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Senate

FOLLOWING UP ON THE HALPERIN NOMINATION

● Mr. MCCAIN. Mr. President, in 1993, the Senate Armed Services Committee conducted an extensive review of the nomination of Morton Halperin to be Assistant Secretary of Defense for Democracy and Peacekeeping. The committee held an open hearing on November 19, 1993, where Mr. Halperin appeared to answer questions regarding his qualifications, background, and activities. Subsequently, however, his nomination was withdrawn by the President.

At that hearing, Mr. Halperin directly refuted certain information provided to the committee by Mr. Frank McNamara regarding Mr. Halperin's nomination. Inasmuch as Mr. McNamara was not present at the hearing and did not have an opportunity to testify before the committee, he was unable to defend his position regarding the nomination.

Mr. President, I therefore ask that the following statement of Mr. McNamara, fully setting forth his views on Mr. Halperin's nomination, be inserted in the RECORD at this point for the information of Senators.

The statement follows:

STATEMENT OF FRANCIS J. MCNAMARA ON THE NOMINATION OF MORTON H. HALPERIN TO BE ASSISTANT SECRETARY OF DEFENSE FOR DEMOCRACY AND PEACEKEEPING

The following is offered in opposition to the confirmation of Morton H. Halperin as Assistant Secretary of Defense for Democracy and Peacekeeping.

For some 25 years, as an employee of the Department of Defense and the National Security Council as well as in various private sector posts, he has violated security regulations and/or consistently attacked and strongly opposed generally accepted security practices, in addition to demonstrating extremely poor judgment about what constitutes sensitive security information.

On July 5, 1996, upon entering the employ of the Defense Department, Mr. Halperin signed an affidavit which said:

''I agree to return all classified material upon termination of employment in the Office of the Secretary of Defense.''

On September 19, 1969, terminating his employment with the National Security Council, Mr. Halperin signed another affidavit:

''I do not now have in my possession or custody or control any document or other things containing or incorporating information affecting the national defense, or other security information material classified Top secret, Secret or Classified to which I obtained access [during my employment].''

Did Halperin live up to his word?

Defending a presidential authority vital to the national security against a lawsuit brought by Halperin, the Carter Administration on May 24, 1978 filed a brief with the Court of Appeals for the D.C. Circuit in which it said that Halperin took classified documents with him when he left the Defense Department and so that—

''Dr. Halperin managed to cart off boxes of highly classified material without the National Security Council's permission or knowledge when he left the NSC.''

In addition to this double violation of his word and security regulations, Halperin was deceptive in other ways as well, according to the 1978 court brief. When Halperin was with the NSC, Henry Kissinger, the President's national security adviser, ''specifically instructed'' Halperin not to talk to journalists, but ''contrary to those instructions Dr. Halperin talked repeatedly with journalists.''

Also: Halperin told Kissinger in a September 1969 telephone conversation, ''I haven't talked to the press . . . since May,'' but the record revealed he ''received a number of calls from, conversed with and met with a variety of journalists.''

A wiretap had been placed on Halperin's home phone because he was the prime suspect in the leak of the secret US bombing of Cambodia to New York Times reporter William Beecher. That tap revealed the following about Halperin's conversations on his home phone: ''revelations on the North Vietnamese position . . . differing internal recommendations of the Secretaries of State and Defense and the Attorney General as to Cambodia . . . his plan to meet with representatives of a German news magazine about the National Security Council . . . and a planned meeting with a representative of the Soviet Union's *Pravda*.''

Press accounts of Halperin's suit predating the brief had reported affidavits revealing John Erlichman saying that Kissinger had described Halperin ''as being singularly untrustworthy. Defects in his philosophy and character were generally described (by Kissinger).'' [Washington Post, March 12, 1976]; and that two weeks after Halperin left the National Security Council, FBI Director Hoover reported to the White House that he has been heard saying on his telephone that ''he was to meet with the foreign editor of Pravda'' [W.P. 3/21/76].

Also reported by the same newspaper: a Kissinger affidavit said Halperin's FBI security file revealed he had failed to ''report a visit to Greece, Yugoslavia and the Soviet Union'' on a passport application; that in 1965 he had received the Communist magazine, ''World Marxist Review/Problems of Peace and Socialism'', and that Halperin recalled Kissinger had cut off his access to

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''more sensitive information regarding national security matters'' because of high-level Administration figures' suspicions about his political views. (3/28/76)

Not only the Carter Administration brief, but various news accounts reported that Kissinger had hired Halperin for his NSC position over the objections of FBI Director Hoover, the Chairman of the Joint Chiefs of Staff, Senator Goldwater, White House aide Haldeman, and the security officer of the NSC. Kissinger himself said in Salzburg, Austria, in June 1974 that he had hired Halperin for the NSC ''over the strong objections of all my associates.''

A J. Edgar Hoover file memo revealed that Kissinger had called him May 9, 1969, the day the Times story appeared, to complain that the Beecher story was ''extraordinarily damaging and uses secret information.'' The Carter Administration brief noted that the District Court in Washington had said ''There was justifiably grave concern in 1969 over the leaking of confidential foreign policy information.'' President Nixon later deposed that Prince Sihanouk of Cambodia had agreed to the bombing as long as it was secret, but for internal political reasons could no longer do so once it became known. A halt to the bombing was thus forced, with the result that the enemy was guaranteed a safe haven from which he could attack American troops and then escape to safety. The President deposed that the leak was ''directly responsible for the deaths of thousands of Americans.''

A September 1969 memo from FBI Director Hoover to Attorney General John Mitchell said Kissinger wanted all the wiretaps he had requested in trying to identify the source of the leak discontinued except for those on Halperin.

William C. Sullivan, Assistant FBI Director for Intelligence, said in a July 8, 1969 memo to Director Hoover:

''As we know, Halperin cannot be trusted. We have learned enough already from the early coverage of him to conclude this.''

Another reason for rejecting Halperin's nomination is that he has revealed a sick, unhealthy animus and hostility toward the U.S. Intelligence Community and the individual agencies composing it, despite their vital relationship to the security of the Nation.

Appearing on the Ben Wattenberg PBS–TV program, ''In Search of the Real America,'' on June 15, 1978, he contradicted Wattenberg when Wattenberg said the CIA was a defender of American freedoms.

''No,'' Halperin replied, ''they've been a subverter of everybody else's freedom.''

He has also accused CIA officers of ''promoting fascism around the world.''

What does he think of the Federal Bureau of Investigation?

''Causing violence in American cities has been an on-going FBI program,'' a pamphlet he published on the Bureau said.

To Halperin it is ''an open question'' whether the CIA and other agencies in the Intelligence Community would turn to assassinating American citizens.

Halperin has adopted unbelievably ridiculous positions—as when he told Wattenberg that he would oppose CIA use of covert action, even if it were to stop Libyan leader Quadaffi from sneaking nuclear weapons into New York harbor!

In 1974, referring to the early '70s period of the Vietnam War, he actually wrote questioning ''the need for the kind of reconnaissance which involved an intrusion into North Vietnamese air space''!

He knows as little about the law as he does about war. In September of 1976, he attacked the Department of Justice for acting on the belief that when a foreign power is involved, there is a national security exemption to the Fourth Amendment. He wrote:

''No court in the United States has ever seriously considered the possibility that it exists.'' (''First Principles,'' 9/76)

100% wrong! It is difficult to conceive of a more erroneous statement. Not only had a number of District Courts ''seriously considered'' its existence at the time, but some Appeals Courts had as well, and most of the decisions had upheld the concept.[1]

The Carter Administration court brief noted ''poor judgment'' on Halperin's part and ''disquieting'' points in his conduct. It is my view that he has continued to exhibit these traits on a considerable number of occasions, particularly those treated at some length in the attached ''Partial Record''—the cases of Philip Agee, the CIA Defector; David Truong, the Communist Vietnamese espionage agent, and the leak of the so-called ''Pentagon Papers.''

For these and other reasons, I believe his confirmation would constitute a security risk to the United States not only because of his actions and views concerning what constitutes sensitive security information, but also because it would deal a blow to the morale of the Nation's military/security/intelligence services with related adverse performance of functions vital to the national security.

FURTHER STATEMENT OF FRANCIS J. MCNAMARA RE MORTON HALPERIN

Concerned about the nomination of Morton Halperin to serve as an assistant secretary of defense, friends who knew I had closely studied the assault on the Intelligence Community that had marked the decade of the mid-seventies to the mid-eighties and had testified and written about it and also about Halperin's role in it,[2] suggested that I assist the effort of the Center for Security Policy, directed by Frank Gaffney, Jr., to defeat the nomination, and also that I prepare a personal statement opposing it.

I did both. Senator Thurmond distributed copies of my statement to members of the Armed Services Committee and also to all members of the Senate.

During the November 19, 1993 hearing by the committee on his nomination, in response to a question by Senator McCain, Halperin testified:

''Senator McCain, those comments appear to be identical with a set of allegations made in a document which Senator Thurmond distributed to members of the committee. That is a scurrilous, outrageous attack on me, full of false statements, innuendoes, and misleading assertions. I will give you just two examples. . . .''

He then branded what I had written about his association with a group named PEPIC ''an outright lie and a scandalous attack,'' implied that what my statement said about a listing of CIA memoirs by former Agency employees fell into the same category, and asked for permission to insert in the hearing record ''a detailed response'' to my statement. Senator Levin, presiding at the time, granted his request.

Having recently undergone surgery, I did not attend the hearing. After I had obtained a hearing transcript and read his words, I wrote to the committee on December 15:

''I flatly deny and deeply resent Halperin's charges about my statement and request that I be granted an opportunity to appear before the committee to respond to them.

In reply, I was informed that committee rules barred my appearance because, during the hearing, nothing had been said on the record authorizing it.

When, on April 12, 1994 I received a copy of the printed hearing I learned that in his alleged ''detailed response'' to my statement submitted for the record since I had last seen a transcript, Halperin had added a few choice epithets describing it: ''inaccurate . . . distorts facts . . . patently untrue . . . misrepresents . . . absurd . . . false . . . an outright lie'' [again] (printed record, pages 181, 182).

In the almost 50 years I have been writing, lecturing, testifying and carrying out various administrative duties in the security and intelligence fields, particularly as they relate to Communism, no one has ever before accused me of lying and making false and misleading statements, except Radio Moscow and Izvestia. As a matter of fact, the Senate Internal Security subcommittee said some twenty years ago:

''Mr. McNamara commands a national reputation as a careful scholar and researcher in matters relating to communism, extremist activities in general, and internal security.''

Despite this and similar other statements I could quote, the summary of major developments in the Halperin case presented June 23 on the Senate floor by the chairman of the Armed Services Committee appeared to support Halperin 100% and thus, like Halperin's words, cast doubt on my integrity and veracity. It was true, the Chairman said, that the Halperin nomination was controversial, but controversy, he emphasized, ''should not stand as a judgment on the individual's qualifications or on the merits of the specific allegations that were brought to the attention of the committee. . . . the fact that an allegation has been made should not stand as a judgment that the allegation is valid. . . . If credible allegations are presented to the committee, we will pursue them.''

These, of course, are not more than basic truths, but in the context in which they were spoken they had a definite pro-Halperin slant that belittled his critics and tended to disparage all charges made against him, including mine.

Halperin, the chairman continued, ''has an impressive record . . . he has taught and lectured widely on a variety of subjects related to the national security'' and his nomination ''has received the support of a number of distinguished Americans, including a bipartisan array of former government officials.'' The issues raised about his nomination ''were explored in detail'' at his hearing, during which Halperin ''demonstrated dignity, seriousness of purpose, and broad understanding of national security issues—and patience.'' He ''directly addressed a variety of allegations concerning his fitness for office'' and ''I was impressed by the care and attention he gave to each question . . . none of the allegations of improprieties were substantiated in the course of the standard report on the nominee by the FBI, in other investigations by the executive branch, or in any evidence submitted to the Armed Services Committee. I would like to quote directly from his testimony because it deals with a number of charges that were reported in the news media and that I think he dealt with at the hearing.''

The chairman then quoted eight paragraphs of Halperin's testimony in which Halperin summarized in his own words [very convenient] as many allegations about his record and said of each one, ''That is false.''

Whether or not Halperin summarized the eight accusations accurately and his ''false'' claim about them is true, the fact is that Halperin more than once testified falsely about my statement in his hearing. There is not a single false statement, misleading assertion, innuendo, outrageous lie or any other kind of lie in my statement. Under the general heading, ''Halperin and Philip Agee,'' it stated:

[1] Footnotes at end of articles.

''Following is at least part of the public record of Morton Halperin's actions relative to *CounterSpy*, the *Covert Action Information Bulletin* and Philip Agee:

It continued with the following description of the first of a series of actions noted, the one Halperin told Senator McCain was ''an outright lie:''

''CounterSpy's publisher, the Organizing Committee for a Fifth Estate (OC–5), according to its 1975 annual report, 'had been instrumental in organizing several other organizations' that year, one of which was 'The Public Education Project on the Intelligence Community (PEPIC) . . . a year-long effort.'

''Morton Halperin, the report continued, was a member of PEPIC's speakers bureau, all of whose members 'will be donating their time, energy and fees to PEPIC to ensure its survival.' ''

''The Senate Internal Security subcommittee, in its 1977 annual report, identified PEPIC as one of 'several fronts' set up by Agee's OC–5 to accomplish its objective of finding 'those individuals with research or organizing abilities to join the Counter-Spy Team'.''

What is the public record basis for the above three paragraphs?

The Winter 1976 issue of CounterSpy, which identified itself as ''The Quarterly Journal of the Organizing Committee for a Fifth Estate,'' published an item captioned ''Fifth Estate Annual Report: 1975 . . . .'' (pages 62, 63), the fifth subsection of which was entitled ''Organizing.'' The second paragraph of this subsection read as the follows:

''The Organizing Committee has also been instrumental in organizing several other organizations during 1975. Most of these organizations are independent of the Fifth Estate and the Organizing Committee. Others are local research and action groups, which operate autonomously but may eventually join the national umbrella of the Fifth Estate.''

This was followed by the names of the four groups the Fifth Estate had been ''instrumental in organizing'' in 1975, with a brief description of each one. The second organization listed was—

''The Public Education Project on the Intelligence Community (PEPIC) is a year-long effort, sponsored by the Youth Project, Inc. of Washington, D.C., designed to create informed public discussion on intelligence issues. . . . All speakers participating in this project will be donating their time, energy and fees to PEPIC to ensure its survival. Speakers include some of the foremost experts on the intelligence community:''

It then listed the names of the twenty members of PEPIC's speakers bureau, giving brief identifying date for each. The sixth read:

''Morton Halperin: Director, ACLU Project on National Security and Civil Liberties. Co-editor of 'The Abuses of the Intelligence Agencies.'' Former Assistant Deputy Director (sic) of Defense.''

The Senate Internal Security Subcommittee issued a 55-page ''Annual Report For The Fiscal Year Ending February 28, 1977'' (Reported No. 95–20, 95th Congress, 1st Session), which contained a two-page section, ''Organizing Committee For A Fifth Estate'' (pages 43, 44) in which it identified Counter Spy as OC–5's ''official publication.'' Under a subhead, ''Objectives of OC–5,'' the Senate report said:

''As stated in its first annual report, dated January 1974, of the OC–5, its Counterspy campaign against the intelligence community of the United States was:

''Designed to locate, train and organize those citizens who have the courage and strength to dedicate their lives and their resources to changing the current direction of our government and nation. We are looking for those individuals with research or organizing abilities to join the Counter-Spy Team. Our hope is to weld counterspies into groups forming a nationwide alternative intelligence community—a Fifth Estate—serving as a force to focus a public effort towards altering the present course our government is now taking towards a technofascist society.'

The Senate subcommittee report then commented:

''In an effort to accomplish the above-stated objectives, OC–5 operates through several fronts, such as: . . . and (5) Public Education on the Intelligence Community (sic).

* * * * *

''In essence, the objectives of OC–5 are to discredit and render ineffective all American intelligence gathering operatiaons—domestic and foreign.''

Thus, everything my statement said in the three paragraphs about Halperin and PEPIC is, as claimed, based on the public record. Yet, Halperin had the gall to grossly twist the facts in an effort to make it appear that I had lied in stating them.

When Senator McCain, questioning Halperin, referred to my statement's above-quoted facts about the Halperin-PEPIC-CounterSpy ties, Halperin claimed:

''The sentence after the one you read about the Organizing Committee says most of these organizations are independent of the Fifth Estate and the Organizing Committee, and then it goes on to list independent organizations who they happen to think are worthy of drawing to people's attention, and one of them is this Public Education Project.

''The attempt in that document to suggest that the Public Education Project was an instrument of the Organizing Committee and that I worked for that and donated my money to them and that is why they listed my publication is an outright lie and a scandalous attack.

''It happens that that organization, which was totally independent of the Fifth Estate, was project of the Youth Project, as is indicated in the document which the people who wrote this for Senator Thurmond had. It was an independent organization. They asked if they could list my name as somebody who was available to speak. Along with many other people I did. I did not in fact end up speaking for them. I did not donate any money for that purpose, and the assertion that I supplied money that went to the Fifth Estate is an outrageous lie.''

Fact: Halperin's testimony that Fifth Estate's annual report listed PEPIC as an ''independent'' organization is false, as a mere reading of its words demonstrates. It did say that ''most'' of the groups it had organized in 1975 were independent, but it clearly did not specify which were and which were not.

The second paragraph of Halperin's just quoted testimony is all falsehood. I did not ''attempt . . . to suggest'' that PEPIC was an instrument of OC–5. I quoted a formal finding of a Senate subcommittee which stated that ''OC–5 operates through several fronts'' and specifically named PEPIC as one of them. I did not ''suggest'' that Halperin ''worked for'' and ''donated'' money to PEPIC. I accurately stated that the Fifth Estate annual report listed him as a member of PEPIC's speakers bureau (which he admits in the next paragraph) and also reported that all its members would be ''donating their . . . fees to PEPIC.'' What reason was there to doubt the word of OC–5, PEPIC's creator, on this point?

Where were the words in which I told, as he testified, ''an outright lie'' in a ''scandalous'' attack?

Third paragraph: Halperin's claim that PEPIC was ''totally independent'' of the Fifth Estate and ''an independent organization'' is flatly contradicted by the report of the Senate subcommittee. Like most people, I choose to believe the Senate subcommittee on this point—and would do so whenever there were conflicting claims between it and Halperin. Obviously, the fact that PEPIC was ''sponsored by'' the Youth Project does not mean it was not, or could not be, a ''front'' for OC–5. I made no ''assertion'' that Halperin ''supplied money . . . to the Fifth Estate.''

Again, who told an ''outrageous lie,'' Morton Halperin or I?

Halperin next offered what he claimed was ''another example'' of an ''outright lie'' in my ''scandalous'' attack on him:

''one of the charges is that Organizing Notes listed Mr. Agee's book under 'Memoirs by Former Government Employees.' There is in fact such a list. It lists the following books.''

Halperin then named nine books and their authors, commenting that various of the authors are supporters and ''strong supporters'' of the agency, and added:

''and I am accused of supporting Agee because Agee's book was listed along with all those others in what was clearly a complete list of memoirs.''

Again, Halperin is, at best, in careless errors and misstating the facts. The relevant part of my statement distributed by Senator Thurmond is as follows:

''In late 1978, Halperin's CPR published a Materials List to assist its members in their agit-prop work against American intelligence agencies. Agee's 'Inside the Company' was included in it under the category 'Memoirs by Former Employees' and his *Covert Action Information Bulletin* under 'Sources of Information.' ''

Obviously, contrary to his claim, the part of my statement about which Halperin was testifying did not even mention ''Organizing Notes.'' The so-called Campaign for Political Rights which Halperin chaired did, as he admits publish a 16-page Materials List dated ''12/78.'' It had numerous sections and subsections—''General Organizing Information'', ''Litigation'', ''U.S. Government and Foreign Intelligence Agencies'', ''FBI'', ''Local and State Police Spying and Harassment'', ''Surveillance of Women'',''Surveillance of Black Americans'', etc, etc.

The two-page ''Central Intelligence Agency'' section was subdivided as follows: ''General'', ''Specific Countries or Regions'', ''CIA and Human Rights Violations Abroad,'' ''The CIA and Labor,'' ''CIA—Mind Control Testing,'' and, finally, ''Memoirs by Former Employees,'' which listed the works cited by Halperin, including Agee's ''Inside The Company: CIA Diary.''

Completely false, however, is Halperin's testimony that the books in the ''Memoirs'' subsection ''was clearly a complete list of memoirs.'' His Materials List itself contradicts him on this point because in other subsections it mentions at least three other works that qualify for the Memoirs category, all published by December 1978 and all omitted from it: ''The CIA and the Cult of Intelligence'' by Victor Marchetti and John Marks; ''Decent Interval'' by Frank Snepp, and John Stockwell's ''In Search of Enemies.''

In addition, there are other works that could be included: ''The Real CIA'' by Lyman Kirkpatrick; ''Street Man'' by E. C. ''Mike'' Ackerman; ''The Counter-insurgency Era'' by Douglas Blaufarb, and ''The Game of Nations'' by Miles Copeland.

Completely phony, therefore, is Halperin's implication that he is absolved of any blame for including promoting Agee's book because it is a memoir and thus has to be included in a ''complete'' list of such works. The truth is

that the list was not comprehensive and any of the above-listed books could have substituted for Agee's, but Halperin's CPR chose to name Agee's book rather than any one of the others. Why?

Interestingly, Halperin changed his story in submitting his written ''detailed response'' to my statement to the committee: He wrote:

''It is true, as the piece [McNamara's statement] claims, that CPR published a Materials List which included Agee's ''Inside the Company'' and the ''Covert Action Information Bulletin.'' The list also included books by . . . , all of whom present far different views of the CIA. CPR was simply providing a reference list of materials on intelligence organizations.''

