Erickson, whose request for an order against her husband alleged that he'd raped her, had her first brush with the justice system before Judge Campbell. Her husband's attorney argued that his client could not have raped her. "Your honor," Erickson remembers the lawyer protesting, "she's his wife!"

The judge, she says, all but leaped down from the bench, sputtering, "If she'd been raped by a stranger, would you expect her to live with him, too?" "And I thought, Oh God, he understands how I feel," Erickson says.

Six glum faces, 12 crossed arms—nobody thinks they did anything wrong, so why do they have to be here? Ty Schroyer, a D.A.I.P. group leader, assumes an expression of determined cheeriness as he greets this week's recruits, all ordered by the court to the batterer's program. Some ground rules:

"We don't call women 'the old lady,' 'the wife,' 'that slut,' 'that whore,' 'the bitch,' 'that fat, ugly bitch.' \*\*\*" The list quickly becomes unprintable.

"So what should we call her—'it'?" says a man who calls himself Dave, as the others snicker.

"How about her name?" snaps Schroyer, who himself was arrested nearly a decade ago for pounding his wife's head against a sidewalk.

Trying to change a batterer's behavior toward women makes pushing boulders uphill look easy. Nonetheless, at least 250 different programs around the country, filled with volunteer and court-referred clients, are having a go at it. Among them, no consensus has emerged about philosophy or length of treatment: Phoenix courts send their batterers to 12 weeks or more of counseling sessions; San Diego batterers must attend for a year.

Edward W. Gondolf, a Pittsburgh sociologist who has evaluated and developed batterers' programs for 12 years, says, "We're making a dent with garden-variety batterers"—first-time or sporadic offenders—"but there's another cadre, the most lethal, who are still out of our reach." Batterers who go through the legal system should be more carefully screened, he says, and some confined. Men whom he would categorize as antisocial or even sociopathic batterers—about 30 percent—not only resist intervention, but may be further antagonized by it.

He cautions women not to be taken in when their partners enter counseling. "Coun-

seling is the American way to heal a problem," he says. "She'll think, 'If he's trying, I should support him,' while he's thinking, 'I'll go to the program until I get what I want—my wife back.' But his being in counseling may increase the danger for her because she has got her guard down."

In Duluth, when a batterer enters D.A.I.P., officials at the Women's Coalition shelter will stay in close touch with the victim; a woman who is reluctant to report another beating to police can confide in a shelter counselor, who will tell a group leader, who may confront the man in the following week's session.

Nearly half of all batterers have problems with substance abuse, especially alcohol, and D.A.I.P. group leaders often have difficulty persuading men not to blame their violence on their addictions. John J., 35, a Duluth man who once beat a marine senseless with a lug wrench, raped the women he dated and kicked the first of four wives when she was pregnant, thought he'd become violence-free after going through the D.A.I.P. batterers' program and Alcoholics Anonymous. One night several years later, though sober, he shoved his third fiancée so hard that she went flying over a coffee table. "Men have more courage when we're drunk," he says, teary-eyed with shame, during an interview. "But the bottle didn't put the violence there in the first place."

Why do men hit women? "Men batter because it works," says Richard J. Gelles, director of the Family Violence Research Program at the University of Rhode Island. "They can not only hurt a woman but break down her sense of self-worth and belief that she can do anything about it."

Some programs use a therapeutic approach, exploring family history. Others employ a model inspired by the psychologist Lenore Walker's "cycle of violence" theory of battering: the man goes through a slow buildup of tension, explodes at his partner and begs her forgiveness during a honeymoon period.

But Pence criticizes both approaches for failing to confront a batterer's hatred of women, as well as his desire to dominate them. Duluth's 26-week program is divided in two sections. The first, usually run by a mental-health center, emphasizes more traditional counseling that tries to teach men to walk away from their anger. The second, run by D.A.I.P., provokes men to face up to their abuse and to identify the social and cultural forces underlying it. (In 1990, Duluth sent 350 men through its program. By comparison, Victim Services in New York City sent 300.)

Bill, 30, admits that he once believed "you were allowed to hit a woman if you were married—the license was for possession." A sense of entitlement pervades the men's groups: When Schroyer asked one man why he cut telephone cords in his house, the man shouted, "Why should she talk on something I paid for?"

Duluth batterers don't necessarily have to slap, punch, choke, kick with steel-toed boots or crush empty beer cans against a cheekbone to keep their partners terrified. During arguments, abusers will floor the gas pedal, clean hunting rifles or sharpen knives at the kitchen table, smash dishes and television sets, call her office every two minutes and hang up. One man smeared a peanut butter and jelly sandwich in his wife's hair. One woman's ex-husband wrote her phone number in the men's rooms of Duluth's seediest bars, with an invitation to call for a good time.

Then there are the outright threats. If she leaves him, he'll tell child-welfare services that she's a neglectful mother. Or he'll kill her. Or himself.

Schroyer and the other group leaders stress that when the violence does erupt, contrary to a batterer's favorite excuse, he has not lost control. "You chose the time, the place, the reason, how much force you'd use," Schroyer tells them. "She didn't."

But convincing men that they are better off without that control is perhaps the most challenging impediment to treatment. One night a batterer huffily asked, "Why should men want to change when we got it all already?"

Brenda Erickson, one of the Duluth women who appeared before Judge Campbell, had been thinking about leaving her husband, Mike, for a long time. Mike had always told her that she was fat, ugly and stupid, and besides, no man would want a woman with three children, so she'd better stay with him. Brenda never thought she was a battered woman, because Mike had never punched her.

The social psychologist Julie Blackman points out that a byproduct of the attention given to the Lisa Steinberg tragedy several years ago is that the public now mistakenly associated battered women with the smashed, deformed face of Hedda Nussbaum. Susan Schechter finds that many abused women who are not as bloodied as the character portrayed by Farrah Fawcett in "The Burning Bed" do not believe they deserve aid. "Many battered women see themselves as strong, as keeping together a family, in spite of what's going on," Schechter says.

Mike often assured Brenda that if he went to jail, it wouldn't be for wife-beating—it would be for her murder. When he was angry, he would shatter knickknacks or punch a hole in the wall right next to her head. Brenda is 5 foot 1 and Mike is 6 foot 3. "Imagine an 18-wheeler colliding with a Volkswagen," she says. "So I learned how to say 'yes' to him, to defuse situations."

Over the eight years of their marriage, the family subsisted on welfare and Mike's occasional earnings as a freelance mechanic. In the final years, Brenda cooked in a restaurant, worked as an aide for Head Start and cared for their three sons. According to Brenda, Mike chose not to seek a full-time job in order to keep an eye on her. She couldn't even go to the grocery store alone.

Frequently, he raped her. "He'd rent pornographic films and force me to imitate them," Brenda says. The sex was often rough and humiliating. "He thought that if we had sex a lot I wouldn't leave him." Mike acknowledges that there was "mental abuse" in their marriage, but not what he'd call rape. "I'm oversexed, but there's nothing wrong with that."

A friend at work, sensing Brenda's distress gave her the number of the Women's Coalition shelter. Brenda would call anonymously, trying to figure out if she could possibly escape. Finally, she just picked a date: Feb. 9, 1988.

That morning, she told Mike she was taking the kids to school. Once there, a shelter official picked them up. When Brenda walked into the handsome Victorian house filled with women and children, she felt an overwhelming sense of relief.

Women stay in abusive relationships too long for many reasons. Susan Schechter says it can take years before physical abuse starts, even longer for a woman to learn "not to blame herself or his lousy childhood for his violence." Brenda refused for years to be-

lieve her marriage wasn't working. Another Duluth woman, who endured a decade of stitches and plaster casts, sobbed, "We did have some wonderful times, and he was my entire world."

Some women stay because they may have reasonable expectations that they will die leaving. As many as three-quarters of the domestic assaults reported to authorities take place after the woman has left.

Some women stay because they can't afford to leave—or because, long since alienated from friends and family, they have no place to go. There are about 1,200 shelters scattered across the country, many reporting that they must turn away three out of every four women who ask for help. Duluth's shelter can house up to 30 women and children; the shelter of Las Vegas, Nev. (population: 850,000), has only 27 beds.

But when Brenda finally made the decision to leave, she had more options than most battered women in the country—the full resources of the shelter and D.A.I.P. were available to her. Shelter staff members screened her phone calls, and Pence spoke with Mike on Brenda's behalf; she joined a women's support group, and a counselor led her through the first of what would be many appearances before Judge Campbell in family court. But things did not go smoothly.

Mike did manage to complete the batterers' group program and made several passes through substance-abuse treatment. Yet, even though Brenda had filed for three separate orders of protection, the net effect was negligible: she claims to have suffered harassing phone calls, slashed tires and broken car windows. D.A.I.P. officials pressed police to investigate, but because the officers never caught Mike on the premises, he was never arrested.

After the divorce was granted, they continued to battle over visiting the children. Brenda had ultimately left Mike because of her children—the eldest, then in kindergarten, was already angry and traumatized. Research indicates that children exposed to family violence are 10 times as likely to be abused or abusive in adult relationships.

Two years ago, D.A.I.P. opened a visitation center at the Y.W.C.A. for noncustodial parents whom the court has granted supervised time with their children. The entrances and exits are such that neither parent has to see the other; and, under the watchful gaze of a D.A.I.P. staff member, parent and children have the run of two large living rooms, a small kitchen and a roomful of toys. This is where Brenda's boys have been seeing their father and his new wife.

Brenda Erickson is now an honor student at the University of Minnesota in Duluth, majoring in family life education. "Mike has some good qualities," she allows, "but this sure as hell beats walking around on eggshells. The boys and I are so much more relaxed and able to love each other. And I found a strength I never knew I had."

On a Friday night last fall, Mike Erickson was finally arrested for domestic assault and violently resisting arrest. The victim was not Brenda, however, but his new wife, Deborah, and her teen-age son. In the ensuing brawl, it took four officers and a can of Mace to get him into the squad car, as he howled: "I wasn't domesticating with her. I was drinking!" He pled guilty to all charges and served 36 days on a work farm. Mike is now enrolled in the D.A.I.P. program. "That night I pushed my stepson and backhanded my wife because she pulled the phone out and I got irritated," he says. "It's hard for me to shut up when I get going."

But Deborah Erickson refused to file charges against Mike or even to speak to a volunteer from the Women's Coalition. She has been in abusive relationships before, but she's certain this marriage is different. "I told the cops, 'Hey, it happened, but it's not happening again.'"

Those who are in a position to help battered women tend to deny the gravity of the problem. "Doctors still believe the falling-down-stairs stories, and clergy still tell women to pray and go to a marriage counselor," says Anne Menard of the Connecticut Coalition Against Domestic Violence.

But Congress has begun to act. In 1990, it passed a resolution, adopted by 30 states, urging that domestic violence by a parent be a presumption against child custody. The most dramatic policy reform, however, may be Senator Joseph R. Biden Jr.'s pending Violence Against Women Act, which proposes, among other things, to stiffen penalties for domestic abusers.

But while the use of the criminal-justice system to quash domestic violence has gained currency around the country, Ellen Pence's advice to women in battering relationships is simply this: leave. Leave because even the best of programs, even Duluth's, cannot insure that a violent man will change his ways. •

### A HOME RUN FOR LOUISVILLE'S SLUGGERS

• Mr. FORD. Mr. President, while we seem to be continuously barraged with stories on the hardships and difficult economic problems faced by our Nation's cities, it is refreshing to hear that there is a road map to success as shown by the exciting growth of Kentucky's largest city, Louisville.

The hard economic times faced by our country have presented all of America's cities with serious and demanding challenges. Louisville and the surrounding area have met these challenges head on by combining resources and working as a team. Through innovation, accountability, cooperation and just plain hard work, Louisville has become a shining example for the country of how working together as a community can resuscitate our Nation's cities.

There is no doubt that Louisville's movers and shakers have been rewarded for all their efforts and are to be commended. I believe that countless other communities can learn from their example. I hope you all take time to read the well deserved National Journal article, which I would like to be printed in the RECORD in full.

The article follows:

#### A HOME RUN FOR LOUISVILLE'S SLUGGERS

(By Neal R. Peirce)

LOUISVILLE.—In the midst of a biting national recession, here's one community that's been fixing some of its bad old habits and finding new ways to keep its head above water. And while many of the nation's major urban areas have been stagnating or even shrinking, here's one that's actually been growing.

Reversing a dramatic loss in manufacturing jobs in the early 1980s, the Louisville market area in the past five years has been

gaining an average of 10,000 jobs a year. And its residents' real earnings have grown 9 percent in the past three years.

In the mid-1970s, there was a public uproar over school busing, and in the early 1980s, Louisville was dubbed "Strike City" for its contentious labor relations. But now, the city's schools are being hailed as some of the best in America, and the relations between management and workers are mill-pond quiet.

What happened? How did Louisville turn the tide? Are the city's movers and shakers smart, or just plain lucky?

As it turns out, there was no panacea, no single solution to the problems that ailed this city. Many efforts came together to build a more cohesive and cooperative community—a community, in fact, that's emerged as a thought-provoking model for cities and regions whose leaders feel as if they've slipped their moorings and lost control in this recession.

Leaders here say that they've achieved a kind of restructuring, or *perestroika*, of the area's economy. As Paul Coomes of the University of Louisville put it, "The city is now known more for artificial-heart surgery than for smokestacks, more as a world air hub for United Parcel Service than for barge and rail traffic."

Politics was part of the transformation. In a community that had gone through two rather bitter city-county merger fights, Jerry Abramson, the mayor, and Harvey Sloane, then-Jefferson County judge (the county's top executive post), cut a deal to share their wage taxes under a negotiated formula. The result: Fewer fights over which government would outbid the other for new and relocating companies.

On the industrial front, a broad coalition decided that radical action was necessary to save the area's Ford Motor Co. plant from extinction. A worker retraining program was put together with state and local government aid. And then the governor, mayor, Jefferson County judge, senior managers of the Ford plant and local United Auto Workers leaders all went to Ford's headquarters in Detroit to argue that the Louisville plant (which, ironically, once produced the ill-fated Edsel) could become the Ford system's most competitive facility.

Ford decided to keep its Louisville plant, invested \$260 million in it and trained almost the entire work force in sophisticated new manufacturing techniques. Now, a program of continuous retraining—including everything from a plain-vanilla general education degree to the basics of a master's degree—are available at the plant. Workers participate heavily.

The Ford plant manufactures the husky new four-wheel-drive Explorer, the Ranger pickup truck and—amazingly—a vehicle that Japan's Mazda Motor Corp. buys and calls the Navajo.

Sitting at a table next to the assembly line and listening to Ford, union and local government representatives boast about the plant's training and productivity, one gets the feeling of watching the new approach that Americans will need to do business in the future. Here's a glimpse of a cooperative spirit, based on a mutual desire to avoid an industrial rout, that's replaced the old adversarial ways.

Not wanting to leave anything to chance, the area also has a major economic promotion campaign that embraces not just Louisville and its Kentucky neighbors but counties across the Ohio River in Indiana.

On education, there's been an almost total flip-flop from the bitterness and mediocrity



that plagued the schools after the court-ordered 1974 merger of the overwhelmingly black schools here and the mostly white schools in Jefferson County.

Much of the credit apparently goes to Don Ingwersen, a soft-spoken, understated school superintendent. He set up model training procedures for teachers, pared the central bureaucracy and middle management and gave individual schools wide latitude to set up "magnet" programs and shape their own curricula.

When the state government enacted the nation's most sweeping education reform law in 1990, it looked to Jefferson County for advice.

Louisville's business community has been solidly behind the school reforms, with 700 school-business partnerships and \$40 million in aid since 1980. Corporations in the area helped to buy enough computers so that the school system will graduate, in 1994, the first class trained on computers from kindergarten through high school. The next project is to buy laptop computers for the kids to work on at home.

By adopting a form of the so-called Boston Compact, Louisville sought to cut the dropout rate in return for promises of training and jobs after graduation. The "compact" failed in Boston when the schools failed to improve student performance. But in Louisville, Malcolm Chancey, the president of the Chamber of Commerce, boasts that "the school system upheld its end of the bargain."

No one should believe that Louisville is, as urban America goes, a nirvana. Last year, it had more than 11,000 homeless men, women and children. One in four children in Jefferson County lives below the poverty line.

But mostly, the community seems to be a target—and cares about a shared future. In a firm but polite way, government, industry, unions and the schools all seem to be holding one another mutually accountable. There seems to be an exciting effort here to redefine, and relaunch, the tattered American social contract.

If it can be done in a city and region with a history as adverse as Louisville's, it ought to be possible anywhere. ■

#### AN INSIGHT INTO THE SITUATION IN ISRAEL

• Mr. REID. Mr. President, I ask that five articles by former Governor of Nevada, Mike O'Callaghan, be entered into the RECORD in full. Governor O'Callaghan has traveled to Israel a number of times, and his insight on the situation there is very sharp. I think we can all learn something from his observations.

The material follows:

[From the Las Vegas Sun, Mar. 7, 1992]

#### ISRAEL A YEAR AFTER IRAQ'S SCUD ATTACKS (By Mike O'Callaghan)

RAMAT-GAN, ISRAEL.—What a difference a year can make. It was but a year ago that I left Israel, a day after the last Scud from Iraq fell on this country. Upon my return to Las Vegas last year, several of my pictures of the damage done to the cities of Tel Aviv and Ramat-Gan were published in the Sun.

During the period of these attacks, like most writers covering the situation, I was impressed with the calm approach to the entire matter by Ramat-Gan Mayor Zvi Bar. He was a voice of reason and his response to the needs of his citizens was quick and thorough.

His neighbor, Tel Aviv Mayor Shimon Lahat, also was quick to respond but, in the process, angered many of his own citizens. Lahat called Tel Aviv residents leaving the city during the attacks "deserters." A remark that will certainly haunt him if he again seeks public office in that city.

Just prior to the end of the Gulf War, Lahat remarked that the residents who stayed behind were "beginning to treat missiles the way old soldiers treat bullets." He was proud of their response to the incoming missiles.

Both Ramat-Gan and Tel Aviv impressed me with the continuation of municipal services despite the problems caused by incoming missiles. Until the final Scud arrived, the people and their elected officials anticipated that the next missile would be carrying a chemical warhead. A poison gas-loaded missile never arrived.

Although the international press reports would have you believe that Tel Aviv was the recipient of most Scud damage, it was neighboring Ramat-Gan that was hit with the most impact. Four areas of that city were hit, one by a falling U.S. Patriot anti-missile missile.

Ramat-Gan suffered one death and 128 wounded. The city also had to evacuate 780 residents from destroyed homes to nearby hotels in and around Tel Aviv. The attacks on this city made it necessary to raze and rebuild 26 buildings and 102 apartments. Because of extensive damage from the Scuds, it was also necessary to renovate 2,600 apartments in 270 buildings. Most of the renovation has been completed, but new replacement buildings, one year later, are still under construction.

Much unseen Scud damage to buildings has become evident during recent weeks as rains pour down on Israel after six years of drought. Again, as in the past, Ramat-Gan's Zvi Bar is responding to the needs of his residents as the river rises and the city builds dirt banks to hold it within its normal flow channel. As they were when the Scuds arrived in 1991, he and his city are prepared before the flood waters arrive.

The replacement apartments being constructed in this city are being built bigger than those destroyed. Bar asks, "Why should people be crowded back into apartments that were too small for them before the Gulf War?" He doesn't expect an answer nor does he apologize for putting his evacuees in five-star hotels instead of tents last year.

The popular mayor makes special arrangements for the elderly. He arranged for volunteers to aid them last year and now has taken official steps to keep them from paying higher property taxes because their new apartments are bigger than the ones they lost last year. Bar says, "Most of our elderly have suffered enough in the countries they left" before coming to Israel. He was especially concerned about those who had escaped Nazi gas chambers and then had to face Scud attacks wearing gas masks.

Visiting with Mayor Zvi Bar and the people of this city gives me the feeling that Saddam Hussein not only failed to hurt them, he actually made them stronger. The large Iraqi population of Ramat-Gan and their Kurdish mayor only wish that Desert Storm had finished the job before withdrawing from the land they once called home.

[FROM THE LAS VEGAS SUN, MAR. 6, 1992]

#### THE LOAN GUARANTEE STICK (BY MIKE O'CALLAGHAN)

The loan guarantee stick that President Bush and Secretary of State James Baker

are holding over Israel is slowly but surely withering in their hands. More and more Israelis have reached the point where they would rather not have the loan guarantee than submit to further international political and diplomatic embarrassment.

For several years, the United States and other Western powers have been pressuring the Soviet Union to release the Jews held within its borders. Since the release of these people began a couple of years ago, Israel has been providing them homes.

For this reason, that little country has asked the United States to sign a \$10 billion loan guarantee. This would require our country to set aside \$300 million in case of an Israeli default. That country has never defaulted and the set-aside dollars are safe. It wouldn't cost us a cent.

Last year, Bush and Baker determined they would block any loan guarantee unless Israel stops building villages in Judea and Samaria. They made it clear they wanted the Jews to stop building to enhance the peace talks with Palestinians in this area of contention.

Not one mention was made about Muslims or Christians being allowed to continue building. The Arabs have been building and continue to build in this area as more than 150,000, including 50,000 from Kuwait, have moved into the area in recent years. The Arab population of Jerusalem has increased at twice the rate of the Jewish population.

Arab settlements in the West Bank area have been built six times more rapidly than the Jewish building programs. In addition to this, although it isn't mentioned in polite company, when Palestinian spokesperson Hanan Ashrawi demands a Palestinian nation, she means the Jews now living there will be shipped out. This is exactly what has happened to more than a million Jews who settled in Israel after being run out of Arab countries.

Almost 800,000 Arabs now live within the pre-1967 borders of a democratic Israel. There is not the same distaste for pluralism in Israel as there is in most Arab nations. The Palestinians expelled last year from Kuwait can attest to this statement.

More and more Israelis, still willing to take military and humanitarian risks for their friends in the United States, are questioning the wisdom of even having asked for the guarantee. This is especially true because Baker has made remarks that place him in the middle of the upcoming election in Israel. His remarks aren't appreciated by any Israeli and might eventually get the Likud Party and hard-liner Prime Minister Yitzhak Shamir re-elected. If left alone, there is a better-than-even chance the Israelis may replace Shamir with a more liberal Yitzhak Rabin and the Labor Party.

A recent article in the Jerusalem Post newspaper titled "Sorry we troubled you, Mr. Bush" hits at the heart of the requested loan guarantee. Shmuel Katz writes, "What is new is the brutal tone of the pressure on Israel, which has increased in decibels since the Gulf war. It is apparent that at that time, in addition to a \$7 billion gift to Egypt and a maneuver adding power to Syria in an almost dechristianized Lebanon, promises were made to these allies relating to Israel. 'They were given to understand that Washington would ensure the withdrawal of Israel back to the 'Green Line' of 1949—that is, the first of the Arab dream of dismantling Israel. \* \* \*'

In another article, writer Yohanan Ramati asks "Can the U.S. guarantee anything?"

Going even further is Professor Hertman Branover when writing, "We were naive to

turn to President George Bush for favors, considering his present domestic foundering. Facing a feverish election, an ailing economy and an illusory completion of the Gulf War, he will dictate conditions to us in the hope of regaining popularity at home. Our request for American loan guarantees invited U.S. interference, and Bush will gladly use the opportunity we have given him to force us into compromising positions."