Now it is a mere ''reference list.'' What happened to his testimony's ''complete list of memoirs''? Could it be that he lied when he made that claim?

Was Halperin and his CPR ''simply providing a reference list of materials on intelligence organizations'', or promoting something, when it noted that its Materials List ''differs from a bibliography in that all materials can be currently obtained from the organizations and individuals listed. Please request materials from the noted source'' and then, immediately after the title of Agee's book, listed the following source:

''(Penguin Books or Center for National Security Studies.)''

So it turns out that Halperin's CNSS not only stocked and peddled Agee's book, but his CPR also publicized this fact through its Materials List!

To the above-quoted claim about a simple ''reference list'' in his written response submitted for the record to the Armed Services Committee, Halperin added:

''The piece goes on to say that 'Organizing Notes' 'promoted' 'Counterspy' and the 'Covert Action Information Bulletin.' As with the Materials List discussed above, the piece is misconstruing the presentation of reference information as endorsement.''

But did I misconstrue the above presentation of mere ''reference information'' about Agee's book as endorsement by Halperin? Why else would Halperin stock and sell it, but not any other of the nine books on the list? And what about the following items in his CPR Materials List, not included in my original statement?

1. At the end of the Memoirs by Former Employees section we read:

''See . . . Newsletters—Counterspy, Covert Action Information Bulletin. . . .

2. In the Research section (p. 3) we also read:

''See . . . CIA—'Dirty Work' (article on 'How to Spot a Spook')'' ['Dirty Work' was the short title for Agee's book, 'Dirty Work: The CIA in Western Europe'].

''Newsletters: 'Covert Action Information Bulletin' (How to Research and Expose CIA personnel).''

3. In the CIA ''Specific Countries or Regions'' section, we are again treated to:

''''Dirty Work: The CIA in Western Europe.' Philip Agee and Louis Wolf. Compilation of articles, a guide on 'spotting a spook,' and a listing of 700 alleged CIA agents in Western Europe. 1978. $24.95. $10.00 discount if purchased from 'Covert Action Information Bulletin' with a subscription order. (Lyle Stuart, Secaucus, NJ or CAIB.)''

4. In the Newsletters section, the CAIB is the second one recommended (p. 12). Its promotion takes this form:

''Covert Action Information Bulletin. Following in the footsteps of Counterspy, this periodical has included articles about CIT activities in Jamaica, research ideas, and CIA recruitment of foreign officers. Published bimonthly; $10.00 a year in U.S., $16.00 overseas. (CAIB)''

5. In this same section, the first-listed item is CAIB's predecessor and sister publication which, like it, relished exposing the identities and locations of CIA overseas personnel:

''Counterspy. Covered variety of issues including CIA in Jamaica, Chile, South America; CIA use of unions overseas and the League of Women Voter's Overseas Fund; Garden Plot (national emergency plan). Selected issues, $1.50 and xerox copies (cost) available. (Public Eye.)''

6. CounterSpy also turns up in two other sections of Halperin's CPR ''Materials List'', as the source for:

''''Jordan: A Case of CIA/Class Collaboration.' This booklet describes CIA involvement in Jordan. 1977; $1.00 (Counterspy, Box 647, Washington, DC 20044.)''

Under the SURVEILLANCE OF WOMEN subsection, we again find: ''See . . . Newsletters . . . Counterspy''

Whatever you do, do not misconstrue any of the following above-quoted words and phrases as endorsement of CAIB or Counterspy, or as an indication that Halperin, boss of the CPR, was supporting Agee or his effort to expose CIA personnel:

''How to spot a spook—how to research and expose CIA personnel—a guide on 'spotting a spook'—a listing of 700 alleged CIA agents in Western Europe—CIA in Jamaica, Chile, South America—CIA involvement in Jordan.''

Why shouldn't you believe any of the above could possibly be mistaken for support for Agee? Because, in his ''detailed response'' to ''the piece'', Morton Halperin told the SASC ''I never supported nor condoned his [Agee's] activities'' and Halperin is the very embodiment of candor, openness and truth!

HALPERIN AND BILLS TO PROTECT IDENTITIES OF U.S. INTELLIGENCE AGENTS

Testifying before the Senate Judiciary Committee in 1981 as director of the Center for National Security Studies (CNSS), Halperin stated:

''We do not condone the practice of naming names and we fully understand Congress' desire to do what it can to provide meaningful protection to those intelligence agents serving abroad, often in situations of danger.''

It sounded great—as though he and his CNSS cronies were all for the national effort to end the damaging and dangerous exposures of covert U.S. intelligence personnel and would support legislation to accomplish that purpose.

Doubts about that existed, however, because of another statement Halperin, this time speaking for the ACLU, had made to the Senate Intelligence Committee a year earlier:

''I think a citizen has a right to impair and impede the functions of a Government agency, whether it is the Federal Trade Commission or the CIA. The fact that your intent is impair or impede does not make your activity a crime if it is otherwise legal.''

Halperin placed no restrictions or limits on the devices used ''to impair and impede,'' leaving open the possibility that even the technique of impairing by deliberate exposure of covert intelligence personnel was any citizens ''right'' in his view [a year later, the Supreme Court held that such exposures ''are clearly not protected by the Constitution'', i.e., they are not any citizens ''right'']. Additionally, in testimony before the House Intelligence Committee in 1981, again representing the ACLU, Halperin had stated:

''I am not sure we would ever reach the point where we would support any legislation [to criminalize the deliberate exposure of agents].''

Just where did the slippery-worded Halperin really stand on the issue?

The only way to find out is to check his actual record, as revealed by his testimony pro or con various identities protection bills. Here it is:

1/30/80: House Intelligence Committee, ''Proposals to Criminalize the Unauthorized Disclosure of the Identities of Undercover United States Intelligence Officers and Agents.'' Testified for the Center for National Security Studies, which he directed, in opposition to the proposals (p. 66, et sequitur).

3/27/80: House Intelligence Committee, ''H.R. 6588, The National Intelligence Act of 1980.'' Testifying for the CNSS, Halperin opposed the intelligence identities protection provisions of the proposed act (pp. 138–142).

6/25/80: Senate Intelligence Committee, ''Intelligence Identities Protection Legislation.'' Representing the ACLU, Halperin opposed the legislation (p. 88, et sequitur).

9/5/80: Senate Judiciary Committee, ''Intelligence Identities Protection Act, S. 2216.'' This time, again representing the Center for National Security Studies (CNSS), he opposed the bill (p. 98, et sequitur).

4/8/81: House Intelligence Committee, ''H.R. 4, The Intelligence Identities Protection Act.'' Back this time wearing his ACLU hat, he once more took a position against the proposed law (p. 73, et sequitur).

5/8/81: Senate Subcommittee on Security and Terrorism, ''Intelligence Identities Protection Act of 1981—S. 391.'' Back in his CNSS of the ACLU cloak, he again took the ''anti'' position (p. 70, et sequitur).

My statement submitted to the Senate Armed Services Committee said; ''Halperin campaigned hard against all bills introduced to criminalize exposures of the identities of U.S. intelligence personnel, though the Supreme Court had held (in its Agee passport decision) that such activities 'are clearly not protected by the Constitution'.''

Halperin branded my charge ''an outright lie'' in his written ''detailed response'' to my statement submitted to the committee (hearing, p. 182).

But where was my lie? Can he produce evidence in any House or Senate hearing record that he ever supported any bill under consideration?

Of course not. And why did he make no attempt to refute my charge that the CPR, which he chaired, coordinated the mass signing of letters to the House and Senate which urged the weakening of bills under consideration?

As a member of AFIO, the Association of Former Intelligence Officers—whose members represent every intelligence agency of the U.S.—I was aware that in 1980 it had passed a resolution urging enactment of an identities protection bill and followed developments in this area closely. John Warner, former General Counsel of the CIA, was serving as legal adviser to AFIO in 1982 when Congress passed, and the President signed, the desired protection bill. Commenting on the March 18 Senate 90–6 vote for the bill, Warner wrote in Periscope, official AFIO newsletter:

''This vote is a significant achievement for those who support a strong and effective intelligence service. The American Civil Liberties Union (ACLU) and the Center for National Security Studies (CNSS) (read: Jerry Berman and Morton Halperin respectively) had great influence in proposing some weakening amendments which had been given approval by the House Intelligence Committee on HR–4 and the Senate Judiciary Committee on S–391. The bills as reported by these two committees were amended, however, after floor debate in the House and Senate, to the language supported by President

Reagan, CIA, the Department of Justice—and AFIO. (Jerry Berman of ACLU was quoted in the Washington Post after the Senate vote, as admitting 'we [ACLU] took a bath.')

''While ACLU and CNSS apparently can influence some congressmen and certainly initially had their way in the House and Senate committees, the majority sentiment in both houses, when it came to a floor vote, demonstrated strong congressional support for CIA and the US intelligence effort.''

Warner was thoroughly justified in pairing Berman and Halperin in his account. Berman, an ACLU attorney, served as counsel for its Project on National Security which Halperin directed. He also served as chief legislative counsel for the Center for National Security Studies which Halperin also directed and, over the years had worked hand-in-glove with Halperin on many issues involving intelligence and national security, opposition to enactment of an agents' identities protection bill being just one of them.

On June 24, 1982, I attended a hearing of the Senate Subcommittee on Security and Terrorism. Berman was there, too. When the session ended, we spoke briefly in the hall outside the hearing room. Referring to President Reagan's signing the identities protection bill into law at CIA headquarters the day before, Berman said to me:

''It's incredible how Mort [Halperin] and I kept Congress from doing anything about it for six years.''

The ''it'', of course, was the deliberate exposure of covert U.S. intelligence personnel by Agee, ''CounterSpy'' and the ''Covert Action Information Bulletin''.

That statement, coming from his close working associate for a period of years on such matters—combined with the bill hearings record cited above—reveals Halperin's true position on the question of ''naming names.'' According to Berman, they—he and Halperin—did not want Congress to do anything to stop the continuing exposure of American intelligence agents; they did not think they had a chance of succeeding in their efforts on the issue; yet, in an ''incredible'' development, they had prevented any effective Congressional action for six full years! [Their intense lobbying, buttonholing, testifying and related actions were known to all interested in the matter].

One thing is clear. Halperin lied when he accused me of lying about his opposition to intelligence agents identities protection bills.

He also lied to Senator Levin on the issue in his Armed Services Committee testimony, according to Herbert Romerstein, now retired, who headed the USIA's Office to Counter Soviet Disinformation and Active Measures and, before that, was a professional staff member of the House Intelligence Committee when Halperin testified before it on agent identity bills in 1980.

Responding to a question by the Senator about his role in the House Intelligence Committee's action on an identities protection bill ''making it a crime to disclose the identity of covert intelligence agents,'' Halperin testified—

''That is right Senator. It was in two parts. There was a part relating to people like Philip Agee, who were former government officials, which we actively supported from the beginning, and there was a second provision which put the people who were naming names out of the business of naming names while protecting the right of legitimate journalists to report on intelligence matters.''

Halperin ''was not telling the truth,'' Romerstein wrote in ''Human events'' shortly after Halperin's appearance, ''I was present during his testimony'' and in it he said ''any effort to cover individuals who have not had authorized access to classified information is inherently flawed . . . the Constitution does not permit the prosecution of those individuals.''

The record bears out Romerstein's claim. Later in his testimony that same day, Halperin stated emphatically that once someone had gotten the name of an agent by some means other than official access ''the cat is out of the bag . . . there is no way constitutionally to deal with the problem.''

It has been Halperin's consistent position that, while an Agee could be punished for revealing agents' identities he had learned by authorized access to classified information, such conduct by others who have learned identities by other means is completely protected by the Constitution and cannot be criminalized.

How, then, could he have supported bills that took a contrary position, as the one eventually enacted did?

And how could he, without lying, tell the Senate Armed Services Committee in his written reply to my charges that he ''worked hard . . . to formulate constitutional laws that imposed strict criminal penalties on those who would reveal undercover agents''?

MORTON HALPERIN: THE NON-CHAIR, NON-DIRECTOR, NON-ENTITY?

Halperin has held important-sounding titles in the anti-security, anti-intelligence drive of the '70s and '80s. The ACLU, having given ''top priority'' in 1970 to a nationwide driven aimed at ''the dissolution of the Nation's vast surveillance network'' (its collective description of the CIA, NSA, DIA, FBI, etc. and the security-intelligence elements of state and local police) that same year set up the Committee for Public Justice (CPJ) headed by the unrepentant ''ex''-Communist, Lillian Hellman who, when she died in 1984, left part of her $4 million estate for the establishment of a fund for Communist writers. Halperin served on the executive council, newsletter committee and wrote for the newsletter of the CPJ which had the FBI and Department of Justice as its targets.

In early 1974, the ACLU Foundation, jointly with the Fund for Peace, organized the so-called Center for National Security Studies (CNSS) to serve as the research and documentation element of the drive. Halperin soon became CNSS director and held that post until he resigned in late 1992, remaining as Chair of its Advisory Committee. The next creation was the Project on National Security and Civil Liberties, sponsored by the ACLU Foundation and the CNSS (headed by Halperin). Halperin also became director of this litigating arm of the nationwide operation. In September 1975, ''First Principles'' was launched, published by the Project on National Security and Civil Liberties, which Halperin directed. Halperin became the chief editorial writer for this information-propaganda newsletter of the drive. Finally, when the Campaign to Stop Government Spying (CSGS) was organized as a united front agitprop force for the operation in 1977, Halperin emerged as its chairman. He retained his chairmanship of this anti-intelligence conglomerate when it changed its name the following year to the Campaign for Political Rights (CPR) and held the post until the CPR folded in 1984 or so.

The CPR initially billed itself as ''a project of the Youth Project'' of Washington, D.C. It later described itself as ''a national coalition of over 80 religious, educational, environmental, civic, women's Native American, black, latino and labor organizations which have joined together to work for an end to covert operations abroad and an end to political surveillance and harassment in the United States.''[3]

The CPR began publishing ''Organizing Notes'' (''ON''), its official monthly which, in time, began featuring an ''Update'' section, saying that the section was ''a combined effort of *First Principles* [published by Halperin's CNSS] and *Organizing Notes* [published by Halperin's CPR].''

My statement noted that ''CounterSpy'' was on the Steering Committee of both the CSGS and the CPR, and that the ''Covert Action Information Bulletin (CAIB)'' was also on that of the CPR (not formed until 1978, the CAIB did not exist when the front was launched in 1977 under its CSGS title), and commented that ''as chairperson of both . . . Halperin must have had some say about just which groups would be invited to join, and which would be selected for leadership positions in, his organization.''

Halperin's reply to the Armed Services Committee: ''The piece tries to link me to ''CounterSpy'' and OC5 through my chairmanship'' [of CSGS–CPR]. ''It lists a number of the member organizations of CPR and its steering committee . . . and asserts that I had control over that membership. On the contrary, the policy of CPR at that time was that any organization could join.''

Another Halperin lie. I did not write that he ''had control'' over the CSGS–CPR membership, but only that he ''must have had some say'' about it. Did he attend any meeting at which the CPR's ''open to all'' policy was discussed or agreed upon. Did he say so much as a word about it—pro or con? The chairperson of a group having absolutely no say at all about so basic an issue? Come on!

My statement also noted that ''Organizing Notes,'' the publication of the CPR which was chaired by Halperin ''routinely promoted both Agee's ''CAIB'' and ''CounterSpy'' as containing worthwhile material of value to its readers,'' and commented that ''as chairperson of the CPR he had to be responsible for its contents, just as he was for the contents of the CPR's 'Materials List'.''

Halperin's response to the committee: ''This is false; an editorial staff made decisions about its contents.''

What kind of dim-witted ''refutation'' is this? Does the fact that the chairperson of an organization has an editorial or any other kind of staff free him of all responsibility for the work it does, no matter how atrocious its product? Please!

My statement also said: ''Halperin's 'First Principles', like 'ON','' also routinely gave favorable notice to the contents of current issues of both ''CounterSpy'' and ''Covert Action Information Bulletin.''

Halperin's response: Not a word.

Strange. As director of both the ACLU's Project on National Security and its Center for National Security Studies, each at different times the publisher of ''First Principles'' (which, like his CPR, had an editorial staff), Halperin says elsewhere that he is ''proud'' of his work with the two organizations and expects to be ''held accountable'' for it. He does not offer in this case, however, the ridiculous ''no responsibility'' defense he offered in the case of the CPR's ''Organizing Notes.'' At the same time, while refusing to accept responsibility for the CPR's organizational membership and leadership and its repeated plugs for Agee's publications, he apparently accepts responsibility for its Materials List compilation of CIA memoirs by presenting a false argument in its defense. Just where does he stand on this issue of his authority, responsibility and accountability?

He has a language problem here. Webster's Dictionary of the American Language defines ''chairperson'' as one who ''heads a committee, board, etc.'' and variously defines ''head'' as ''a dominant position, position of leadership or first importance . . . a foremost person; leader, ruler, chief, etc'';

says that as an adjective says means ''most important; principal; commanding, first'' and, as a transitive verb, ''to be chief of; command.''

A director, it says, is a ''supervisor, manager; a person who directs or controls''; that ''direct'' means ''to manage the affairs of; guide; conduct; regulate control'';

So, for example, I was deeply involved in the ACLU decision to file amicus briefs on behalf of. . . .

''So I did have a line responsibility for decisions about what cases to undertake or what amicus briefs to file.'' (pages 33, 34. Emphasis added).

If Helperin exercised this much authority in the ACLU itself where he was technically merely in charge of its Washington office, how much more power must he have wielded in its various projects, fronts, etc. in which he was technically the overall boss as director, chairman, etc.?

HALPERIN'S HOKUM ON AGEE'S SOURCES

Responding to my charge that Halperin had testified that ''it is difficult to condemn'' people who expose CIA personnel on the basis of information gleaned from State Department documents, he claims that my statement ''completely misrepresents'' his views and that ''when the context for that fragment is provided'' it is ''clear that the quoted clause did not refer to someone like Philip Agee who learned identities as a result of access to classified information.''

More Halperin hokum—as he makes clear in placing the ''fragment'' in context. His exact testimony read:

''I think where the CIA has not seen fit to provide appropriate cover for individuals, and it is easy . . . it determine the name simply by looking at State Department publications, that it is difficult to condemn people who do that.'' (emphasis added)

That is precisely one of the things Agee and his CounterSpy—CAIB crews were doing—''looking at State Department publications,'' specifically its unclassified Foreign Service List and Biographic Register, among others. The first contained the names of all U.S. Foreign Service officers and the second brief biographic sketches of all U.S. employees working in the field of foreign affairs, which obviously embraces many more than State Department personnel.

This practice was clearly what I was referring to in my words ''information gleaned from State Department documents,'' and I placed his quote completely in its correct context, his claim to the opposite notwithstanding.

Because it was known that analyses of these publications were being used by the Agee crowd and others to help them uncover CIA personnel using diplomatic cover, the Department announced in early 1976 that it was halting publication of both. The Foreign Service List would not appear again, and the Biographic Register, last published in 1974, would be classified ''for official use only'' when again released, and contain more discreet background information.

It is amazing that Halperin would assert in 1993 that his words, as quoted completely in context by me ''did not refer to someone like Philip Agee who learned identities as a result of access of classified information.'' (emphasis added)

Why? Because only an idiot would believe that, 10 years after he left the CIA after service in only three countries, Agee could be making continuing exposures of Agency personnel, fronts and covert operations in all parts of the world on the basis of the official access he had had while in the CIA. The CIA simply is not ''built'' to give any of its employees such knowledge. Consider, in addition, the following among other similar facts that could be cited to demonstrate how ridiculous Halperin's claim about Agee's sources is:

The Supreme Court, in its 1981 decision upholding the authority of the Secretary of State to deprive Agee of his passport, pointed out that when Agee released a list of alleged CIA agents at a 1974 London press conference, he said the list—

''was compiled by a small group of Mexican comrades whom I trained to follow the comings and goings of CIA people before I left Mexico City'' [where he had been working on his first book].

The Court also noted, based on unchallenged judicial evidence, that Agee travels to target countries and—

''recruits collaborators and trains them in clandestine techniques designed to expose the 'cover' of CIA employees and sources.''

In the introduction to his first book, ''Inside The Company: CIA Diary,'' Agee thanked the Cuban Communist Party, other Cuban agencies and a number of individuals and groups in New York City, London, Paris and Mexico City for the help they had given him in collecting data and research materials for it.

As Jeff Stein wrote of ''Inside The Company,'' in ''The Village Voice'':

''the book drained his [Agee's] mind of every agent, code name, and cover operation he could remember.''

His ''Covert Action Information Bulletin'' stated truthfully in its issue of January, 1979:

''The naming of names in books and in publications like this Bulletin have nothing to do with people Philip Agee may have met while in the employ of the CIA. And, of course, Louis Wolf [a member of the Bulletin's editorial board] and most of the other journalists who are engaged in this struggle to expose the CIA were never in such government employ.''

William Schaap, Ellen Ray, and Louis Wolf, all CAIB editors, testified before the House Intelligence Committee in January 1980. Speaking for the group, Schaap said:

''You might all be interested to know that Mr. Agee has not, to our knowledge, named any names in more than 3 years, and that applies as well to both ''Dirty Work'' and ''Dirty Work 2,'' the two books which we sitting before you have coedited [with Agee].''

The late Rep. Larry McDonald stated in Congressional Record remarks on July 20, 1976:

''It is known that the names of alleged CIA personnel in London featured in the Spring '76 issue of ''CounterSpy'' were provided by the International Marxist Group, a British Trotskyist group associated with the FI [Fourth International, the Trotskyist equivalent of the Comintern], headed by IPS's [Institute for Policy Studies'] Tariq Ali.''

McDonald also revealed in the June 16 Record that year that the names of the alleged CIA personnel in Africa named in the same ''CounterSpy'' issue had been provided by the Black Panthers and the left-wing Paris publication, ''Liberacion.''

Agee cites Julius Mader's ''Who's Who in the CIA'' as a source. Published in 1968, this was a joint production of the Communist East German and Czech intelligence services (Mader was an East German intelligence officer). Deliberately, only about half those listed in it were actually CIA personnel.

When Agee and William Schaap announced the publication of the ''CAIB'' at the Moscow-sponsored 11th World Festival of Youth and Friendship in Havana in July 1978, they also announced the formation of Counter-Watch, which was to be a worldwide network of agents dedicated to exposing CIA personnel everywhere. Agee said Counter-Watch would give him—

''a great opportunity to continue my work of recent years . . . so that the people are able to learn about the methods, or exactly how to identify the CIA personnel in different countries'' (emphasis added).

[Schaap said Halperin's CNSS was represented in Havana for the occasion and that a Damu Smith was also there on behalf of Halperin's Campaign to Stop Government Spying (CSGS).]

Louis Wolf, the ''CAIB'' editor who coedited ''Dirty Work'' with Agee, addressed over 500 delegates to the Havana Youth Festival, describing in detail how they should go about uncovering the identities of CIA personnel who were using military and diplomatic cover. The ''CAIB'' reprinted the text of his remarks for their educational value in its second (10/78) issue.

Agee himself, in addition to attending the Soviet-engineered festival contributed an article to the first issue of ''CAIB'' distributed gratis to the delegates. His article was no more than a somewhat altered version of the introduction to ''Dirty Work.'' In it he said that ''a continuing effort—and a novel form of international cooperation'' could ultimately lead to the exposure ''of almost all of those [CIA personnel] who have worked under diplomatic cover at any time in their careers.'' He spelled out the five-step method he had in mind for accomplishing this, which included the acquisition of lists of all Americans employed in official U.S. offices in each country, obtaining old Foreign Service Lists and Biographic Registers from libraries, getting copies of the Diplomatic and Consular Lists regularly published by all Foreign Ministries, etc.

Check the information obtained carefully, he said, then publish it and organize demonstrations: ''Peaceful protest will do the job. And when it doesn't, those whom the CIA has most oppressed will find other ways of fighting back'' a backhand watch to violence against CIA personnel.

From the viewpoint of Halperin's operations, however, the most interesting item was the opening sentence in the third of his five-step methods:

''Check the names as suggested in the various articles in 'Dirty Work,' especially John Marks 'How to Spot a Spook.' ''

Who was John Marks?

The November 1974 Washington Monthly which originally published his ''spook'' article, noted that he was ''an associate'' of Halperin's CNSS, as did the Washington Post when it published his article, ''The CIA's Corporate Shell Game'' in 1976 (both of which were reprinted in Agee's ''Dirty Work''). At the time Agee was preparing his above-mentioned ''CAIB'' article with its promotion of Marks' opus, Halperin's ''First Principles'' listed Marks as the ''CIA Project Director'' for the CNSS, which Halperin directed. Halperin's CNSS reprinted and sold Marks CIA corporate shell game article in pamphlet form. Marks was also a member of the Speakers Bureau of Halperin's CSGS, and his spook article was promoted by Halperin's CNSS and CPR (e.g., see previous Materials List section).

A former employee of the State Department's Bureau of Intelligence and Research, Marks first won notoriety when, under the name Terry Pollack, he wrote an article, ''Slow Leak In The Pentagon,'' for Ramparts magazine in 1973. Subtitled ''the informal art of leaking,'' it recounted how a federal employee with access to top-secret Pentagon documents had come across a highly sensitive paper of the Joint Chiefs of Staff and, through a Congressional aide, leaked it to the New York Times. A leakers A–B–C, it was believed to be autobiographical.

The evidence is thus overwhelming that Agee's ''CounterSpy—CAIB'' exposures of

CIA personnel, contrary to Halperin's testimony, are not based on his access to classified information while in the employ of the CIA. To put it another way, there is a superabundance of information indicating that Morton Halperin, the claimed and alleged authority on intelligence and national security, is in reality a pathetic ignoramus about such matters.

And isn't it strange that Halperin, who has repeatedly testified that he is opposed to ''naming names,'' that he has counseled others not to do so when asked for advice on the matter [who and when?] and, that he ''detests'' what Agee does, should have as director of his CIA studies-action program, a man known throughout the world for his pioneering article on the techniques for uncovering and exposing covert U.S. intelligence officers? And isn't it also strange, in view of his same testimony, that his CNSS and CSGS–CPR have given so much favorable mention to Marks' ''spook'' article?

[FBI agents searching the apartment of Halperin's friend and convicted spy [———], found three photocopies of State Department biographies on foreign service personnel with this typed notation on them: ''Almost definite spook.'' Truong was a student of Halperin's CIA Project Director, John Marks, even adopting his language to designate suspected CIA officers.]

But is Halperin really that ill-informed and unintelligent?

There is evidence to the contrary. In the same testimony in which he said it is ''difficult to condemn'' exposers who had never had access to classified information but learned identities by various analytical techniques, he revealed thorough knowledge of the instruments used in their analyses: he referred to the State Department's halting publication of the Biographic Register, of Embassy telephone directories; pointed out that articles on identification methods had been widely distributed (a reference to his friend John Marks ''How to Spot a Spook'', which he had publicized), etc., and testified knowingly that ''the people who want to publish the names of agents, the Covert Action Publishers, don't need the advice of Mr. Agee or any other former official; they could do it without that, and don't need access to classified information.''

Clearly, Halperin knew that the exposures in Agee's ''CounterSpy—CAIB'' were not based on access to classified information.

Why, then, was he spreading the hokum that Agee's identities were ''a result of access to classified information''? Only Halperin can answer that.

But it is clear what would have happened if the House and Senate believed the line he was peddling: Congress would have enacted identities ''protection'' legislation that was completely useless. Criminalizing only exposures based on authorized access to classified information, it would not touch Agee because it could not be retroactive and he is incapable of additional such exposures, having long ago exhausted his knowledge of that type.

Basically, the only real result would be to protect the Agee's ''CounterSpy—CAIB'' cabal from prosecution while it continued its dirty work of exposing covert U.S. intelligence officers, by analytic technique, thus endangering their lives as well as the national security.

NY ''VAGUE ACCUSATION''

My statement opposing Halperin pointed out that ''part of the public record of Morton Halperin's actions relative to 'Counterspy' . . . and Philip Agree'' was the fact that he had been singled out for praise in ''Counterspy's'' winter '76 issue which extended ''special thanks'' to 21 people, his name and nine other among them being printed in bold type for emphasis.

It also noted that the magazine did not say what the special thanks to Halperin were for, but offered several possibilities based on the public record. Perhaps, I suggested, it was for many speeches he had made, turning over his fees, as pledged, to PEPIC; perhaps for his favorite review of Agee's book in ''First Principles'', but concluded logically ''it could have been for any number of things he might have done for ''Counterspy''. All we can do is speculate—until Halperin reveals it with substantial evidence to support whatever claim he makes.''

Halperin's response: ''It is difficult to respond to an accusation as vague as this one. . . . I do not in fact know what motivated the editors of ''Counterspy'' to mention me.''

Fact: I did not accuse Halperin of anything, vague or otherwise. I simply stated a fact he cannot dispute: ''Counterspy's'' publicly printed special thanks to him and called on him to say what they were for.

Do you believe that he does not know what they were for?

Following the murder of CIA station chief Richard Welch in Athens in December 1975, ''Counterspy'' was probably the most notorious and despised publication in the non-Communist world. As it continued its exposures, the initial denunciations of it—strong as they were originally—grew more intense in the press, on radio and TV, on the floor of Congress and in other public forums. And what did readers see immediately upon opening the issue that, in effect, marked the first anniversary of Welch's death?

On the contents page, under the names of ''Counterspy's'' editorial board members and the two ''coordinators'' of the issue, an item calling special attention to Halperin's name as one meriting the magazine's gratitude. Not only that, but just about opposite it was the title of an article beginning on page 26: ''CIA Around the World/Who was Richard Welch/CIA Agents Named in Europe and Zaire.'' That was really rubbing it in.

If, as Halperin testified, he ''detests'' Agee and what he does, he must have cringed in shame. He surely was so mortified that he would never be able to forget the incident and what caused it, no matter how many years passed. His good name tarnished forever!

But he apparently has no recollection of the incident or what led to it!

Presuming he was really desirous of answering my ''vague accusation,'' couldn't he have gotten in touch in some way with Julie Brooks and/or Harvey Kahn, coordinators of that ''CounterSpy'' issue—or Tim Butz, Eda Gordon, Winslow Peck, Dough Porter, or Margaret Van Houten—all editorial board members at the time and presumably knowledgeable about the reason for ''CounterSpy's'' gratitude.

Did he try? If so, and he reached one or several of them, what was he told? If he didn't try, why didn't he?

Finally, there is this: Halperin compiled for the committee a detailed list of honors and awards he has received, his employment record, organization memberships, published writings, the texts of speeches he had delivered, etc. going back years prior to 1976.

Strange, isn't it, that this is one thing apparently not recorded or recalled:

But, let's be fair to Morton. As he told the committee, my accusation was ''vague,'' really vague, so vague as to be ephemeral, amorphous. Since it was based completely on ''innuendo,'' expecting him to respond to it would be like asking him to bottle smoke or nail jello to a wall.

JUST HOW ''ABSURD'' WERE COUNTERSPY AND CAIB?

Admitting my charge that ''CounterSpy'' included on its ''Resource List'' two groups he directed, Halperin comments that he is ''proud'' of his work with the groups and claims it is ''absurd'' to imply that he was ''in any way supporting'' the magazine because of this.

No doubt he would make the same comment had I included another similar fact in my statement: that the initial issue of Agee's ''CAIB'' featured on its inside back cover an item entitled ''Publications of Interest'' and a subhead ''Some Worthwhile Periodicals.'' Only four periodicals were listed under the subhead presumably because they were the only ones Agee and his crew knew of and believed would be useful to the delegates to the Soviet-sponsored Havana conference and to ''CAIB's'' other readers.

The first-listed was ''First Principles,'' the organ of Halperin's CNSS, its address and subscription price followed by this parenthetical statement: ''An excellent review of the abuses of the U.S. intelligence community, with a comprehensive bibliography in each issue.''

Third listed was ''Organizing Notes,'' the newsletter of Halperin's CPR. Noting that it was ''available by request to the Campaign'', the CAIB made this comment after giving its address:'' (It is suggested that foreign requests include a contribution to cover airmail postage.) (A review of activities in the U.S. involving the surveillance practices of the CIA, FBI, and other intelligence agencies.)''

[The other two listed were the publications of the New York-based North American Congress on Latin America and a ''counterspies'' magazine published in London.]

What was the significance of this ''CAIB'' item?

Agee and his ''CAIB'' cronies had been in the business of naming names for at least five years (since the first issue of ''CounterSpy'' was published in 1973) when they launched their magazine in Havana in 1978. During those five years they had full opportunity to analyze reactions pro and con their operations and to draw conclusions about who their enemies, critics, opponents, etc., were and also who their supporters, allies, defenders, sympathizers and apologists were.

''First Principles'' had been published since 1975, ''Organizing Notes'' since 1977. The ''CAIB—CounterSpy'' personnel had apparently read or subscribed to them because, as my original statement noted, ''CounterSpy'' had more than once given favorable notice to both. Sufficient time had elapsed for the CAIB people to assess the past performance of both publications and, presuming the continuance of their leadership, their likely future activity.

Perhaps it was absurd for Agee and his collaborators to bring Halperin's publications to the attention of all readers of ''CAIB's'' first issue, with its ''Worthwhile'' plug, in a mistaken belief about their basic orientation. If it was, I, for one, can easily understand how they made their mistake because Halperin fooled me, too, on this issue. Clearly, it was an ''absurd'' mistake for me to believe that anyone else would ever think that Halperin supported ''CAIB'' or ''CounterSpy'' in any way simply because of the complimentary notices those Agee magazines gave his publications.

THE REVOLUTIONARY MESSAGE IN THE HALPERIN-CPR ''MATERIALS LIST''

Chaired by Halperin, the CPR was so thoroughgoing in its efforts to discredit U.S. intelligence agencies that it sought out every possible item that could be used against them, even peddling buttons proclaiming

what it deemed appropriate messages. The last section of its list offered for $1.00 a 2″ diameter button proclaiming ''I am Kathy Power.''

What did this signify?

Katherine Ann Power (''Kathy'' to her friends, allies and defenders), charged with murder, armed robbery, theft of government property and unlawful flight to avoid prosecution, turned herself in to authorities in September 1993 after 25 years as a fugitive from justice. On the FBI's Ten Most Wanted list for 14 of those years—longer than any other woman in history—she had been dropped from it in 1984 for lack of any clues to her whereabouts. How had she ''made'' the list?

''Kathy,'' sister revolutionary Susan Saxe, and three ex-convicts—all ''anti-war'' students at Brandeis University—broke into a National Guard armory in Newburyport, MA, on September 20, 1970 and stole blasting caps, 400 rounds of .30-caliber ammunition, radios and a pickup truck in preparation for their coming revolution against the U.S. Three days later, they robbed a Boston branch of the State Street Bank and Trust of $26,000 to help finance that revolution. As he approached the front door of the bank in response to a silent alarm, police officer Walter Schroeder, a 41-year old father of nine, was shot dead when one of the convicts, acting as a lookout, emptied his machine gun into the officer's back. Kathy drove the getaway car.

The three convicts were captured shortly thereafter. Power and Saxe, also wanted for the $6240 holdup of the Bell Savings and Loan Association in Philadelphia on September 1, 1970, escaped. A thoroughly unrepentant Saxe, captured in 1975, pleaded guilty to all charges the following year.

''Kathy'' Power continued to elude authorities for 18 more years—a tribute to the effectiveness of the terrorist underground in the U.S. Since her surrender, she has been offered $500,000 for her story. State judge Robert Banks, sentencing her to 8–12 years and 20 years probation for the robbery-murder, directed that she not profit a penny by her story or he would change her sentence to life imprisonment, declaring:

''I will not permit profit from the lifeblood of a Boston police officer.'' Schroeder's eldest child, Clare, now a police officer herself, in court at Power's sentencing, commented, ''He gave his life to protect us from people like Katherine Power.''

A federal judge later sentenced Power to five years for the armory robbery (to be served concurrently with the state sentence) and a $10,000 fine. Power's lawyers and the Massachusetts ACLU—true to typical ACLU performance—are appealing the no profit element of her robbery-murder sentence as violating her First Amendment right to free expression.

''Kathy's'' crimes were eight years old when the CPR's Materials List supporting her message of defiance of the FBI and the U.S. system of justice was released in 1978. By that time, all her associates in her crimes had either confessed to, or been convicted of, them. There was little or no question about the guilt of the revolutionary fugitive who was still successfully evading the law and justice.

Yet that was when Halperin's CPR chose to defend and glorify her—''I am Kathy Power''—to hold her up as a model who merited the support and adulation of the American people.

FOOTNOTES

[1] District Courts: *U.S.* v. *Clay*, '70; *U.S.* v. *Smith*, '71; *U.S.* v. *O'Baugh*, '69; *U.S.* v. *Brown*, '73; *U.S.* v. *Stone*, '69; *U.S.* v. *Hoffman*, '71; Circuit Courts of Appeals: 9th (*Buck*); 5th (*Clay*, *Brown*) 3rd (*Butenko*).

[2] ''The Nationwide Drive Against Law Enforcement Intelligence Activities,'' Hearing, Subcommittee on Internal Security, Committee on the Judiciary, United States Senate, 94th Congress, First Session, September 18, 1975. ''Freedom of Information Act—Appendix'' Hearings, Subcommittee on the Constitution, Committee on the Judiciary, United States Senate, Ninety-Seventh Congress, First Session, July–December, 1981, Volume 2, Serial No. J–97–50, pp. 383–430.

''FOIA: A Good Law that Must Be Changed,'' Human Events, October 29, 1983, pp. 10–13, particularly 13.

''Will 'Mr. Anti-Intelligence' Get Key ACLU Post?,'' Human Events, December 29, 1984, pp. 10–13, 16.

[3] CPR member organizations included, in addition to ''CounterSpy'' and ''Covert Action Information Bulletin,'' the National Lawyers Guild, cited as a Communist front by House and Senate investigating committees, the National Alliance Against Racist and Political Repression and National Committee Against Repressive Legislation, both cited by the House Committee on Internal Security; Women Strike for Peace, by the House Committee; the National Emergency Civil Liberties Committee, also by both Senate and House committees, and a considerable number of violence-advocating groups such as the Black Panther Party and American Indian Movement, as well as a number of church-affiliated organizations.●

TRIBUTE TO THE SENATE STAFF OF THE 104TH CONGRESS

● Mr. DASCHLE. Mr. President, as the 104th Congress comes to a close, I want to recognize some of the people without whom the Senate simply could not operate—the loyal staff who served this institution with great dedication and pride.

The sacrifices staff make are largely unknown to most people outside the Senate. For instance, during the final weeks of this session, many of the staff of the House and Senate appropriations committees worked over 100 hours straight to finalize the omnibus appropriations bill. When I leave for home after a late night, I generally pass by the Official Reporters of Debates, who face several more hours in the office to finish up that day's CONGRESSIONAL RECORD.

Anyone who understands the Senate understands the crucial role staff plays. Today, I want to thank all Senate staff for their service to the Senate and to the Nation.

In particular, I want to mention some of the people who are responsible for the daily operations of the Senate. I begin by expressing my gratitude to the office of the Secretary of the Senate. We have a new Secretary of the Senate, Gary Sisco. Though he has been on board only a few days, I am confident that Gary will be as easy to work with and will demonstrate the same dependable professionalism of his predecessor, Kelly Johnston.

We also have a new Sergeant at Arms, Gregory Casey. We will miss former Sergeant at Arms Howard Greene's valuable knowledge of the Senate, but I am sure that Greg will approach the job with the same love for the Senate that Howard demonstrated. The Sergeant at Arms has been supported by the capable assistance of the former Deputy Sergeant at Arms, Joyce McCluney, and the current Deputy, Larry Harris. The Sergeant's office is also assisted by the work of Marie Angus and Patty McNally. I would like to give special thanks for the hard work and consummate professionalism of Jeri Thomson, the executive assistant for the minority, who has provided invaluable assistance to me and to my Democratic colleagues.

All Senators, I am sure, are grateful for the counsel and support they receive from the staff who work the Senate floor and Cloakrooms. That assistance has become even more valuable to me since I became Democratic leader.

Our Democratic floor staff works under the excellent leadership of Marty Paone, the Secretary for the Minority. Under great pressure, often with little time and with little margin for error, Marty has time and again provided wise counsel to me and to my Democratic colleagues. Despite the pressures, Marty always finds time to respond to questions from Senator and staff alike—everything from the routine question about timing of votes to the most complex analysis of parliamentary procedure. The rare combination of a sharp mind, even temperament, and indepth experience makes Marty one of the most valuable officers of the Senate, and I want to thank him and recognize him for that. Marty is assisted by the hard work of Maura Farley McGee and Sue Spatz.

Day-to-day management of the floor operation is in the capable and energetic hands of Lula Davis, the Assistant Secretary to the Minority. Lula's ability to juggle multiple tasks—from negotiations over bills that we seek to clear by unanimous consent, to advising Senators and staff on legislative strategy, to acting as informal fashion adviser to many of my colleagues—demonstrates her tireless dedication to making things work around here. Working on the Democratic floor staff with Marty and Lula during the 104th Congress have been Art Cameron and Kelly Riordan, both of whom we have since lost to the Treasury Department and law school, respectively, and Gary Myrick and Paul Brown, who have moved from the Cloakroom and the Democratic Policy Committee, respectively. They were all assisted by the hard work of Brad Austin, who leaves shortly for a professional adventure in Malawi.

Our Democratic Cloakroom staff, Lenny Oursler, Paul Cloutier, Christina Krasow, and Brian Griffin, also provide invaluable assistance in many aspects of our Senate life. Among other things, they field countless queries about what the Senate is doing and when votes will occur, including that age-old question, ''Will there be any more rollcall votes tonight?'' They help us stay on schedule and where we are supposed to be, all while keeping track of the flurry of legislation that moves through here and keeping most of us entertained. I salute them for their hard work and good humor and thank them for their assistance.

It is no exaggeration to say that our ability to navigate the complexities of Senate rules and procedures would be

impossible without the assistance of our Parliamentarians. Senate Parliamentarian Bob Dove, with the outstanding assistance of Senior Assistant Parliamentarian Alan Frumin, Assistant Parliamentarian Kevin Kayes, and Parliamentary Assistant Sally Goffinet, provides an unparalleled level of expertise and understanding of Senate procedure.

Our growing C–SPAN audience has no doubt become familiar with the commanding voice of Legislative Clerk Scott Bates and his assistant David Tinsley; Bill Clerk Kathie Alvarez has also become a notable presence. Kathie is assisted in her duties as bill clerk by Danielle Fling and Mary Anne Clarkson. Our legislative and bill clerks deserve the thanks and respect of all Senators for their keen attention to detail and their patient professionalism.

Journal Clerk William Lackey and his assistants Patrick Keating and Mark Lacovara; Enrolling Clerk Tom Lundregan and his assistant Charlene McDevitt; Executive Clerk David Marcos and his assistant Michelle Haynes; Daily Digest Editor Thomas Pellikaan, Assistant Editor Linda Sebold, and Staff Assistant Kimberly Longsworth, all have my gratitude for their long hours and hard work.

I also would like to thank and commend again our official Reporters of Debates for their hard work: Chief Reporter Ronald Kavulick and Assistant Chief Reporter—and Congressional Record Coordinator—Scott Sanborn; Morning Business Editor Ken Dean and Assistant Editor Lee Brown; Expert Transcriber Supervisor Eileen Connor and her assistants, Donald Corrigan and Eileen Milton; and the Official Reporters of Debates: Jerald Linnell, Raleigh Milton, Joel Brietner, Mary Jane McCarthy, Paul Nelson, Katie-Jane Teel, and Patrick Renzi.