Branover completed his article, titled "America can keep its loan guarantees," by concluding, "Israel has the potential to heal itself from within. It shouldn't let itself be pacified with superficial cures at unreasonable prices. Encouraging the health of the economy through private investment and commercial growth will prove that not getting the loan guarantees is the best remedy of all."

During the past several days in Israel, not one person asked me about the requested loan guarantee. They are concerned that they haven't seen the UNLV Rebels on television, and they go to work every day to make a better place for their children to live and to provide them shelters from the terrorists bombs and rockets.

Yes, and the Israelis will still be our friends in the Middle East and do our dirty work when our own leaders would rather not discuss the hanging and brutal slaying of American hostages or the untimely death of 241 Marines on a peacekeeping mission. The Israelis I know just don't want to be used as diplomatic and political punching bags by Bush and Baker.

[From the Las Vegas Sun, Mar. 4, 1992]

(By Mike O'Callaghan)

**NORTHERN ISRAEL.**—Secretary of State James Baker may have the job of foreign relations assigned to him, but I've come to believe that in the Middle East, the true friends of the United States have more respect for Secretary of Defense Dick Cheney.

Long before Baker made his first visit to Israel, exactly one year ago, he had already made up his mind about how he could and would handle the Israelis. Baker and his State Department minions had been approving sales of dangerous war-making materials for Iraq's Saddam Hussein right up until a few weeks before his army crushed tiny Kuwait.

Despite warnings from Israel, the only true democracy in the Middle East, Saddam Hussein had friends in the Bush administration, including the boss living in the White House, and Baker, the president's fellow Texan.

Following the Gulf War, the people of Israel, having held their fire at our request, believed there was hope we had learned our lesson about Middle East politics. Certainly, Saddam Hussein had taught us that he, like all dictators who held power with acts of brutality, couldn't be trusted.

However, even during the Gulf War, when Syria gave us lukewarm military support, we set the stage for even more disappointment as we turned our backs and allowed that country to complete its slaughter of Lebanese Christians. We followed the distasteful theory that it's less dangerous to kick a friend than an enemy.

We drove the Iraqi army from Kuwait. This resulted in that newly liberated country driving a least 100,000 Palestinians out of Kuwait and into nearby countries, where they weren't received with open arms. Also, the people of Kuwait held their own bloodbath to even the score with the people they believe had helped the enemy. They knew that many

of the Palestinians had cooperated with the invading Iraqis.

Even during the Iraqi Scud attacks the Israelis knew that their most dangerous enemy was on their northern borders. The Syrian and Israeli border of 48 miles was being expanded to include the border of Lebanon. Also, continuing Arab terrorist attacks from within and without set the tone for more Israeli concern.

When the Scud attacks ended, it was Secretary Cheney who recognized the military problems facing Israel. Although Cheney hasn't served in the military, he's a quick study. As one prominent Israeli combat general told me, "He has the ability to understand military threats and can evaluate dangerous political and military situations." What he was telling me was that Dick Cheney is a bright man with a wealth of common sense, probably developed in the open spaces of Wyoming.

The Israelis believe the only reason that Syria hasn't attacked their country in recent years is because of their past invasion failures. Also, they no longer have big brother in Moscow backing them up as they have for the past decades.

But has Syria's hate and hope for the destruction of Israel mellowed? Hardly; in fact, that country has gone on a military spending spree with money given them by the oil states. A spending spree unmatched by any other country in that area of the world.

"Missiles launched from central Syria can now be delivered accurately on 98 percent of our population," an Israeli military officer told me. Then he pulled a map from a roller on the wall that showed Syria and the location of that country's weapons and its regular army and air force units.

Here are the notes I took during the briefing on Syria:

- Seven tank divisions;
- Three mechanized divisions;
- One commando division;
- Eight independent commando regiments, made up of 95 percent regular military, as compared to Israel's forces of only 10 percent regulars.

Also listed are 59 Syrian surface-to-surface missile launchers, with 600 missiles, of which 100 have chemical warheads; 302 combat helicopters; 698 combat aircraft, including the latest Soviet MiG 29s; 4,508 tanks, including 1,150 Soviet T-72s; 4,158 armored personnel carriers; 201 self-propelled long-range artillery pieces; plus 1,774 towed guns and 3,750 anti-aircraft guns.

Time and time again, Israel has raised the red flag as Syria's Hafez Assad continues to shop for more offensive weapons. Right now, many of the better military minds in this country believe the only people listening to them are U.S. military people and Secretary Dick Cheney.

"I have only one assignment and that is to defend Israel. We sit here and watch them build up their army," a general told me. Then he added, "Syria is also using Lebanon as an area to harbor terrorists to strike into Israel. That's why it's necessary for us to maintain a security zone of 1½ to six miles."

When landing in Tel Aviv 11 days ago, my civilian airliner had to circle over the area Secretary James Baker wants Israel to abandon to the Palestinians. The same Palestinians who only last year stood on their rooftops and cheered as Iraqi Scuds flew overhead on the way to heavily populated Israeli cities. As we dropped down to land during a thunderstorm, I was happy that these same people weren't beneath me with a small anti-aircraft missile.

Some GOP leaders believe that James Baker is needed to aid President Bush in his re-election campaign. Baker is a proven successful political operator who also enjoys traveling in the world of high diplomacy. If he is brought back into the 1992 campaign, it could be a blessing in disguise for both George Bush's political future and our success in foreign affairs in the Middle East.

Right now, Baker is steering us down a highway leading to severe future problems. It's time for someone like Dick Cheney to get us back on the road of common sense, guided without ideas conceived from ignorance.

[From the Las Vegas Sun, Feb. 29, 1992]

**FOUND: ISRAEL'S MOST VALUABLE RESOURCE**

(By Mike O'Callaghan)

**METULLA, ISRAEL.**—A year ago this week, following the delivery of Saddam Hussein's 80th and final Scud, I left Tel Aviv for Las Vegas. That ended my ninth trip into this country and, although I had come close, my search for the true spirit of this little nation hadn't been successful.

The quality of a people rises to the top during times of economic pressure and/or physical danger. The response of Israelis during the Scud assaults on Tel Aviv and Ramat Gan last year was superb. Watching them bring their babies and pets into the sealed rooms in the middle of the night was a heart-warming experience. There was even time for a joke or two before the all-clear siren would tell us the Scud had fallen where it would do us no harm.

Last week, this northern section of Israel was rocked by 150 Katyusha rockets fired across the border from Lebanon. The border towns of Kiryat Shmona and Metulla bore the brunt of these attacks.

Heavy snows have covered some of the damage done by 122mm and 240mm Soviet-designed rockets. However, the water from melting snow pours through the hole a rocket made in the Kiryat Shmona bus depot. It hit the concrete roof at high noon as people lined up for their tickets and rides. The explosion wounded 15 people with flying concrete and debris. Despite the interruption, the efficient Israeli bus system was soon back on schedule.

The rocket attacks usually came at night. "They came three times a night with five to nine rockets in a salvo," the city clerk told me. The people of Kiryat Shmona, a city of 20,000 people including 3,000 refugees from Russia and Ethiopia, didn't leave town.

A city security man believes the recent heavy snows have been a greater hindrance than the rocket attacks when considering the city's vital services. The markets remained open and so did the movie theater.

The local schools also remained open. When the one salvo came in at the noon hour, the youngsters went to the shelters. They left for home at the regular dismissal time and were back in school the next day. Many of the youngsters who have been raised in this area have been under fire in past years.

As we drove up the road from Kiryat Shmona to Metulla, the snow became deeper and more trees with branches broken by the wet snow lined the road.

Today, Metulla, buried in three feet of snow, looks like a mountain village about to host the Winter Olympics. Surprising as it may seem, some Russian refugees have built an indoor ice rink here and are teaching Israeli children how to skate and play hockey.

While France was hosting the Winter Olympics, this tiny town was receiving rock-



et fire from an unseen enemy across the barbed wire fence in Lebanon.

Nearby, a little girl, running out to greet her father, was killed by an exploding rocket.

Her death is on the minds of all the local people. In fact, the death of this child is on the mind of every Israeli. Life is most precious to those who live next door to death.

Up the Lebanon road from Metulla, only one lane was cleared of snow, and the snow banks along the road are three and four feet high.

Ahron Davidi, my friend, was telling me that even Israeli vacationers refuse to leave Metulla when the rockets came in last week. Just then, we came around a corner in the road and that's when I saw the true spirit of Israel.

From a large bus, two dozen children were tumbling and running up a nearby hill. Some of the smaller youngsters had to struggle to move through the drifted snow. Everybody was laughing while throwing snowballs and making snowmen.

Davidi immediately identified them as children from a kibbutz in the valley where it was raining and well below the snow line. It was their time to play in the snow, and none of them even noticed or cared that the tangled barbed wire on the other side of the road was all that separated them from the very serious world of war and terrorism.

Last week, those same children had gone to the "safe" room in their homes at night and had probably heard exploding Katyushas. No doubt they knew that one child their age had died from the wounds caused by a rocket. They had heard about past attacks and even wars from their parents and older brothers and sisters.

Like the rest of their friends and family, they know that this is serious business and, unlike small children who only know war from television and movies, they know that exploding rockets and shells can mean pain and even death. It can mean the loss of a family member or a playmate. The pain doesn't go away when the movie theater lights go on or the television set is turned off.

What's next in life for them? They aren't planning to run away or hide. This is but a small part of their very full lives. It's a good life, and they love every minute of it.

Right now, it's time to play in the snow and see just how far a snowball can be thrown. Maybe one can be thrown all the way over to where the teacher is standing.

Yes, I found the spirit of Israel on a hillside near the Lebanon perimeter fence. It's no wonder the people of Israel are so proud of their greatest strength and resource—their children.

[From the Las Vegas Sun, Feb. 22, 1992]

ISRAEL WON'T FORGET TERRORISTS' ACTIONS

(By Mike O'Callaghan)

Pardon me if I'm not upset over the killing of the pro-Iranian Hezbollah (Party of God) leader, Sheikh Abbas Mussawi, in South Lebanon. I am sad that his wife and child were with him.

Hezbollah and other Arab terrorist groups have made a practice of being surrounded by women, children and other non-combatants. During the street fighting in Beirut, army and terrorist units would put a hospital on the top floor of a building and their arms and communications systems in the basement.

The same practice was common during the Gulf War in Iraq. That's exactly how insiders tell me the civilians died in a designated military bunker hit by allied bombs. After it

was bombed, pictures were developed for propaganda purposes.

Time and again, Israel raiders have gone long distances to take out terrorist leaders and have left other family members alive. This can't be done when the target is in a vehicle convoy which can only be hit from the air.

Mussawi has bragged several times about his men who were martyred when driving high explosives into the U.S. Marine barracks more than eight years ago. The resulting explosion killed 241 peacekeeping Americans. Other Hezbollah drivers pulled the same stunt at a nearby French peacekeeping base, killing 50 paratroopers.

The Hezbollah also have earned credit for the torture and eventual strangling of Marine Lt. Col. William R. Higgins. That took place more than three years ago, but his body was dumped beside a dusty Beirut highway only a few short months ago.

After Higgins was taken hostage, the Israel Defense Forces went into Lebanon and captured the Hezbollah cleric and commander in that area, Sheikh Abdul Karim Obeld, who remains in their hands.

The Hezbollah hold Israeli airman Ron Arad captive and have refused to follow through with his release despite the Israeli release of numerous Arab soldiers and terrorists. Also, two wounded Israeli soldiers have died in the hands of Hezbollah members.

The Israelis live in a tough neighborhood where force is the only thing that gets the attention of extremists pledged to drive the Jews into the sea. It's evident that they live and survive by following the advice of Higgins' widow, Marine Major Robbin Higgins, who, following the return of his body, said, "If we forgive, if we forget, if we thank these savages, then we are merely inviting them, at a time and place they will select, to kill again."•

#### OPENING OF A SUBWAY STORE IN JAPAN

• Mr. LIEBERMAN. Mr. President, I am very pleased to draw my colleagues' attention to an important new partnership between Subway Sandwiches and Salads, a Connecticut-based United States company, and Suntory Ltd., a Japanese company.

Very shortly, Subway will be opening its first store in Japan. Four more are set to open within the next 6 months. Subway is the world's fastest growing franchise, with more than 6,300 stores operating in 10 different nations.

Subway's Japanese business partner, Suntory, has been very successful in introducing Japanese consumers to a number of well-known American products such as Haagen Dazs Ice Cream, Campbell's V-8 Vegetable Juice, and MacGregor golf equipment.

My service on the Small Business Committee's Subcommittees on Competitiveness and Economic Opportunity and Export Expansion, has made me well aware of the severe toll this recession has taken on American companies, large and small. I am convinced that the long-term stability and vitality of our economy rests squarely on the ability of our producers to develop firm footholds in the foreign marketplace. In this regard, I was particularly

pleased to learn of Suntory's plans to import a broad array of U.S. goods—from ovens, cooking utensils and cups and counters, to the baking dough and actual food ingredients—from the United States.

I wish both companies the best in their new undertaking.•

#### FIRST IN SAFETY WINNERS

• Mr. HOLLINGS. Mr. President, I rise today to extend my congratulations to the 12 companies that were named the winners of the American Textile Manufacturers Institute's national "First in Safety" contest.

Mr. President, the American textile industry is the most competitive, and the most productive, in the world. Billions of dollars in new investment has been poured into research and development, and plant, and equipment. This new investment pays an added dividend, in that it creates a safer workplace for the hard-working men and women who earn a decent wage in my State's textile industry.

I congratulate Alice Manufacturing Co. Inc., in Easley, SC; Arkwright Mills in Spartanburg, SC; Springs Industries in Fort Mill and Tietex Corp. of Spartanburg, recipients of first place awards for outstanding performance in employee safety and health.

I also congratulate Clinton Mills, of Clinton, SC, who received an award for the most improved performance in employee safety and health.

In addition, I congratulate Arkwright Mills and Tietex, for their receipt of awards for zero lost time from accidents and illness.

Mr. President, I only wish that our competitors abroad made the same commitment to worker health and safety. This is a distinguished record and we are very proud of these South Carolina companies and their employees.•

#### RECYCLED PAPER

• Mr. FORD. Mr. President, 3 years ago when I was chairman of the Joint Committee on Printing we rewrote the specifications of the Government uses to buy printing and writing papers. The conversion of the Federal Government to recycled paper began.

We eliminated the impediments the old specifications created for the purchase of recycled papers.

We adopted and then expanded on the Environmental Protection Agency's requirements for the purchase of recycled paper.

And I am pleased to tell you we have made some measurable progress. Today 95 percent of the printing and writing paper the Government Printing Office buys is recycled.

The recycled paper we are buying today is significantly less expensive than the virgin fiber paper we were

buying before this program went into effect.

In the last few weeks the Government Printing Office has taken its first delivery of recycled newsprint for the CONGRESSIONAL RECORD and Federal Register. I am told this is GPO's biggest single paper buy and this newsprint is 100 percent post consumer waste, this is exclusively out of the waste stream.

It is my judgment that Congress and to a lesser extent the executive branch is making a serious effort to use writing and publishing products that get the job done and at the same time do less to harm our environment while costing the taxpayer less.

But more can be done in Government and should be. For that reason I have asked that the Government's use of recycled paper and its cost be made public on a quarterly basis. Those of you who are concerned can see where progress is and is not being made. And we all have some sort of bench mark so we can move this program through its final phase and maximize the benefits.

I am attaching the first quarterly report on recycled paper prepared by the Public Printer of the United States.

The report follows:

*Federal use of recycled paper*

|   |             |
|---|-------------|
| Total amount paper and envelopes used by the Federal Government in this quarter (October, November and December 1991):    |             |
| Paper (pounds) <sup>123</sup> .....   | 21,740,279  |
| Envelopes (each) <sup>1</sup> .....   | 26,163,650  |
| Cartons (each) <sup>1</sup> .....   | 367,477     |
| Cost .....  | \$9,471,880 |
| Amount of recycled paper and envelopes used by the Federal Government in this quarter (October, November, December 1991): |             |
| Paper (pounds) <sup>123</sup> .....   | 13,587,549  |
| Envelopes (each) <sup>1</sup> .....   | 25,378,741  |
| Cartons (each) <sup>1</sup> .....   | 367,477     |
| Cost .....  | \$6,560,021 |

*Federal use of recycled paper 1 year ago*

|   |              |
|---|--------------|
| Total amount of paper and envelopes used by the Federal Government in this quarter (October, November, December 1990):    |              |
| Paper (pounds) <sup>123</sup> .....   | 22,630,444   |
| Envelopes (each) <sup>1</sup> .....   | 27,880,435   |
| Cartons (each) <sup>1</sup> .....   | 349,981      |
| Cost .....  | \$11,299,963 |
| Amount of recycled paper and envelopes used by the Federal Government in this quarter (October, November, December 1990): |              |
| Paper (pounds) <sup>123</sup> .....   | 14,442,644   |
| Envelopes (each) <sup>1</sup> .....   | 27,044,022   |
| Cartons (each) <sup>1</sup> .....   | 349,981      |
| Cost .....  | \$7,911,898  |

*Quarterly paper inventory (October, November, December 1991)*

|  |            |
|--|------------|
| Amount of paper GPO currently has on hand: |            |
| Paper (pounds) .....                       | 23,468,357 |

|                                   |              |
|-----------------------------------|--------------|
| Envelopes (each) .....            | 22,717,013   |
| Cartons (each) .....              | 336,441      |
| Cost .....                        | \$10,874,928 |
| Amount of recycled paper on hand: |              |
| Paper (pounds) <sup>3</sup> ..... | 18,074,089   |
| Envelopes (each) .....            | 22,035,503   |
| Cartons (each) .....              | 336,441      |
| Cost .....                        | \$8,861,729  |

<sup>1</sup>Includes direct shipments.

<sup>2</sup>Includes xerographic paper.

<sup>3</sup>Includes recycled xerographic.

NOTE.—The above data does not include figures for printing procurement. The amount of recycled usage does not include virgin xerographic paper or virgin newsprint.●

**ST. PATRICK'S DAY**

● Mr. SIMON. Mr. President, yesterday, March 17, 1992, we honored St. Patrick, the patron saint of Ireland. St. Patrick was responsible for bringing Christianity to the Emerald Isle. We celebrate St. Patrick's Day to honor the Irish, and to pay tribute to their outstanding contributions to America.

The success of Irish-Americans is deeply embedded in the history of our country. Nine men with Irish blood signed the Declaration of Independence and thousands of Irish-Americans have given their lives for the preservation of our country, dating back to the Revolutionary War. Irish-Americans contributed to the expansion of the United States in the 1800's by extending the railroads westward and giving cities like Chicago, New York, Boston, St. Louis, Savannah, and many other rich ethnic communities. Finally, the long tradition of Irish-American dedication to public service in local, State, and Federal government has gotten many young people over the years involved in our political process.

Late last year, I was pleased to introduce a resolution making March 1992, Irish-American Heritage Month. We are now celebrating with month-long events. But this month, and St. Patrick's Day in particular, should not only be a time to reflect on past accomplishments. We should also look to the future and resolve to fix certain problems that loom on the horizon. Needless violence pervades Northern Ireland and continues to keep a people unnaturally divided. I hope all parties involved can search for a peaceful solution to their differences. And we ought to be involved and play a constructive role for peace.

Mr. President, I wish the people of Ireland and all Irish-Americans well on their special day of March 17.●

**WING AND LILLY FONG  
DEDICATION**

● Mr. REID. Mr. President, recently the first elementary school in Nevada to be named for Chinese-Americans was dedicated to Wing and Lilly Fong. These two outstanding citizens have contributed greatly to education in Ne-

vada, and it is fitting that a school be named for them.

Mr. President, I ask that a page from the dedication ceremony program and a newspaper article about the dedication be entered into the RECORD in full.

The material follows:

**WING AND LILLY FONG ELEMENTARY SCHOOL  
DEDICATION**

As an immigrant from Canton, China, Wing Gay Fong came to the United States at the age of 13. He attended the third grade in Las Vegas at the Fifth Street Elementary School where he worked to catch up. He skipped several grades in order to graduate with his classmates from Las Vegas High School in 1946. Wing attended Woodbury College in California, where he earned a Business Administration degree in three years, and met his future wife, Lilly Ong Hing. Wing and Lilly married in 1950 and have two children, Kenneth and Susan, who are both UNLV graduates.

Returning to Las Vegas Mr. Fong joined the firm of Pioneering Distributing and later the Las Vegas Bottling Company until he opened his own grocery store on South First and Cass Streets. In 1955, he opened the town's first specialty restaurant and shopping center on East Charleston Boulevard. He is currently president of Wing Fong's Enterprises—finance, investment and real estate development. He is a director of Nevada State Bank.

Wing Fong consistently engaged in civic and philanthropic activities, donating time as well as money. One entire day's proceeds from his business was donated to the Optimist Club for youth work and another day's receipts went to Nevada Southern University (now UNLV) library for needed books and reference materials. In 1968, he was chairman of the Grand Founders Fund Drive for the NSU Center of the Performing Arts; he has served as a director of the Greater Las Vegas Chamber of Commerce; Chairman of the National Conference of Christians and Jews; Director of the Las Vegas Rotary International Club; member of the Civilian Military Council; Trustee of the Las Vegas Presbyterian Church; and Chairman of St. Jude's Children's Home in Boulder City.

Hard work and dedication have marked Lilly Fong's involvement in a community service with UNLV for the past 30 years. She served as regent for the University of Nevada system from 1974-1985. She has also served as past state president, American Association of University Women; past vice-chairman, Governor's Commission on the Status of Women; member of U.S. Small Business Advisory Council; member of Opportunity Village Advisory Board; and member of the Las Vegas Symphony Board of Directors.

The Fong's long-standing support of excellence in higher education is marked by philanthropy and leadership. Lilly Fong's fund raising efforts for Judy Bayley Theater, Artemus Ham Concert Hall, and Alta Ham Hall, resulted in fine arts centers which have enriched the cultural lives of many Nevadans. To further the appreciation of Chinese art, Lilly & Wing commissioned the Chinese classical artist, Hau Pei-Jen, for six historical and legendary landscapes in the Ham Hall lobby. In 1985, Mr. and Mrs. Fong donated \$250,000 to UNLV and Community College. In that same year, Lilly Fong was honored as a Partner for Progress by the Nevada Society of Professional Engineers.

Is it any wonder we are honoring this couple tonight. Their dedication and support for the City of Las Vegas and their involvement



in the education of our children has made them two of the most respected and accomplished community leaders in Southern Nevada.

[From the Las Vegas Sun, Feb. 19, 1992]

#### 400 ATTEND FONG ELEMENTARY SCHOOL DEDICATION

(By Elizabeth Fott)

Fighting storms and construction chaos, more than 400 friends streamed in out of the night to participate in Wing and Lilly Fong Elementary's dedication ceremonies.

Clark County School Board President Dr. Lois Tarkanian gave formal welcome to guests and fellow speakers, including Nevada's Secretary of State Cheryl Lau, Superintendent Dr. Brian Cram, Congressman Jim Bilbray and the Fong children, Susan and Kenneth, who each gave personal insights into this remarkable couple.