I also want to thank our Senate Doorkeepers, directed by Arthur Curran and Donn Larson, for the friendly, and helpful attitude they bring to their jobs, often in the face of long and uncertain hours. Without their assistance and that of all of our Senate support staff, our work simply could not get done.

Finally, Mr. President, I want to thank my own staff and the staff of the Democratic Leadership Committees, whom I share with Senators REID, ROCKEFELLER, and KERRY. These bright, talented people are dedicated to the effort to serve the people of South Dakota and the Nation, as well as every Democratic senator and their staffs. They do a tremendous job, and I owe each of them a debt of gratitude.●

TRIBUTE TO SENATOR JOHNSTON

● Mr. PELL. Mr. President, I salute my old friend and colleague the senior Senator from Louisiana [Mr. JOHNSTON] as he reaches the end of his distinguished Senate career.

It has been my special good fortune to know BENNETT JOHNSTON as a friend, quite apart from our collegial work here in the Senate. I have enjoyed his hospitality on many occasions and have appreciated his good sportsmanship on the tennis court. As I said when he announced his intention to retire last year, he can always be called a straight shooter, in the best sense of the word.

He will, of course, best be remembered for his landmark work as chairman of the Energy and Natural Resources Committee, particularly as that committee grappled with the new challenges posed by nuclear energy. I salute him for that, and I know that he has charted new ground where others will surely follow.

One of the most difficult aspects of leaving this body is the loss of daily contact with colleagues whose friendship has enriched the experience of Senate service. BENNETT JOHNSTON has truly been one such colleague, and I wish all the best for him and his lovely wife, Mary, in all that lies ahead.●

TRIBUTE TO SENATOR HEFLIN

● Mr. PELL. Mr. President, sometimes there are those among us whose Senatorial persona overshadows the full measure of past achievement.

Such a man is the retiring senior Senator from Alabama [Mr. HEFLIN]. Those who witness his wisdom and dignity of bearing on the floor of the Senate have no difficulty in envisioning him as the chief justice of the Alabama Supreme Court. But they may not perceive the U.S. Marine of World War II who was wounded twice in combat and awarded the Silver Star.

My own special insight into the exceptional character of Judge HEFLIN came when we shared the discomfort of a field trip into the Brazilian rain forest. As always his qualities of wit and wisdom shown through.

Here in the Senate, his unshakable demeanor and integrity have endeared him to all and served as a model for the sort of decorum and comity which should pervade our proceedings. It was inevitable that we should award him with the thankless task of chairing the Select Committee on Ethics.

I thank Judge HEFLIN for all he has done to enrich the life of the Senate, and I wish him well as he returns to Alabama.●

TRIBUTE TO SENATOR EXON

● Mr. PELL. Mr. President, I would like to take this opportunity to express my best wishes to Senator JAMES EXON, who is retiring from the Senate after 18 years of dedicated service to his constituents in Nebraska. He is a true friend and a respected and trusted colleague.

As a member of the Senate Armed Services Committee, Senator EXON has provided invaluable leadership in ensuring the integrity of our national defense. I have had the honor of working with him on the problem of U.S. nuclear weapons testing.

At the end of the cold war, Senator EXON utilized his common sense and Midwestern values to grapple with the difficult task of defense downsizing. Senator EXON was not afraid to take on this, and other, difficult issues—deficit reduction and restricting foreign takeovers of businesses that are vital to our national security.

JIM EXON has earned the respect and gratitude of his colleagues, constituents, and citizens of our Nation. I know that I shall miss my colleague from Nebraska and I wish him well in his future endeavors.●

TRIBUTE TO SENATOR COHEN

● Mr. PELL. Mr. President, I would like to pay tribute to Senator WILLIAM COHEN who is returning to his homestate of Maine after serving with distinction in the Senate for 18 years. I'm glad to have the opportunity to honor my friend who has made such an outstanding contribution to our region and the country

I have often lamented the rise in partisanship that has permeated this Chamber over the past several years. I continue to believe that our Nation is best served by leaders who have respect for different views and the ability to compromise and negotiate meaningful policy. Senator COHEN is not only a man who I believe shares this view, but has practiced it and made bipartisan consensus his trademark.

Senator COHEN has been a leader in foregoing bipartisan solutions to some of our Nation's most vexing problems. To ensure the public's trust in Congress, Senator COHEN worked tirelessly with Senator LEVIN to help enact a lobby disclosure and gift ban. When America was embroiled in the Iran-Contra affair, Senator COHEN joined Senator Mitchell in examining and investigating allegations of misconduct by the executive branch. Senator COHEN has always sought a dialog to consider as many views as possible and supported legislation that holds all Senators to the highest standard.

My colleague from New England, the senior Senator from Maine, is also the author of eight books. Senator COHEN is still a young man and while he will be greatly missed in the Senate, I wish him well in what I am sure will be a bright future.●

TRIBUTE TO SENATOR BROWN

● Mr. PELL. Mr. President, I salute the senior Senator from Colorado [Mr. BROWN] on the occasion of his retirement from the Senate. During this term here he has contributed a great deal, especially in his work on the Committee on Foreign Relations.

During the first years of his term, he served as the ranking Republican member of the Subcommittee on International Relations, where I especially appreciated his bipartisan support in helping to forge the State Department authorization bill.

Subsequently, in the 104th Congress, he assumed the chairmanship of the Subcommittee on Near Eastern and South Asian Affairs, and conducted a remarkable number of hearings on matters relating to the area. I was especially pleased that he shared my strong and long-standing interest in the India subcontinent.

While we frequently found ourselves on different sides of the issues, I always appreciated the great good humor that HANK BROWN brought to his work on the committee, along with his unflagging energy. I thank him for that, and wish him well in all that lies ahead for him and his family. He is a fine man and one for whom I have high regard.●

SOME PARTING THOUGHTS

● Mr. PELL. Mr. President, as I approach the end of my sixth term in the Senate, I look back at the 36 years with wonder and awe at what we have passed through, but with some concern for the future of our institutions in the century ahead.

My concern is rooted in apprehension that human nature may not be keeping pace with the means now at our disposal to influence opinion and effect change.

A long range, telescopic view of our place in history puts this concern in perspective, particularly as we approach the end of the second millennium. The thousand years that began with a tradition of chivalry in dank Medieval castles, ends with a distinctly unchivalrous, albeit more comfortable, world community tied together by the instant miracle of electronic communication and jet flight, but overshadowed by the still lingering threat of mass destruction.

Considering these extremes, I am led to reflect that the rules of human behavior in the conduct of public affairs have not developed as rapidly as the provisions for human comfort, or the means of communication—or indeed, of mass destruction.

Sometimes, it almost seems, to paraphrase a common humorous expression, as though we should ''stop the world'' and let the human spirit catch up with technological progress. So now I ask myself what guidance can we give to those who follow that would help them, short of stopping the world, to reconcile the realities of the day with the realm of the spirit?

When I came to the Senate in 1961, it was, in retrospect, a time of almost unlimited possibilities. Most of us were imbued with a rather exuberant mindset conditioned by recent events. We had lived through the economic crises of the 1930's and we had survived the cataclysm of World War II, and in both cases it had been the dominant role of a strong central government which had saved the day. So it was not surprising that we brought with us a great sense of confidence in the role of government.

We extended that faith in progressive government into many other areas, and I believe we did many good things in its name in the years that followed. I am very proud of the fact that I was able to play a modest part in these endeavors, particularly in the field of education.

But hovering over us for the three decades that followed was the numbing specter of the cold war that tested our endurance and our nerve. It was in the peripheral engagements of the cold war, first Korea and then, most conclusively, in Vietnam, that the basic tenets of our commitment were put to the test. And in the latter event, they were found wanting in the minds and hearts of many of us.

In retrospect, it may well have been the widespread disillusionment with foreign policy in the Vietnam era which sowed the seeds of a broader cynicism which seems to be abroad in the land today. And with it came an end to that sense of unlimited possibilities that many of us brought to public life.

Many other factors have contributed to that current of cynicism, but primary among them, in my view, is the impact of the electronic media, particularly in its treatment of politics and public affairs. At its worst, it glorifies sensationalism, thrives on superficiality and raises false expectations, often by holding people in public life accountable to standards which are frequently unrealistic or simply not relevant.

Unfortunately, the rise of the electronic media has coincided with the coming of age of a new generation of Americans which is both blessed and challenged by the absence of the unifying force of a clear national adversary.

I am reminded, in this connection, of Shakespeare's reference to ''the cankers of a calm world and a long peace,'' referring to the age of Henry IV, when a temporary absence of conflict had an adverse effect on the quality of recruits pressed into military service. In our time, the sudden ending of the cold war removed what had been a unifying national threat, leaving in its wake a vacuum of purpose which I fear has been filled in part by the cankers of the electronic media.

The result has been a climate which exploits the natural confrontational atmosphere of the democratic process by accentuating extremes without elaborating on the less exciting details. It is a climate which encourages pandering to the lowest levels of public and private greed, a prime example of which is the almost universal defamation of the taxing power which makes it virtually impossible to conduct a rational public debate over revenue policy.

The times call for a renewed sense of moral responsibility in public service, and for service performed with courage of conviction. To be sure, this is not a new idea. One of my favorite political quotations in this regard is an excerpt from a speech by Edmund Burke to the Electors of Bristol in 1774:

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

It must be noted that Mr. Burke was thrown out of office not long after making this speech, demonstrating a courage of conviction on his part and on the part of the electors as well. But he stands as a model, nonetheless, of the sort of selfless dedication to principle which must be brought to bear in the current climate.

Beyond individual virtue, I believe we must strive in a corporate sense for a qualitative change in public dialog. If I could have one wish for the future of our country in the new millennium, it would be that we not abandon the traditional norms of behavior that are the underpinning of our democratic system.

Comity and civility, transcending differences of party and ideology, have always been crucial elements in making Government an effective and constructive instrument of public will. But in times such as these, when there is fundamental disagreement about the role of Government, it is all the more essential that we preserve the spirit of civil discourse.

It has been distressing of late to hear the complaints of those who would abandon public service because they find the atmosphere mean spirited. They seem to suggest that the basic rules of civilized behavior have been stifled.

They make a good point, although I hasten to say that this was not a consideration in my own decision to retire at the end of my present term. After more than 35 years, I have some to expect a certain amount of rancor in the legislative process. But I certainly agree that it seems to have gotten out of bounds.

I say this with all respect for my colleagues in the Senate. They are wonderfully talented men and women, dedicated to serving their constituents and to improving the quality of our national life. I do not expect to have the good fortune again to work with such a fine, well-motivated and able group. But even this exceptional group sometimes yields to the virus of discontent which has infected the body politic.

In 1995, before retiring from the Senate to become president of the University of Oklahoma, my good friend David Boren sent a letter to his colleagues lamenting the fact that ''we have become so partisan and so personal in our attacks upon each other that we can no longer effectively work together in the natural interest.'' It was a thoughtful warning that has meaning far beyond the U.S. Senate and applies to our whole national political dialog.

The fact is that the democratic process depends on respectful disagreement. As soon as we confuse civil debate with reckless disparagement, we have crippled the process. A breakdown of civility reinforces extremism and

discourages the hard process of negotiating across party lines to reach a broad-based consensus.

The Founding Fathers who prescribed the ground rules for debate in Congress certainly had all these considerations in mind. We address each other in the third person with what seems like elaborate courtesy. The purpose, of course, is to remind us constantly that whatever the depth of our disagreements, we are all common instruments of the democratic process.

Some of that spirit, I believe, needs to be infused into the continuing national debate that takes place outside the Halls of Congress. It should be absorbed by our political parties and it should be respected by the media, particularly in this era of electronic information. The democratic process is not well served by spin doctors and sound bites.

Nor is it well served by blustering assertions of no compromise, such as those we heard in the wake of the 1994 congressional elections. David Boren had the temerity—and wisdom—to suggest that instead of holding weekly meetings to plot how to outsmart each other, the party caucuses in the Senate should hold two meetings a month to explore bipartisan solutions on pending issues. Again, it's another good idea which could apply to the national dialog.

I would only add my own prescription for comity, which can be summarized in three simple rules:

First, never respond to an adversary in ad hominem terms. In my six campaigns for the Senate, I have never resorted to negative advertising. The electorate seems to have liked that approach, since they have given me an average margin of victory of 64 percent.

Second, always let the other fellow have your way. I have always found that winning an ally is far more important than getting exclusive credit. In politics, the best way to convince someone is to lead him or her to discover what you already know.

Third, sometimes, half a loaf can feed an army. The democratic process is meant to be slow and deliberate, and change is hard to achieve. Very often, achievement of half of an objective is just as significant as achievement of 100 percent. And it may make it easier to achieve the rest later.

In Government, as in all endeavors, it is the end result that counts—whether that result is half a loaf or more. Hopefully, an increase in comity and civility, together with renewed emphasis on moral responsibility, will result in a qualitative improvement in end results.

In that regard, I have been guided throughout my Senate career by a simple motto and statement of purpose. It is a mantra of just seven words:

TRANSLATE IDEAS INTO ACTION AND HELP PEOPLE

There have been some days, to be sure, when neither of these objectives has been achieved, but week after week and year after year, I have found those words to be useful guideposts for a legislative career. They help one sort the wheat from the chaff.

And they also are a constant reminder that our role is to produce results in the form of sound legislation, and not engage in endless and repetitive debate that leads nowhere. This is an especially hard prescription for the U.S. Senate, comprised as it is of 100 coequal Members, each representing a sovereign State. Everyone has a right to speak at length.

But there are some limits. And a principal one is the Senate's rule that debate can be curtailed by invoking cloture, if three-fifths of the Members, or 60 Senators, vote to do so. It has been my general policy to vote for cloture, regardless of party or issue, except when there were very compelling circumstances to the contrary. Over my Senate career I have cost more than 350 votes for cloture, which may be something of a record.

It should be noted that circumstances have changed greatly since the Senate imposed the cloture rule back in 1917. In those days, there were genuine filibusters with marathon speeches that often kept the Senate in continuous session for days, including all night sessions with cots set up in the lobbies. Nowadays, such displays of endurance virtually never occur, but at the very threat of extended debate, the 60-vote requirement is invoked to see if the minority has enough votes to prevail against it—and if they do, the pending bill is often pulled down and set aside.

The 60-vote margin, which originally was set even higher at two-thirds of those present, was designed to protect the minority's right to make itself heard, while still providing a vehicle for curbing debate. Only a super majority can impose limits. But as time and practice have evolved, the other side of the coin has revealed itself—namely that a willful minority of 40 or more Senators can use the cloture rule to block legislative progress. Recent majority leaders of both parties have expressed frustration with the deadlocks that can result.

The ultimate solution, of course, might be to outlaw all super majorities, except for those specifically allowed by the Constitution—such as veto overrides, treaty approvals and impeachment verdicts. Since the Constitution carefully provides for these specific exceptions, it might be assumed that the Framers intended that all other business should be transacted by a simple majority.

I must hasten to say that while I find the logic of such an ultimate solution to be intriguing, I do not subscribe to it. As a Senator from the smallest State, I have always been sensitive to the fact that circumstances could arise in which I would need the special protection of minority rights which is accorded by the cloture rule.

One possible solution which certainly bears future consideration is a compromise recently proposed by Senator TOM HARKIN. Under his plan, the existing cloture rule would be modified by providing that if the three-fifth is not obtained on the first try, the margin be reduced progressively on subsequent cloture votes on the same bill over a period of time until only a simple majority would be required to shut off debate. Such a plan would protect the minority but would do so within reasonable limits of time, after which the majority could conduct the business of the Senate.

With reasonable reforms in the cloture rule, and with a new spirit of comity and civility along with a renewed sense of responsible public service, I do believe the Senate, and our institutions of government in general, can rise to the challenges of the new century. And in doing so, they hopefully will address more satisfactorily than we have done so far some of the truly compelling issues of our times—such as economic disparity and racial and social inequality.

Over the years, I have thought time and again of the historical comparison between Sparta and Athens. Sparta is known historically for its ability to wage war, and little more. Athens, however, is known for its immense contributions to culture and civilization.

In all that I have done over the past 36 years in the U.S. Senate, I have had that comparison uppermost in mind. I believe deeply that when the full history of our Nation is recorded, it is critical that we be known as an Athens, and not a Sparta.

My efforts in foreign relations have been guided accordingly. I believe that instead of our ability to wage war, we should be known for our ability to bring peace. Having been the first and only nation to use a nuclear weapon, we should be known as the nation that brought an end to the spread of nuclear weapons. We should be known as the nation that went the extra mile to bring peace among warring nations. We should be known as the nation that made both land and sea safe for all.

In particular, I believe that we should seize every opportunity to engage in multilateral efforts to preserve world peace. We should redouble our support for the United Nations, and not diminish it as some propose. We should not lose sight of the UN's solid record of brokering peace—actions that have consistently served U.S. interests and spared us the costly alternatives that might have otherwise resulted.

In education, I want us to be known as the nation that continually expanded educational opportunities—that brought every child into the educational mainstream, and that brought the dream of a college education within the reach of every student who has the drive, talent, and desire. We should always remember that public support for education is the best possible investment we can make in our Nation's

future. It should be accorded the highest priority.

In the arts and humanities, I want us to be known for our contributions, and for the encouragement we give to young and old alike to pursue their God-given talents. I want us to be recognized as a nation that opened the arts to everyone, and brought the humanities into every home. And here too, I believe government has a proper role in strengthening and preserving our national cultural heritage.

Pursuing these objectives is not an endeavor that ends with the retirement of one person. It is a lifetime pursuit of a nation, and not an individual. It is always a work of art in progress, and always one subject to temporary lapses and setbacks. My hope, however, is that it is our ongoing mission to become, like Athens, a nation that is known for its civility and its civilization.●

IN HONOR OF ALPHA DELTA KAPPA

● Mr. PELL. Mr. President. This month we celebrate the fine work of Alpha Delta Kappa Sorority. I would like to ask may colleagues to join me in paying tribute to this outstanding international organization of women educators.

Founded in 1947, Alpha Delta Kappa today has nearly 60,000 members in 2,000 chapters located in towns and cities in every State and around the world in Australia, Canada, Jamaica, Mexico, and Puerto Rico. I am proud to say that we have eight strong chapters in Rhode Island. All the sorority members have been selected to join the honorary society by peers who have recognized their contributions in establishing high teaching standards and in promoting excellence and dedication. As a champion of teachers throughout my life, I am delighted to see these essential women receive the praise they deserve.

Let no one think that the Alpha Delta Kappa members rest on their laurels. They make a major contribution to the lives of others through the sponsorship of educational scholarships and altruistic projects. In the past 2 years alone, members have given at the grassroots level over $3.9 million in monetary gifts, over $1.1 million in scholarships, and have provided over 1.3 million hours of volunteer service. I am particularly pleased that seven young women from foreign countries are each awarded $10,000 scholarships to study for 1 year in colleges and universities throughout the United States.

Through is altruistic projects, members of Alpha Delta Kappa have contributed nearly $1 million to St. Jude Children's Research Hospital, and, since 1991, $100,000 to the Pediatric AIDS Foundation. This is a remarkable contribution.

In 1997, Alpha Delta Kappa will celebrate its golden anniversary. This, however, is the month we take time to pay tribute to the outstanding contributions of its many members to the betterment of education in our Nation and other parts of the world. Congratulations.●

IMPORTANT WORK ON BEHALF OF WORKING PEOPLE DONE BY LABOR COMMITTEE DURING MY TENURE

● Mr. PELL. Mr. President, upon joining the U.S. Senate in January 1961, I became a member of the Senate Labor and Public Welfare Committee—now called the Labor and Human Resources Committee.

From the beginning of my career-long tenure on the committee until today, I have had the distinct honor of serving with and learning from some giants of the Senate and have had the pleasure of working on many important pieces of legislation.

When I first joined the committee on January 1961—which, according to the Official Congressional Directory for the 87th Congress, met on the second and forth Thursdays of each month—membership of the committee included Ralph Yarborough of Texas, the great Jennings Randolph of West Virginia, Barry Goldwater, Everett Dirksen and my old, dear friend Jacob Javits. The following year, John Tower joined the committee.

In 1963, our current ranking member TED KENNEDY first came to the committee. Few can question the wonderful work Senator KENNEDY has done for America from his post on the committee.

In the years following, many outstanding members of this body joined the committee and shared their skills and insights with us. Along with those I have already referred to, I have had the pleasure of working with many whose names are well known to this day: Robert F. Kennedy, Walter Mondale, Tom Eagleton, Alan Cranston, Richard Schweicker, my partner for many years on Education matters Robert Stafford, ORRIN HATCH, Howard Metzenbaum, STROM THURMOND and our current Chair, the most gracious NANCY KASSEBAUM. I do not believe our committee has ever been led by a more evenhanded Chair.

I think it is a tribute to the committee and the importance of its jurisdiction that some of the greatest Senators of our time decided to sit on the committee.

During my tenure on the Labor Committee, the committee has worked on many important issues in the areas of health, education, and labor including many directly affecting the working men and women of this country.

A brief review of the achievements of the Senate Labor and Human Resources Committee shows that during the past 36 years, we have worked to create and improve laws of great import to the working people of this Nation.

The Occupational Safety and Health Act of 1970 established broad minimum standards for the conditions under which American workers work.

The Equal Employment Opportunity Act of 1972 gave the Equal Employment and Opportunity Commission much needed teeth to curb workplace discrimination.

In 1974, unemployment compensation was extended to 12 million previously uncovered Americans.

After five years of committee hearings and study, the Employee Retirement Income Security Act [ERISA] was enacted that guaranteed that pension plan participants would receive their promised benefits even if the pension fund was terminated.

The Age Discrimination in Employment Act prohibited workplace discrimination for workers between 40 and 67 years of age.

When I joined the committee in 1961, the Federal minimum wage was $1. That minimum was increased over the years and thanks to the efforts of many on this committee, minimum wage workers in the United States will be receiving a much needed raise to $5.15 over the next 2 years.

Many job retraining programs have been established to help workers who have lost their jobs through no fault of their own. During the 104th Congress, the committee spent a great deal of time trying to unify the Federal programs into one single program better suited for the demands of today's workplace. Unfortunately, those efforts ended in failure.

In 1988, legislation passed by this committee to require advance notification to workers of plant closings and large scale layoffs became law.

In 1986, certain protections of the Fair Labor Standards Act were extended to disabled individuals.

The above is but a thumbnail outline of the important work in the area of labor and employment done by the Labor Committee during the past 36 years. I am pleased to have been involved in such important work with a fine group of colleagues—both well-known and unsung.●

CODETERMINATION

● Mr. PELL. Mr. President, for many years, I have been interested in the efforts of many countries in Europe to involve their workers in all levels of company decisionmaking. Employees serve on the board of directors which addresses long-term management of the company, the Supervisory or Administrative Board that deals with the daily operations of the company, and Works Councils which are localized with many councils existing within the same plant. This practice is often referred to as codetermination.

While European-style codetermination would not be a perfect fit here in the United States, the concept of worker involvement remains valid. After years of bitter, and even violent interaction and with the ever increasing demands of a high-tech workplace in a

global economy, a more collaborative process has developed that brings workers and employers together on an ongoing basis. Companies ranging from Texas Instruments and IBM to Harley-Davidson motorcycles have instituted ongoing employer-employee work councils in which employees and employers cooperatively determine the direction of their company.

There is, I believe, little disagreement about the value of these councils. There is, however, considerable debate about the legality of these groups. We are told by some that this disagreement produces a chilling effect that hinders the continued and future development of employer-employee work councils.

I have worked for some time to find a balance. During the 103d Congress, I introduced legislation, S. 2499, which, among other features, established a formal election process for employee representatives to labor-management groups.

During the 104th Congress, improved labor-management relations were highjacked by partisan politics and corporate greed in the form the TEAM Act which attempted to rewrite Federal labor law to give employers control of labor-management teams.

I did not reintroduce that legislation but continued to explore other ways to accomplish change. I seriously considered offering an amendment to the TEAM Act to give employees the right to select their own council representatives; ensure that council agendas were open to both employees and employers and finally, prohibit the unilateral cancellation of a council.

The TEAM Act, and similar ideas are certainly not the answer. I am concerned, however, that past labor-management relations will not continue to serve us well either. As a nation, we now find ourselves involved in a global economy competing with other countries, not other companies. In addition, more and more of our trade is high technology. The era of workers spending all day inserting tab A into slot B is coming to an end. Workers must be better educated and well trained in high technology.

With that education, high-tech training and on the job experience, today's workers have valuable insights and ideas that should be welcomed by their employers. It should be our job to allow the exchange of thoughts and ideas to take place but without employees endangering their employment in the process.

I sincerely hope that in the future, Congress will, without partisan and special interest bias, work to make it easier for employees and their employers to cooperatively determine the future of their company.●

METRIC CONVERSION

● Mr. PELL. Mr. President, As my colleagues have heard me say many times before, The United States is the only industrialized country in the world that has not converted to the metric system of measurement. I ask my colleagues to imagine what we are missing by being so out of step with the rest of the world.

The answer is basic: The United States stands to gain untold millions—possibly billions—in export trade we are currently losing because our nonmetric products literally do not fit into international markets. The U.S. Department of Commerce estimates that U.S. exports could be increased by up to 20 percent by offering metric-sized goods to international markets. In a booklet published by the Small Business Administration [SBA] for small businesses considering converting to the metric system, the SBA cites three examples of the trade problems caused by the production of nonmetric goods.

Saudi Arabia rejected a shipment of American-made appliances because the power cords were 6 feet long rather than the 2 meter length required by Saudi law.

A Middle Eastern company was forced to rewire all electronic equipment imported from the United States because standard American wire sizes are different from international standards.

Countries around the world have great difficulty finding American lumber companies that will produce lumber in metric lengths for use in the construction.

In that regard, I strongly believe that the Federal Government should lead by example and conduct its business, including all procurement, in the metric system. By doing business and thereby promoting the metric system, our Government would send a very important and badly needed signal to American businesses and our trade partners around the world that as a nation we are back on track with the conversion process that has already taken place in the rest of the modern world.

During the closing weeks of this Congress, I had the pleasure of working with Senator GLENN and Senator HOLLINGS in an effort to moderate antimetric legislation that came before the Senate. Senator HOLLINGS and I have worked together on this issue for some time—particularly in the all important area of trade. I am confident he will continue this fight in the years to come.

Senator JOHN GLENN—a pioneer in space exploration—is a man of science, a man of the future. During floor debate on unfunded mandates legislation a the beginning of the 104th Congress he gave a most eloquent defense of the metric system. The metric system is an integral part of both science and our future. I hope Senator GLENN will take my place and bring his knowledge and experience to the fight.●

RECOGNITION OF OUTSTANDING ACHIEVEMENT AND DISTINGUISHED SERVICE BY WILLIAM DANTE BUCCI

● Mr. SANTORUM. Mr. President, I have been made aware of plans to honor Mr. William Dante Bucci next month and I would like to take the opportunity to share with my colleagues the outstanding achievement and distinguished service he has displayed.

Not only has Mr. Bucci displayed a high level of professional achievement and concern for his community, but he has also celebrated his family's heritage. Mr. Bucci was born in Philadelphia, PA, and has been a member of the Order Sons of Italy in America, Grand Lodge of Pennsylvania, since 1 year of age. In fact, Bill is the longest continuously active member of the Ivy Ridge Lodge 251.

William Bucci is a 1974 cum laude graduate of Roman Catholic High School of Philadelphia, where he earned the Thomas E. Cahill Merit Award for outstanding achievement as a senior. Bill then earned a congressional appointment to the U.S. Naval Academy receiving a bachelor of science degree in 1982.

Following his graduation from the Naval Academy and his naval service, Bill then demonstrated a high level of achievement in the world of business. After being Market Executive of the Year with the Xerox Corp. in Philadelphia, Bill was named a full partner and first vice president at age 29 in the brokerage firm Smith, Barney, Harris Upham & Co., Inc. William is a three-time winner of Smith, Barney's Broker of the Year Award and is a life member of their President's Club. In 1992, William joined Shearson Lehman Bros. as a senior vice president. Following the purchase of Shearson Lehman Bros. by Smith, Barney, Bill was recruited by Prudential Securities Inc. in Bala Cynwyd, PA, where he is now a senior vice president.

William Bucci's commitment to serving his community is well known to those that have had the opportunity to interact with him. Bill has served as junior varsity basketball coach for the Cardinals of Dougherty High School in the Philadelphia Catholic League. In addition, he was a head coach for 10 years in the Philadelphia Archdiocese CYO program. Not surprisingly, Bill has been recognized by his coaching peers as the league's all-star coach on three different occasions.

William Bucci's connection to the Order Sons of Italy in America is well cemented. He is the grandson of Francesco Bucci, past president of the Giulio Caesar Lodge 612 O.S.I.A., and Giuseppe Mercurio, a founder and charter member of the Ivy Ridge Lodge 251, O.S.I.A. His list of credentials in the Order Sons of Italy in America is truly impressive. For instance, Bill has served or currently does serve in the following capacities: third vice president for the Commonwealth of Pennsylvania; a trustee, O.S.I.A. Charitable

and Education Trust; member, Pennsylvania State Finance Committee; served as chairman for the Purple Aster Awards Ball souvenir program book for 1995; member, national membership committee; member, national fund raiser committee; ex-officio delegate to the national convention; three-term past president, Ivy Lodge 251, of which he has served as vice president and as trustee.

Mr. President, I am extremely pleased to say that William Dante Bucci is a constituent of mine. Mr. Bucci has been, and will continue to be, a community leader and standard bearer for Italian Americans.●

THE OMNIBUS APPROPRIATIONS BILL

● Mr. SANTORUM. Mr. President, I rise today to call attention to provisions in the recently approved omnibus appropriations bill dealing with electronic benefits transfer [EBT].

In the waning hours of the negotiations on the omnibus appropriations bill, legislative language was inserted—sections 664 and 665—providing for the delivery of EBT services by the Federal Government. In effect, the provision nullified an August 13, 1996, D.C. Circuit Court of Appeals decision involving the procurement process in an EBT initiative under the direction of the U.S. Department of the Treasury.

While I supported passage of the omnibus appropriations bill, I have very serious concerns with the impact of the EBT language and, as a result of these provisions becoming law, remain concerned with the direction of EBT. The financial ramifications and impact associated with providing benefits through EBT are enormous. The fact these provisions were added to the bill and became law with virtually no congressional oversight is extremely troublesome. I am uncomfortable with Congress overturning court decisions and ultimately directing multimillion dollar contracts without review. These provisions on EBT have not been reviewed in detail by the committees of jurisdiction nor have they been subject to hearings.

Mr. President, throughout my service in Congress, I have focused considerable legislative effort in the area of social policy, and I'm very pleased to have played a role in the development and direction of the landmark welfare policies that became law earlier this year. The efficiencies associated with delivering social service benefits through EBT have been an integral part of welfare reform discussions over the past 5 years. And with the enactment of the landmark welfare reform law, the need to develop a comprehensive EBT policy becomes all the more important.

If Congress is to better manage the delivery of Federal services and benefits, we must start with EBT. Throughout the remainder of this year and into the next Congress, I intend to address this issue, not only with the Secretary of the Treasury, but also with the leadership of the committees of jurisdiction. It is imperative that Congress develop a comprehensive EBT policy with comment and direction from the Banking, Agriculture, Finance, and Governmental Affairs Committees, all who have major interests in this area.

Mr. President, with the recent passage of the omnibus appropriations bill, I wanted to take a moment of Senate business to express my very serious concerns with the language on EBT and the impact that this will have on the future delivery of social service benefits. I appreciate the attention of my colleagues today and encourage your interest and involvement.●

HONORING THE LAWRENCES ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Sherlie and Beulah Lawrence of Maplewood, MO, who, on November 9, 1996, will celebrate their 50th wedding anniversary. My wife, Janet, and I took forward to the day we can celebrate a similar milestone. Sherlie and Beulah's commitment to the principles and values of their marriage deserves to be saluted and recognized.●

HONORING THE MUNSONS ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Ed and Marty Munson of Marshfield, MO, who, on November 11, 1996, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Ed and Marty's commitment to the principles and values of their marriage deserves to be saluted and recognized.●

PRESIDENTIAL AWARD

● Mr. HATFIELD. Mr. President, on Wednesday, September 25, 1996, one of my favorite Oregon institutions was honored by the President of the United States. Saturday Academy of Oregon received the Presidential Award for Excellence in Science, Mathematics, and Engineering Mentoring. The award was presented to Kathryn Gail Whitney, executive director of the academy since 1983, in a ceremony in the Indian Treaty Room of the Old Executive Office Building. I am pleased to add my congratulations to this deserving organization.

This award includes a $10,000 grant and a Presidential commemorative certificate. It is given to individuals and institutions which have encouraged minorities, women, and persons with disabilities to earn degrees in science, mathematics, and engineering; 10 individuals and 6 institutions were honored this year, the first year in which these awards were presented.

Saturday Academy is a private, nonprofit precollege educational program established in 1983, and based at the Oregon Graduate Institute of Science & Technology in the Portland, OR, metropolitan area. Four other Saturday Academy centers are located in Oregon. The academy enlists accomplished professionals from industry, higher education, and community agencies to create hands-on classes and apprenticeships for motivated 6th- through 12th-grade students. While the program focuses on science, math, and technology, instruction includes arts and humanities as well.

The academy began in 1983 with three classes: Materials science, electronics, and large computer systems. Even while growing rapidly, Saturday Academy has worked for inclusiveness. This is an important goal in science and math education—we need strategies to encourage greater participation of women and minorities. Saturday Academy has worked diligently to increase the enrollment of young women—it now has an even enrollment of both sexes.

Gail Whitney's arrival as executive director when the program was only months old, brought a change in recruitment strategy. Academy press releases began to stress the search for motivated students rather than gifted ones. The change has been significant. Experience shows that students who may not fit a school system's gifted criteria are designing electrical components or operating a business. A child who is quiet or reserved in the larger classroom may thrive in the hands-on environment of eight peers.

In 1983, the academy's roster listed 9 classes and 71 students. The following February, the figures increased to 19 classes and 200 students. The 10th anniversary year of the program, 1993, found 40 classes per term being offered. During the 1995–96 school year there

were 7,692 participants for a total of 214,000 instructional hours; 800 professionals were involved as instructors or mentors.

Mr. President, Gail Whitney and the founders of Saturday Academy represent one of the best models I have seen for cooperative private-public efforts to enhance science and math education. Meaningful reform in science and math education has been at the top of my priority list for many of my years in Congress. I am thrilled to see this deserving recognition for one of Oregon's finest efforts.●

REFLECTIONS ON U.S. AGRICULTURAL POLICY

● Mr. HEFLIN. Mr. President, I have had the opportunity to serve on the Committee on Agriculture since 1981. The agricultural community in Alabama and the Nation, while small in number, is a considerable part of our economy. In fact in Alabama, agriculture and forestry are the largest sectors of the economy.

Therefore, I felt compelled to serve on this committee. It has been extremely difficult for most of the newspaper reporters in Alabama to cover the action of this committee. I felt at times that my press secretary needed to give them a map to find the Senate Agriculture Committee hearing room. The issues are complicated and few reporters have an understanding of the basics of farm policy. As a general rule, this accounts for the sparsity of news stories about agriculture in Alabama and Washington newspapers.

In addition to farm programs, the committee had jurisdiction over a great number of rural development programs, rural electrification, and rural water programs that are an extremely important aspect that can improve the daily lives of the millions of people that live in rural areas of this Nation.

The agricultural community is considerably better off today than when I came to the Senate in 1979. During my years on the Agriculture Committee, we have been able to craft foreign policy which provides market stability and allows U.S. farmers to aggressively pursue international markets. At the same time, these farm programs have dramatically reduced the cost to the U.S. Treasury. And the most important part that is so often overlooked, American farms provide a stable supply of food for American families at a lower cost than any part of the world. Legislation passed by the Committee is often called farm bills. It would be more appropriately entitled Food Safety and Consumer Protection Legislation.

FARM BILLS

In 1981, I had my first experience with the Congress' major farm authorization bill. With this bill, Members who strongly supported agriculture sought to expand foreign markets for U.S. exports and to protect them from selective embargoes. But Alabama's chief priority was the preservation of the peanut program. That year, the USDA and a number of Senators pushed for its elimination. But Alabama's farmers had just suffered 2 years of droughts, and they were already in a difficult situation. The program's proponents managed to push the program through the Agriculture Committee by a vote of 12 to 4. However, it was defeated on the floor of the Senate, and supporters had to work in the back rooms to devise the Heflin-Warner compromise. This effort succeeded. On the Senate floor, Senator NUNN credited me with the compromise:

> * * * I think the Senator from Alabama has worked longer and harder on the peanut program than anyone I know in this body. He has spent literally hundreds of hours working diligently to protect the program that is of vital interest to the State of Alabama and also the State of Georgia as well as other states.
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> * * * I have been following his lead on this issue as well as many other farm issues, and I thank him for an exceptional job all the way through.

However, it was just that—a compromise—and I was not entirely please with the outcome. For instance, although the 1981 farm bill established farm-based poundage quotas, increased loan supports, and a cost-of-production price escalator, it technically eliminated the peanut allotment program.

During the farm bill debate, Alabama's delegation was also very concerned with improving soybean production and exports. Over the previous few years, the U.S. share of the world soybean export market had dropped from 90 percent to 70 percent. Despite this drop, U.S. soybean production had tripled, but only because planting had tripled. Crop yields had not improved, and export policies were lagging. In fact, if the situation did not change, the United States would only create a domestic surplus of soybeans. So I introduced a bill to create the Research Soybean Institute, which would examine ways to improve production, exporting, and marketing. The institute would also address problems such as the cyst nematode parasite—and other issues like it. These provisions became a part of the 1981 farm bill.

With Senator Melcher's help, we passed another amendment to the farm bill which required that imported meats be held to the same inspection standards as domestic meats. Specifically, we sought to prohibit horse and kangaroo meats from being sold as ''beef.'' Clearly, this language had a dual purpose, to protect the interests of the cattle ranchers, and to ensure that consumers who bought hamburgers actually ate beef.

When the farm bill debate came to an end, I objected strongly to the administration's substitute bill. Although it retained the peanut compromise, the kangaroo and horse meat language, and the soybean institute, this bill has gone too far. This was the first attack on the farmer during my career; he had become a victim of the USDA's fiscal austerity in the Republican administration's sometimes too broad attempts to cut domestic spending in the wrong places. I objected chiefly to the commodity provisions, especially loan levels and target price figures, but I voted for the bill anyway because I thought it was more important to have a 4-year bill than none at all.

But implementation of this farm bill proved nearly as difficult, especially for peanuts. The USDA tried to enact regulations to cut the peanut poundage quotas. Its cuts would only hurt the small quota holders who could not afford the overhead of production. Supporters contracted the USDA, and cited the provisions in the peanut language which required a fair and equitable system for quota reduction. Targeting the small farmer like this was—* * * a misinterpretation of both the spirit and intent of the Congress if not an outright violation of the letter of the law itself. The USDA agreed to back off until it had received clarification of congressional intent.

The years following this farm bill also saw difficulties for the cotton program. In 1984, the administration sought a freeze in target prices, which it won. I blocked the bill when it came to the Senate floor, and I set conditions on this freeze. Specifically, I succeeded in setting the inventory carryover trigger for the paid diversion of cotton at 2.7 rather than 4 million bales in 1985, increasing the rate from $0.25 to $0.30 per pound if this inventory reached 4.1 million bales, and $0.35 if it reached 4.7 million bales. I also secured assurances for an extra $500 million in CCC export credit loan guarantees for 1984, including $100 million specifically for cotton, and $2 billion in 1985. Other successes which came out of this bill included changes to the FmHA disaster loan programs, including increased funding and increased loan ceilings, eligibility expansion to counties adjacent to declared disaster areas, extension of application deadlines to 8 months, extension of repayments limits by 8 years, and scheduling of interest rates to their original level or the current prevailing rate, whichever was lower. Sometimes it's like dealing with a mule—you have to use a 2 by 4 to get its attention.

When the next farm bill around in 1985, we introduced the Southern Agriculture Act of 1985 preemptively to save the peanut and cotton programs. Specifically, it would increase peanut poundage quotas to the existing level for the national, edible market. I also sought to allow for double cropping, conservation tillage, and other ideas endemic to the South. But these programs represented only one small part of overall farm policy; the export-import programs were certainly as great. I had hoped that the United States might also be able to increase its share of foreign markets.

The House Agriculture Committee adopted my Southern Agriculture Act

that year without changes, making it, for a time, part of the farm bill. House Chairman KIKA DE LA GARZA of Texas gave me considerable support. Incorporation of the peanut program was eminently logical because it was the only program which had actually made the Government money over the previous 2 years. The Senate Agriculture Committee also adopted much of my measure, but I knew that it would be difficult to pass it through the full Senate. The Senate committee also incorporated language proposed by Senator Dole which I cosponsored to create a National Commission on Agriculture Policy into the farm bill.

When the Senate committee passed its version of the bill, I was certainly pleased that it included the Southern Agriculture Act, but I was disappointed with its export provisions. As I saw it, the problem with U.S. farm exports had been that the agriculture secretaries had not used the tools Congress created for them to implement an aggressive export promotional program.

In fact, when the conference committee reported its version of the bill, I was struck that it deceived and betrayed soybean farmers. The conferees had dropped our amendment to prevent the U.S. Government from providing loans or grants to foreign soybean producers. The committee had also changed another of our amendments to establish a marketing loan without lowering soybean loan rates. I intended the measure, which had passed the Senate, to authorize the Agriculture Secretary to implement a plan to increase competitiveness of American soybeans in foreign markets. The conference version, however, effectively legislated lower soybean prices for the farmer since it lowered the loan rates. American taxpayer dollars were being used to enhance the competitive capability of major soybean competitor countries such as Brazil and Argentina.

In fact, I voted against the 1985 farm bill coming out of conference. I believe that it effectively legislated lower commodity prices. The credit provisions were also unforgiving. FmHA loan availability decreased, and foreclosures were therefore likely to increase, I believed.

However, I was pleased that the bill maintained the peanut program, included better research titles, and addressed conservation. Specifically, the bill included the Conservation Reserve Program, and the swamp-buster and sod-buster provisions, which would allow for better long-term farming.

In hindsight, though, one of the most important provisions, if not the most important, was the establishment and implementation of the cotton marketing loan. It is generally understood that U.S. agricultural commodities must be competitive in the world market if the sector is to be economically viable.

Some 95 percent of cotton entering world trade does so with the benefit of a subsidy of one kind or another. The net effect is a world price which is often below the cost of production in most, if not all, exporting countries. In shaping cotton policy to address this kind of global competition, we had to decide whether to fashion a program which would enable U.S. cotton to compete aggressively or, instead, assume the role of residual supplier.

Until implementation of the marketing loan in 1985, U.S. cotton was generally relegated to the role of residual supplier. In 1985, however, we made a decision to meet subsidized competition head on. The establishment of the marketing loan has served to accomplish several fundamental marketing objectives: First, permits U.S. commodities to meet price competition, second, avoids excessive stock accumulations, third, allows producers to market commodities over a period of time, rather than dumping the entire crop on the market at harvest time and fourth, serves as a safety net under producer income.

I am proud of the cotton marketing loan and believe it has become the cornerstone of the U.S. cotton program. The indisputable success in the industry supports this assertion as the marketing loan has spurred domestic mill consumption and aided exports. For instance, the marketing loan is responsible for: reversing a 26-year decline in offtake of U.S. cotton; reversing a 43-year decline in U.S. mill cotton consumption; and reversing a 70-year decline in cotton's share of U.S. mill fiber consumption.