Wing Fong, a longtime resident involved in banking and real estate development, is well matched by his wife Lilly, a university regent (1974-85), current advisor to UNLV's Institute of Real Estate Studies and past president of church and social organizations.

Phil and Patsy Riner, Mildred Gomes, Tony and Rosalee Wirtz and Dr. Anthony Saville were joined by Judge Don Mosley, Marcia and Tola Chin and Dr. Jim and Pilar Lum in extending best wishes.

Wing's former classmates, Al and Helen Storey and Toni and Bill Lawry, enjoyed cake, punch and fond remembrances with Lilly's sister Minnie Fong and cousins Doris Lee, Fred Ong, Teresa Moy, Helen and David Brom and Albert and Linda Lam. Greeting friends nearby were son-in-law Richard Brattain with Oran and Bonnie Gragson, Dr. John and Harriet Batdorf, Ken and Betty Miller and Pat Cardinalli with Susie Sweeney. Slipping in during the reception to join wife Bonnie for personal words of congratulation was Sen. Richard Bryan.

#### FIRST RECIPIENTS OF EFF PIONEER AWARDS

• **Mr. D'AMATO.** Mr. President, I rise today to honor five outstanding individuals who will receive the first annual EFF Pioneer Awards for substantial contributions to the field of computer-based communications.

Douglas Engelbart is one of the original moving forces in the personal computer revolution who is responsible for many ubiquitous features of today's computers such as the mouse, the technique of windowing, display editing, and many other inventions and innovations. He is highly recognized in his field as one of our era's true visionaries.

Robert Kahn was an early advocate and prime mover in the creation of ARPANET which was the precursor of today's Internet. Since the late sixties and early seventies Mr. Kahn has constantly promoted and tirelessly pursued innovation and heightened connectivity in the world's computer networks.

Tom Jennings started the Fidonet international network. Today it is a linked network of amateur electronic bulletin board systems with more than 10,000 nodes worldwide and it is still

growing. He is currently editor of FidoNews, the network's electronic newsletter.

Jim Warren has been active in electronic networking for many years. Most recently he has organized the First Computers, Freedom and Privacy Conference, set up the first online public dialog link with the California Legislature, and has been instrumental in assuring that rights common to older mediums and technologies are extended to computer networking.

Andrzej Smereczynski is the administrator of the PLEARN node of the Internet and responsible for the extension of the Internet into Poland and other East European countries. A network guru, Mr. Smereczynski has worked selflessly and tirelessly to extend the technology of networking as well as its implicit freedoms to Poland and neighboring countries.

These gentlemen will be receiving their awards at a ceremony to be held tomorrow at the L'Enfant Plaza Hotel. Mr. President, I ask you to join with me in congratulating these individuals on their outstanding contributions and in wishing them much success in the future.

#### RELIGIOUS VALUES AND PUBLIC POLICY

• **Mr. HATCH.** Mr. President, in one of the most important talks given in Washington during this past year, Elder Dallin H. Oaks of the Quorum of the Twelve Apostles of the Church of the Latter-day Saints, on February 29, 1992, spoke about the interesting roles of the church vis-a-vis the State.

His discussion concerning church participation in public debate on political issues is particularly sensitive and compelling. I believe that many will be very interested in these remarks.

Elder Oaks was a justice of the Utah Supreme Court before his calling as one of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints. These remarks, which will follow my statement, are a melding of his legal and religious background into some excellent answers for the benefit of our society:

#### RELIGIOUS VALUES AND PUBLIC POLICY

(By Elder Dallin H. Oaks)

Last April my Church duties took me to Albania. Elder Hans B. Ringger and I were some of the first Western visitors to that newly opened country. We conferred with government officials about the reception our Church's missionaries would receive in Albania, which had banned all churches in 1967. They told us the government regretted its actions against religion, and that it now welcomed back churches to Albania. One explained, "We need the help of churches to rebuild the moral base of our country, which was destroyed by communism." During the past 12 months I have heard this same reaction during discussions with government and other leaders in Bulgaria, Romania, Russia, and Ukraine.

In contrast, consider what we hear about religion from some prominent persons in the United States. Some question the legitimacy of religious-based values in public policy debates. Some question the appropriateness of churches or religious leaders taking any public position on political issues.

Provoked by that contrast, I will use this occasion to speak about the role of religious-based values and religious leaders in public policy debates. As you are aware, I have some experience in law, public life, and church leadership. What I say is my personal opinion, and is not a statement in behalf of The Church of Jesus Christ of Latter-day Saints.

#### I. QUESTIONS OF RIGHT AND WRONG

Fundamental to the role of religion in public policy is this most important question: Are there moral absolutes? Speaking to our BYU students last month, President Rex E. Lee said:

"I cannot think of anything more important than for each of you to build a firm, personal testimony that there are in this life some absolutes, things that never change, regardless of time, place, or circumstances. They are eternal truths, eternal principles and, as Paul tells us, they are and will be the same yesterday, today and forever."

Unfortunately, other educators deny the existence of God or deem God irrelevant to the human condition. Persons who accept this view deny the existence of moral absolutes. They maintain that right and wrong are relative concepts, and morality is merely a matter of personal choice or expediency. For example, a university professor reported that her students lacked what she called "moral common sense." She said they believed that "there was no such thing as right or wrong, just good or bad arguments. In that view, even the most fundamental moral questions have at least two sides, and every assertion of right or wrong is open to debate."

I believe that these contrasting approaches underlie the whole discussion of religious values in public policy. Many differences of opinion over the role of religion in public life simply mirror a difference of opinion over whether there are moral absolutes. But this underlying difference is rarely made explicit. It is as if those who assume that all values are relative have established their assumption by law or tradition and have rendered illegitimate the fundamental belief of those who hold that some values are absolute.

One of the consequences of shifting from moral absolutes to moral relativism in public policy is that this produces a corresponding shift of emphasis from responsibilities to rights. Responsibilities originate in moral absolutes. In contrast, rights find their origin in legal principles, which are easily manipulated by moral relativism. Sooner or later the substance of rights must depend on either the voluntary fulfillment of responsibilities or the legal enforcement of duties. When our laws or our public leaders question the existence of absolute moral values they undercut the basis for the voluntary fulfillment of responsibilities, which is economical, and compel our society to rely more and more on the legal enforcement of rights, which is expensive.

Some moral absolutes or convictions must be at the foundation of any system of law. This does not mean that all laws are so based. Many laws and administrative actions are simply a matter of wisdom or expediency. I suppose the important decisions of the Federal Reserve Bank's Open Market Committee are largely of this character. Many other examples could be cited. If most

of us believe that it is wrong to kill or steal or lie, our laws will include punishment of those acts. If most of us believe that it is right to care for the poor and needy, our laws will accomplish or facilitate those activities. Society continually legislates morality. The only question is whose morality and what legislation.

In the United States, the moral absolutes are the ones derived from what we refer to as the Judeo-Christian tradition, as set forth in the Bible—Old Testament and New Testament. For example, under that tradition adultery is wrong. The continuing force of that moral absolute was affirmed in a recent poll conducted by the National Opinion Research Center. They found that 75% of Americans believe that adultery is always morally wrong. There may be—and are—differences of opinion over the wisdom of using the criminal law or the divorce law to enforce that moral absolute, but there can be no question about what a large majority of our citizens believe on that subject.

Despite ample evidence of majority adherence to moral absolutes, some still question the legitimacy of a moral foundation for our laws and public policy. To avoid any suggestion of adopting or contradicting any particular religious absolute, some secularists argue that our laws must be entirely neutral, with no discernable relation to any particular religious tradition. Such proposed neutrality is unrealistic, unless we are willing to cut away the entire idea that there are moral absolutes.

Of course, not all moral absolutes are based on traditional religion. A substantial segment of society has subscribed to the environmental movement, which Robert Nisbet, a distinguished American sociologist, has characterized as a "national religion," with a "universalized social, economic, and political agenda. So far as I am aware, there has been no responsible public challenge to the legitimacy of laws based on the environmentalists' set of values. I don't think there should be. My point is that religious values are just as legitimate as those based on any other comprehensive set of beliefs.

## II. RELIGION AND THE PUBLIC SECTOR

Let us apply these thoughts to the role of religions, churches, and church leaders in the public sector.

Some reject the infusion of religious-based values in public policy by urging that much of the violence and social divisiveness of the modern world is attributable to religious controversies. Our world is not without such examples, as we are reminded by Iran and Ireland. But all should remember that the most horrible moral atrocities of the twentieth century in terms of death and human misery have been committed by regimes that are unambiguously secular, not religious. I challenge anyone to think of any modern religious regime whose moral excesses can compare with Nazi Germany, Stalinist Russia, or Khmer Rouge Cambodia.

Even though we cannot reject religious values in law-making on the basis of their bad record by comparison with other values, there are ample examples of hostility to religious values in the public sector. For example, less than a decade ago, the United States Department of Justice challenged a federal judge's right to sit on a case involving the Equal Rights Amendment on the ground that his religious views would prejudice him. The judge was Marion Callister. The religious views were L.D.S. In that same decade, the American Civil Liberties Union took the position that any pro-life abortion law was illegitimate because it must necessarily be founded on religious belief.

A few years ago some Protestant and Jewish clergymen challenged a federally financed program to promote abstinence from sexual activity among teenage youngsters. The grant recipients included B.Y.U. and some Catholic charities in Virginia and Michigan. The A.C.L.U. attorney who filed this challenge declared that "the 'chastity law' is unconstitutional because it violates the requirement for separation of church and state" because taxpayer dollars "are going to religious institutions, which use the funds to teach religious doctrines opposing teenage sex and abortion." In the meantime, the "value" judgments that permit public schools to distribute birth control devices to teenagers supposedly violate no constitutional prohibition because the doctrine that opposes chastity is secular.

During this same period, Professor Henry Steele Commager criticized the Moral Majority and the Roman Catholic Church for "inject[ing] religion into politics more wantonly than at any time since the Know-Nothing crusade of the 1850's." Writing in a New York Times column, this distinguished scholar asserted that "what the Framers [of our Constitution] had in mind was more than separating church and state: it was separating religion from politics." While conceding that no one could question the right to preach "morality and religion," Commager argued that churchmen of all denominations crossed an impermissible line "when they connect morality with a particular brand of religious faith and this, in turn, with political policies."

Apparently churchmen can preach morality and religion as long as they do not suggest that their particular brand of religion has any connection with morality or that the resulting morality has any connection with political policies. Stated otherwise, religious preaching is okay as long as it has no practical impact on the listeners' day-to-day behavior, especially any behavior that has anything to do with political activity or public policy.

That is such a curious position for a man as respected as Professor Commager, I wonder if I have misunderstood him. Perhaps his point is a deeper one. As we know, the idea that there is an absolute right and wrong comes from religion and the absolute values that have influenced law and public policy are most commonly rooted in religion. In contrast, the values that generally prevail in today's academic community are relative values. Perhaps Commager is not denying the legitimacy of churchmen preaching on political questions as much as he is simply challenging the appropriateness of bringing to public policy debates the kind of absolute values many of them preach.

It is significant that not all challenges to religious values in public policy come from the academic community or from the political left. A few years ago Senator Barry Goldwater rejected what he described as an attempt by "religious factions" to "control" his vote on particular issues. In doing so he declared that these "decent people" should "recognize that religion has no place in public policy." Similarly, the promoters of a nationwide poll a few years ago asserted that 53 percent of Americans feel that "religious leaders should stay out of politics entirely even if they feel strongly about certain political issues."

I have read serious academic arguments to the effect that religious people can participate in public debate only if they conceal the religious origin of their values by translating them into secular dialect. In a nation

committed to pluralism, this kind of hostility to religion should be legally illegitimate and morally unacceptable. It is also irrational and unworkable, for reasons explained by BYU law professor Frederick Mark Gedicks:

"[S]ecularism has not solved the problem posed by religion in public life so much as it has buried it. By placing religion on the far side of the boundary marking the limit of the real world, secularism prevents public life from taking religion seriously. Secularism does not reach us to live with those who are religious; rather, it demands that we ignore them and their views. Such a 'solution' can remain stable only so long as those who are ignored acquiesce in their social situation. The last two decades suggest that [religious] acquiescence in a secularized public life . . . is vanishing, if it has not already disappeared."

Fortunately, the Supreme Court has never held that citizens could not join together to translate their moral beliefs into laws or public policies even when those beliefs are derived from religious doctrine. Indeed, there are many sophisticated and articulate spokesmen for the proposition that the separation of church and state never intended to exclude religiously grounded values from the public square. For example, I offer the words of Richard John Neuhaus:

"In a democracy that is free and robust, an opinion is no more disqualified for being 'religious' than for being atheistic, or psychoanalytic, or Marxist, or just plain dumb. There is no legal or constitutional question about the admission of religion to the public square; there is only a question about the free and equal participation of citizens in our public business. Religion is not a reified 'thing' that threatens to intrude upon our common life. Religion in public is but the public opinion of those citizens who are religious."

"As with individual citizens, so also with the associations that citizens form to advance their opinions. Religious institutions may understand themselves to be brought into being by God, but for the purposes of this democratic polity they are free associations of citizens. As such, they are guaranteed the same access to the public square as are the citizens who comprise them."

No person with values based on religious beliefs should apologize for taking those values into the public square. Religious persons need to be skillful in how they do so, but they need not yield to an adversary's assumption that the whole effort is illegitimate. We should remind others of the important instances in which the efforts of churches and clergy in the political arena have influenced American public policies in great historical controversies whose outcome in virtually unquestioned today. The slavery controversy was seen as a great moral issue and became the major political issue of the nineteenth century because of the preaching of clergy and the political action of churches. A century later, churches played an indispensable role in the Civil Rights movement, and, a decade later, clergymen and churches of various denominations were an influential part of the anti-war movement that contributed to the end of the war in Vietnam.

Many sincere religious people believe there should be no limitations on religious arguments on political issues so long as the speaker genuinely believes those issues can be resolved as a matter of right or wrong. That is the position Abraham Lincoln applied in his debates with Senator Stephen A.



Douglas. While Douglas claimed that he regarded slavery as wrong, he said the national government should allow a majority of territorial voters to decide whether slavery would be allowed in a particular territory. Lincoln rejected that argument because slavery was a matter of right or wrong. He declared:

"When Judge Douglas says that whoever, or whatever community, wants slaves, they have a right to have them, he is perfectly logical if there is nothing wrong in the institution; but if you admit that it is wrong, he cannot logically say that anybody has a right to do a wrong."

Like Lincoln, I believe that questions of right and wrong, whether based on religious principles or any other source of values, are legitimate in any debate over laws or public policy. Is there anything more important to debate than what is right or wrong? And those arguments should be open across the entire political spectrum. There is no logical way to contend that religious arguments or lobbying are legitimate on the question of abstinence from nuclear war by nations but not on the question of abstinence from sexual relations by teenagers.

### III. CHURCH PARTICIPATION IN POLITICAL DEBATE

What limitations should church and their leaders observe when they choose to participate in public debate on political issues?

This subject was widely discussed about 8 years ago because of the convergence of several extraordinary events. A committee of the National Conference of Catholic Bishops released its pastoral letter, "Catholic Social Teaching and the U.S. Economy." New York Governor Mario Cuomo, moved by the issue of abortion, made a celebrated statement about the significance of Catholic teaching for a public official who is a Roman Catholic. And Senator Edward M. Kennedy made his celebrated address to the students of Liberty Baptist College. The pot boiled vigorously then, but the heat was not translated into much light, at least not the kind that illuminates a consensus. I propose to revisit this subject with a few comments of my own.

I emphasize at the outset that I am discussing limits to guide all churches across a broad spectrum of circumstances. I am not seeking to define or defend a Mormon position. As a matter of prudence, our Church has confined its own political participation within a far smaller range than is required by the law or the constitution. Other churches have chosen to assert the full latitude of their constitutional privileges and, in the opinion of some, have even exceeded them.

Where should we draw the line between what is and is not permissible for church and church-leader participation in public policy making?

At one extreme, we hear shrill complaints about political participation by any persons whose political views are attributable to religious beliefs or the teachings of their church. The words "blind obedience" are usually included in such complaints. Complaints there are, but I am not aware of any serious and rational position that would ban religious believers from participation in the political process. The serious challenges concern the participation of churches and church leaders.

Perhaps the root fear of those who object to official church participation in political debates is power: They fear that believers will choose to follow the directions or counsel of their religious leaders. Those who have this fear should remember the celebrated maxim of Jefferson "error of opinion may be tolerated where reason is left free to combat

it." Some may believe that reason is not free when religious leaders have spoken, but I doubt that any religious leader in twentieth century America has such a grip on followers that they cannot make a reasoned choice in the privacy of the voting booth. In fact, I have a hard time believing that the teachings of religions or churches deprive their adherents of any more autonomy in exerting the rights of citizenship than the teachings and practices of labor unions, civil rights groups, environmental organizations, political parties, or any other membership group in our society.

In his celebrated address to the students of Liberty Baptist College, Edward Kennedy maintained that churches have a right to speak out on "questions that are inherently public in nature," like the issue of nuclear war and racial segregation. However, he argued, churches should not try to persuade government to "tell citizens how to live uniquely personal parts of their lives." "In such cases—cases like prohibition and abortion—the Senator declared, 'the proper role of religion is to appeal to the conscience of the individual not the coercive power of the state.'" This proposed distinction between issues that are "inherently public" and those that are "uniquely personal" is very convenient, especially for one side of the political spectrum. As Senator Kennedy explained it, his distinction apparently justifies churches in making their influence felt on nuclear freeze and the Vietnam War, but it excludes them from the debate on abortion or decriminalization of drug laws.

In my view, the Senator's distinction is unsound and unworkable. At root, every action is "uniquely personal," and in its manifestation every act is at least potentially "public." For example, I suppose that Southern slave owners believed that their ownership of slaves was uniquely personal, and some eighteen-year-olds probably believed the same thing about their decisions not to register for the draft during the Vietnam War. Yet, it is clear that each of these so-called uniquely personal decisions had an inherently public effect.

If a distinction between personal issues and public issues is not a sensible guide to when a church or its leaders can participate in public debate, what is? Surely it is not religious (or moral) issues versus political issues, since those labels describe a conclusion rather than assisting us to reach it.

I submit that religious leaders should have at least as many privileges as any other leaders, and that churches should stand on at least as strong a footing as any other corporation when they enter the public square to participate in public policy debates. The precious constitutional right of petition does not exclude any individual or any group. The same is true of freedom of speech and the press. When religion has a special constitutional right to its free exercise, religious leaders and churches should have more freedom than other persons and organizations, not less.

If churches and church leaders should have full rights to participate in public policy debates, should there be any limits on such participation?

Of course there are limits that apply specially to churches and church officials, as manifest in the United States Constitution's prohibition against Congress making any law respecting an establishment of religion. Some linkages between churches and governments are obviously illegitimate. It would clearly violate this prohibition if a church or church official were to exercise government

power or dictate government policies or direct the action of government officials independent of legal procedures or political processes.

Upon this same basis—the principle of anti-establishment—I believe it would be inappropriate for a church to discipline one of its members who holds public office for declining to follow church direction or failing to adhere to a church position on a decision made in the exercise of public responsibilities. This fairly obvious point had to be established by the Catholic church in order for John F. Kennedy to be elected President of the United States.

We have applied that limit in our Church. In a celebrated talk given in 1989, Governor Calvin L. Rampton of Utah said:

"I am not aware of any time that the Church has taken any official sanction against a Mormon holding public office for things done in such officer's official capacity. This is true even though the Church may have taken a position on the issue on the moral issue theory. For example, when part way through my tenure of office I vetoed a Sunday closing bill which had been favored by the Church, while my judgement was roundly criticized by the editorial writers of the Deseret News, no question was raised that by such act I had impaired my Church membership nor did it impair my cordial relationship with Church leaders on other subjects."

Governor Cuomo voiced that principle in his celebrated talk at Notre Dame University. "Roman Catholics in public office are bound by the church's moral dogma," he declared, "but are free to decide the applicability of these teachings to civil law." He elaborated in these words:

"While we always owe our bishops' words respectful attention and careful consideration, the question whether to engage the political system in a struggle to have it adopt certain articles of our belief as part of public morality, is not a matter of doctrine: it is a matter of prudential political judgment."

I would say it this way. If churches or church officials believe that one of their members has violated church doctrine or policy by acts committed in his or her public office, the remedy should be at the next election, not in a church court. Unfortunately, churches are barred from this election remedy. Under federal law they lose their tax exemption if they "participate in or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office." In contrast to lobbying for particular legislation, which is permissible so long as it is not a "substantial part" of the activities of the church, any political activity involving a candidate can invoke the dreaded loss of tax exemption.

I have grave doubts about the constitutionality or wisdom of this law, which effectively denies to churches a privilege that is available to other organizations that participate in public policy debates. If a labor union or an environmental organization can urge its members to vote against a candidate who has violated the principles of the organization, I submit that a church should be able to do the same, if it chooses to do so. A church should not apply church discipline for political behavior, but it should be free to participate in the imposition of political discipline.

In his Notre Dame Talk Governor Cuomo suggested another limitation on churches' participation in the public sector, which is

tied to a supposed distinction between religious doctrine and political implementation. I quote:

"The parallel I want to draw here is not between or among what we Catholics believe to be moral wrongs. It is in the Catholic response to those wrongs. Church teaching on slavery and abortion is clear. But in the application of those teachings—the exact way we translate them into action, the specific laws we propose, the exact legal sanctions we seek—there was and is no one, clear, absolute route that the church says, as a matter of doctrine, we must follow."

In other words, Governor Cuomo contends that when churches and church leaders enter the public arena, they should concentrate on moral principles and stay away from legislative implementation.

If Governor Cuomo was advocating what is prudent for churches as a general rule, I agree with his statement, which describes the general practice of our Church. We teach general principles that should motivate government action, but we rarely take a position on a specific legislative proposal.

If Governor Cuomo's statement was intended to describe the limits of what is legitimate for church participation in public policy debates, I disagree. As a technical matter, the distinction between a moral "principle" and its legislative "implementation" is often impossible to apply. For example, if a church is against gambling as a moral evil—as our Church is—that church cannot avoid being against a bill that would legalize a particular form of gambling. In that instance, moral principle and legislative implementation are indistinguishable.

More fundamentally, I submit that there is no persuasive objection in law or principle to a church or a church leader taking a position on any legislative matter, if it or he or she chooses to do so.

And now, my final suggestion on church participation in public debate. When churches or church leaders choose to enter the public sector to engage in debate on a matter of public policy they should be admitted to the debate and they should expect to participate in it on the same basis as all other participants. In other words, if churches or church leaders choose to oppose or favor a particular piece of legislation, their opinions should be received on the same basis as the opinions offered by other knowledgeable organizations or persons, and they should be considered on their merits.

By the same token, churches and church leaders should expect the same broad latitude of discussion of their views that conveniently applies to everyone else's participation in public policy debates. A church can claim access to higher authority on moral questions, but its opinions on the application of those moral questions to specific legislation will inevitably be challenged by and measured against secular-based legislative or political judgments. As James E. Wood observed, "While denunciations of injustice, racism, sexism, and nationalism may be clearly rooted in one's religious faith, their political applications to legislative remedy and public policy are by no means always clear."