When the Senate considered its version of the 1986 tax reform bill, I strongly supported an amendment to restore provisions which allowed farmers to average their incomes over several years. It made up for revenue losses, which were estimated at $66 million, by repealing a tax break on wealthy, foreign real estate investors in the United States. Since there had been an increasing amount of foreign investor speculation in U.S. property, particularly in farmland, I thought it was appropriate to compensate for the revenue losses through this source. Another amendment the Senate adopted would refund unused investment tax credits to farmers. Specifically, the language provided for farmers to apply the credits against previous years' taxes at $0.50 per dollar. It also established yearly limits for the refund. The authors of this tax reform bill sought to eliminate credits for the future. However, since farmers were heavily capitalized with the high level of mechanization of modern farming, Congress needed to make tax reform a little fairer for agriculture by permitting farmers to trade in some of their unused tax credits for cash.

In 1986, critics of the cotton program maintained that it involved million dollar payments to large corporations. But this was an unfair characterization of the program. These large payments resulted from the Secretary's discretion; they were not mandated by the program itself. In fact, the program had ameliorated price reductions from domestic surpluses and improved sales overseas due to U.S. cotton prices that were on par with world prices for the first time in nearly 2 years. Competitive prices should provide the commodity with a turnaround.

In 1987, I introduced the farmers recovery tax bill to restore the income averaging price, investment tax credits, and capital gains, all of which had been repealed in the 1986 tax reform bill. As in the case of the amendments which I supported in 1986, these provisions applied exclusively to farmers. Before the passage of that bill, it had appeared that our tax policy was the only policy that provided some equity or incentive to the agriculture and timber sectors, but to compound the economic woes of rural America, the Tax Reform Act of 1986 repealed provisions of the tax laws that were beneficial to these areas of our economy.

When the 1990 farm bill came before the Congress, President Bush's administration sought to cut the cotton and peanut programs, but it failed. We also won a marketing loan for soybeans, specifically to increase America's international competitiveness in this market. Last, the bill included provisions we designed to provide funding for rural firefighting and to double the amount the Government could spend on the development of rural water and sewer systems.

As in 1985, I introduced the Southern Agriculture Act to reauthorize the cotton and peanut programs. The administration had proposed a 10-percent cut in these programs, but this bill would maintain the 1985 bill's statutes. What could the farmer buy that cost 90 percent of what it did in 1985? Certainly, farm machinery and fertilizer prices had not decreased.

With regard to the peanut program, Secretary Yeutter's proposed cuts would be devastating. If it had been adopted by Congress, it would not only destroy the peanut farmers, it would also cause a serious recession in the peanut-producing areas of Alabama and other States. At the end of July, the Senate defeated an amendment to implement his cuts.

One of the biggest problems about forging the peanut compromise in 1990 was the fact that division existed among the country's peanut farmers. Georgia's farmers had split from the rest, and I assumed the role of peacemaker between Georgia's peanut-growers and the rest, including farmers from Alabama. Notably, my compromise was the first supported by all the grower groups and major peanut product manufacturers.

The soybean loan included in the bill would serve to combat cheaper foreign competition. The loan was something I had fought for since the 1985 farm bill.

In 1986, I objected to the Reagan administration's decision to pursue the World Bank's loan to Argentina. Argentina was America's second greatest

competitor in soybeans, and it was able to undercut U.S. prices and flood the world markets by directly subsidizing those firms that process and export soybeans. The World Bank loan would further subsidize competition to the United States—an unfair practice. In 1987, I attached language to the agricultural trade bill to prohibit U.S. subsidies for foreign farmers competing with U.S. farmers. One issue that had brought more complaints and more attention from Alabama farmers is the Government subsidies that enhanced the competitiveness of agricultural producers in countries such as Brazil and Argentina. Sadly enough, many of these subsidies were provided not by the governments of these countries, but rather by the U.S. Government.

At the end of 1987, I attached a soybean marketing program to the Senate budget reconciliation bill. This amendment would revive language that I had attached to the 1985 farm bill, but the conferees had effectively killed the provision by leaving it to the Secretary's discretion. He did not exercise that discretion. The soybean program involved CCC loans from 1988 through 1990, and I modeled it after my 1985 cotton program. I hoped that it would be an innovative approach that would provide enough flexibility to the Secretary of Agriculture to meet our world competitors on a level playing field. Although it passed the Senate shortly later, I had to reintroduce it in 1988. With a marketing loan, U.S. soybeans will be available on the world market at the same price as that made possible by foreign government subsidies for our foreign competitors. At that time, U.S. soybean acreage had dropped to a quarter of its 1979 level. Of course, the loan ultimately became a part of the 1990 farm bill.

With other provisions I included in the final bill, I sought to increase the farmer's flexibility to plant second crops on program plots. This practice is known as double-cropping.

With the Southern Agriculture Act, we also sought to create a Southern Institute for Agriculture Resource Policy to conduct scientific studies on improved farming techniques.

The committee also approved a proposal to provide Federal matching funds for rural firefighters. The money would go to State forestry agencies and volunteers, and it was included in the final version of the bill. My language also proposed a Southern Forest Regeneration Center.

The final bill included my provisions to expand the Talladega National Forest into Cherokee County and extend an Alabama trail closer to the Appalachian Trail.

The final bill also included our language to create the star schools program. Through the use of state-of-the-art telecommunications equipment, the Star Schools-Medlink program that was passed in the 1990 farm bill allows small rural schools or hospitals to be linked with the highest quality educational programs and technology developments of other areas. Using this technology in a medical situation, a doctor at a clinic in a rural area could send moving images of a brain scan to a specialist at a hospital hundreds of miles away.

The final bill also included language to provide Federal assistance for rural development, including water and sewers, and a loan program to aid small, rural businesses. There is no one answer that every community can use to achieve economic vitality. However, there are common threads. First of all, the leadership for rural development must be taken to local community organizations—rural electric cooperatives, counties, economic development district, and other local entities. I was especially proud of these provisions as they were included in the final version of the bill.

With Senator PRYOR's help, we included language in the 1990 farm bill to authorize $15 million for research on poultry diseases and to require that foreign poultry meet domestic inspection standards. However, President Bush failed to meet this requirement, arguing that it was an impediment to free trade. In fact, he even imposed a 1990 hiring freeze on inspectors.

In 1991, peanut farmers faced another problem when the ITC ruled that 300 million pounds of foreign peanuts be allowed into the American market—a total equaling 10 percent of the domestic market. I contacted the President to protest this ruling, in some large part because it violated language that I included in the 1990 farm bill to require that imports meet the same quality as the domestic product. Chinese peanuts, known to be infected with the striped virus, would be among the imports. Further, allowing such a high number into the country would cost the government $84 million, according to the USDA. Although he reduced the number to 100 million, the President decided to allow the peanuts into the country. In 1993, we contacted the trade representative to urge inclusion of a provision in NAFTA requiring that the stringent domestic inspection standards be imposed on imports.

Although farm bills had always been the result of compromise, and therefore were somewhat less than I had wanted, supporters had succeeded in maintaining the commodity programs at an acceptable level until this year. The 1996 farm bill debate posed a serious threat to the continuation of farm programs, and southern farmers would be especially affected by various proposals.

From the beginning of last year, the Republicans had pushed for elimination of the commodity programs and the price supports. Given the successes of these programs, like the cotton program, I cannot understand the prejudice with which they approached the cuts.

To pass programs that I believe are worthwhile, I have frequently involved myself in the strategy which has worked so well for Senators over the years. To demonstrate this point, when I saw that the cotton program was in serious trouble, I offered by support for other programs to gain backing for cotton. As I told the American Sheep Industry Association in June 1994, there isn't much wool in Alabama, but there isn't much cotton in Idaho or Montana. But if those of us in agriculture didn't work together, we cannot survive the plans to dismantle the fundamentals of farming in this country.

As it came up for review, supporters tried to impress upon Members the importance of the cotton program. The cotton program was designed to meet market conditions in the United States and abroad. In 1995, the year that the Republicans tried to eliminate it, the cotton program proved itself effective. Although there was a bumper cotton crop, the market price remained above the target price. Additionally, we stressed that wheat and feed grains account for 50 percent of all farm program costs, and the cotton program cost only 10 percent of the total Federal farm outlays.

Agriculture had already taken its fair share of cuts. The agriculture budget had dropped from $26 billion in 1985 to just under $10 billion in 1995. However, reductions in the peanut program had never resulted in Americans paying less for their groceries. The cost is always absorbed by someone in the chain between the producer and the supermarket, and economic studies and history do not suggest that cuts would reduce the price now.

With agriculture very much in mind, I voted against the Republican budget resolution. This resolution would have cut $8 billion from farming over 5 years. Naturally, I had other concerns when I decided to oppose the bill including Medicare and Social Security, as well as the idea of promising to cut the deficit and taxes.

After the Senate agriculture committee completed its mark-up on the budget resolution, preliminary estimates for the cuts in the commodity programs totaled $13.3 billion over 7 years. Chairman LUGAR's intention was to do his best to eliminate the commodity programs, and he had stated his strong opposition for some time.

Along with others, I continued the fight for the preservation of the cotton and peanut programs. Noting that cotton had enjoyed a record year, I promised to introduce a bill to extend that program as written, with just a few changes.

The average peanut farmer has only 98 acres, whereas the 7 largest corporations that use peanuts to manufacture their products had more than $140 billion in total sales during 1994. It is no coincidence that some Members of Congress who oppose the program just happen to have some of those same corporations in their states. It is these same corporations that stand to be the big winners if the peanut program were eliminated, not the real consumers.

The GAO had issued a study which showed that the consumer absorbed a cost of $300–$500 million, but the program's opponents misrepresented this study in the last round, arguing that this cost was passed onto the retail consumer. As a matter of fact, in testimony before the House Agriculture Subcommittee on Specialty Crops and its Chairman, CHARLIE ROSE, the GAO testified that the consumer they referenced was the first purchaser of peanuts, or the manufacturer. They further testified in substance that there was no evidence to support the conclusion that any reduction in the loan rate would be passed along to the retail consumer.

Critics who sought to eliminate the peanut program during the 1995 farm bill debated used this GAO report as one justification for ending the peanut program. Armed with the earlier GAO testimony, representatives from the peanut product manufacturers association were asked if any reduction in the loan rate would be passed to the consumer. They responded by stating that loan rate reductions would not be passed along to the consumer, instead, savings would be used to develop new products.

The peanut program has served to balance the playing field between small farmers and multinational corporations. It is bad policy to eliminate the peanut program only to increase corporate profits at the expense of rural economies and the true consumer who will notice absolutely no difference in the price they pay at the grocery store.

In September, I introduced the Southern Agriculture Act of 1995 to revise and extend the loan and other programs for cotton, peanuts, and oilseeds. Under this bill, the cotton program would have been extended as written. The 1994 crop had been a record crop in production, exports, and total offtake. Many of our competitors had experienced insect infestations causing higher world market prices. As a matter of fact, cotton prices had climbed to their highest levels at any time since the Civil War, topping $1 a pound. Therefore, I saw no reason to alter a program that was functioning effectively. The peanut program would be slightly changed, with a freeze imposed on the support prices at the 1995 crop level. In an effort to address the claims of the peanut program's critics, the National Peanut Growers Group adopted a series of program changes to eliminate all taxpayer costs and open the program to new products. I included many of the NPPA no-net-cost reforms into my peanut title, including eliminating the undermarketings provisions. However, from a strategy perspective, I knew that the farm bill debate would require a great deal of give and take and felt that under no circumstances should we begin negotiating from our bottom line. Since they did not receive price supports, my bill would have extended the marketing loans for soybeans and oilseeds. In addition to extending the marketing loan, we increased the loan rate from $4.92 a bushel to $5.25 a bushel. The lower loan rate had ceased to be an effective safety net for oilseed producers. Our title on oilseeds was heralded by the American Soybean Association as the best proposal put forward for oilseed producers. In the end, a modified version of my proposal was adopted and signed into law.

The reason why I introduced this bill was simply that I utterly opposed Chairman LUGAR's farm bill. Among other things, his bill would have destroyed the peanut program. However, I believed that 14 of 18 Senators on the committee favored a peanut bill without a cut in the price support. Because he had such a strong opposition, the chairman employed delay tactics to push the bill back to the reconciliation deadline when the members of the Budget Committee could write the farm bill. These Senators were much less sympathetic to the needs of the southern peanut farmer.

At that time, certain Senators tried to put an additional assessment on peanut producers. They were trying to force the farmer to pay for the entire adminstrative cost of the program. However, the Senators who pushed for this assessment were from wheat States; notably, they did not try to impose the same condition on wheat farmers. However, we secured language which stated that the existing budget deficit assessment paid by producers would be targeted to offsetting program costs and no other assessments would then be necessary.

With regard to the ongoing farm bill negotiations, the Agriculture chairman continued to refuse meetings, despite the strong bipartisan support for the peanut program. He knew that he would not get his way, but that was no reason to keep us from meeting to come up with a budget bill that saved money but did not destroy the peanut program. In the end of committee action that year, the farm provisions included a peanut compromise, but I was never consulted. I was shut out of all discussions about it; the Republicans told me it would be their bill. I could not explain to farmers why these Senators voted for a 7-year program for wheat, corn, rice, sugar, and other commodities, but decided to kill the peanut program after 5 years.

Simply stated, this bill would force a disproportionate share of agricultural budget cuts on the South. It would have its most profound negative effects on new and old farmers there. Most of the growth in cotton production had occurred in the South, but the new cotton program would shut out new farmers from its provisions. This bill required that farmers demonstrate participation in 3 of the previous 5 years in order to continue participation in the cotton program. Many of the new cotton acres in this program were the result of the successful boll weevil eradication program. Land once infested with boll weevils had recently been eradicated, however, the majority of these new acres had not been in the program long enough to qualify under these new rules. Eligibility for participation in the cotton program would be reduced nationally by 30 percent, and in Alabama, 38 percent of cotton farmers would be excluded. Furthermore, Buck Johnson, director of the Federal Farm Service agency of Georgia, estimated that the Senate's version of the reconciliation bill would put 30 percent of older farmers in the South out of business.

In response to being closed out from the historically bipartisan task of writing farm legislation, and seeing the unacceptable changes to the peanut program, Representative CHARLIE ROSE and I introduced a no-net-cost peanut program bill in an effort to preserve a viable program for peanut farmers. It would achieve savings by eliminating the standing 1.35-million-ton floor for the national poundage quota; in fact, the Heflin-Rose peanuts program would have saved $43 million more than the Republican plan contained in the reconciliation bill. Under our no-net-cost bill, the Agriculture Secretary would set this national poundage quota, thereby eliminating undermarketings and limiting disaster transfer payments. By contrast, the Republican plan would reduce the support price and freeze it for 7 years. The USDA estimated that the Republican plan would immediately reduce peanut farmers' income by 30 percent. Not only did it cost more, the Republican plan slashed a peanut farmer's income by $68 per ton. A study by Auburn University on the impact of potential policy changes in the peanut program found that a reduction in the support price to $610 per ton, and a reduction in the national poundage quota to 1.1 million tons, would result in a negative impact of $219 million and a loss of almost 3,000 jobs in Alabama, Georgia, and Florida. The economic impact and job losses are not limited solely to peanut producers. Under this analysis, the wholesale and retail trade, service industries, real estate and financial sectors are especially hard hit. In fact, nationwide, the study indicated total job losses of 5,440 and a negative economic impact of $375 million.

The cotton program in the Republican proposal, too, made no sense. Under its provisions, cotton farmers would no longer be paid for the cotton they produced. Instead, they would sign a production flexibility contract which would subsidize a farmer, whether or not he produces a crop. These decoupled payments would apply to cotton, rice, wheat, corn, and feed grain producers, and they would actually encourage a wheat or corn grower to plant cotton if the world price were high enough to justify the switch. The Republican bill provided for 7 years of narcotic welfare payments designed to bring about the corporate takeover of agrarian America. This Republican

proposal would have undermined everything accomplished with respect to farm legislation; it would have eliminated the farmer safety net and disrupted the delicate balance of supply-price stability taken for granted by consumers.

I commend the President for vetoing this bill. It would have created a welfare state. the Republicans claimed that they could lower interest rates by balancing the budget, but ironically, their farm bill raised interest rates solely on CCC borrowers. They also claimed that they wanted farm programs to be more market oriented, but it removed the 8-month-loan extension for cotton. Further, their failure to pass legislation left farmers with no clear direction for the upcoming planting season, and, therefore, banks would not give farmers loans for this year's crops.

At the end of last year, Representative ROSE and I introduced another no-net-cost peanut program that would be funded by an assessment on imported peanuts and revenue from NAFTA and GATT. This bill would have maintained the $678-per-pound-quota rate. It would also assure that revenue from NAFTA and GATT would pay for the program rather than reducing farm income. Last, the bill would require that imported peanuts meet the same high quality standards as domestic peanuts, ensuring that they were not grown with chemicals and pesticides banned in the United States.

Clearly, the Congress had failed rural America by not passing a farm bill. By including, historically, stand-alone-farm legislation in the broad Republican proposal to balance the budget, farmers and rural America became hostage to a myriad of issues culminating with a Presidential veto. As a result, farmers were left without congressional direction for the upcoming planting season and were anxiously awaiting a new farm law. This necessity had become most pressing at the beginning of this year. Without a farm bill, the Agriculture Secretary would be forced to implement the 1949 Agriculture Act. That law provided a formula based on parity with the standard of living in 1949. The difference in the value of the dollar and the standard of living between 1949 and 1996 would create an explosion in the price of food.

But fearful of efforts to resurrect the freedom-to-farm bill, I pointed out that its provisions to guarantee payments to farmers whether they produced a crop or not was fundamentally flawed. In times of high market prices, the program would provide a bonus check, and it would not be sufficient in times of low market prices. It is unconscionable to make these kinds of payments in times of high market prices, especially when we are reducing school lunches and other essential programs.

Ultimately, the Senate passed a modified version of the farm provisions that had been contained in the Republican reconciliation bill. I voted for it, because we were able to make marginal improvements in the bill and, therefore, I felt that the good outweighed the bad. Most importantly, the Senate version of this bill reinstated permanent law. By doing so, the inclusion of permanent law ensures that Congress must again address farm laws rather than simply allowing them to expire. Republican lawmakers had intended the decoupled, fixed-but-declining payments to farmers to be the price paid for eliminating farm programs. Congressional Democrats, on the other hand, believed that a stable and abundant food supply to be in the national interest and, therefore, refused to turn our back on American farmers. The inclusion of permanent law was an enormous victory for Democrats thus ensuring our commitment to farming families and the role they play in our society.

Additionally, I was able to beat, soundly, efforts by a freshman Senator to kill the peanut program and to keep a 5-percent penalty for the use of the loan program out of the bill. Opponents of the peanut program had conspired to include this last provision to penalize producers who put their peanuts into the loan. The provision was removed from consideration due to my strong objections.

During conference, the committee fought off a number of detrimental peanut provisions. I successfully fought off a House provision to lower the loan rate another 5 percent if a producer put his peanuts under loan. If this language had passed the rate would have dropped to $579.50 per ton; we worked to maintain it at $610. I also fought off another House provision to allow unlimited cross-county sale of peanuts. Instead, the committee adopted a compromise to allow 40 percent transfers after 5 years. Under the House-passed version, producers would have to pay an additional assessment to cover program costs if any at the end of the year. Further, the shellers' assessment had been exempted by House Republicans from offsetting program costs even though they benefit from the program. However, we were able to arrange this so the shellers' assessment will also go to offsetting the costs, which will protect the producers from having an unlimited possibility for increased assessments. As far as the pool compliance language is concerned, the House bill would exempt the profits from additional peanuts from going to cover peanut program losses. This was changed to the Senate version that would permit additional gains from buyback and redemption to be used to offset program costs. This change would also reduce the possibility of the need for increased assessments on producers.

Problems with the overall farm bill included: It did not provide a safety net for farmers and it made payments regardless of price, but it did give farmers something to work with as they prepare for planting season; the peanut language would cut farmers' income; but cotton came out fairly well, specifically preserving the marketing loan, and back payments would come soon, which would help weather-damaged cotton farmers.

Administration: In the early 1980's, the greatest problem facing farmers was the 20-percent or higher interest rates. Most farmers who borrowed money to finance their crops in 1980 borrowed the money when interest rates were already high, then they lost money because of the drought. I arranged meetings with Reagan's Agriculture Secretary Block to impress this point upon him.

During 1982, I fought the Reagan administration's plan to subject agriculture to FTC control in the Commerce Committee. American farmers were having a tough enough time making ends meet without having to deal with yet another layer of bureaucrats in Washington, DC, meddling in their affairs.

I strongly supported the recent reorganization of the USDA. During 1994, the Agriculture Committee considered a bill to facilitate the reorganization. The bill would reform the administrative functions, and reassign sub-Cabinet officers by mission, reduce the number of agencies from 43 to 29, and it would consolidate country offices in favor of one-stop shopping centers. Through this effort, the USDA hoped to reduce staff and cut costs. Although much of this reorganization could, and did, take place on the regulatory level, the committee wanted to be certain to work out any legislation that might become necessary. Given concerns about the deficit, the time had clearly come to reduce the size and cost of the USDA in favor of a more efficient department. In the final days of the 103d Congress, a USDA reorganization bill was passed creating a more streamlined and efficient Department of Agriculture.

Disaster aid/crop insurance: I have always done my best to pay attention to the needs of farmers in times of natural disasters in Alabama. In 1979, we had a drought and Hurricane Frederick. In 1980, we had an even worse drought. In 1982, interest rates forced me to request Agriculture Secretary Block to initiate the Economic Emergency Loan Program. The same year, I urged Block to change a FmHA regulation requiring the rescheduling of loan at the cripplingly high rates of the day. I testified before the Forestry Subcommittee to warn of the impact of these rates. In 1982, I also fought to save the NWS agriculture program during Commerce Committee action. The farm weather forecasting service saved American farmers more than $750 million each year in the production costs of the major agricultural commodities of cotton, corn, soybeans, livestock, wheat, and rice, but it only cost $1.2 million. The committee approved a bill I cosponsored to combat these high interest rates on farms. The bill would extend the economic emergency loan

program for a year and create an individual evaluation program to reschedule existing FmHA loans at their original interest rates, rather than the high rates of 1982. I also called a farm crisis meeting in Montgomery to discuss interest rates and other problems facing the State's farmers. In 1983, the FmHA ran out of money to pay for its operating loans in 17 States, including Alabama. I urged the USDA to reallocate the money, threatening legislative action, the USDA complied. Spring freezes also plagued farmers in 1983. Near the year's end, I sponsored a measure to disregard payment-in-kind acreage in eligibility determination for natural disaster emergency loans. The existing program required that a farmer suffer a 30-percent loss to be eligible. However, payment-in-kind acreage would not count in these estimates, so they were frequently inaccurate. In 1984, the Senate passed a bill I cosponsored to establish a 15-member special task force on agricultural credit to ensure its availability at reasonable interest rates. I noted a survey of bankers, many of whom believed that farmers would default on their loans. Further, 100,000 farmers would be forced out of business that year, and the statistics indicated that half of family farmers would disappear in less than a generation. In 1985, I emphasized the farm credit crisis in the country, with a farm debt the size of the Federal deficit; the FmHA had not acted to combat the problem—it had $630 million available for Federal loan guarantees but used only $25 million. That same year, I met with Willie Nelson to advise him on how to distribute the proceeds from FarmAid. We had another drought in 1986, which spurred me to begin hearings to investigate drought cycles in the South and possible ways to handle them.

In 1987, I introduced a bill to save the farm credit system. It would have authorized bonds and the restructuring of the system, including a cooling-off period before mergers went into effect. It would protect important farmers' stockholdings in the system and establish an assistance board to financial institutions providing farm loans. I introduced another amendment to protect advanced payment for prepayment accounts held by Federal land banks, part of the farm credit system. The amendment would simply have required that money deposited into these advanced payment accounts would immediately, prior to the capital depletion or insolvency of a Federal land bank, be applied as payment against the borrower's loan.

Alabama suffered another drought in 1988. I introduced a drought assistance bill to mandate emergency aid from the Secretary of Agriculture. The bill also included a private water project. It would have created water cooperatives financed by loans or bonds to transport water for irrigation. When conferees finished their report, I criticized their changes to the feed and livestock provisions, but I was pleased that the House had not weakened the peanut provisions.

In 1989, I pushed the Air Force to track hurricanes in the gulf and Pacific coast States; Hurricane Frederick in 1979, for example, had caused relatively little property damage and loss of life because of advanced warnings. The Air Force agreed to retain the WC–130 program.

In August of that year, the Senate approved the Rural Partnership Act of 1989. The bill strengthened Federal support of State and regional economic programs, or rural electric cooperatives, and of land grant university research and extension programs. It was only a modest beginning, but it might be a great help to rural communities.

That same month, the Senate also approved a disaster relief bill. Alabama had another drought in 1990. And we had an unusually rainy spring in 1991. With Senator COCHRAN, I introduced legislation that year to force the President to provide emergency funding. The USDA had made money available through FmHA loans, but the President had not delivered it according to his authority provided by a 1991 supplemental appropriations bill. In the fall of that year, I supported the passage of a bill to provide aid through FEMA. This bill included language practically identical to language I introduced during the 1990 farm bill debate to make 65-percent payments to farmers who had suffered 35 percent or more in losses. After continued contacts with the President, he finally released the disaster money in 1992.

Winter storms and flooding, as well as a number of tornadoes, plagued the State in 1994. Tropical storm Alberto also caused a great deal of flooding that year. I also pushed the disaster assistance amendment to include funding for flood victims in Alabama, Georgia, and Florida in the fiscal 1995 agriculture appropriations. I also pushed a bill I sponsored to authorize funding for flood relief through the Agriculture Committee. The Senate passed this measure unanimously. In fact, the vote on flood relief compelled me to miss my chance to act as the President's personal representative on the 50th anniversary of the liberation of Guam; I had served as Marine lieutenant and I was one of the first on the beaches. In 1995, I asked the USDA to extend the Federal crop insurance deadline; there were a number of farmers who had not applied. The USDA established this deadline under the previous year's crop insurance bill, but it would not help any farmers who had not applied; they would no longer be eligible for disaster payments. With the passage of Federal crop insurance reform late in 1994, the program signaled a break from the routine of passing disaster bills. With this new program and approach, I knew there would be a period of adjustment. I believed that it was a reasonable request given that Congress had only months before passed the crop insurance reform and USDA had not fully implemented the program while expecting farmers to educate themselves and embrace the reforms in a very short period of time. The least that could be done was extend the crop insurance sign up deadline and allow farmers adequate time to inform themselves of these significant changes regarding disaster assistance.

Hurricanes Erin and Opal passed through Alabama in 1995. I cosponsored a Cochran bill to authorize the Agriculture Secretary to provide supplemental crop disaster assistance in addition to benefits provided by the Crop Insurance Reform Act of 1994. Cotton producers had been plagued by a severe drought and worm infestations during the 1995 crop. This was particularly disappointing due to the fact that 1994 was a record year for the U.S. cotton crop. Expectations were high for 1995 and nationwide plantings were up by as much as 20 percent in some States. While the drought contributed a great deal to the 1995 cotton disaster, the insect infestations were particularly devastating. The insect situation was so bad that the EPA authorized the temporary use of the insecticide Pirate to fight the tobacco budworm and beet army worm.

The final blow to cotton farmers was Hurricane Opal. After already experiencing terrible growing conditions in 1995, just prior to harvesting what cotton that was left, Opal took care of the cotton that the drought and insects had not.

Hurricane Opal was a devastating storm, not only for its timing regarding cotton farmers, but for all Alabamians in southeast Alabama. Opal caught a great deal of structural damage and produced a large amount of debris. Fortunately, we were able to successfully petition the USDA for assistance under the Emergency Conservation Program [ECP]. Under the ECP, Alabamians received approximately $5 million in assistance for debris removal and structural repair.

In an effort to address the problem of annual disaster assistance bills, and provide a model for crop insurance reform, in 1993 I began meeting with grower groups to hear their ideas on an effective system of crop insurance. In this endeavor, the National Cotton Council was particularly helpful.

The message from farmers was that the cost of production was continuing to rise, cotton prices were declining or flat at best, and disaster assistance was triggered only by production or yield losses.

As a result of these roundtable meetings, I introduced the Farmers' Risk Management Act of 1994. This legislation called on the Federal Crop Insurance Corporation to offer producers the option of a cost-of-production system which would be based upon each individual producer's actual cost of production. This bill would have also allowed a producer to choose between using his actual yields and his farm program yields in determining his crop insurance yields.

Many of the ideas put forth in this legislation were rolled into the Federal Crop Insurance Reform Act of 1994. As a matter of fact, the Heflin proposal on a cost-of-production system was used to design an income-protection pilot program that is being implemented this year.

This new approach will cover farmers when gross income falls below established limits. This pilot program creates a system that would guard against yield losses and low harvest prices.

The implementation of this pilot program could not have come at a more important time. This first year's experience with the catastrophic coverage under the new crop insurance reforms has proven to be inadequate. More importantly, though, after the 1996 farm bill and its uncertain future effects on American farmers, we find ourselves faced with the possible phase-out of farm programs. It is, therefore, absolutely essential that we have a reliable crop insurance plan that will provide some type of safety net for producers. The significance of this new approach is that it addresses fluctuations in price, where the current crop insurance program only takes into account losses from reduced yields.

I am proud of these efforts made on behalf of trying to forge a new and more effective direction in regard to crop insurance. It is my hope that this pilot program will grown and be implemented on a national level.

In 1984, Senator HOLLINGS and I introduced a bill to create a national storm-scale operational and research meteorology [STORM] program to update the country's extreme weather prediction systems. With this bill, we sought to emphasize the transition from the old radar systems to the implementation of the new NEXRAD system. This bill passed the Senate, but it died in the House. Senator HOLLINGS and I reintroduced this bill in 1986 after NASA lost a weather satellite. Our resolution would also have urged the administration to launch another GOES satellite and increase weather reconnaissance flights in the interim. The Commerce Committee passed this resolution in June.

In 1990, the battle to preserve Huntsville's weather station began; the NWS had proposed dropping the weather station serving northern Alabama in the implementation of its NEXRAD system. That year, I met with the Deputy Director of the NWS to urge him to consider Huntsville's proposal to donate a weather radar system. I continued this fight in 1994, making certain to be continually in contact with the NWS and the NOAA to advocate maintenance of the Huntsville facility. In 1994, I also contacted the Vice President to solicit his help in the continuation of the Huntsville National Weather Service Radar. I told him that I believed eliminating the station under NEXRAD would leave northern Alabama and southern Tennessee in a vulnerable position. That same year, I extracted promises from the Director of the NWS, Dr. Elbert Friday, to push back closing of this doppler radar station. I also introduced the Weather Service Modernization Review Act of 1994 to require a study on the potential impact of closing weather stations. The Vice President ordered the study by the National Research Council. This study revealed that the Huntsville area would, in fact, suffer from the lack of its own NEXRAD station. In 1995, I cited this study, and contacted the committee chairmen who oversaw the NOAA and the NWS: GRAMM, PRESSLER, and HOLLINGS. The Commerce Committee approved an amendment to the Weather Service authorization to make it more difficult to close 32 weather stations, including the Huntsville station. I also contacted the Secretary of Commerce to advocate a new station in the Huntsville area; he promised to install a center in northern Alabama. After his death this year, the NWS announced that it would honor its commitment to install that center.

After a number of tornadoes in northeast Alabama in 1994, the USDA and I jointly announced that the NWS' All Hazard Weather Radio Network would put up a station to provide early warnings in the area. I had toured this area, including Goshen and its United Methodist Church—which had been destroyed by the storm—with Vice President GORE, where I solicited his support to deal with such problems in the future. However, I was concerned about the performance of early warning systems in the State after more tornadoes hit Arab and Joppa the next year.

In 1995, I supported a Cochran amendment to the Commerce, Justice, State appropriations bill to restore funding for the agricultural weather service centers at Stoneville, MS, and in Auburn. Weather is the single most important external element in the production equation. But this year, as the deadline for these centers' cutoff approached, I met with NWS officials to discuss forecasts in the future. With Representative BROWDER, I pushed for continuation of these ag forecasts by transferring the NWS over to the USDA. Despite Senator COCHRAN'S support, who realized the importance of specialized ag weather forecasts, the Republican agenda of the 104th Congress called for downsizing the Federal Government and this vital service fell prey to privatization.

RESEARCH

An action I am most proud of in the field of research is the passage of a bill that I authorized making it a Federal crime to vandalize, destroy or make unauthorized use of animal research facilities, including data, equipment and the animals themselves. The Animal Research Facilities Protection Act, which was signed into law as the Animal Enterprise Act would impose severe penalties on individuals or groups who interfered with medical and other research facilities where animals are use.

Unfortunately, some groups are so opposed to the use of animals in this essential research that they set fire to research facilities or break into laboratories to steal animals and destroy equipment, records and research data. The real price of these types of crimes are paid by all those who are waiting for cures and treatments for their afflictions. Research into Alzheimer's disease, cancer, AIDS, substance addiction and mental health were at stake here.

Public interest in animal welfare should be encouraged. Research utilizing laboratory animals has led to many of medical history's most significant breakthroughs. These animals are used only when necessary and should be housed, handled and treated humanely. Those who disagree with the responsible use of animals in research do not have the right to take the law into their own hands.

While a few States have already enacted laws increasing penalties for crimes against research facilities, I felt it was necessary to establish protections on the Federal level.

TUSKEGEE

In 1862, the U.S. Congress passed the first Morrill Act which provided for the establishment of land-grant institutions in the Southern and border States. These institutions were designed to educate citizens in the field of agriculture, home economics, the mechanic arts and other practical skills. Since the Southern States were uncooperative in funding historically African-American institutions under this law, Congress passed a second Morrill Act in 1890, creating the 1890 land-grant institutions.

Alabama has two 1890 land-grant institutions, the Tuskegee Institute and Alabama A&M. Tuskegee was created by an act of the Alabama Legislature and granted land by the U.S. Congress.

Although the 1890 institutions were chartered more than 100 years ago, a stream of ''hard'' money for research was not created until fiscal year 1967. The Tuskegee Institute was not officially a land-grant college, but in 1980, I was able to have the Tuskegee Institute added to the permanent list of 1890 institutions and ensure there would be a continuous stream of Federal research funds. Further, Congress created the Chappie James Center at Tuskegee with the 1890 reauthorization of the Higher Education Act of 1965, and it ensured funding for each of these institutions with the 1981 farm bill.

AUBURN

I have worked closely with Alabama's 1862 land-grant institution, Auburn University, over the years and the 104th Congress was no exception. I was especially successful in completing, or continuing, funding for several very important research initiatives through the college of agriculture and the Alabama Agriculture Experiment Station in cooperation with the Department of Agriculture.

Funding for the completion of the new poultry science facility at Auburn

was achieved in the fiscal year 1997 agriculture appropriations bill. This $12 million facility will provide a state of the art facility for essential research into one of the most important agriculture sectors in Alabama, the poultry industry.

I was also successful in securing funds for continued water quality research conducted at the Alabama Agriculture Experiment Station. The research involves a team effort by scientists at Auburn and other land-grant universities, the CSREES, the TVA, State and private agencies, and most importantly, the producers. New technology is implemented immediately, which enhances the development and growth of agricultural industries. The water quality research also addresses problems that confront rural development and the sustainability of agricultural enterprises. Most importantly, though, this research is responsible for developing and implementing water and crop management practices that both enhance agriculture production and protect and preserve an important natural resource—water.

One specific example of this is the irrigation project being conducted at the experiment substation in Bell Mina, AL. Increased demand for irrigation water in the southwestern United States is causing increased stress on many streams where farmers are pumping directly from the stream. As a possible method to decrease this demand during periods of low stream flow and to make more water available for irrigation, a study was initiated to evaluate the feasibility of pumping during high stream flows to off-stream storage sites. These sites could be on-farm or farmer-shared reservoirs. The irrigation reservoir at Bell Mina has been completed and the early results appear promising.

The National Soil Dynamics Laboratory at Auburn conducts research designed to solve soil management problems. Developing effective methods of managing soil to maintain its quality, and to improve the quality and productivity of degraded soil, requires a multidisciplinary program. One component of this research being conducted at the soil laboratory is the agronomic portion. House appropriators eliminated funding for this component in their agriculture appropriations bill. Fortunately, I was able to have this funding restored in the Senate bill. The agronomic portion of the multidisciplinary program at the soil lab is vital because it is the very portion that facilitates the technology transfer from the lab to the field.

TVA

I fought for continuation of TVA's National Fertilizer and Environmental Research Center after the Clinton administration had targeted it for elimination. The administration argued that this research should be conducted privately. But I contacted the VP and the Budget Director, and it was simply a matter of explaining that NFERC was an up-and-running research center that was already accomplishing many of the environmental goals set by the administration. Once this was laid out for them, they saw that it made no sense to kill a working program in order to create new programs with similar goals.

I also introduced a bill to transfer aquaculture from the Interior Department to the USDA. This was a long-overdue streaming measure that will greatly improve the overall efficiency and timeliness of aquaculture research. Specifically, it saved the Southeastern Fish Cultural Laboratory in Marion by moving it from Interior to the USDA. It was adopted in the most recent farm bill. The U.S. aquaculture industry has grown more than 15 percent annually since 1980. As a result, aquaculture has emerged as a solid alternative for farmers and allowed them to diversity. In fact, aquaculture is of vital importance to the economy of west Alabama. Over 20 percent of the area's population is employed directly in the production or the processing of catfish.

RURAL ELECTRIC

While commodity programs seem to dominate agriculture policy, rural development policy is an area that I have paid special attention to. This is particularly true with regard to rural electrification.

Most recently I authored the Rural Electrification Loan Restructuring Act of 1993 which was signed into law on November 1, 1993, as Public Law 103–129.

This legislation eliminated the authority of the REA Administrator to make 2 percent loans, established criteria for a REA electric distribution borrower can qualify for a 5 percent loan, and authorized the Administrator to make loans at the municipal cost of capital. This legislation also addressed high density cooperatives, rural development eligibility, and private capital requirements among other things.

In the 1996 farm bill, I was instrumental in securing additional loan restructuring authority for the Secretary of Agriculture regarding rural electric loans. We are currently working with the USDA to promulgate regulations that will provide the Secretary with sufficient flexibility to carry out the intention of Congress.

As part of the Republican plan to balance the budget, Republicans proposed selling off the Power Marketing Administrations, which provide electricity to regional distribution cooperatives. The primary concern with this proposal was that PMA ''purchasers'' would have to increase the price at which they made electric power available in order to recover their purchasing costs. I believed strongly that this would ultimately translate into higher utility costs for end-users of rural electric cooperatives.

With this issue being debated in the Energy Committee, when a seat on the committee became available, I returned to the Energy Committee and assisted in preventing this proposal from being made a part of the Republican reconciliation bill.

TRADE

In 1981, I applauded the President's decision to lift the Soviet grain embargo. I did believe that the United States needed to take action against the Soviets for invading Afghanistan. However, it is most regrettable that the farmers of the United States have had to bear the cost of this foreign policy instrument alone. For that reason, in 1982, I urged the President to develop a long-term, Soviet grain agreement. I advocated ending grain embargoes and working to expand export markets, including multiple year extensions of trade agreements. A 1-year extension has the effect of a defacto embargo because it keeps the specter of an embargo looming over the whole grain growing and exporting industry. The mere threat of an embargo keeps grain prices depressed and plays havoc with the entire farm economy. In 1983, after the downing of the Korean jetliner attack, I feared that the President would impose another embargo on the Soviets, so I introduced a bill to create a state undersecretary for agricultural affairs. It seemed that increasingly our agricultural policy is being set by officials of the State Department as they respond to international events. In 1984, the Senate passed a bill I cosponsored to require congressional approval of trade embargoes. It would require that both Houses approve an embargo within 60 days and review it every 6 months. There was no doubt that past embargoes, and the threat of new embargoes, significantly contributed to the erosion of U.S. export dominance and the resulting decline in farm income.

In 1983, when the President was preparing to visit Japan, I sponsored a sense-of-the-Senate resolution to urge that United States negotiators should insist that Japan dismantle all of its barriers on imported beef. This resolution passed. I urged the passage of a similar resolution in 1984. In 1988, the beef agreement with Japan expired, and negotiations stalled.

Then an unusual series of events occurred. The Japanese Ambassador asked me in my capacity as chairman of the Subcommittee on Courts of the Judicial Committee to pass a courts bill allowing the use of Japanese language interpreters in Federal court cases. We succeeded in getting the necessary legislation approved. The Ambassador thanked me and then asked me if there was anything he could do for me. I replied I would like to meet with the Japanese Minister of Agriculture, trade representatives, and two members of the Diet. I was able to bring representatives of the National Cattlemen's Association to the meeting. We had a very frank discussion and reported the progress to the U.S. trade representatives. Fortunately, a few

days later a very favorable trade arrangement was worked out and American beef was allowed to be exported to Japan in far greater numbers than before. The arrangement further eliminated the quotas after 3 years, at which time the Japanese could impose tariffs if beef passed trigger levels.

I have been concerned about poultry exports for some time. In 1983, I wrote to the trade representative to urge him to address Brazil's increase in poultry exports. From 1976 to 1980, the U.S. share dropped from 20 percent to almost nothing. Since Brock did not act, several other Senators and I contacted the President directly, noting that the U.S. share of the world poultry market had fallen from 97 percent to 13 percent over 20 years. To address these concerns, I attached a poultry export marketing program to the Agriculture Committee's payment-in-kind bill. This bill was designed to open new markets and recapture old ones.

In 1984, I joined several other Senators to urge the President to negotiate with the Canadian Prime Minister to address hog trade. Legislation was before the Congress to impose duties, we informed the CPM, and their exports to the United States had risen 10 times. In 1985, I pressed this point again. Disputes with Brazil over poultry, China over cotton, and Australia over beef, combined with this trade imbalance had clearly demonstrated that the United States needed to put an end to the use of unfair subsidized competition and to recoup its fair share of world export trade. I was pleased that the Commerce Department acted to impose duties on Canadian pork. I also wrote to the Trade Representative in 1994 to urge him to seek Canadian compliance with the terms of NAFTA. I also joined Representative ROSE to urge an ITC investigation of dumping of Canadian peanut paste in the United States.

When the United States began to consider food aid to the Soviet Union in 1990, I encouraged the USDA to aid that country by developing food distribution practices rather than simply granting money. The precedent for such aid was the food for progress program created in the 1985 farm bill and successfully implemented in the Uruguay round. But as the situation became more severe in the Soviet Union, I urged the Agriculture Secretary to provide emergency, ready-to-cook provisions. People were in desperate need of immediate help, and raw commodities like grain would not be as helpful. I did, however, remind the Secretary that the aid would need to be provided as a credit, not a grant. I also urged the Agriculture Secretary not to abandon United States textile bags in this Food for Peace Program; that decision would have resulted in the loss of American jobs in favor of Chinese slave labor. I also advocated sending peanut butter and other peanut products to Russia, which was looking for a cheap meat substitute.

This year, I urged the President to resolve the trade dispute with the Russians when they announced that they would no longer import United States poultry. The Russians had refused to recognize the United States system of poultry inspection. Along with several of my colleagues, we urged President Clinton to carry this issue to the highest levels of the Russian Government. While in Russia, Vice President GORE and Secretary Glickman raised this issue and soon afterward, an agreement was reached. The poultry industry is extremely important to the economy of Alabama. It accounts for 54 percent of all farm income in the State and 75 percent of farm exports.