Finally, if church leaders were also to exhibit openness and tolerance of opposing views, they would help to overcome the suspicion and resentment sometimes directed toward church or church-leader participation in public debate.

In summary, I have pointed out that many laws are based on the absolute moral values most Americans affirm, and I have suggested

that it cannot be otherwise. I have contended that religious-based values are just as legitimate a basis for political action as any other values. And I have argued that churches and church leaders should be able to participate in public policy debates on the same basis as other persons and organizations, favoring or opposing specific legislative proposals or candidates if they choose to do so. I have suggested that it would be inappropriate for churches to impose church discipline on their members for failing to follow church doctrine or direction in the exercise of their public responsibilities.

I will conclude this discussion of Church participation in the political process by stressing the obvious. Politics and religion have different goals and different methods. Each can be corrupted by too much association with the other.

Governments or their leaders can be corrupted by surrendering to a church, and churches or their leaders can be corrupted by excessive involvement with politics or the state. Some lesser manifestations of such corruption are sometimes seen in our day.

Politicians sometimes seek to use religion for political purposes, and they sometimes even seek to manipulate churches or church leaders. Ultimately this is always self-defeating. Whenever a church or a church leader becomes a pawn or servant of government or a political leader, it loses its status and the credibility it needs to perform its religious mission.

Churches or their leaders can also be the aggressors in the pursuit of intimacy with government. The probable results of this excess has been ably described as "the seduction of the churches to political arrogance and political innocence or even the politicizing of moral absolutes".

The relationship between church and state and between church leaders and politicians should be respectful and distant, as befits two parties who need one another but share the realization that a relationship too close can deprive a pluralistic government of its legitimacy and a divine Church of its spiritual mission.

Despite that desirable distance, government need not be hostile to religion or pretend to ignore God. In contrast to the vocal minority who demand that governments ignore the God most of their citizens worship, I long for a return to the dignified religiosity embodied in this proclamation by a President of the United States:

"We have forgotten God. We have forgotten the gracious hand that preserved us in peace, and multiplied and enriched and strengthened us. And we have vainly imagined in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us."

That was Abraham Lincoln, 1863. His words remain appropriate for our day. I pray that we and our fellow citizens will take them to heart.

#### ADULT LITERACY IN THE STATE OF NEW YORK

• Mr. SIMON. Mr. President, I would like to make my colleagues aware of the marvelous work of my longtime friend, Dr. Richard C. Wade, who teaches at the graduate school and University Center at the City University of New York.

Dr. Wade has been a practicing scholar for over 40 years, and has served as chairman of the New York Governor's Commission on Libraries for the past 2 years. He has actively sought better ways to reduce adult illiteracy and has good ideas, particularly in terms of helping prisoners learn to read and write.

Recently I received a copy of his testimony on adult illiteracy in the State of New York. His insightful comments and innovative ideas merit the attention of my colleagues in the Senate.

I ask to insert his comments in the RECORD at this point.

The comments follow:

#### HEARING ON ADULT LITERACY IN NEW YORK STATE

(Testimony presented by Richard C. Wade, Chairman, Governor's Commission on Libraries)

#### THE CASE FOR "LATE START"

Thank you, Mr. Chairman, for this opportunity to testify before this committee on the growing and dangerous problem of adult illiteracy. The testimony I give today I could not have provided two years ago when the Governor named me chairman of his Governor's Commission on Libraries. At the time I thought I knew a great deal about libraries. I had been, after all, a practicing scholar for forty years. My specialty, urban history, had led me to research in every kind of library—university, public, archival, and specialized. For decades I had fought university administrations for more funding; I had supported my own public libraries; I had helped cities set up their archives, and I was a guardian of the papers of important public figures. In short, I thought I understood libraries and their problems as well as almost anyone else.

I could not have been more mistaken. What I discovered was a library enterprise that is not only in deep trouble but suffering such neglect that only an aroused public and its elected officials can preserve it. That sentence is not meant merely to catch your attention. It is a conclusion that comes from almost two years of work by the Governor's Commission, which included six public hearings around the state, countless meetings, research by expert staff, and the proceedings from two conferences: The Governor's and the White House Conference on Library and Information Services.

The broad results of that work and that experience are summarized in the published report to the Governor which has been sent to members of this committee. The report has the unanimous endorsement of the distinguished Commission comprised of elected officials, librarians, and the general public.

The report is comprehensive and covers the crucial questions of the creeping catastrophe that is slowly engulfing our entire library enterprise. Today, however, I want to talk of only one, adult illiteracy, which if not vigorously addressed right now, will make many of the other problems seem somewhat academic. The central fact ought to be, in Thomas Jefferson's phrase "a fire bell in the night" for all of us. One in every five American adults is functionally illiterate. By that I do not mean that he or she does not read very much or has trouble with difficult material. I mean people who cannot read a want ad, cannot fill out a job application, cannot do elementary banking, cannot even read their children's report cards. And the figure



is conservative. Many experts place it much higher: one congressional committee, your analogue, estimates the number at thirty million. And the number is growing every week. Two years ago the president announced a goal of eliminating adult illiteracy by the year 2000. Yet there are more illiterates today than when he pronounced the goal. Incidentally, the figure of adult illiteracy in 1900 was one in twelve. In short, if nothing is done, we will end this century farther behind in the search for a literate society than when we began it.

The consequences of this failure explain much of what comprises our national malaise. I will not deal here with the individual loss that accompanies illiteracy: the knowledge that one will never be a full member of society; will never enjoy even a modest measure of the pleasures embodied in reading; will never be able to be a wholly helpful parent; will never have fulfilled one's real potential for a full and fruitful life. The understanding of that quiet catastrophe is beyond those who never experienced it. But the consequences of adult illiteracy to American society are not difficult to calculate.

The most obvious is economic. The most conservative estimates are that the nation's bill is over \$200 billion a year in unemployment, underemployment, health, welfare and incarceration costs. New York's part of this annual waste is \$20 billion. Worse still, this large pool of functionally illiterate adults means that this country enters the stiff world of economic competition with a labor pool of only eighty percent, while Germany and Japan can count on a work force of ninety five percent or more literate employees ready to contribute to a modern economy. It is simply unrealistic for our nation's leaders to keep promising to "compete" when we enter the ring with one arm tied behind our back. For years, governments on every level have created job training programs to prepare displaced workers for new employment and prepare youngsters for the world of modern work. Yet these programs, no matter how diligently pursued, disappointed their beneficiaries who can neither read or write and who ultimately drift away to the unemployment and welfare lists.

The consequences are in our schools as well. While there is general discontent with our educational system, little consideration is given to one of the root causes of their failure. Illiterate parents produce illiterate children on a greatly disproportionate scale. The relationship is obvious, and it is also ominous. The largest group of adult illiterates is between 20 and 39 years old, indicating that the next decade will see an acceleration of the educational crisis and the familiar lament about inadequate parenting.

The consequences are in the streets as well. Over seventy percent of the nation's prison population are illiterate. Worse still, they come out illiterate and most cases return to prison again. The recidivism rate in the American system is over sixty percent. In Japan, where a convict cannot be released until he can read and write, the rate is five percent. We, of course, cannot use compulsion, but unless we break the cycle of illiteracy, the criminal justice system will remain a revolving door that pushes in and out people who cannot read their own indictments.

A further consequence of the rising level of adult illiteracy is its impact on our political institutions. The founding fathers rightfully argued that a democratic society rested on a literate and informed populace. Indeed, it is this faith in the intelligence and good will of

ordinary people that made the United States a pioneer in electoral democracy. The last three decades, however, have seen a precipitous drop in voting participation. Only half the eligible voters turn out for a presidential election; fewer still in state and local elections. The whole electoral process presumes a literate public, from filing the application to knowing the location of the polling place, and from reading the ballot to understanding the issues and candidates. In short, the ability to read and write is crucial to a free society. Yet adult illiteracy reduces the voter pool by nearly twenty percent. And there is no reason to expect next year will not be worse.

A final consequence of adult illiteracy is to render meaningless most reforms directed to remedy our nagging and persistent social problems. HUD Secretary, Jack Kemp, wants to give vouchers to the poor so they can find housing in the private market; former Governor Jerry Brown wants vouchers for the poor to receive a negative income tax; various educators have long advocated vouchers to pay for private schooling. Has no one asked how someone who cannot read or write is going to read a housing advertisement much less a lease, or file a tax form, or find out which school is best for her children? The "voucher revolution" will surely founder on the rocks of illiteracy.

These consequences are not, however, without remedy. There is no necessary and inevitable portion of our population that is permanently illiterate; with a real public commitment we can approach, if not reach, the president's goal of full illiteracy by the year 2000. An essential beginning has at least three steps.

1. The creation of a permanent Governor's Commission on Libraries. This commission would have the responsibility, among other things, of coordinating and directing an all-out attack on adult illiteracy. There are presently many groups, public and private, who are all heroically laboring in the vineyard. Literacy Volunteers of America, our libraries, and some trade unions have programs; others are just beginning. A permanent Commission could encourage and support these efforts and organize broad public awareness of the problem and provide assistance in developing programs.

Libraries are obviously the focal point for the attack on illiteracy. Libraries alone have the space, the materials, and the professional staff. They are neighborhood oriented and provide a convenient home for those anxious to learn to read and write. To do the job, we should be expanding the days and hours libraries are open, not contracting them or sometimes closing them altogether.

2. Our prisons now contain a basically illiterate population. They are released no more able to function peaceably in society than when they went in. The criminal justice system could offer a simple incentive. A judge, after being informed through test results that a non-violent convict was functionally illiterate, could adjust the sentence. If, for example, the sentence was five years, the judge could indicate that if the prisoner completed a literacy program successfully, the sentence would be reduced. He could also induce very literate inmates to teach reading and writing also with the possibility of a reduced sentence. A simple calculation I hope will suffice. It costs at least \$40,000 a year to house an inmate in New York. If just one prisoner was released literate on a reduced sentence of just one year, it would save \$40,000; if a non-violent teaching inmate's sentence was also reduced, it would

save another \$40,000. The public is twice served. And the chances of either returning to prison is drastically lowered.

3. The funding of a general attack on adult illiteracy would surely be the most cost-effective program ever presented to the American people. It is gender-free, race free and family centered. Any program that takes an adult from illiteracy to functional reading and writing would receive \$2,000—one thousand from the state and one thousand from the federal government. Like Head Start, this Late Start program would be financed by matching funds. But payment should be tied to results, not to attendance or promises. Late Start deals with adults; its funding can be controlled by easily certified success.

Mr. Chairman, in my judgment the reduction of adult illiteracy in this country is the most fundamental question facing the American public today. Moreover, unlike so many other issues, it can be remedied without new equipment or great expenditures of funds. What is required is a commitment by the American public and its elected officials to erase this silent scandal and return this country to its rightful place as the most literate of nations. And it is proper that New York State take the lead, for, after all, it pioneered in library innovations and is still the flagship of the nation's library systems. Indeed, this country invented the notion of universal literacy. In these years when we celebrate the anniversary of the Bill of Rights, is it too much to ask that by the end of this decade, every American can read and rejoice in it? The nation that enthusiastically embraced Head Start should surely welcome the beginning of Late Start. ♦

#### RADIO READING SERVICE

♦ Mr. D'AMATO. Mr. President, most of us take for granted our ability to read a book, newspaper, or magazine without any effort. There are persons among us—blind people, senior citizens, and other visually impaired individuals—who need someone else to read for them. For many visually impaired persons in western New York, the Niagara Frontier Radio Reading Service provides that someone to do the reading.

The Niagara Frontier Radio Reading Service is a special radio station for those unable to read printed matter. More than 300 volunteers broadcast daily readings of newspapers, magazines, books, and important community information to area print-handicapped persons who are given a specially tuned radio reading receiver. More than 1,000 reading radios have been distributed in 4 years of serving western New York. Many libraries, hospitals, and nursing homes offer reading radio services to their clientele.

The Niagara Frontier Radio Reading Service is a private, not-for-profit agency that relies upon the financial support of individuals, groups, corporations, foundations, and governments. To this end, Buffalo channel 29 will be holding a live telethon for the Niagara Frontier Radio Reading Service, Inc., on Sunday, March 22, 1992.

The reading service has received the highest honor a State not-for-profit

agency can receive, the Governor's Eleanor Roosevelt Outstanding Community Service Award.

This fine organization provides an invaluable service to print-handicapped persons in western New York. I salute them for their many achievements to date, and wish them many more years of continued success.●

#### OPPORTUNITIES FOR THE PEACE CORPS

● Mr. CRANSTON. Mr. President, the administration last year requested an appropriation of \$200 million for the Peace Corps for the current fiscal year. However, because of unresolved differences on matters unrelated to the Peace Corps, Congress has been unable to enact the fiscal year 1992 Foreign Operations appropriations bill and the Peace Corps is currently operating under a continuing resolution at the fiscal year 1991 funding level of \$186 million. Although these financial constraints impose difficulties on all programs funded under the Foreign Operations bill, I believe that the Peace Corps' situation warrants particular attention.

Mr. President, at a time of tremendous international tension and suspicion, the founders of the Peace Corps, among whom my long-time close friend Senator WOFFORD, was a leader, had a wonderful vision of promoting the causes of international peace and understanding on a person-to-person basis. That vision was both bold and simple. They saw a world made more peaceful and the peoples of the world less divided through the efforts of individual Americans, working side-by-side with other peoples around the world, assisting in the development efforts of their countries, mutually sharing the realities of American life and life in other countries, and coming back to share with other Americans the lessons learned. To the great credit of the founders and the 130,000 Peace Corps volunteers who have served over the past 31 years, the promise of that vision has been realized and continues to be fulfilled.

Over the past 3 years, the international community has witnessed the birth of infant democracies in Latin America, Eastern Europe, and, perhaps most dramatically, the states of the former Soviet Union. Among the first requests to the United States to come from the governments of these countries have been those for Peace Corps volunteers. The Peace Corps has thus been requested to enter a record number of 34 new countries during this period and has initiated programs in 24 of those countries. The leaders of the agency have followed the longstanding policy of the Peace Corps to try to respond to all appropriate requests for assistance. Individual Americans, too, have responded to these events with a

heightened interest in Peace Corps service, and the Peace Corps reports an enormous increase in the numbers of inquiries and the numbers of applications. Peace Corps staff receive an average of over 1,000 telephone inquiries each day, up from an average of approximately 200 in previous years. Last year nearly 14,000 Americans, more than at any time since the 1960's, applied to serve as volunteers. These are truly historic times, and they have presented many new opportunities for the Peace Corps to serve in countries that had not previously requested volunteers.

Mr. President, at the same time, countries with longstanding Peace Corps programs continue to request additional volunteers, and the commitment of both the Peace Corps leadership and Congress to these traditional programs remains very strong. Moreover, during the past year, the Peace Corps has undertaken several initiatives to improve the quality of health care provided to volunteers overseas, establish monitoring systems to assure quality health-care services, and assist volunteers who become disabled during service in gaining benefits available through the Department of Labor. These important measures are needed to address shortcomings identified by the General Accounting Office, which has been working for 2 years on volunteer health issues at the request of Senator INOUE, whom I have joined in an effort to improve Peace Corps' health-care services.

The confluence of these events has resulted in tremendous pressures being placed upon Peace Corps' resources, to which both Congress and the administration have been largely responsive. The administration's budget requests of \$200 million for fiscal year 1992 and \$218 million for fiscal year 1993 reflect a recognition of the new country requests and the internal improvements needed to ensure the well-being of volunteers and the agency's continued success. For fiscal year 1991, the final Peace Corps appropriation of \$186 million was \$5 million over the administration's budget request for that year, reflecting the strong congressional support for the agency which has been consistent over the past three decades. The urgent need at this point is for congressional action approving the \$200 million funding level for fiscal year 1991. If this appropriation is not provided, the Peace Corps will fail to respond to many excellent opportunities for volunteer service that it ought to fulfill.

Mr. President, in light of the many outstanding requests for volunteers and the commitments that the Peace Corps has made to both longstanding programs and to the countries which have requested volunteers for the first time as well as the health of its volunteers, I wish to remind my colleagues

of our great tradition of providing the Peace Corps with adequate resources to do its important work. I sincerely hope that the appropriations measure that we will soon consider will provide the Peace Corps with at least the administration-requested level of \$200 million for the current fiscal year. The Peace Corps has been working for peace for the past 31 years, and I believe it would be most unfortunate if, at this time when the demand for its work is so great and the support for its efforts greatly invigorated, its efforts were to be stalled and reduced by a deadlock over unrelated, though extremely important, U.S. foreign policy matters.●

#### IN HONOR OF GENE AND LOUISE SMALLIDGE

● Mr. DURENBERGER. Mr. President, I rise today to honor Gene and Louise Smallidge, two very special Minnesotans, who are reaching across continents to make a difference and touch people's lives.

There are 800 people on a 10,000-acre farm near Saratov, Russia, who think that Gene and Louise Smallidge of rural Hastings, MN, are perhaps the best friends they have in the world.

It was over a year ago that the Minnesota farm couple visited Saratov at the invitation of Valentin Pavlukov, general manager for the Ministry of Aviation.

Mr. Pavlukov asked the Smallidges what technical advice they could offer to help Russian farmers improve agricultural productivity in that region.

Gene and Louise wrote a report outlining their ideas. And when they returned to Minnesota, they began to raise money for a corn planter and a cultivator that they believed would be the best help of all. Through speaking fees about their experience in Russia, and with the help of implement dealers in Cottage Grove, Gene and Louise purchased the corn planter and cultivator along with spare parts enough for 5 years, and shipped it to Saratov.

The Smallidges then traveled to Saratov last fall to help the Russian farmers learn how to operate the equipment for the planting season this spring. Since corn production will double this spring, Gene and Louise now are raising money for a dryer. They have done this work by simply speaking and showing the slides of their experience to any group that will hear them.

While Gene and Louise have put forth the greatest effort in this farmer-helping-farmer effort, they simply say that these implements are gifts from America's Heartland.

And the hearts of the Smallidges, Minnesota farmers, are gifts to all Americans.●



### TRIBUTE TO MARLENE ALONGI AND LOUIS R. SALAMONE

• Mr. D'AMATO. Mr. President, the success of any program is dependent upon those who are responsible for carrying them out. It is the great fortune of the people of Yonkers to have Marlene Alongi and Louis R. Salamone caring for the children of their community.

Marlene Alongi provides a very visible service in her volunteer work in the Exceptional Child PTA and various other organizations. She has not only worked with the Cub Scouts and Girl Scouts in Yonkers, but has also worked with the homeless and less fortunate. Besides raising a family, Marlene Alongi has been a tutor and a fundraiser for those in need of her services. With so many unfortunate individuals in our Nation, the need for people like Marlene Alongi becomes even greater.

Schoolteachers, too, are one of the most viable human resources in a community. They teach our children and therefore decide the future of our great Nation. It takes an exceptional individual to really care for his or her students; we have such an individual in Louis R. Salamone. Louis R. Salamone is exceptionally unique because of his devotion to the learning disabled children of his community. Teaching in itself is a monumental job, but Louis Salamone has gone beyond that. He has contributed his services in physical education at the high school level and has taught English to adults. He has been a program innovator in the special education arena in his community. He is an outstanding role model for others in his profession.

Both Marlene Alongi and Louis R. Salamone do more than they realize for their respective communities. They not only tremendously assist those that they touch, but also serve as role models for those following in their footsteps. They both deserve to be commended for their vigilance and availability. It is their dedication and determination that make our world a better place to live. I wish to thank Marlene Alongi and Louis R. Salamone for their resoundingly successful efforts in their communities. •

### IOWA GIRLS BASKETBALL CHAMPIONS

• Mr. HARKIN. Mr. President, I rise today to offer my heartfelt congratulations to two Iowa high schools, Osage and West Des Moines Dowling, for their victories over the past weekend in the girls State basketball tournament. Osage captured the State six-player title and my alma mater, Dowling, earned the State five-player crown. For both teams it was their first appearance in the State tournament. Congratulations to the players, coaches, students, parents, and fans.

The Iowa girls State basketball tournament has a long and proud tradition.

For 6 days in March, the talk around the State turns from the price of hogs, weather, and politics to girls basketball. The tournament is a celebration and provides high-profile recognition for female athletes. I am proud to represent a State with a long history of interscholastic athletic competition for girls and recognition of their accomplishments.

I would also like to congratulate the members of the all-tournament teams. The members of the six-player team are: April Hintz and Teri Fleming of Osage; Ivy Mennen, Stacey Janssen, and Katherine Hadley of Hampton-Durant; Cathy McDaniel and Missy Miller of Colo-NESCO; and Angie Runchey of Atlantic. The members of the five-player team are: Sarah Pearson and Nikole Hennigan of Dowling; Julie Overton of Indianola; Jayme Olson of Bettendorf; and Karen Schulte and Kate Galligan of Cedar Rapids Jefferson.

The fine Iowa tradition in women's athletics continues at the university level. Good luck to C. Vivian Stringer and the University of Iowa women's basketball team as they compete in the NCAA tournament for the 7th year in a row. •

### COMMENDING GILBERT BLUM

• Mr. D'AMATO. Mr. President, I rise today to congratulate Mr. Gilbert Blum who is retiring from the Great Neck School District after 23 years as principal of Great Neck South and 42 years in public education.

Mr. Blum guided Great Neck South through the turbulent years of the early 1970's through his genuine understanding of the concerns of students, parents and faculty while maintaining high academic standards. While taking pride in the large number of students who receive high academic honors, Mr. Blum has always managed to inspire those students who may be less directed in their studies. As a result of his active leadership Great Neck South High School continues to be recognized as one of the outstanding public secondary schools in America.

In addition to his accomplishments within Great Neck, Mr. Blum has also played a leading role in education outside Great Neck by serving as president of the North Shore Principals' Group and president of Section Eight of the Nassau County Athletic Association. He also serves as a member of the advisory committee of the Center for Secondary School Administrators and Supervisors at Hofstra University, and as a member of the board of trustees of the Middle States Association of Colleges and Secondary Schools.

Mr. Blum is a highly skilled and well respected educator. I congratulate him on his 42 years in public education. Mr. Blum, thank you for your dedication. I wish you every success in your retirement. •

### BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending exceeds the budget resolution by \$6.3 billion in budget authority and by \$5.8 billion in outlays. Current level is \$2.8 billion above the revenue target in 1992 and \$0.9 billion above the revenue target over the 5 years, 1992-96. The changes in budget authority, outlays and revenues reflect the revised allocations submitted on March 10, 1992. These revisions are attributable to S. 2325, a bill that was reported March 3, 1992, by the Finance Committee.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is \$354.1 billion, \$2.9 billion above the maximum deficit amount for 1992 of \$351.2 billion.

The report follows:

CONGRESSIONAL BUDGET OFFICE,  
U.S. CONGRESS,  
Washington, DC, March 17, 1992.

HON. JIM SASSER,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1992 and is current through March 13, 1992. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 121). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 10, 1992, the Congress has cleared for the President's signature S. 2324, Technical Corrections to the Food Stamp Act. This report also includes revised budget resolution aggregates for budget authority, outlays and revenues submitted March 10, 1992 by the Senate Budget Committee under Section 9 of the Concurrent Resolution on the Budget. These revisions are attributable to S. 2325, a bill that was reported March 3, 1992 by the Finance Committee and that includes a provision to increase the earned income tax credit for low-income families with children.

Sincerely,

JAMES T. BLUM  
(For Robert D. Reischauer).

### THE CURRENT LEVEL REPORT FOR THE U.S. SENATE 102D CONGRESS, 2D SESSION AS OF MARCH 13, 1992

(In billions of dollars)

|                  | Budget resolution (H. Con. Res. 121) | Current level <sup>1</sup> | Current level +/- resolution |
|------------------|--------------------------------------|----------------------------|------------------------------|
| On-budget        |                                      |                            |                              |
| Budget authority | 1,270.7                              | 1,277.0                    | +6.3                         |
| Outlays          | 1,201.7                              | 1,207.5                    | +5.8                         |
| Revenues:        |                                      |                            |                              |
| 1992             | 850.5                                | 853.4                      | +2.8                         |

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE 102D CONGRESS, 2D SESSION AS OF MARCH 13, 1992—  
Continued

| (In billions of dollars)     |                                      |                            |                              |
|------------------------------|--------------------------------------|----------------------------|------------------------------|
|                              | Budget resolution (H. Con. Res. 121) | Current level <sup>1</sup> | Current level +/- resolution |
| 1992-96 .....                | 4,834.6                              | 4,835.5                    | +0.9                         |
| Maximum deficit amount ..... | 351.2                                | 354.1                      | +2.9                         |
| Debt subject to limit .....  | 3,982.2                              | 3,756.2                    | -226.0                       |
| Off-budget                   |                                      |                            |                              |
| Social Security outlays:     |                                      |                            |                              |
| 1992 .....                   | 246.8                                | 246.8                      |                              |
| 1992-96 .....                | 1,331.5                              | 1,331.5                    |                              |
| Social Security revenues:    |                                      |                            |                              |
| 1992 .....                   | 318.8                                | 318.8                      |                              |
| 1992-96 .....                | 1,830.3                              | 1,830.3                    |                              |

<sup>1</sup> Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1992 AS OF CLOSE OF BUSINESS MAR. 13, 1992

| (In millions of dollars)   |                  |           |          |
|--|------------------|-----------|----------|
|  | Budget authority | Outlays   | Revenues |
| Enacted in previous sessions   |                  |           |          |
| Revenues .....   |                  |           | 853,364  |
| Permanents and other spending legislation .....                          | 807,567          | 727,184   |          |
| Appropriation legislation .....  | 686,331          | 703,643   |          |
| Continuing resolution authority .....                                    | 13,992           | 5,454     |          |
| Mandatory adjustments <sup>1</sup> .....                                 | (1,041)          | 1,105     |          |
| Offsetting receipts .....  | (232,542)        | (232,542) |          |
| Total previously enacted .....   | 1,274,306        | 1,204,844 | 853,364  |
| Enacted this session   |                  |           |          |
| Emergency Unemployment Compensation Extension (Public Law 102-244) ..... | 2,706            | 2,706     |          |
| American Technology Pre-emption Act (Public Law 102-245) .....           |                  |           |          |
| Pending signature  |                  |           |          |
| Technical Correction to the Food Stamp Act (S. 2324) ..                  | 3                | 3         |          |
| Total current level .....  | 1,277,012        | 1,207,550 | 853,364  |
| Total budget resolution <sup>2</sup> .....                               | 1,270,740        | 1,201,728 | 850,528  |
| Amount remaining:  |                  |           |          |
| Over budget resolution .....   | 6,272            | 5,822     | 2,836    |
| Under budget resolution .....  |                  |           |          |

<sup>1</sup> Adjustments required to conform with current law estimates for entitlements and other mandatory programs in the Concurrent Resolution on the Budget (H. Con. Res. 121).

<sup>2</sup> Includes revision under Section 9 of the Concurrent Resolution on the Budget (see p. S2921 of "Congressional Record" dated March 10, 1992).

<sup>3</sup> Less than \$500 thousand.

Note.—Detail may not add due to rounding.

TRIBUTE TO REV. JOHN E. DRAGELIN

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to Rev. John E. Dragelin who is retiring after 33 years of service at Ascension Lutheran Church in Deer Park, NY.

Reverend Dragelin has been a community leader for more than 30 years. He has been active in the local school district and been chaplain at Good Samaritan Hospital, Southside Hospital, Pilgrim Psychiatric Center, U.S. Marine Corps, World War II, as well as at various nursing homes.

In addition to his work as the pastor of Ascension Lutheran Church, Reverend Dragelin also operated a food pantry for many years, worked with senior citizens and youth groups, and hosted AA, Alanon, and literacy volunteer groups.

Reverend Dragelin has ministered to three generations of men, women, and children. Mr. President, it is with great pride that I congratulate Reverend Dragelin for his accomplishments and wish him every success in his retirement.

SOUTH AFRICA MOVES FORWARD

• Mr. DECONCINI. Mr. President, the white minority of South Africa has spoken. President F.W. de Klerk's high stakes gamble has paid off. Yesterday, the voters went to the polls throughout South Africa and overwhelmingly rejected a return to racism and apartheid. They turned their backs on hate and allowed a new day to dawn for a better, free, and nonracial South Africa.

In a crucial referendum, more than 85 percent of the white electorate turned out at the polls to vote their conscience. On the question, "Do you support continuation of the reform process which the state president began on February 2, 1990, and which is aimed at a new constitution through negotiations?" 68.7 percent of the voters marked "yes" for a future of hope for their children and their country.

The road ahead will not be smooth. Difficult and detailed negotiations remain for the Government, the African National Congress, the Inkatha Freedom party, and other parties to the negotiations. It is never easy for a sitting government to negotiate itself out of power, but it is in the best interests of all South Africans.

I applaud the voters who participated thoughtfully in this most serious issue facing their country. I congratulate President de Klerk for boldly leading his country into this new day. I also urge him to approach the many problems facing his country with a renewed vigor, resolve, and hope. I would include among these many problems the potentially explosive issue of black-on-black violence.

Finally, I commend the black majority in South Africa for their great patience in allowing the referendum to occur without incident. Their new day is long overdue. I encourage them also to approach the negotiations with a renewed sense of seriousness while providing all South Africans with a clearer vision of where they, together with the white minority, will lead this new South Africa.

BOYS' TOWNS OF ITALY MAN OF THE YEAR

• Mr. D'AMATO. Mr. President, I rise today to commend one of my constitu-

ents, Phil Catanese, who has been recognized many times for his outstanding leadership and is once again being recognized; this time by Boys' Towns of Italy as their Man of the Year, 1992. During his 20-year tenure in the food industry, Mr. Catanese has achieved the highest level of respect from his peers.

Phil Catanese is currently the vice president and general manager of Bells Retail Stores for Peter J. Schmitt Co., Inc. He serves on the board of directors of the New York State Food Merchants' Association. His professional energies are paralleled only by his tremendous dedication to the local community. In addition to his association with Boys' Towns of Italy, Mr. Catanese has quite an impressive and lengthy list of charity involvements including: The United Way, March of Dimes, Kelly for Kids, Children's Hospital, Leukemia Society of Western New York, past president, and Catholic Charities.

The many contributions that Mr. Catanese has made to western New York are nothing short of inspiring. Despite the many demands of his professional and community-involved life, Phil holds traditional family values dear and proves to be a devoted dad to Lisa and Phil.

Phil Catanese, I congratulate you for this great honor and wish to thank you for your many contributions to the great State of New York. I wish you many more successes in all of your future endeavors.

REMAINING JEWS IN SYRIA

• Mr. LIEBERMAN. Mr. President, I rise today for the purpose of bringing the Senate's attention to the painful and unjust plight of the remaining Jews in Syria. Many members of the Syrian Jewish community, which only numbers about 4,000, would like to emigrate to join families abroad. Yet Syrian authorities only permit small numbers to leave periodically; bribes are often needed to achieve even these small successes.

Moreover, Syrian Jews are often imprisoned for unjust reasons. Two Jewish brothers, Eli and Selim Swed, for example, were recently tried in camera and sentenced to 6½ years imprisonment after having been held since November 1987. They were charged with espionage, when their only crime was visiting relatives in Israel on one of the rare occasions that Syrian Jews were allowed to travel. After their sentencing, the two brothers conducted a hunger strike in prison, an unprecedented act in that country. They have ceased their hunger strike, but remain in prison.

Syrian Jews can even face the threat of death. In March 1974, four young Jewish women were brutally murdered, while trying to escape from Syria.



Their mutilated bodies were dumped in sacks in front of their homes in Damascus as a warning to the rest of the community. This heinous crime has gone unpunished to this day.

Fortunately, there are many Americans who have not forgotten the Jews of Syria. The National Task Force of Syrian Jews, the National Jewish Community Relations Advisory Council, and the Council of the Rescue of Syrian Jews have performed an excellent job in keeping this on the American agenda. In my own State of Connecticut, the Yale Friends of Israel, led by Benjamin Gordon and Daniel Magder, have raised this issue in the Yale University community. Over 1,000 Yale students have signed a petition that I recently forwarded to President Bush and Secretary Baker protesting the plight of Syrian Jews.

This is also a special time of year for members of the Jewish community who are determined to free Syrian Jewry. The sabbath before the Jewish holiday of Purim is traditionally marked as Shabbat Zachor, Sabbath of Remembrance. And in recent years, this Sabbath has been dedicated to the memory of those four young women who were murdered.

Mr. President, at this historic time, when the United States has entered into a dialog with President Assad of Syria about peace in the Middle East, I urge President Bush and Secretary of State Baker to undertake a vigorous American effort on behalf of Syrian Jews. I also urge every Member of Congress to communicate his or her deep concern to President Assad and to the Syrian Ambassador in Washington about these injustices. True reconciliation will not come to the Middle East as long as Syrian Jews do not have the right to join their relatives reach for their dreams in the country of their choice.●

#### COMMENDING CWO HOLLOWITH BLUE

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to CWO Hollowith Blue who has been awarded the Legion of Merit for his service as the unit personnel technician, Headquarters and Headquarters Company, 4th Brigade [BT], 98th Division, Training.

Chief Warrant Officer Blue has excelled at guiding the 4th Brigade [BT] through many new and innovative personnel programs. One important program that he was responsible for was the additional duty of equal opportunity officer. In this unique position, Chief Warrant Officer Blue conducted highly successful classes to ensure supervisors and subordinates are aware of the sensitive nature of working alongside people of different nationalities, religious beliefs, race, and gender.

The personnel management arena is where Chief Warrant Officer Blue has

imparted a long, lasting mark. He played a major role in the development of the 4th Brigade [BT] Enlisted Personnel Management Program which has not only survived but continues to grow.

Chief Warrant Officer Blue's untiring dedication to duty was best displayed when he accepted the challenge of conversion of the Enlisted MOS's of the 4th Brigade after it's reorganization. Previously, the Brigade consisted of three battalions whose mission were to instruct. Following the reorganization, the 4th Brigade was made up of four battalions whose missions were to conduct basic training. Chief Warrant Officer Blue's wealth of experience in personnel management helped guide the battalions through the difficult transition from instructors to Drill Sergeants with a different MOS structure.

Chief Warrant Officer Blue's efforts have been invaluable in the process of identifying officer candidates, qualifying them, administering the Officer Selection Battery Test, preparing them for their officer candidate school through the New York Army National Guard Empire State Military Academy and then helping them to prepare to resume their Reserve career as reserve officers.

Chief Warrant Officer Blue's extraordinary devotion to duty and significant contributions over a 41-year career are truly exceptional. Mr. President, it is with great pride that I ask you to join me in congratulating him or earning the honor and distinction of the Legion of Merit.●

#### UNITED STATES TRAINING OFFICERS FROM RUSSIAN FEDERATION

● Mr. DECONCINI. Mr. President, I was shocked the other day to read that the administration is reportedly offering to provide training to officers from the Russian Federation under the International Military Education and Training [IMET] Program. Such an act would be an outrage, given the fact that an estimated 130,000 military personnel, including 40,000 officers, under Russian control, remain in Latvia, Lithuania, and Estonia. The continued presence of former Soviet troops on Baltic soil is an affront to the sovereignty of these countries.

The Governments of Latvia, Lithuania, and Estonia have repeatedly expressed their interest in negotiations which would lead to the complete withdrawal of these troops. Under pressure from the military, the Russian leadership has dragged its feet on the withdrawal issue. In late January, Vladimir Lopatin, Deputy Chairman of the Russian State Committee for Defense Issues, said that the troop withdrawal could not proceed until the housing issue is resolved. He went on to indicate that withdrawal from the Baltics

could not start before the departure of former Soviet forces from Germany and Poland, which is expected to take years to complete. One of the commanders of the Russian forces in the Baltics has claimed that troops will remain there through the end of the decade.

On-again, off-again negotiations with Moscow have failed to produce an agreed timetable or procedures for the pullout. Only token withdrawals have taken place to date. Meanwhile, troops continue to conduct military maneuvers outside of their bases and new recruits continue to be assigned to military basis in the Baltics. Ironically, it appears that some troops may have been merely shifted from one Baltic country to another. At the same time, Russia has failed to repatriate all Baltic citizens drafted into the Soviet Army as called for in an agreement it signed with the Baltic countries last October.

Mr. President, I understand the difficulty that Russia faces in housing returning troops, but this is no excuse for dragging out negotiations or reassigning forces into the Baltic States. The continued presence of former Soviet military personnel on Baltic soil poses a threat to stability in the region and undermines the hard-won independence of Latvia, Lithuania, and Estonia. It is time for all former Soviet forces to be withdrawn from the Baltics.●

#### INVENTING ENEMIES: THE PENTAGON SEEKS TO "DRUM UP BUSINESS" IN AFRICA

● Mr. CRANSTON. Mr. President, last week I rose to express my outrage about a secret Pentagon document that would pretend for the United States the role of "hegemon"—or world policeman.

The Pentagon planning paper, for use in future decisions on budgets and strategy, made reference to sub-Saharan Africa as one of the regions "critical to the security of the United States and its allies," an area where "the United States will be concerned with preventing the domination of key regions by a hostile power."

In this Sunday's Baltimore Sun, there was an excellent article, which I will ask to be printed in the RECORD, about Pentagon plans to increase special forces activity in Africa.

Although the editors chose another headline, a close reading of the text suggests a better one might have been: "Inventing Enemies."

Mr. President, the problems facing Africa today are not ones that cannot be resolved, nor should we try, by a friendly hand from the people at DOD.

As the Sun article makes clear, the United States has few real interests in sub-Saharan Africa, and none of them are threatened by the few regimes that are still AWOL from the global march to democracy.

The U.S. officials quoted in the article are correct in saying more attention ought to be paid to issues of long-term stability in the region—a bleak panorama of hunger, disease, debt, and civil conflict.

The United States can and should play a role there, through humanitarian assistance, through helping free market reforms and democratization and institution-building programs.

Yet in a continent in which more than half the 40 black African nations are governed, again according to the Sun, by their armies, the proposed use of the Pentagon as the preferred agent of change in our relations in Africa makes little sense.

The Pentagon document talks about its concern that the region fall prey to "a hostile power." What "hostile power"? The regional hegemon in Africa, Mr. President, is our long-time ally, France.

Should we beef up military assistance to an already overmilitarized continent so we might best one of our friends, France—a democracy and long-time ally—in a possible conflict that exists only in the fevered imagination of someone in the Pentagon?

To increase U.S. Special Forces activities in the area, the Army Special Operations Command has reactivated the 3d Special Forces Group—a Vietnam-era Green Beret unit.

The officer in charge is Col. Peter Stankovich, a veteran of the infamous "Phoenix program" in Vietnam that led to the murders of thousands of Vietcong suspects.

Among Stankovich's other assignments was a stint as an adviser to the Salvadoran Joint Task Force, which, according to an Army biography, implemented El Salvador's first "counterinsurgency national campaign plan."

During the 1980's the so-called Salvadoran Army was up to its neck in death squad activities.

The cold war may have died, but the thinking of cold warriors apparently still dominates U.S. military assistance programs in Africa. The Sun quoted Colonel Stankovich as emphasizing the nation-building role of his troops.

"Our focus is foreign internal defense—the kind of thing that strengthens a country so it can withstand the pressures from within as well as without," Stankovich was quoted as saying. The phrase "foreign internal defense" sounds like the same old counterinsurgency claptrap. In the United States, the military is barred from police functions or so-called "internal defense."

Reinforcing the military's role in internal security in Africa, as we did in Latin America throughout the 1960's and early 1970's, will not help save democracy there. On the contrary, it is more likely to promote military coups.

In nations rife with ethnic conflict, what possible interest could the United States have in helping any one faction in its ageless quest for domination?

In a continent of inherently unstable borders, often drawn only for the convenience of former colonialists, what objective does the United States seek to pursue?

Nation-building seems innocuous and unobjectionable on its face, but the effect inevitably has been to promote the military at civilian expense, and to compete unfairly with free enterprise.

The United States promoted nation building in Panama. What we got was Noreiga and a military involved in every facet of public life.

Mr. President, the administration persists in offering military solutions to what are essentially political and free-market problems.

They will, in the end, create situations that are worse than those that already exist.

Carol Lancaster, an African specialist at Georgetown University, could not be more on the mark when she commented that, "It sounds like the Pentagon does not know what to do with its money."

The Pentagon should not be allowed to drum up business around the globe in fights that are not ours, in regions crying out for U.S. help—but not of a military nature.

Inventing enemies is a dangerous business—for us, and for the people we truly seek to help.

I ask that the article to which I referred be printed in the RECORD.

The article follows:

[From the Baltimore Sun, Mar. 15, 1992]

U.S. INCREASING ITS SPECIAL FORCES ACTIVITY IN AFRICA—MILITARY PRESENCE FELT IN REGION RIFE WITH INSTABILITY

(By Richard H.P. Sia)

WASHINGTON—The Bush administration has dispatched elite Army training teams to Africa in recent months in an effort to establish a low-cost U.S. military presence in a region rife with political and economic instability, terrorism and guerrilla warfare.

The increase in U.S. military activities has occurred over the past 20 months, ever since the Army Special Operations Command officially reactivated the 3d Special Forces Group—a Vietnam War-era Green Beret unit—for extensive security assignments in Africa and, to a lesser extent, in the Caribbean.

The 3rd Group is commanded by Col. Peter Stankovich, a highly decorated officer with considerable counterinsurgency experience in Vietnam and Latin America.

The expansion of U.S. military activities clearly coincides with the Pentagon's increasing focus on potential conflict in the Third World, especially with the demise of the Soviet Union. It is also the latest sign of the unprecedented peacetime buildup of special operations forces, which began in 1981 and has received exceptionally strong congressional backing.

Most recently, small special forces detachments have flown to Zimbabwe, Namibia, Niger and the Ivory Coast to train local armies or help improve local health-care and

economic conditions, said Gen. Carl W. Stiner, commander-in-chief of the U.S. Special Operations Command.

About 50 Green Berets have been conducting counterinsurgency and weapons training in Senegal since November while assisting Senegalese troops in their withdrawal from strife-torn Liberia, other military officials said.

For two weeks in January, about 200 U.S. airborne troops from Vicenza, Italy, staged "Operation Silver Eagle" in Botswana, one of the largest U.S. exercises ever in sub-Saharan Africa, according to U.S. and foreign officials. The combined forces staged mock battles, parachute drops and maneuvers to defend strategic areas near the capital of Gaborone.

General Stiner disclosed a few of the African missions at a little-noticed session of the Senate Armed Services Committee earlier this month. He described them as "relatively low-visibility, non-intrusive assets—thus they are often more acceptable to host nations than conventional forces."

The "units project a positive impression of U.S. forces as a whole and may provide the basis for expanded military contacts in the future," the four-star general said. For now, these units offer "an effective means of providing a low-cost forward presence," he said.

Several U.S. officials said the missions are part of an overall strategy to promote "stability" in the region by strengthening the "internal defenses" of some of the least-developed countries of the world. At the same time, U.S. forces have been getting needed exposure to local terrain, culture and language, they said.

Outside analysts have raised the possibility that the United States might get caught in regional violence that flares as democratic reforms clash with authoritarian regimes in Africa, where radical changes have been under way in the past several years. There also have been suggestions that the Bush administration might be seeking to prevent the emergence of a regional power that could threaten stability on the continent.

#### CHANGING STRATEGY

In Africa, U.S. strategy used to be based mainly on the recognition of a power rivalry with the Soviet Union and a desire to check its expansionism while promoting American good will. Because the United States has had less dependence on African mineral and oil resources, and less trade with Africa than European countries, there has been little reason to design a military policy to safeguard economic interests there.

But now, many parts of sub-Saharan Africa have been turning to democracy, and one-party governments—some of them repressive and often corrupt—are finding themselves under increasing pressure to change. Adding to possible instability are "awesome challenges from decades of misrule, economic disorder and the mounting demographic crisis of AIDS," CIA Director Robert M. Gates said last week.

Although the Green Beret missions have been undertaken at the request of African governments, they generally are being initiated by an "awareness campaign" that the United States has been conducting through diplomatic channels for more than a year to drum up business, a knowledgeable military official said. Asked about future missions, this official replied, "We're looking for opportunities."

This past week, Gen. Colin L. Powell, chairman of the Joint Chiefs of Staff, made a rare visit to Senegal, Sierra Leone and Ni-



geria, mainly as a goodwill gesture but also for informal talks on regional issues and U.S. security assistance, officials said.

The capacity for security assistance will be enhanced in October, when the 3rd Special Forces Group is expected to more than triple its original size. It will grow to an authorized strength of 1,370 troops from an initial battalion of 386 seasoned troops. The unit's current authorized strength is 990.

But many defense analysts assert that the United States has few tangible interests at stake in sub-Saharan Africa, none of which is seriously threatened by the military dictatorships there. They also warn that more deployments, even for benign purposes like providing health care, could provoke attacks on U.S. forces.

With the demise of the Soviet Union, "the Pentagon is carving out new roles and seizing upon everything it can to justify its existence," said David Isenberg of the Center for Defense Information, a research group critical of current military priorities. "God knows what they'll accomplish in Africa."

A draft Pentagon planning document that will be used to guide decisions on future military budgets and strategy makes explicit reference to sub-Saharan Africa as one of many regions "critical to the security of the U.S. and its allies." The document, whose contents were disclosed by the New York Times last week, said that in this and other regions of the world, "the U.S. will be concerned with preventing the domination of key regions by a hostile power."

#### FRANCE'S PRESENCE

One administration official, who insisted on anonymity, said the U.S. presence will remain overshadowed by France, a former colonial power with more than a dozen defense treaties in the region and troops stationed in Senegal, Djibouti, Chad, Gabon, the Ivory Coast and the Central African Republic.

"France is really the biggest outside presence," the official said. "They're clearly the big player: it's usually ours [military aid and troops] supplementing theirs."

Asked if U.S. officials viewed France as a rival power in Africa, he said: "Before the disappearance of the Eastern bloc, our policies and theirs were 90 percent compatible. Anyone opposed to the Soviets [in Africa] was OK with us. Now that the Cold War is over, we have to ask is that still true? Or was it ever true?"

"I'd have to say that's still valid, unless France shows us otherwise."

But French officials say they have cooperated closely with the United States and see the U.S. military role as minor, vastly outweighed by French prepositioned and contingency forces and its command and control support in its former African colonies. With no markets in contention and no military threat to the West in much of the region, "from a political point of view there is room for everyone," a French official said.

Some U.S. analysts suggested that the higher military profile might be linked to broader U.S. policy goals that are still evolving, such as containing Islamic fundamentalism or Libyan influence in north Africa, or seeking a new regional balance of power.

Or, as Carol Lancaster, an Africa specialist at Georgetown University's School of Foreign Service, put it: "It sounds like the Pentagon doesn't know what to do with its money."

#### FOREIGN INTERNAL DEFENSE

Colonel Stankovich, commander of the 3rd Group, emphasized the "nation-building" role of his troops in an interview when he

took charge of the unit. "We have a combat role, to be sure, but the focus really isn't there for a combat role," he said.

"Our focus is foreign internal defense—the kind of thing that strengthens a country so it can withstand the pressures from within as well as without," he said.

The colonel added: "We won the Cold War, so we've got to go out and promote democracy."

Colonel Stankovich is a veteran of some of the most controversial U.S. special forces operations in the past 25 years. In Vietnam, he was a district adviser and intelligence officer for the Phoenix program, which was designed by the CIA to "neutralize"—by capturing or killing—more than 48,000 members of the Viet Cong in South Vietnam.

A former battalion commander of 7th Special Forces Group, which operates in Latin America, Colonel Stankovich led 10 missions to train foreign soldiers in the region, including one as an adviser to the Salvadoran Joint Task Force, which implemented El Salvador's first "counterinsurgency national campaign plan," an Army biography states.

Members of the 3rd Group completed a mission to Sierra Leone two months ago and are now in Niger and Senegal, said Maj. Craig D. Barta, a unit spokesman. With some exceptions, no more than a dozen soldiers are dispatched on each mission, he said.

Within six months, the unit is expected to join an Air Force special forces squadron for a joint training exercise in Botswana, another military official said.

"We have slews of things going on in Botswana, Sierra Leone, Senegal," this official said about future deployments.

General Stiner said the African missions generally are focusing on teaching "counterpoaching skills, basic soldier training and small unit tactics," communications, medical skills and food- and water-distribution methods.

Although the military does not have separate cost estimates for operations in sub-Saharan Africa, much of the training activity is underwritten by the International Military Education and Training Program, a key element of U.S. security assistance. Although very little is spent annually in this region—President Bush has asked for \$8.98 million for 1993, for example—specific funding levels for some countries, such as Senegal and Botswana, are increasing.

Now is the time, U.S. officials reasoned, to pay more attention to the long-term stability in underdeveloped regions of sub-Saharan Africa, which has been stalked by worsening hunger, disease, debt and civil strife. In this vast territory, almost half of the more than 40 black African nations are governed, in one form or another, by their armies.

"Tribal wars and instability do not bode well for us," said a State Department official with expertise in military affairs, who asked to remain anonymous. "They are destabilizing and with a large human population, that creates vast problems with refugees and starvation."

"You want to have a standing military unit that can respond to a variety of crises, from earthquakes to combat to protecting U.S. citizens. They can field training teams when necessary, but their mission is to deal with contingencies and act unilaterally in our own behalf."

"Africa's a huge piece of land that we, as a world power, must fly around, sail around, traverse. It's not as strategically important as Japan, NATO, Europe—but it's there." •

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Without objection, the Senate will stand in recess subject to the call of the Chair.

Thereupon, at 6:03 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 6:49 p.m., when called to order by the Presiding Officer [Mr. DASCHLE].

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. on Thursday, March 19; that following the prayer the Journal of the 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 12:30 p.m., with Senators permitted to speak therein.

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

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, under a previous unanimous-consent agreement published on page 2 of the Senate Calendar of Business today I have the authority, after consultation with the Republican leader, to schedule a cloture vote on the conference report on H.R. 3371, the omnibus crime control bill. That authority covers the period between Tuesday, March 17, and the close of business on Thursday, March 19.

It is my intention following consultation with the Republican leader to exercise that authority tomorrow so that the Senate will be discussing the conference report on the omnibus crime control bill and I hope voting on it sometime during the day tomorrow. In addition, I have had discussions with the distinguished Republican leader and the chairman of the Judiciary Committee about the possibility of working out an agreement under which there would be other crime matters discussed and voted on. That effort has not yet reached a conclusion and, therefore, I am not able to state with certainty what will occur tomorrow other than the cloture vote to which I have previously referred and which is printed in the calendar.

In view of the hour, it is not possible to do so this evening, but I do expect to meet with the distinguished Republican leader early in the morning to discuss that and hope to have an announcement by the time morning business is completed tomorrow at 12:30 p.m.

# RECESS UNTIL TOMORROW AT 11 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 6:52 p.m., recessed until Thursday, March 19, 1992, at 11 a.m.

## NOMINATIONS

Executive nominations received by the Senate March 18, 1992:

### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

GEORGE MU. OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

KENNETH P. MOOREFIELD, OF THE DISTRICT OF COLUMBIA  
THEODORE A. ROSEN, OF CONNECTICUT

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELORS:

ROBERT S. CONNAN, OF PENNSYLVANIA  
CHARLES A. FORD, OF VIRGINIA  
JERRY K. MITCHELL, OF MARYLAND  
PAUL T. WALTERS, OF VIRGINIA

### PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

#### 1. FOR APPOINTMENT:

To be assistant surgeon

NOEL G. DELMUNDO  
GINA Y. JORDAN  
SARAH R. LINDE

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES MCCAUSLAND, xxx-xx-xxxx U.S. AIR FORCE

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM S. FLYNN, xxx-xx-xx U.S. ARMY

#### IN THE NAVY

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

#### UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (IH) BRENT MARTIN BENNITT, xxx-xx-xx, U.S. NAVY.  
REAR ADM. (IH) PHILIP JAMES COADY, JR., xxx-xx-xxxx, U.S. NAVY.  
REAR ADM. (IH) JON SUBER COLEMAN, xxx-xx-xxxx, U.S. NAVY.  
REAR ADM. (IH) WALTER JACKSON DAVIS, JR., xxx-xx-xx, U.S. NAVY.  
REAR ADM. (IH) PHILIP ALPHONSE DUR, xxx-xx-xxxx, U.S. NAVY.  
REAR ADM. (IH) WILLIAM ANTHONY EARNER, JR., xxx-xx-xx, U.S. NAVY.

REAR ADM. (IH) GEORGE WILLIAMS EMERY, xxx-xx-xxxx, U.S. NAVY.  
REAR ADM. (IH) DAVID MAXWELL GOEBEL, xxx-xx-xxxx, U.S. NAVY.  
REAR ADM. (IH) DOUGLAS JEFFREY KATZ, xxx-xx-xx, U.S. NAVY.  
REAR ADM. (IH) JAMES ANTHONY LAIR, xxx-xx-xxxx, U.S. NAVY.  
REAR ADM. (IH) THOMAS JOSEPH LOPEZ, xxx-xx-xx, U.S. NAVY.  
REAR ADM. (IH) LARRY ROY MARSH, xxx-xx-xxxx, U.S. NAVY.  
REAR ADM. (IH) WILLIAM EDWARD NEWMAN, xxx-xx-xx, U.S. NAVY.  
REAR ADM. (IH) JOHN DAVIS PEARSON, xxx-xx-xxxx, U.S. NAVY.  
REAR ADM. (IH) JOSEPH WILSON PRUEHER, xxx-xx-xxxx, U.S. NAVY.  
REAR ADM. (IH) MERRILL WYTHE RUCK, xxx-xx-xx, U.S. NAVY.  
REAR ADM. (IH) ROBERT JOHNSON SPANE, xxx-xx-xx, U.S. NAVY.  
REAR ADM. (IH) GEORGE RUDOLPH STERNER, xxx-xx-xx, U.S. NAVY.  
REAR ADM. (IH) PAUL EDWARD TOBIN, JR., xxx-xx-xx, U.S. NAVY.  
REAR ADM. (IH) RICHARD ALEXANDER WILSON, xxx-xx-xx, U.S. NAVY.

### AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral

REAR ADM. (IH) ROBERT GLEN HARRISON, xxx-xx-xx, U.S. NAVY.

### IN THE AIR FORCE

THE FOLLOWING STUDENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES CLASS OF 1992, FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF CAPTAIN, EFFECTIVE UPON THEIR GRADUATION UNDER THE PROVISIONS OF SECTION 214, TITLE 10, UNITED STATES CODE, IF OTHERWISE FOUND QUALIFIED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

TIMOTHY D. BALLARD, xxx-xx-xx  
BRYNNE M. BERGSAGEL, xxx-xx-xx  
DAN W. BODILY, xxx-xx-xx  
CARK L. BUISING, xxx-xx-xx  
MARK P. BURTON, xxx-xx-xx  
LEANDRO T. CARBANILLA, xxx-xx-xx  
THOMAS F. CLARKE, xxx-xx-xx  
DAVID D. COFF, xxx-xx-xx  
DANIEL J. COVERDELL, xxx-xx-xx  
KENNETH E. CRAMER, xxx-xx-xx  
JOSEPH L. CYANCARA, xxx-xx-xx  
BRIAN B. DURSTELER, xxx-xx-xx  
MARK A. ERICKSON, xxx-xx-xx  
DAVID E. FARNIE, xxx-xx-xx  
DANIEL J. FEENEY, xxx-xx-xx  
THEODORE J. FOON, xxx-xx-xx  
JOHN V. GANDY, xxx-xx-xx  
PATRICIA L. GANNON, xxx-xx-xx  
GEORGE B. GRIFFIN, xxx-xx-xx  
PETER H. GRUBE, xxx-xx-xx  
ERIC H. HANSON, xxx-xx-xx  
CLAUDE A. HAWKINS, xxx-xx-xx  
JOHN L. HAWS, xxx-xx-xx  
MARC A. HESTER, xxx-xx-xx  
ERIC G. HOOVER, xxx-xx-xx  
PAUL C. JOHNSON, xxx-xx-xx  
MARK A. KOENIGER, xxx-xx-xx  
GIAEVITA LANZANO, xxx-xx-xx  
DANIEL S. MARTINEAU, xxx-xx-xx  
KENNETH P. MCWHIA, xxx-xx-xx  
MARCUS E. MURPHY, xxx-xx-xx  
ERIK J. NELSON, xxx-xx-xx  
KATERINA M. NEUHAUSER, xxx-xx-xx  
THOMAS S. NEUHAUSER, xxx-xx-xx  
DOLLY F. NORRIS, xxx-xx-xx  
MICHAEL G. OLDROYD, xxx-xx-xx  
GREGORY C. PARK, xxx-xx-xx  
WILBUR D. PERALTA, xxx-xx-xx  
DAMIAN M. RESPOLI, xxx-xx-xx  
ERIC R. RITCHIE, xxx-xx-xx  
CHRISTOPHER J. RYAN, xxx-xx-xx  
LEE G. SALTZGABER, xxx-xx-xx  
CHRISTOPHER G. SCHARENBRUCK, xxx-xx-xx  
JANET C. SHAW, xxx-xx-xx  
JACK B. SHELTON, xxx-xx-xx  
RICHARD E. STANDART, JR., xxx-xx-xx  
TIMOTHY R. TUEL, xxx-xx-xx  
DALE A. VOLQUARISEN, xxx-xx-xx  
NATHAN C. WARD, xxx-xx-xx

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF MAJOR UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

BRUCE K. BANCROFT, xxx-xx-xx

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

### ARMY

To be major

FRANK J. ABBOTT, xxx-xx-xx  
PAUL F. ABEL, xxx-xx-xx  
HENRY ABERCROMBIE, xxx-xx-xx  
LAWREN ABERCROMBIE, xxx-xx-xx  
JAMES C. \* ABNEY, xxx-xx-xx  
DAVID ABRAHAMSON, xxx-xx-xx  
DAVID J. ABRAMOWITZ, xxx-xx-xx  
ROBERT B. ABRAMS, xxx-xx-xx  
STEPHEN \* ABSALONSON, xxx-xx-xx  
EDWIN ACEVEDO, xxx-xx-xx  
JACK H. ACHS, xxx-xx-xx  
HECTOR J. ACOSTA, xxx-xx-xx  
WILLIAM F. ADAMS, xxx-xx-xx  
CHRISTOPHE \* ADDISON, xxx-xx-xx  
CHARLES W. ADKINS, xxx-xx-xx  
GARY A. AGRON, xxx-xx-xx  
EILEEN M. AHEARN, xxx-xx-xx  
BRUCE A. AHLBRAND, xxx-xx-xx  
ORLYN B. \* AKERS, xxx-xx-xx  
DAVID M. ALEGRE, xxx-xx-xx  
LINDA C. ALEXANDER, xxx-xx-xx  
MICHAEL ALEXANDER, xxx-xx-xx  
MICHAEL F. \* ALEXITCH, xxx-xx-xx  
CHARLES ALLEN, III, xxx-xx-xx  
CHRISTOPHER ALLEN, xxx-xx-xx  
JAMES W. \* ALLISON, xxx-xx-xx  
RODNEY K. ALSTON, xxx-xx-xx  
JAMES E. ALTY, xxx-xx-xx  
GEORGE A. \* AMONETTE, xxx-xx-xx  
DANIEL W. \* ANDERSON, xxx-xx-xx  
JEFFERY L. \* ANDERSON, xxx-xx-xx  
PATRICIA \* ANDERSON, xxx-xx-xx  
SCOTT D. \* ANDERSON, xxx-xx-xx  
THOMAS D. ANDERSON, xxx-xx-xx  
WILLIAM F. ANDERSON, xxx-xx-xx  
GEORGE W. \* ANTON, xxx-xx-xx  
KEITH P. ANTONIA, xxx-xx-xx  
THOMAS D. \* ANTWERNE, xxx-xx-xx  
RICHARD J. \* ANZELONE, xxx-xx-xx  
EDWARD J. APGAR, xxx-xx-xx  
ROBERT W. \* APIAH, xxx-xx-xx  
MELISSA \* APPELEGATE, xxx-xx-xx  
EDWARD R. ARMSTRONG, xxx-xx-xx  
HENRY B. \* ARMSTRONG, xxx-xx-xx  
JOHN R. ARMSTRONG, xxx-xx-xx  
MARK H. ARMSTRONG, xxx-xx-xx  
MICHAEL ARMSTRONG, xxx-xx-xx  
JOHN S. ARNOLD, xxx-xx-xx  
RICHARD E. ARNOLD, xxx-xx-xx  
ANDREW J. ARRINGTON, xxx-xx-xx  
DONALD A. \* ARSENAULT, xxx-xx-xx  
ISMAEL \* ARVIZU, JR., xxx-xx-xx  
FRANCISCO ASCORBE, xxx-xx-xx  
JOHN M. ATKINS, xxx-xx-xx  
WILLIAM T. ATKINSON, xxx-xx-xx  
JOSEPH \* AUSTIN, JR., xxx-xx-xx  
MARIAN L. \* AUSTIN, xxx-xx-xx  
STANLEY F. AUSTIN, xxx-xx-xx  
ROBERT J. AVALLE, xxx-xx-xx  
MARK F. AVERILL, xxx-xx-xx  
VICTOR B. AYERS, xxx-xx-xx  
CINDY L. \* BABCOCK, xxx-xx-xx  
PAUL J. \* BACAK, xxx-xx-xx  
MARK K. BACHMAN, xxx-xx-xx  
JOHN E. \* BACHMANN, xxx-xx-xx  
MARTIN P. \* BAGLEY, xxx-xx-xx  
ALVIN L. BAILEY, xxx-xx-xx  
JERRY R. \* BAILEY, xxx-xx-xx  
JOHN W. BAILEY, xxx-xx-xx  
KEITH T. \* BAILEY, xxx-xx-xx  
WILLIAM E. \* BAILEY, xxx-xx-xx  
RONALD L. \* BAIRD, xxx-xx-xx  
GEORGE H. BAKER, xxx-xx-xx  
WAYNE L. \* BAKER, xxx-xx-xx  
JOHN S. \* BALDIN, xxx-xx-xx  
JAMES B. BALOCKI, xxx-xx-xx  
WILLIAM BALOGH, xxx-xx-xx  
RICHARD S. \* BARBER, xxx-xx-xx  
MARK W. BAREFIELD, xxx-xx-xx  
BRIAN D. \* BARHAM, xxx-xx-xx  
CHARLES T. \* BARHAM, xxx-xx-xx  
PATRICK B. BARNETTE, xxx-xx-xx  
GORDON L. BARNHILL, xxx-xx-xx  
CHRISTO BARNHOUSE, xxx-xx-xx  
PAUL P. BARRY, xxx-xx-xx  
ROGER D. BARTLETT, xxx-xx-xx  
BRADY P. \* BARTON, xxx-xx-xx  
THERESA L. BARTON, xxx-xx-xx  
MICHAEL T. BASS, xxx-xx-xx  
ROBERT B. \* BASS, xxx-xx-xx  
RICHARD C. BASSETT, xxx-xx-xx  
GARY M. \* BATEMAN, xxx-xx-xx  
KATHRYN L. BATT, xxx-xx-xx  
DIANNE \* BATTLE, xxx-xx-xx  
EDGAR \* BATTLE, JR., xxx-xx-xx  
KATHLEEN M. BATTON, xxx-xx-xx  
FRANKLIN R. BAUM, xxx-xx-xx  
BARRY E. BAZEMORE, xxx-xx-xx  
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KURT G. LAMBERT, xxx-xx-x  
GLEN D. LAMBRIN, xxx-xx-x  
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TOMMY L. \* LANCASTER, xxx-xx-x  
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KENT M. \* LASNESKE, xxx-xx-x  
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JAMES A. \* LAY, xxx-xx-x  
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GLEN L. \* LEFTY, xxx-xx-x  
ALBERT F. \* LEFTWICH, xxx-xx-x  
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JAMES J. \* LEGRONE, xxx-xx-x  
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LISA A. \* LEMZA, xxx-xx-x  
KENNETH B. LEPORI, xxx-xx-x  
LARRY L. \* LETNER, xxx-xx-x  
BRUNO C. \* LEUYER, xxx-xx-x  
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NICHOLA LIBERATORE, xxx-xx-x  
BRADLEY J. LIBERO, xxx-xx-x  
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DOMINIC J. \* LILAK, xxx-xx-x  
VICKI L. LIMBAUGH, xxx-xx-x  
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RAFAEL E. \* LINERO, xxx-xx-x  
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JAIME F. \* LLINET, xxx-xx-x  
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JOHN T. LLOYD, xxx-xx-x  
XAVIER P. LOBETO, xxx-xx-x  
JEFFREY A. LOCHOW, xxx-xx-x  
BOBBY LOCKLEAR, xxx-xx-x  
GUY A. LOFARO, xxx-xx-x  
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JEAN M. \* LOISEAU, xxx-xx-x  
EDWIN R. \* LONGANACRE, xxx-xx-x  
GARY W. \* LONGANECKER, xxx-xx-x  
PETER J. LOOKER, xxx-xx-x  
PAUL M. \* LOOMIS, xxx-xx-x  
CHARLENE M. \* LOPER, xxx-xx-x  
DARRELL A. LORENZEN, xxx-xx-x  
MARK A. \* LORING, xxx-xx-x  
DANIEL T. LOSCUDO, xxx-xx-x  
ROBERT G. \* LOUIS, xxx-xx-x  
KEITH R. \* LOVEJOY, xxx-xx-x  
GAIL A. LOVERING, xxx-xx-x  
BARRETT F. LOWE, xxx-xx-x  
KENNETH A. \* LUCAS, xxx-xx-x  
ROCHELLE E. \* LUCK, xxx-xx-x  
PETER I. \* LUDLOW, xxx-xx-x  
JAMES P. LUDOWES, xxx-xx-x  
MIKIO E. LUDWIG, xxx-xx-x  
BRIAN T. \* LUEDKE, xxx-xx-x  
CHARLES C. LUKER, xxx-xx-x  
MARK W. LUNA, xxx-xx-x  
ALFRED E. LUNT, xxx-xx-x  
THOMAS C. LUTHER, xxx-xx-x  
THOMAS B. \* LYLES, xxx-xx-x  
CHARLES P. \* LYNCH, xxx-xx-x  
JOHN D. \* LYNCH, xxx-xx-x  
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CHERYL P. \* LYNUM, xxx-xx-x  
ALAN T. \* MABRY, xxx-xx-x  
JOHN D. MACDONALD, xxx-xx-x  
DAVID K. \* MACEWEN, xxx-xx-x  
SEAN B. MACFARLAND, xxx-xx-x  
JAMES R. MACHIN, xxx-xx-x  
FRANCIS A. MACHINA, xxx-xx-x  
MICHAEL G. MACIVOR, xxx-xx-x  
PARIS M. MACK, xxx-xx-x  
SHARON M. \* MACK, xxx-xx-x  
ROBERT W. MACKAY, xxx-xx-x  
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WILLIAM A. MACKEN, xxx-xx-x  
RANDALL L. MACKIE, xxx-xx-x  
JAMES G. MACNEIL, xxx-xx-x  
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JOHN S. SHULTIS xxx-xx-xx  
JAMES D. SHUMWAY xxx-xx-xx  
THOMAS E. \* SIDWELL xxx-xx-xx  
JOHN M. SIGLER xxx-xx-xx  
DENNIS E. \* SIGMAN xxx-xx-xx  
JONATHAN E. SILTALA xxx-xx-xx  
JORGE L. SILVEIRA xxx-xx-xx  
JACK D. \* SILVERS xxx-xx-xx  
CARL T. SIMCHICK xxx-xx-xx  
STEPHEN J. SIMMERER xxx-xx-xx  
JAMES M. SIMMONS xxx-xx-xx  
VIRGINIA \* SIMONSON xxx-xx-xx  
DAN R. \* SIMPSON xxx-xx-xx  
JOHN B. SIMPSON xxx-xx-xx  
ROBERT W. \* SIMPSON xxx-xx-xx  
JOHN M. \* SISK xxx-xx-xx  
GEORGE P. SLAGLE xxx-xx-xx  
WILBUR P. \* SLAUSON xxx-xx-xx  
ALLAN A. \* SMALL xxx-xx-xx  
THOMAS F. SMALL xxx-xx-xx  
RICHARD S. \* SMARR xxx-xx-xx  
CLARK L. SMITH xxx-xx-xx  
DAVID A. \* SMITH xxx-xx-xx  
DOUGLAS E. SMITH xxx-xx-xx  
EUGENE B. SMITH xxx-xx-xx  
GARY L. SMITH xxx-xx-xx  
JACK F. SMITH xxx-xx-xx  
JAMES E. SMITH xxx-xx-xx  
JAY Q. \* SMITH xxx-xx-xx  
JAY W. SMITH xxx-xx-xx  
KENNETH D. SMITH xxx-xx-xx  
KEVIN B. SMITH xxx-xx-xx  
KEVIN W. SMITH xxx-xx-xx  
MARK E. \* SMITH xxx-xx-xx  
MARY A. \* SMITH xxx-xx-xx  
MICHAEL A. \* SMITH xxx-xx-xx  
PHILIP J. SMITH xxx-xx-xx  
ROBERT L. \* SMITH xxx-xx-xx  
STEPHEN T. SMITH xxx-xx-xx  
STEWART A. \* SMITH xxx-xx-xx  
THOMAS M. SMITH xxx-xx-xx  
TIMOTHY C. SMITH xxx-xx-xx  
WILLIAM E. SMITH xxx-xx-xx  
LAWRENCE R. SNEAD xxx-xx-xx  
JAMES T. \* SNYDER xxx-xx-xx  
ROBERT D. SNYDER xxx-xx-xx  
LOWELL E. SOLIEN xxx-xx-xx  
DAVID J. \* SOLOMON xxx-xx-xx  
KEITH D. SOLVESON xxx-xx-xx  
DAVID L. SONNIER xxx-xx-xx  
MATTHEW L. SORENSON xxx-xx-xx  
DEREK A. SORIANO xxx-xx-xx  
GREGORY N. \* SOTER xxx-xx-xx  
JUAN B. SOTO xxx-xx-xx  
ROBERT V. SOUTHERN xxx-xx-xx  
STEVEN M. SPANGLER xxx-xx-xx  
GERALD D. \* SPARKS xxx-xx-xx  
LARRY \* SPARKS xxx-xx-xx  
MATTHEW SPAULDING xxx-xx-xx  
DON P. SPENCER xxx-xx-xx  
RENEE L. \* SPENGLER xxx-xx-xx  
MARK A. \* SPIEGEL xxx-xx-xx  
MERRILL F. SPROUL xxx-xx-xx  
THOMAS SROKA xxx-xx-xx  
JAMES P. STACK xxx-xx-xx  
PATRICK STACK xxx-xx-xx  
CHARLES A. STAFFORD xxx-xx-xx  
DENNIS C. STALKER xxx-xx-xx  
STEPHEN G. \* STALVEY xxx-xx-xx  
ALLAN T. STANDRE xxx-xx-xx  
JOSEPH E. STANFIELD xxx-xx-xx  
RONALD A. STANFIELD xxx-xx-xx  
GARY R. STANLEY xxx-xx-xx

GERALD D. STANSELL xxx-xx-xx  
ANDREW M. STASS xxx-xx-xx  
JOHN H. STAUFFER xxx-xx-xx  
TEDDY D. \* STEELMAN xxx-xx-xx  
YVONNE L. \* STEEN xxx-xx-xx  
GRANT D. STEFAN xxx-xx-xx  
KURT J. STEIN xxx-xx-xx  
JAMES E. \* STEINKE xxx-xx-xx  
JAY C. STEINKE xxx-xx-xx  
THOMAS R. \* STENNERT xxx-xx-xx  
BILL D. STEPHENS xxx-xx-xx  
PAUL D. STEPHENS xxx-xx-xx  
STEVEN T. \* STEVENS xxx-xx-xx  
WILLIAM STEVENSON xxx-xx-xx  
DEBORAH M. \* STEWART xxx-xx-xx  
JEFFREY D. \* STEWART xxx-xx-xx  
JIMMY C. \* STEWART xxx-xx-xx  
KEVIN S. STEWART xxx-xx-xx  
TIMOTHY M. \* STEWART xxx-xx-xx  
JOHN A. STINE xxx-xx-xx  
GREGORY E. \* STINNETT xxx-xx-xx  
CINDY K. \* STOCKER xxx-xx-xx  
MITCHELL A. STOKAN xxx-xx-xx  
MICHELLE STOLESON xxx-xx-xx  
KENNETH STOLWORTHY xxx-xx-xx  
ROBERT D. STOVALL xxx-xx-xx  
TIMOTHY R. STROY xxx-xx-xx  
STEVEN M. STRAIT xxx-xx-xx  
MARTIN L. \* STRATMOEN xxx-xx-xx  
KEVIN A. STREETS xxx-xx-xx  
JEFFREY STRICKLAND xxx-xx-xx  
KENNETH \* STRICKLAND xxx-xx-xx  
G. STRICKLANDCOOPER xxx-xx-xx  
CHARLES F. STROUP xxx-xx-xx  
JAMES M. STUTEVILLE xxx-xx-xx  
DAVID J. STYLES xxx-xx-xx  
BARRY C. \* SUGGS xxx-xx-xx  
JEFFREY C. SUGRUE xxx-xx-xx  
CHRISTOPH SULLIVAN xxx-xx-xx  
DAVID W. \* SULLIVAN xxx-xx-xx  
RICKI L. SULLIVAN xxx-xx-xx  
WILLIAM W. \* SULLIVAN xxx-xx-xx  
JOHN A. SUPRIN xxx-xx-xx  
ERIC C. SURLIS xxx-xx-xx  
EUGENE S. \* SUMMERS xxx-xx-xx  
BRIAN SUTTON xxx-xx-xx  
ED M. \* SUTTON xxx-xx-xx  
KNUT N. \* SVENDBERG xxx-xx-xx  
THOMAS SVISCO xxx-xx-xx  
ANTHONY \* SWAIN xxx-xx-xx  
JOE E. SWANSON xxx-xx-xx  
ROBERT P. SWANSON xxx-xx-xx  
JOHNNIE E. SWEATTE xxx-xx-xx  
MARK A. SWEENEY xxx-xx-xx  
LORETTA K. \* SWEET xxx-xx-xx  
RICHARD W. SWENGROS xxx-xx-xx  
MICHAEL T. SWENSON xxx-xx-xx  
WALTER L. SWINDELL xxx-xx-xx  
ROBERT M. SYBERT xxx-xx-xx  
PETER J. TABACCHI xxx-xx-xx  
ERNEST A. TAFROYA xxx-xx-xx  
STEVEN TALKINGTON xxx-xx-xx  
WILLIAM TARANTINO xxx-xx-xx  
JOHN A. TARTALA xxx-xx-xx  
THOMAS L. TATE xxx-xx-xx  
ANTOINETTE D. TAYLOR xxx-xx-xx  
CHARLES TAYLOR xxx-xx-xx  
EDWARD B. \* TAYLOR xxx-xx-xx  
JOHN J. TAYLOR xxx-xx-xx  
LINDA M. \* TAYLOR xxx-xx-xx  
PETER F. TAYLOR xxx-xx-xx  
THOMAS D. TAYLOR xxx-xx-xx  
THONDA O. TAYLOR xxx-xx-xx  
PATRICK J. TEIFER xxx-xx-xx  
PHILIP M. TEMPLE xxx-xx-xx  
STEPHEN V. TENNANT xxx-xx-xx  
LOUISE V. TERRELL xxx-xx-xx  
VERNON P. \* TERRELL xxx-xx-xx  
DEBRA A. \* THEDFORD xxx-xx-xx  
GARY E. THIE xxx-xx-xx  
JOHN S. THIEL xxx-xx-xx  
CHARLIE THOMAS, JR. xxx-xx-xx  
DAVID L. \* THOMAS xxx-xx-xx  
MICHAEL C. THOMAS xxx-xx-xx  
PETER A. THOMAS xxx-xx-xx  
RICHARD B. THOMAS xxx-xx-xx  
RICHARD G. THOMAS xxx-xx-xx  
SCOTT A. \* THOMAS xxx-xx-xx  
KEVIN L. THOMPSON xxx-xx-xx  
BILLY L. THOMPSON xxx-xx-xx  
DAVID S. \* THOMPSON xxx-xx-xx  
GARY J. \* THOMPSON xxx-xx-xx  
GEORGE D. \* THOMPSON xxx-xx-xx  
JEFFREY G. THOMPSON xxx-xx-xx  
MITCHELL THOMPSON xxx-xx-xx  
LANCE B. \* THOMPSON xxx-xx-xx  
GARY M. THORNE xxx-xx-xx  
DENNIS A. THORNTON xxx-xx-xx  
PAUL D. THORNTON xxx-xx-xx  
ROSA M. \* THORPE xxx-xx-xx  
RICHARD P. \* TIBBETTS xxx-xx-xx  
JOHN P. TIDD xxx-xx-xx  
CHRISTINE \* TILLMAN xxx-xx-xx  
MARK E. TILLMAN xxx-xx-xx  
MARTIN R. \* TILLMAN xxx-xx-xx  
PHILIP R. TILLY xxx-xx-xx  
MICHAEL G. \* TITTON xxx-xx-xx  
GREGORY W. \* TITUS xxx-xx-xx  
ROLANDO I. \* TODAS xxx-xx-xx  
DAVID A. TODD xxx-xx-xx  
BRUCE A. \* TOLSON xxx-xx-xx  
RAYMOND L. \* TOMS xxx-xx-xx

KENNETH L. TOPPING xxx-xx-x  
KIMETHA G. TOPPING xxx-xx-x  
STEPHEN J. TORELLI xxx-xx-x  
GERALD TORRENCE xxx-xx-x  
RICHARD A. TOTLEBEN xxx-xx-x  
BRADFORD C. TOUSLEY xxx-xx-x  
DONALD W. TOWERS xxx-xx-x  
RICHARD S. \* TRACEY xxx-xx-x  
TODD J. TRAVAS xxx-xx-x  
DOUGLAS D. \* TRENDL xxx-xx-x  
RAYMOND A. TREVINO xxx-xx-x  
STEVEN F. TRIPLETT xxx-xx-x  
THOMAS G. \* TROBRIDGE xxx-xx-x  
DAVID B. TROILLET xxx-xx-x  
LYN O. TROWNT xxx-xx-x  
GUY K. TROY, JR. xxx-xx-x  
HERBERT E. TRUE xxx-xx-x  
MICHAEL V. \* TRUE xxx-xx-x  
CLARKE D. TURNER xxx-xx-x  
DONNIE C. \* TURNER xxx-xx-x  
JULIAN P. \* TURNER xxx-xx-x  
ROBERT J. TWIGG xxx-xx-x  
BARRY N. TYREE xxx-xx-x  
GREGORY J. ULSH xxx-xx-x  
MARK W. UNGER xxx-xx-x  
JEFFREY A. \* UPCHURCH xxx-xx-x  
PHILIPPE UPPERMANN xxx-xx-x  
DIANE R. \* URSCH xxx-xx-x  
PETER D. UTLEY xxx-xx-x  
DAVID W. VADEN xxx-xx-x  
THOMAS D. VAIL xxx-xx-x  
DEBRA A. \* VALENTINE xxx-xx-x  
ARCE R. VALLE xxx-xx-x  
RICHARD \* VANALLMAN xxx-xx-x  
THOMAS S. VANDAL xxx-xx-x  
PAUL M. VANDERBURGH xxx-xx-x  
CHRISTOP VANSLAGER xxx-xx-x  
FRANK \* VARNADO xxx-xx-x  
ROBERT J. VASTA xxx-xx-x  
JAMES M. VAUGHN xxx-xx-x  
ALVIN E. VAVRA xxx-xx-x  
JESUS E. VAZQUEZ xxx-xx-x  
ARNOLD K. \* VEAZIE xxx-xx-x  
DAVID S. VEECH xxx-xx-x  
MICHAEL \* VELASQUEZ xxx-xx-x  
REY A. VELTZ xxx-xx-x  
GARRY D. \* VENNING xxx-xx-x  
PAMELA R. \* VENNING xxx-xx-x  
DAVID W. VERGOLLO xxx-xx-x  
ANTHONY C. VESAY xxx-xx-x  
JOHN M. \* VESSER xxx-xx-x  
RUTH M. VIALPANDO xxx-xx-x  
ALFRED VIANA xxx-xx-x  
WALTER R. VILLAN xxx-xx-x  
LANCE A. VOGT xxx-xx-x  
CHRISTOPHER T. VOLK xxx-xx-x  
RICHARD F. \* VONDORN xxx-xx-x  
BRYAN S. \* VULCAN xxx-xx-x  
MICHAEL WACLAWSKI xxx-xx-x  
RICKY L. WADDELL xxx-xx-x  
RODERICK K. WADE xxx-xx-x  
WILLIAM O. \* WADE xxx-xx-x  
RICHARD P. \* WAGENAAR xxx-xx-x  
THOMAS D. WAHLERT xxx-xx-x  
ERIC G. \* WAHLGREN xxx-xx-x  
HOWARD A. WAITE xxx-xx-x  
APRIL L. WALCZAK xxx-xx-x  
JAMES J. WALDECK xxx-xx-x  
WILLIAM A. WALK xxx-xx-x  
DAVID S. \* WALKER xxx-xx-x  
JAMES M. WALKER, JR. xxx-xx-x  
SHIRLEY J. \* WALKER xxx-xx-x  
WALTER M. \* WALKER xxx-xx-x  
ROBERT S. WALL xxx-xx-x  
CARL D. \* WALLACE xxx-xx-x  
DOROTHEA \* WALLACE, I. xxx-xx-x  
JOSEPH K. \* WALLACE xxx-xx-x  
EDWIN B. WALSH xxx-xx-x  
ROBERT S. \* WALSH xxx-xx-x  
LOLA A. \* WALTER xxx-xx-x  
ROBERT C. WALTER xxx-xx-x  
GARY L. \* WALTERS xxx-xx-x  
STEPHEN WALTERS xxx-xx-x  
TIMOTHY L. \* WALTERS xxx-xx-x  
MELVIN D. \* WALTON xxx-xx-x  
DENNIS L. \* WARD xxx-xx-x  
NANCY J. WARD xxx-xx-x  
JAMES M. WARING xxx-xx-x  
HARLAND C. \* WARNEB xxx-xx-x  
HARVEY S. WARSHAW xxx-xx-x  
MICHAEL L. WARSOCKI xxx-xx-x  
JAMES N. WASSON xxx-xx-x  
ROGER WATERS xxx-xx-x  
JAMES L. WATSON xxx-xx-x  
KEVIN L. WATSON xxx-xx-x  
THOMAS L. \* WATSON xxx-xx-x  
KAREN A. \* WATTS xxx-xx-x  
ROBERT B. WATTS xxx-xx-x  
RONALD A. WATTS xxx-xx-x  
ANDREW F. \* WEAVER xxx-xx-x  
ELLEN M. \* WEBER xxx-xx-x  
JAMES R. WEBER xxx-xx-x  
KEVIN A. WEDMARK xxx-xx-x  
BRANDA M. WEIDNER xxx-xx-x  
MARK R. WEITEKAMP xxx-xx-x  
RONALD W. WELCH xxx-xx-x  
CLARENCE L. WELLS xxx-xx-x  
GERALD L. WELLS xxx-xx-x  
STEPHEN M. WELLS xxx-xx-x  
JOHN A. WENZEL xxx-xx-x  
LYNN F. WESTBERG xxx-xx-x  
JOHN W. \* WESTERN xxx-xx-x

KENNETH R. WESTLUND xxx-xx-x  
TIMOTHY L. \* WHELEN xxx-xx-x  
WILLIAM M. WHEATLEY xxx-xx-x  
WILLIAM WHEELEHAN, xxx-xx-x  
CHARLES WHITE, xxx-xx-x  
DAVID F. WHITE, xxx-xx-x  
DONALD E. \* WHITE, xxx-xx-x  
MICHAEL L. WHITE, xxx-xx-x  
MICHAEL S. WHITE, xxx-xx-x  
RANDALL T. \* WHITE, xxx-xx-x  
RONALD E. \* WHITE, xxx-xx-x  
TIMOTHY L. WHITE, xxx-xx-x  
JIMMY L. \* WHITEHEAD xxx-xx-x  
RANDY R. \* WIERS xxx-xx-x  
MICHAEL H. \* WILBUR, xxx-xx-x  
MARGARET S. WILBURN xxx-xx-x  
BRENT A. WILDASIN xxx-xx-x  
JOHN A. WILHELM, xxx-xx-x  
JOHN C. \* WILHELM, xxx-xx-x  
WILLIAM G. WILHELM, xxx-xx-x  
JUDITH L. WILLARD xxx-xx-x  
ANTHONY L. \* WILLIAMS, xxx-xx-x  
BENJAMIN \* WILLIAMS, xxx-xx-x  
BENJAMIN WILLIAMS, xxx-xx-x  
CHESTER J. \* WILLIAMS, xxx-xx-x  
CURTIS T. \* WILLIAMS, xxx-xx-x  
DAVID C. WILLIAMS, xxx-xx-x  
DEBORAH L. \* WILLIAMS, xxx-xx-x  
DONNA L. WILLIAMS, xxx-xx-x  
DUANE \* WILLIAMS, xxx-xx-x  
GERALD WILLIAMS, xxx-xx-x  
HERMAN WILLIAMS, II, xxx-xx-x  
JEAN C. WILLIAMS, xxx-xx-x  
JONATHAN WILLIAMS, xxx-xx-x  
PERRY W. WILLIAMS, xxx-xx-x  
RANDY L. WILLIAMS, xxx-xx-x  
RICKY K. WILLIAMS, xxx-xx-x  
ROBERT A. \* WILLIAMS, xxx-xx-x  
RUSSELL H. WILLIAMS, xxx-xx-x  
STEVEN R. WILLIAMS, xxx-xx-x  
VIRGIL S. \* WILLIAMS, xxx-xx-x  
ALBERT S. WILLNER, xxx-xx-x  
BRENDAN L. WILSON, xxx-xx-x  
CHARLES L. \* WILSON, xxx-xx-x  
GEORGETTE P. WILSON, xxx-xx-x  
JOHN P. WILSON, xxx-xx-x  
LANCE L. WILSON, xxx-xx-x  
MERLE Y. \* WILSON, xxx-xx-x  
SCOTT A. \* WILSON, xxx-xx-x  
STANLEY W. WILSON, xxx-xx-x  
THOMAS K. WILSON, xxx-xx-x  
STEPHEN E. WINKLER, xxx-xx-x  
PARK S. WINTER, xxx-xx-x  
WAYNE M. \* WINTERLING, xxx-xx-x  
MICHAEL B. WINZELER, xxx-xx-x  
WALTER M. WIRTH, xxx-xx-x  
DANIEL V. WISE, xxx-xx-x  
JEFFREY R. WITSKEN, xxx-xx-x  
WALTER S. \* WOJTAS, xxx-xx-x  
DANIEL G. WOLFE, xxx-xx-x  
MARK A. WOLFE, xxx-xx-x  
THOMAS F. \* WOLOSZYN, xxx-xx-x  
RENEE S. WOLVEN, xxx-xx-x  
ALTON W. \* WOMACK, xxx-xx-x  
DEAN M. WOMACK, xxx-xx-x  
JOHNNY G. \* WOMACK, xxx-xx-x  
EMMETT L. WOOD, xxx-xx-x  
GARY WOOD, xxx-xx-x  
JOE A. WOOD, xxx-xx-x  
JOHN K. WOOD, xxx-xx-x  
KENT T. WOODS, xxx-xx-x  
ROBERTA A. \* WOODS, xxx-xx-x  
HAROLD V. \* WOODY, xxx-xx-x  
EDMUND W. WOOLFOLK, xxx-xx-x  
HAROLD H. WORRELL, xxx-xx-x  
DAVID V. \* WREFOORD, xxx-xx-x  
ALEXANDRO M. WRIGHT, xxx-xx-x  
JERRY V. WRIGHT, xxx-xx-x  
JOAN G. \* WRIGHT, xxx-xx-x  
JOHN T. \* WRIGHT, xxx-xx-x  
PHILLIP D. WRIGHT, xxx-xx-x  
THOMAS L. \* WRIGHT, xxx-xx-x  
WILLIAM W. WRIGHT, xxx-xx-x  
VICTOR P. WU, xxx-xx-x  
KASANDRA Y. \* WYCHE, xxx-xx-x  
RUDELL M. WYNDER, xxx-xx-x  
WAYNE T. YAMATO, xxx-xx-x  
ALBERT T. \* YANGER, xxx-xx-x  
EDGAR J. YANGER, xxx-xx-x  
MICHELL YARBOROUGH, xxx-xx-x  
MICHAEL S. YARMIE, xxx-xx-x  
MARK W. YENTER, xxx-xx-x  
ROGER D. YONTS, xxx-xx-x  
FREDERICK X. \* YOUNG, xxx-xx-x  
RONALD YOUNG, xxx-xx-x  
THOMAS S. YOUNG, xxx-xx-x  
MARK A. ZAMBERLAN, xxx-xx-x  
DANIEL H. ZANKI, xxx-xx-x  
RICHARD W. \* ZAVIGAR, xxx-xx-x  
JESS V. ZICCARIELLO, xxx-xx-x  
DIXIE L. \* ZIEGLER, xxx-xx-x  
JEROME \* ZIGLIER, xxx-xx-x  
PAUL J. ZIMMER, xxx-xx-x  
STEPHEN \* ZIMMERMAN, xxx-xx-x  
PETER B. \* ZWACK, xxx-xx-x

## IN THE ARMY

THE FOLLOWING NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533, AND 2106:

BRIAN W. ADAMS, xxx-xx-x  
LEONARD L. ADAMS, JR. xxx-xx-x  
MERRILL W. ADAMS xxx-xx-x  
SARAH I. ADAMS, xxx-xx-x  
KIMBERLA L. AGRIELAS, xxx-xx-x  
JEFFREY D. ALBERS, xxx-xx-x  
CHRISTOPHER E. ALBUS, xxx-xx-x  
KENNETH G. ALEXANDER, xxx-xx-x  
JOHN R. ALLEN, xxx-xx-x  
THOMAS P. AMIDON, xxx-xx-x  
DANE S. ANDERSON, xxx-xx-x  
HENRY L. ANDERSON, xxx-xx-x  
STEPHANIE R. ANDERSON, xxx-xx-x  
WILLIAM J. ANDERSON, xxx-xx-x  
WILLIAM B. ANDREWS, JR. xxx-xx-x  
MELISSA D. ANTOS, xxx-xx-x  
WILLIAM P. ARGO, xxx-xx-x  
KENDRA L. ARMSTRONG, xxx-xx-x  
SUSAN W. ARMSTRONG, xxx-xx-x  
SUSAN D. ARNETT, xxx-xx-x  
TERESA A. ARNOLD, xxx-xx-x  
WESLEY D. ARNOLDSON, xxx-xx-x  
SPENCER O. ASHFORD, xxx-xx-x  
JEFFREY S. AUSTIN, xxx-xx-x  
MARC R. AUSTIN, xxx-xx-x  
RICHARD K. BACON, xxx-xx-x  
ERIC E. BAILEY, xxx-xx-x  
ERICA K. BAILEY, xxx-xx-x  
ROBERT P. BAILEY, xxx-xx-x  
JOSEPH A. BAIRD, xxx-xx-x  
HOUSTON E. BAKER, xxx-xx-x  
MELISSA A. BAKER, xxx-xx-x  
ANDREW M. BALANDA, xxx-xx-x  
DAVID J. BALLENGER, xxx-xx-x  
THOMAS J. BANBURY, xxx-xx-x  
ROBERT D. BANKS, xxx-xx-x  
MARK E. BARRI, xxx-xx-x  
WAYNE E. BARKER, xxx-xx-x  
ERIC E. BARRAS, xxx-xx-x  
JOHN L. BARRETT, JR. xxx-xx-x  
JOSEPH J. BARTENSLAGHEIM, xxx-xx-x  
DONALD M. BARTLETT, xxx-xx-x  
MARCUS E. BARWICK, xxx-xx-x  
THOMAS C. BASSETT, xxx-xx-x  
WILLIAM B. BATES, xxx-xx-x  
MATTHEW M. BATTISTON, xxx-xx-x  
HILDE L. BEEBE, xxx-xx-x  
ROY L. BEHNE, xxx-xx-x  
DEL L. BEILSTEIN, xxx-xx-x  
PHILIP J. BELDEN, xxx-xx-x  
CLEMENTE J. BELTRAN, xxx-xx-x  
GERALD P. BENARD, xxx-xx-x  
MATTHEW W. BENNER, xxx-xx-x  
MICHAEL J. BENNETT, xxx-xx-x  
CRAIG R. BENSON, xxx-xx-x  
WESLEY J. BENYARD, xxx-xx-x  
DAVID W. BERNARD, xxx-xx-x  
THOMAS S. BERRY, xxx-xx-x  
CARL L. BEST, xxx-xx-x  
MICHAEL S. BEVELLY, xxx-xx-x  
DERELL M. BIBBS, xxx-xx-x  
LAURA M. BIERLE, xxx-xx-x  
WOLFGANG T. BIGGERS, xxx-xx-x  
CHARLES E. BIRDSONG, xxx-xx-x  
LORREL A. BIRNSCHN, xxx-xx-x  
ANN M. BISCH, xxx-xx-x  
KIM T. BIVIN, xxx-xx-x  
JOHN C. BIVONA, JR. xxx-xx-x  
MICHELLE A. BLAKENY, xxx-xx-x  
CHARLES E. BLEDSO, xxx-xx-x  
ELIZABETH E. BLEDSO, xxx-xx-x  
NATHAN B. BLOOD, xxx-xx-x  
JAMES W. BLOUNT, xxx-xx-x  
SHAIN BOBBITT, xxx-xx-x  
MARLO A. BODELSON, xxx-xx-x  
BRIDGET BOETTIG, xxx-xx-x  
MARC H. BOIES, xxx-xx-x  
RICHARD F. BOLTON, xxx-xx-x  
JOHN M. BONE, xxx-xx-x  
MARK J. BONICA, xxx-xx-x  
CHAD M. BOONE, xxx-xx-x  
REX A. BOONE, xxx-xx-x  
GREGORY A. BORCHERDING, xxx-xx-x  
BARRY A. BOSEMAN, xxx-xx-x  
BYRON C. BOSSHARDT, xxx-xx-x  
CHARLES R. BOWERY, JR. xxx-xx-x  
MARK R. BRADY, xxx-xx-x  
TERRENCE L. BRALEY, xxx-xx-x  
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THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN HIS ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1211:

## To be lieutenant colonel

DONALD E. WIRTH xxx-xx-xx

## IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

## UNRESTRICTED LINE OFFICERS

## To be captain

ANDREW J. ALLEN  
GEORGE BOARDMAN  
ALLISON  
JACQUELINE OMEARA  
ALLISON  
DAVID ARCHITZEL  
WILLIAM GLENN ARNOLD  
DANIEL LOUIS BAAS  
CLAUDIA LYNN BAILEY  
THOMAS ALLAN BAKER  
JERRY WAYNE BEAN  
CHARLES MICHAEL BENN  
ROBERT WESLEY BENNETT, JR.  
ROBERT EUGENE BESAL  
JOSE LUIS BETANCOURT, JR.  
HAROLD RALPH BISHOP  
BLAKE VICTOR BLAKEY, JR.  
ROBERT KEVIN BLANCHARD  
DANIEL DAVID BOGDWIC  
RONALD COOMBS BOGLE  
WILLIAM SCOTT BONIFACE  
MARION SANFORD BOOSE, JR.  
JAMES ELLIOTT BOOTH  
JEFFREY LEE BOROFF  
FRANK TEOBALDO BOSSIO  
JAMES ALLEN BOWLIN  
JOHN EDWARD BOYINGTON, JR.  
JEROME PILLOW BOYLE  
JAMES MICHAEL BRICK  
MICHAEL JOSEPH BRINKAC  
DANIEL EARL BROWN  
DAVID KEARNEY BROWN  
TIMOTHY ROBERT BRYAN  
BRUCE LYNN BULLOUGH  
ROGER LOUIS BUSCHMANN  
JAMES PAUL BUTLER  
WARREN LEE CALDWELL, JR.  
BRIAN MURRAY CALHOUN  
JAMES ANTHONY CAMPBELL  
SCOTT THOMAS CANTFILL  
LEONARD WILLIAM CAPELLO  
LARRY JAMES CARTER  
LESLIE ROY CARTER  
WILLIAM CHARLES CASTAN, JR.  
EVAN MARTIN CHANIK, JR.  
LEROY WINDSOR CHAPPEL  
CONSTANCE EMILY CIVIELLO  
SUSANLEE PORTER CLEMENTS  
ROBERT W. CONDON  
JOSEPH BERNARD CONNELLY  
ROBERT BARTLETT COOK, JR.  
WILLIAM ECKFORD COOK, JR.  
WILBUR ORLEAN COOKE, JR.  
RALPH HERBERT COON, JR.  
ROBERT PAUL COONAN  
MICHAEL ROBERT COOPER  
GEORGE BARKLEY COVINGTON  
LEWIS WOMACK CRENSHAW, JR.  
JEFFREY WILEY CREWS  
MARK ADREN CRIM  
DAVID MARK CROCKER  
JAMES KILPATRICK CROSS  
ORREN RAYBURN CROUCH  
PAUL WILLIAM DAHLQUIST  
THOMAS FRANCIS DARCY  
SHERRILL THOMPSON DARLING  
GEORGE ROBERT DARWIN  
MICHAEL ARTHUR DAVIDSON  
JEFFREY JOHN DAVIDSSON  
RICHARD EARLE DAVIS, JR.  
ROBERT EUGENE DAVIS  
JAMES COPELAND DAY  
ROCKLUN ALLEN DEAL  
DENNIS ROSS DEAN  
RONALD DEAN DEERING  
FRANCIS DOMINICK DEMASI  
STANLEY ALVIN DENHAM  
JOHN CHARLES DEVLIN  
LAWRENCE LEE DICK  
JOHN FREDERICK DOHSE  
STEPHEN EDWARD DONLON  
STEPHEN LEE DRAKE  
MICHAEL EDWARD DUFFY  
BRUCE E. DUNSCOMBE  
MARK JACKSON EDWARDS  
KENNETH LEE EICHELBERGER  
BARRY DAVID EINSIDLER  
JIMMY LEE ELLIS  
BRUCE BIDWELL ENGELHARDT  
ALAN YANCY ETTER  
RICHARD MARCUS EUBANKS  
GARY GLEN EVANS  
JAMES MARVIN EVANS  
WILLIAM BARTON EVERS  
MARK STEVEN FALKEY  
DONALD BRIAN FENNESSEY  
KEVIN JAMES FERGUSON  
MARNEE LEE FINCH  
JEFFREY ALLEN FISCHBECK  
MARK PAUL FITZGERALD  
MICHAEL JOSEPH FITZSIMMONS  
JOHN JOSEPH FLANAGAN, JR.  
RICHARD PETER FLEMING, JR.  
MICHAEL ELMO FLENNIKEN  
JEFFREY LEE FLOOD  
JOHN FIELDING FORD  
DEAN NORMAN FOURNIER  
DONALD CLYDE FOX  
DONALD ANDREW FRAHLER  
DANIEL JOE FRANKEN  
FRANK MICHAEL GALLIC  
PATRICK MARTIN GARRETT  
WALLACE LEONARD GAVETT, JR.  
MICHAEL WARREN GEARHART  
DONALD GENE GEIGER  
EDWARD CHARLES GEIGER  
GREGORY LAWRENCE GERARD  
WILLIAM JOHN GERKEN  
LAWRENCE DANIEL GETZFRED  
DENNIS MICHAEL GILLESPIE  
RONALD BURTON GLOVER  
JAMES R. GOESSLING  
BRENT BAKER GOODING  
FREDERICK DAVID GORRIS  
THOMAS HENRY GORSKI  
PAUL MICHAEL GRIFFIN  
MARK PATTERSON GRISSOM  
JOSEPH JEFFERY GROSEL  
JAMES C. GROVER  
GARY MICHAEL HALL  
TIMOTHY JAMES HALLIHAN  
CAROL ANN HARRINGTON  
JAMES DANIEL HARRIS  
THOMAS FREDERICK HARTRICK  
ALLISON CURTIS HAYES  
THOMAS MATTHEW HAYES  
DAVID WARREN HEARDING  
CHARLES JAMES HEATLEY, III  
EDWARD RICHARD HEBERT  
PAUL BARRETT HENNESSY  
CHRISTOPHER RYAN HENRY  
JOSEPH FERDINAND HERGER  
PAUL MICHAEL HIGGINS  
CLARENCE EBBERT HILL  
STEVEN ROY HINSON  
PHILIP GARY HOBBS  
TIMOTHY ALOYSIUS HOLDEN  
HUBERT DENNING HOPKINS, JR.  
WILLIAM FRANK HOPPER  
ROBERT HENRY HOWE  
JOHN HRENKO, JR.  
GARY MICHAEL JACK

DAVID LEON JACKSON  
JIMMIE RAY JACKSON  
DAVID EARL JARVIS  
THOMAS MICHAEL  
JASKINAS  
TERRY LYNN JOBE  
CHARLES SCOTT JOHNSON  
GARLAND RUSSELL  
JOHNSON, JR.  
THEODORE LAWRENCE  
KAYE  
DOUGLAS WAYNE KEITH  
THOMAS MORREN KEITHLY  
JOHN MICHAEL KELLY  
JESSE JOHNSTON KELSO  
GENE ROGER KENDALL  
KRISTOPHER MORRIS  
KENNEDY  
DENNIS JAMES KERN  
LAWRENCE VERNER KESTER  
ROBERT LEE KIMMEL  
GEORGE FINLEY KINDEL  
KENDALL JAMES KING  
DAVID RYAN KOHLER  
ANTHONY JOSEPH KOPACZ  
EDWARD JOSEPH KUJAT  
ROBERT BRADLEY  
LAMBERT  
COLEMAN ARTHUR  
LANDERS  
THOMAS CONLEY LANG  
CHRISTOPHER STEPHEN  
LARSEN  
SELWYN SHUFORD  
LAUGHTER  
LINDA MARY LENTZ  
RAYMOND EARLE  
LEONARD, III  
LAWRENCE ANTHON  
LEWANDOWSKI  
ROBERT DAVID LIGGETT  
WILLIAM ASHBY LILLARD,  
III  
JOSEPH SHARP  
LITTLETON, III  
JAMES JOSEPH LOBUE  
STEPHEN JOHN LOGUE  
MICHAEL ANTHONY  
LUTKENHOUSE  
VINCENT JOSEPH LYNCH  
STANLEY JOHN MACK  
GLENN ALLAN MAIN  
KENNETH THOMAS MARION  
WILLIAM JAMES  
MARSHALL  
WILLIAM JORDAN  
MARSHALL, III  
KEITH WALLACE  
MARTELLO  
COLIN LESLIE MARTIN  
PERRY JAMES MARTINI, JR.  
CHARLES MANNING  
MASON, JR.  
LEE CHARLES MASON, II  
MONTY GUWAIN MATHEWS  
JAMES DRAKE MCARTHUR,  
JR.  
DANIEL RALPH MCCORT  
RONALD DEAN MCELRAFT  
DANIEL WALLACE  
MCELROY  
GENE RICHARD  
MCGALLIARD  
LEO FRANCIS MCGINN, JR.  
THOMAS ROSS MCGRATH  
ROBERT LEWIS MCLANE  
HUGH NEWTON  
MCWILLIAMS  
WILLIAM ANTHONY  
MEELEY, JR.  
DANIEL HARRY MEYER  
JOHN GREGORY MEYER

JOHN EARL MEYERS  
DAVID ROSS MILLER  
MARK REED MILLIKEN  
PHILLIP HORNE MILLS  
JOHN GABE MORGAN, JR.  
JAMES BRENDON MORIN,  
JR.  
DENNIS GILBERT MORRAL  
WILLIAM DENTON MORRIS  
KEITH PAUL MULDER  
JOHN WALTER MULLARKY  
CHARLES LYNDEY MUNNS  
GEORGE JOSEPH MURPHY,  
III  
ROBERT THOMAS MURPHY  
DAVID EDWARD MYERS  
CHARLES WILLIAM  
NEIHART, JR.  
LARRY WAYNE NELMS  
DAVID JAMES NELSON  
JEFFREY ROBERT NELSON  
JOHNNIE FRANK NEMEC  
DON ALAN NESTOR  
DON RUSSELL NEWMAN  
ALAN MCLEOD NIBBS,  
JR.  
DAVID CHARLES NICHOLS,  
JR.  
BRUCE ALDEN NOTTKE  
PAUL EDWARD OBRIEN, JR.  
LARRY ANTHONY  
PACENTRILLI  
LARRY RIGAN PAPINEAU  
LUTRELLE FLEMING  
PARKER, JR.  
ROBIN M. PARKER  
ROBERT DALE PARLET  
GREGORY ROSS PEAIRS  
LARRY ELLIS PENIX  
ROBERT PAUL PERRY  
DONALD EUGENE PETERS  
JON CHRISTOPHER PETERS  
KENNETH MIZELL PETERS  
RICHARD MERLE  
PETERSEN  
JAMES WILLIAM PHILLIPS  
RUSSELL AMES PICKETT  
ROGER ALLAN PIERCE  
RAY C. PILCHER, JR.  
JOHN STEVEN PINE  
JAMES EDGAR PLEDGER  
KENNETH ALAN POORMAN  
TIMOTHY EDWIN  
PRENDERGAST  
RANDALL DILLS PRESTON  
CAROLYN VIRGINIA  
PREVATTE  
MICHAEL LEON PRICE  
THOMAS KING QUIGLEY  
THOMAS FRANCIS RADICH  
ROBERT HOWELL RANKIN  
RONALD EVERETT  
RATCLIFF  
JERRY DAVID REEVES  
WAYNE RONALD REEVES  
CHRISTOPHER JON  
REMSHAK  
STEPHEN F. RESSER  
JAMES DANA RICHARDSON  
JOHN DAVID FREDERIC  
ROBERTS  
PAUL EDWARD ROBERTS  
JAMES ERNEST ROGERS  
WILLIAM ARMSTARD  
ROGERS, JR.  
DAVID CAMPBELL ROLLINS  
CHRISTIAN ROBER  
RONDESTVEDT  
NICKLOUS JAMES ROSS  
GARY ROUGHHEAD  
DOUGLAS ROBERT  
ROULSTONE

LINDELL GENE  
RUTHERFORD  
PAUL JOHN RYAN  
CRAIG PINARD SACKETT  
DONALD JACK  
SANTAPAOLA  
MICHAEL SARRAINO  
CHARLES RICHARD  
SCHMIDT  
JONATHAN BLAKE  
SCHMIDT  
WESLEY HENRY SCHMIDT,  
JR.  
DAVID ALAN SCHNEEGAS  
JOHN FORREST SCHORK  
DOROTHY ELLEN SCHOTT  
JERRY LEE SCHUBERT  
RICHARD EDWARD  
SCHUNKNECHT  
PAUL STEWART SCHULTZ  
DAVID ALAN SCHWIERING  
BRUCE BOB SCOTT  
ROBERT JOHN SCOTT  
ROBERT PETER SCOTT  
STACY E. SEBASTIAN  
DEAN GORDON SEDIVY  
SIEGFRIED LEE SHALLES  
ERIC BRUCE SHAVER  
JOHN DAMON SHAW  
JON VINCENT SHAY  
MURAT SHEKEM  
PAUL SHEMELLA  
PAUL GARFIELD  
SHERLAND  
MARTIN VICTOR SHERRARD  
ROGER RAYMOND  
SHERWOOD  
ROBERT BISHOP SHIELDS  
MARY CATHERINE  
SHIPMAN  
WILLIAM HALL  
SHURTELL, IV  
GLENNON LAMBERT SIEVE  
RICHARD ALLAN SILVERS  
CHARLES REGIS SIPE, JR.  
GEORGE LOUIS SKIRM, III  
MARY GRACE HEAGNEY  
SMART  
GENE ARNOLD SMITH  
ROBERT EDWARD SMITH  
WAYNE EDWARD SMITH  
DALE OGLESBY  
SNODGRASS  
WILLIAM LESTER SNYDER  
BRUCE ERIC SONN  
STEVEN JAY SONNTAG  
MONTE ARTHUR SQUIRES  
ELMER LAWRENCE J.  
STANDRINGE  
JAMES RANDALL  
STAPLEFORD  
RICHARD ROBERT STARK  
TERRY MICHAEL STARK  
SCOTT LESLIE STEELE  
ROBERT CARROLL  
STEPHENS  
WALTER WADE  
STEPHENSON  
GENE ALLEN STEVENS  
CHARLES ALBERT  
STEVENSON  
DANIEL NICHOLAS  
STEWART  
LLOYD THOMAS STITES, JR.  
DALE ERWIN STOEHR

## ENGINEERING DUTY OFFICERS

## To be captain

DALE ERIC BAUGH  
GERALD BERTRAM  
BLANTON

JAMES BENJAMIN STONE,  
JR.  
DONALD WINSTON STONER  
PETER BENHAM  
STRICKLAND  
RICHARD WAYNE  
STRICKLER  
RICHARD HOWARD  
STRINGER  
BRUCE TAYLOR STUCKERT  
WILLIAM DANIEL  
SULLIVAN  
LLOYD FRANCIS KNAPP  
SWIFT  
MICHAEL ALLEN SZOKA  
GERALD LLOYD TALBOT,  
JR.  
RUSSELL ERIC TATE  
PAUL EDWIN TAYLOR  
JOHN WILLIAM TENNANT  
ALAN DOUGLAS THOMSON  
TIMOTHY THOMSON  
JOHN ALVYN TILLEY, JR.  
PATRICK JAMES TILLEY  
PETER EWALD TOENNIES  
STEVEN JOHN TOMASZESKI  
GARY PAUL TORNATORE  
JOHN WILLIE TOWNES, III  
ROBERT JOSEPH TRABONA  
TIMOTHY JOSEPH  
TRAVERSO  
MICHAEL WADE TREEMAN  
EDWARD DEWAYNE ULRICH  
HENRY GEORGE ULRICH, III  
EUGENE FRANCIS URICOLI  
DANIEL ROY VELDSTRA  
TED JEFFREY VENABLE  
CHARLES SCOTT VOGAN, JR.  
MICHAEL CARL VOGT  
JOSEPH MICHAEL VOLPE,  
JR.  
JAMES CONANT VOTER  
ALLAN DAVID WALL  
JOHN JOSEPH WARD, JR.  
ALEXANDER YOUNG WATT,  
JR.  
DAVID WARD WEDDEL  
GREGORY LOUIS WEDDING  
STEVEN BRUCE WESTOVER  
DENNIS RALPH WHEELER  
WILLIAM GARY WHEELER  
RONALD ALLEN WILEY  
DALLAS GEORGE WILFONG,  
III  
JOSEPH BROOKS  
WILKINSON, JR.  
ALAN BRUCE WILLBURN  
MARCUS SAMUEL  
WILLIAMS  
ROBERT EDWARD  
WILLIAMS, JR.  
THOMAS RICHARD  
WILLIAMS, JR.  
WILLIAM ROBERT  
WILLIAMS  
THOMAS JOSEPH WILSON,  
III  
JUSTIN WILLIAM WINNEY,  
JR.  
DENNIS LEE WORLEY  
JOHN REID WORTHINGTON  
RICHARD LEE WRIGHT  
KENNETH RONALD  
ZIMMERMAN

## To be captain

ALAN JEFFREY BROWN  
JOHN LEO CUZZOCREA  
MICHAEL JOHN DALEY

JAMES PATRICK DUNN, JR.  
DENNIS MICHAEL DWYER  
FREDERICK ROBERT  
HABERLANDT  
JERRY MCKINLEY JENKINS  
ROBERT EMMETT LUBY, JR.  
GARY GEORGE MAHLE  
JOHN TALBOT MANVEL, JR.  
LARRY LEROY MAYES  
MARK SHERIDAN  
MORANVILLE

AEROSPACE ENGINEERING DUTY OFFICERS  
(ENGINEERING)

## To be captain

EUGENE BAL, III  
WILLIAM LOUIS DUBOIS  
ROLAND MICHAEL  
FRANKLIN  
DOUGLAS FRANCIS  
HARGRAVE, JR.  
ALFRED GORDON  
HUTCHINS, JR.  
MICHAEL JOSEPH LULU  
JAMES KEVIN MCDERMOTT  
THEODORE RAYMOND  
MORANDI  
KENNETH STANLEY J.  
REIGHTLER  
ROBERT WAYNE RUSSELL  
RICHARD GENE ZAJICEK

AEROSPACE ENGINEERING DUTY OFFICERS  
(MAINTENANCE)

## To be captain

FREDERICK ALLEN  
BRAMAN  
BERT UWE COFFMAN  
THOMAS CONROY, JR.  
DAVID MICHAEL CUTTER  
BRUCE LEON HAWK  
RICHARD THOMAS MACON  
RICHARD DOUGLAS TIPPS  
THOMAS HOP YEE

## SPECIAL DUTY OFFICERS (CRYPTOLOGY)

## To be captain

GREGORY RICHARD  
BLACKBURN  
WILLIAM RUSSELL  
BRINKMANN  
MICHAEL GORDON KETRON  
KENNETH WESLEY KUEHNE  
KAREN ANN LAINO  
ALEXANDER AYWARD  
MILLER  
RICHARD PATRICK ONEILL

## SPECIAL DUTY OFFICERS (INTELLIGENCE)

## To be captain

RICHARD COLIN BARKELL  
MARTIN EDWIN COLLINS  
WILLIAM CLARENCE HIRST,  
JR.  
FRANK BOULWARE KELLY  
ALLAN WESLEY LEGROW  
JEFFREY EVANS LEWIS  
CHARLES THOMAS MAURO  
TERRY LYNN MEEK  
PHIL LAWRENCE MIDLAND  
RICHARD BRUCE  
PORTERFIELD  
STEVEN ANDREW SISA  
RICHARD THOMAS SMITH  
ROBERT WOODBRIDGE  
USTICK, II  
ROBERT ALAN UTTERBACK

## SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

## To be captain

CONNIE L. HANEY  
WILLIAM ROBERT HARLOW,  
JR.  
CHARLES DEREK SMITH  
TIMOTHY BARLOW TAYLOR

## SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

## To be captain

KENNETH EICHER BARBOR  
JOHN GEORGE HUGHES  
FRED CORWIN KLEIN  
RICHARD DUANE LEROY  
JAMES ROBERT MASON

## LIMITED DUTY OFFICERS (LINE)

## To be captain

JOHN MICHAEL CRANMER  
RONALD KENNETH CURRY  
FORTUNATO PICHARDO  
EDWARD ERNEST  
RUNDBERG  
CHESTER BURTON SMITH