In conjunction with other Senators from poultry producing States, in the 104th Congress we also had to fight barriers to interstate free trade. The current regulation regarding the labeling of ''fresh'' poultry states that poultry preserved above zero degrees fahrenheit shall be labeled fresh, and poultry below zero degrees, the point at which animal flesh freezes, shall be labeled frozen.

The USDA, on behalf of California poultry producers, promulgated regulations to raise the benchmark for fresh to 26 degrees based on the premise of consumer claims that the current regulations for poultry labeling was misleading.

We were able to demonstrate, however, that this was actually an effort by the California poultry industry to erect a barrier to shipments of poultry from historic poultry producing regions, specifically the Southeast. I obtained a copy of a report by the California Poultry Working Group, an industry panel designed to study and make recommendations on the California poultry industry, that stated in its findings that the single, most significant barrier to industry growth was the high cost of poultry production in California. On the other hand, poultry producers in the Southeast are able to produce broilers and ship them to other parts of the country at a profit.

With Senator COCHRAN's leadership, we were able to block the implementation of this new regulation in the fiscal year 1996 agriculture appropriations bill. During negotiations on the fiscal year 1997 agriculture appropriations bill a compromise was agreed to. Ironically, the compromise was essentially the same proposal that I put forward a year earlier. Nevertheless, it was a deal that Southeast poultry producers could live with.

CONCLUSION

In addition to rewriting farm policy, the 104th Congress made substantial progress in other areas under the agricultural policy umbrella. Earlier this year, the Congress passed and the President signed H.R. 2029, the Farm Credit System Reform Act of 1996. This important legislation brought a degree of regulatory reform to the Farm Credit System Banks while also addressing needed charges in Farmer Mac and resolving the FAC debt issue.

Of major significance, Congress finally broke the logjam that had lasted for nearly 2 decades and passed legislation to rewrite Federal pesticide laws, bringing about much needed reform of the outdated Delaney clause.

The Food Quality Protection Act, H.R. 1627, received unanimous support once all the pieces of the puzzle were put into place. Traditionally, the battleground between industry and environmental supporters, the urgency to resolve pesticide legislation was created by court rulings that would have ordered the EPA to begin canceling the use of some common chemicals.

The bill as signed into law will revise pesticide registration under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, speeding up some EPA registration procedures. The bill also recognizes separate registration procedures for minor use chemicals, and under legislation I coauthored, antimicrobials, or common household and industrial chemical cleansers.

Most importantly, this legislation reformed the notorious Delaney clause of the 1958 Federal Food, Drug, and Cosmetic Act, which barred processed food from containing even minute amounts of cancer-causing chemicals. The hard-fought compromise of the Delaney reform will impose a safety standard to ensure that pesticide residues on both raw and processed food pose no reasonable risk of harm. This standard essentially means that there will likely be no more than a one-in-a-million chance that a residue would cause cancer. The old standard was completely outdated, given modern technology, that prevented some chemicals from being used that actually reduced the natural level of carcinogens in many commodities. This is an important reform and I am glad that we were able to achieve this victory this year.

While there were some victories over the last 2 years, there were also some defeats and close calls. I have long been a supporter of private property rights legislation. As a matter of fact, the only private property bill to pass the Senate in the 103d Congress was the Heflin-Dole private property bill. I am sorry to say that the effort to pass private property rights legislation failed in this Congress. I also regret that attempts to move regulatory reform legislation were not successful.

As I close out my career in the U.S. Senate, I reflect back on all that has been accomplished. With regard to agriculture, I am extremely pleased and proud of the progress made on behalf of rural America and family farms.

Over the last 18 years, I am proud to say that I have been a part of working to ensure that electricity and water and sewer systems were extended to areas where they once were not. We have strengthened the family farm by providing adequate capital to farms and agribusiness. We have passed farm bills that have stabilized the family farm, made the American farmer the

envy of the world and at the same time, protected the environment and reduced the deficit. Through the work on the Agriculture Committee we have extended technological advancements into rural America through telemedicine and distance learning initiatives. Foreign markets for U.S. agricultural products have been opened wide and agricultural research has led to more efficient farming with breakthroughs such as no-till agriculture and precision farming employing satellite imagery.

While a great deal has been accomplished, I am still concerned about what the future may hold. As the American society continues to become more urban, fewer and fewer have an appreciation for issues affecting rural America. Furthermore, I believe that most take for granted that only 3 percent of the American population, in addition to feeding the world, provide this country with the highest quality, most abundant and affordable food supply of any nation in the world.

The 1996 farm bill, which is a major departure from traditional farm programs, leaves an uneasy feeling for the future. Although it was ostensibly designed to bring certainty to farming, I believe the 1996 farm bill created many potential problems that we may not even be aware of for some years to come. Specifically, I believe decoupling payments from market prices was a mistake. Only time will tell, but I hope that there will be Members of Congress who are sympathetic to the needs of rural America should the Freedom to Farm proposal fail.

I am also concerned about the state of the cotton industry. I have been contacted recently by sectors of the industry raising concerns about the growing volume of cotton imports into this country. This is something that I plan to monitor in the near future. Also, I am curious to see the effectiveness of the bioengineered Bt cotton seed. Bt cotton was engineered to be resistant to insects. To date, reports indicate a great deal of success with this new cotton. I will be curious to review results after the current harvest is complete,.

Farming families and rural communities are the backbone of this great Nation. I am proud to have served on their behalf on the Agriculture Committee for 18 years. As I return to Alabama and the many farmers in northern Alabama, I will continue to meet with, and monitor, the state of U.S. agriculture and the proud farmers who produce our food and fiber. It is my sincere hope that those who remain in Congress, and those to come, will give the proper consideration to rural issues as they come before this body.

Mr. President, back on August 20, 1996, the Alabama Peanut Producers held a dinner in my honor. I was very thankful and humbled by their outpouring of affection and humor that evening.

One of the most memorable and humorous speeches was one given by Texas Congressman CHARLIE STENHOLM, a long-time friend and colleague. I have had the pleasure of working with him over the years on many agricultural issues, particularly those relating to the peanut program. Should the Democrats regain the House majority this fall, CHARLIE will probably be the Agriculture Committee's new chairman.

I ask that a copy of Congressman STENHOLM's remarks be printed in the RECORD. It gives an entertaining and humorous inside account of some of our behind-the-scenes battles on these important issues over the years.

The material follows:

NOTES FOR SPEECH AT SENATOR HOWELL HEFLIN EVENT, AUGUST 20, 1996

Senator Heflin was elected to the United States Senate in 1978, and begin serving on the Senate Agriculture Committee just as the committee began work on the 1981 farm bill. Everyone knew the '81 bill would be a challenge, the Republicans had just taken the White House and the Senate. Senator Richard Lugar became the Chairman of the Senate Committee on Agriculture. The Indiana Senator was not known for his support of the peanut program.

Those present at the time and involved in the development of the farm bill remember that then Freshman Senator Howell Heflin took a particular interest in the peanut program. One producer representative, Larry Meyers, has commented that in his 24 years in Washington, Senator Heflin was the only Senator who, when asked to support the program, made Larry sit at the Senator's desk while he went through the entire bill, discussing even the proper placement of commas and semicolons, to ensure the bill reflected truly what was best for peanut growers.

That kind of detail and preparation has made Senator Heflin a formidable foe on the Senate floor for those who sought to end the program. A couple of interesting stories came out of that 1985 farm bill period. Early in the farm bill process, another new Senator and now Governor of California Pete Wilson tried to offer a difficult to understand amendment affecting a small crop in California. It was just before lunch, members were anxious to adjourn the meeting and there was little interest in the amendment. When Senator Wilson finished offering his amendment, there was an awkward silence when no one seconded the amendment. Suddenly, just before the Chairman was about to rule the amendment out of order and adjourn the committee for lunch, Senator Heflin suddenly spoke of the amendment's outstanding merit and seconded the motion. With that, the Committee quickly approved the measure and adjourned for lunch.

Senator Wilson quickly left his seat and came around the table to say thank you to Senator Heflin, who he admitted he really did not know since they were both new to the committee.

Senator Heflin replied to Senator Wilson with a smile and a wink, ''Senator, we don't grow your California crops in Alabama, but we do grow peanuts!''

Senator Wilson got the message, and later voted in support of the peanut program.

At another point about this time, then Secretary of Agriculture came before the Senate agriculture committee to promote a new program called ''P, I, K'' or Payment In Kind. After the Secretary finished testifying in favor the PIK program, Senator Heflin questioned the Secretary with a long inquiry wherein Senator Heflin clearly referred to the program as ''P, I, P'' or as the ''PIP'' program several times.

In responding to the Senator, Secretary Block first tried to correct Senator Heflin, ''It's the P, I, K program, Senator, PIK!'' Senator Heflin paused for a dramatic moment and replied, ''Oh, I thought you said P, I, P, the Pig in a Poke program.'' The room roared with laughter, and everyone understood Heflin's attitude about the proposed new program.

On a more serious note, there can be little doubt, that, over the years, Senator Howell Heflin has been ''Mr. Peanut'' in the Senate, and the real reason the program has enjoyed such strong support over the years in the Senate.

It was not always that way. During the debate on the 1981 farm bill when the Senator was still new in the Senate, then Committee Chairman Richard Lugar offered in the Senate a motion that effectively killed the peanut program. In a dramatic, difficult vote, the Senate approved Senator Lugar's motion. There was then a pause in the deliberations when Senator Heflin and Senator Warner of Virginia got all the peanut representatives and farmers that were in Washington for the Farm Bill debate into a room to discuss what to do next. Everyone agreed the peanut acreage allotment program was dead, but if another type of program could be designed in a matter of minutes that would keep peanut farmers in business without allotments, perhaps the Senate could be persuaded to accept some type of new program.

Mr. Ross Wilson, a strong admirer of Senator Heflin and the manager of the Southwest Peanut Grower's association sat down with the peanut leadership present, and wrote out in longhand on a yellow pad what is essentially the poundage quota program we have today. Senator Heflin and Senator Warner then took that yellow pad to the Senate floor and passed a new peanut program.

It was a dramatic moment. It meant hundreds, if not thousands of small farmers could stay in business, and it came about because Senator Heflin was willing to stand up with farmers.

And as a result, you can say Senator Howell Heflin is, ''The Father of the Modern Peanut Program.''

In the ensuing years, during farm bill debates and even during appropriations considerations, the peanut program has been attacked several times, But each time, we had a peanut leader in the Senate: Senator Howell Heflin would stand and defend the program strongly as he did this year, and each time, those attacking the program suffered defeat and the peanut program continues.

We owe him a great deal of appreciation.

Yes, although it can be said Senator Heflin saved the peanut program repeatedly over the years, but in addition, there are several provisions of the peanut program we can look to and know that they developed directly by the Senator: The support price escalator based on the cost of production we enjoyed since 1985 until this year; the three marketing associations being written clearly into the law; and dozens of smaller provisions that have made the program work more efficiently and at lower cost to the government.

In addition, and perhaps most significant, and something I have personally witnessed, has been Senator Heflin's work in Conference.

After the House and Senate pass a bill, there are almost always differences that must be resolved in what we call a ''Conference''; a meeting of members to iron out the differences and come up with language both Houses will approve.

This is where Senator Howell Heflin has been of most value to this industry, particularly this year when we had to make the most of a bad situation.

Charlie Rose and I always knew, if we lost an important provision, Senator Heflin would put it back in, or if we could get a new provision, Senator Heflin could keep it in when the bill came to conference.

This year it was particularly true when you can credit Senator Heflin with killing the 5-percent penalty for loan peanuts which would have hurt every peanut farmer in this country.

It was fun to watch: When the debate got heated, if you saw Senator Heflin lean back in this chair, slowly push the plastic back on his cigar and begin to chew, you knew he was thinking and was about to close in for the kill—this year on the Republican Leadership that was seeking to decimate the program.

I know you are not fully happy with the program the way it turned out in the end, but we got one. And the challenge can be summed up with the remark that Senator Richard Lugar was heard to make after the farm bill conference: ''In looking at this language, I can see that once again, Senator Howell Heflin has prevailed over those of us who sought to end the peanut program.''

Senator Heflin, that is a fitting tribute.

Congratulations, and thank you.●

TRIBUTE TO THE HONORABLE KIKA DE LA GARZA

● Mr. HEFLIN. Mr. President, I rise today to pay tribute to the Honorable KIKA DE LA GARZA.

There is nobody in the U.S. Congress more deserving of a tribute than the distinguished and longtime chairman of the House Agriculture Committee and defender of rural America and family farms.

KIKA DE LA GARZA began his elected public service with six terms in the Texas House of Representatives and was first elected to the U.S. House of Representatives in 1964. KIKA was immediately appointed to the Agriculture Committee and has served as the committee chairman since 1981. As a matter of fact, KIKA was the first Hispanic American to head-up a standing committee of the House of Representatives. KIKA DE LA GARZA is very proud of his Hispanic heritage, and with good reason. KIKA can trace his ancestry back to one of the ruling families of Spain and to one of the earliest settlers of Texas. Don Martin de Leon and his wife, Dona de la Garza, petitioned the Spanish Governor in San Antonio for the right to establish a permanent settlement in Texas long before Moses Austin had received permission. KIKA is also proud of his Alabama ancestry, as he often reminds me that he can trace some of his forebears to Etowah County, AL.

During his tenure as committee chairman, KIKA DE LA GARZA has successfully guided the passage of three omnibus farm bills. He is also responsible for a major overhaul of the agricultural lending system, Federal crop insurance reform, reorganization of the USDA, and reforms in pesticide laws. Chairman DE LA GARZA has also brought special attention to rural development and the needs of rural families. He has fought tirelessly for rural development programs such as rural waste and water systems. Through this strong commitment and leadership on behalf of rural America, his efforts were recognized with the establishment of an empowerment zone in south Texas, one of only three in rural America.

I recall working closely with KIKA DE LA GARZA over the years. We have worked many long hours together to restructure the Farm Credit System and provide disaster assistance when our Nation's producers have suffered from drought and other natural disasters. However, what comes to mind when I think of KIKA DE LA GARZA is his invaluable leadership in defense of the peanut program. It may come as a surprise to some, but the peanut program is vitally important to Alabama and I have personally fought hard to preserve this program. Had it not been for Chairman DE LA GARZA, though, we would not have been able to maintain this program that is also an integral part of Texas agriculutre. Many were the occasions that I came to KIKA and I told him that I needed his help and without fail, we were able to hold off efforts to eliminate the peanut program. For this, I am deeply grateful to KIKA.

As KIKA DE LA GARZA leaves Congress and returns to Texas, we are truly witnessing the end of an era. KIKA DE LA GARZA has outlasted Bob Poage, Herman Talmadge and Jamie Whitten to become the dean of American Agriculture. Rural America has had no stronger advocate than KIKA DE LA GARZA, he has indeed been the champion of the small farmer.

When KIKA and his wife, Lucille, return to Texas, they will return home to Mission. Mission, TX, is known for producing famous Texans, among them include Tom Landry and Lloyd Bentsen. However, none have contributed more to improving the lives and living conditions of all Americans. Congress will indeed be a different place next year and it will sorely miss the wisdom and leadership of KIKA DE LA GARZA.

From the beginning, man has been at work in agriculture. In Genesis Chapter 3, Verse 23, Moses writes, ''Therefore the Lord God sent him forth from the Garden of Eden, to till the Ground from whence he was taken''. Although there are tremendous challenges that lie ahead, the Sun shall rise tomorrow, and we can bear fruit for our neighbors and friends and those who are without nourishment. As we strive to feed a growing population, protect our environment, and keep farmers and ranchers strong, I am confident that with God's guidance, those who rely upon him will succeed. We have all been blessed to have had the wisdom and leadership of KIKA DE LA GARZA. As Americans we are all better for his service to this great country. As KIKA and his wife, Lucille return home, as Mike and I are returning home, we wish them both the very best for many years to come. It has been my honor to have served with KIKA DE LA GARZA.●

THANKS TO STAFF

● Mr. HEFLIN. Mr. President, on the last day the Senate was in session, October 4, I stood on the floor and briefly thanked my staff members for all their hard work over the years. At that time, I had a list of their names, hometowns, and date of joining our staff inserted into the CONGRESSIONAL RECORD. I also said that later, I would make additional comments about each of those.

As I said, it is easy to take staff for granted. Much of what they do is carried out in such a way that we might not be aware always of what they are doing. But they put in long hours just like we do. They are dedicated not only to us, but to the States we serve. My staff has helped thousands of Alabamians and other citizens with problems, questions, projects, and other general concerns.

I have been fortunate to have many long-time staff members who have been with me for many years, some since my first year in the Senate. Others have not been here as long, but have still made valuable contributions. Most have come from Alabama or had some connection to the State, such as being an alumnus of a university there, but others have come from the Washington area or other parts of the east coast.

I am proud of my staff, both here in Washington and in the four State offices. They have done an outstanding job for the Senate, for the State of Alabama, and for the Nation and I thank all of them and wish them well as they retire or move on to new career opportunities. I would now like to say a few words about each of those who are still serving with us during these final weeks of my term.

STEVE RABY

Heading up my Washington staff is Steve Raby, my administrative assistant. Over the years, Steve has been a tireless worker and voice for the State of Alabama and the Nation. He has superb judgment and unsurpassable ability to motivate workers under his supervision. He first joined my staff in January 1984 as a legislative assistant focusing on agriculture and rural development policy. In 1987, he became my administrative assistant, responsible for legislative and political matters affecting Alabama. Steve was born in Huntsville, AL, and received his bachelors and masters degrees from Auburn University. I have accused him numerous times of filling my staff with Auburn graduates so he could have more support in the Auburn-Alabama football rivalry. Prior to joining my staff, Steve worked as a research assistant at the Federal Reserve Bank in Atlanta analyzing economic indicators of regional economy. Steve is married to the former Denise Cole. They have two sons—Nathan and Keenan. I predict a great future for him in anything he undertakes, including politics.

WINSTON LETT

As ranking Democrat on the Judiciary Subcommittee on Administrative

Oversight and the Courts, I have faced a myriad of interesting and challenging issues. Since 1990, Winston Lett has served as Democratic chief counsel and staff director of this prestigious subcommittee and has worked with me on multitudes of legislation. Born in Opelika, AL, Winston graduated from Auburn University and received his law degree from the University of Alabama. It is safe to say that Winston is a favorite son of his hometown: The Opelika and Auburn Chambers of Commerce proclaimed ''Winston Lett Day'' in 1989. Aside from this distinction, Winston was assistant attorney general in Alabama from 1973 to 1977 before transferring to Washington as administrative assistant to the late Representative Bill Nichols of Alabama until 1988. In 1989, Winston was administrative assistant to Representative GLEN BROWDER before joining my staff a year later. Winston has been a calm, steady voice amid many turbulent judiciary matters and I deeply appreciate his outstanding work. He is an excellent lawyer and has an exceptional ability to get along with people.

DENISE ADDISON

Denise Addison was born here in Washington, the fifth child of Elmer and Louise Meadows. She graduated from Saint Patrick's Academy in 1975 and has been a fixture on Capitol Hill for 21 years now. She has worked for an astounding number of Members of Congress, beginning with Senator John V. Tunney of California. Since then, she has also worked for Congressman Robert N.C. Nix of Pennsylvania; Senator Charles H. Percy of Illinois; Senator Robert Kasten of Wisconsin; and Senator Mark Andrews of North Dakota. She came to my office in 1988, and has been an integral part of the success of our correspondence, computer, filing, and office management operations. She married Alvin Addison in 1985, and together they have three children, Alvin, Jr., Dominique, and Jasmine.

SONCERIA ANN BISHOP BERRY

Every office has that one person who knows how to fix, find, and take care of just about anything. In my office, that person is Sonceria Ann Bishop Berry. Ann joined my Tuscumbia office in April 1979 and moved to Washington the following month as a secretary. She eventually served as assistant office manager before being promoted to office manager in 1992. A native of Birmingham, AL, Ann received her bachelors degree from the University of North Alabama. She is married to Reginald A. Berry and they have one daughter, Elizabeth Ruth. Ann was one of my youngest staff members when she arrived in Washington. I have seen her grow up into a fine young woman. I am proud to have her as a member of my staff. She is one of a kind.

MARY CATHERINE BROOKS

Mary Catherine Brooks, or ''Cappie'' as she is known, joined my staff in March 1989 as assistant to my administrative assistant, Steve Raby. A native of Birmingham, AL, Cappie attended the University of Alabama and the Katherine Gibbs School in Boston, MA. During her years of service on my staff, Cappie has tackled many special projects. One of the most notable was the 1994 National Prayer Breakfast honoring President Bill Clinton. As chairman of the Senate Prayer Breakfast, I was responsible for organizing a guest list of several thousand dignitaries from over 100 different countries. I relied heavily on Cappie, who managed the event masterfully. President Clinton and Vice President AL GORE both thanked Cappie personally for her outstanding work. Cappie's next special project is of a more personal nature: Her Spring 1997 wedding to Bill Stiers. She is most attractive as well as efficient.

TIM BROWN

Tim Brown has been my loyal and dedicated traveling companion over the years. He has been with me to each and every county in Alabama at one time or another. He has served as my State director, heading up all four of my Alabama offices, since 1995. Prior to that, he was the field representative responsible for 23 counties based out of Montgomery. He came to my Montgomery office in 1985 after working on my campaign the previous 2 years. He earned a bachelor of arts degree from Auburn University in 1971 and his law degree from Jones Law School in 1976. From 1972 to 1983, he worked for his family's business—Brown and Sons, Inc., a trucking and textiles company. Tim is from Enterprise, home of the famous boll weevil statue. His father, the late M.N. ''Jug'' Brown was mayor of Enterprise for 18 years. He is married to Cathy, an employee of Alabama Power Co. His political instincts are sharp, and he has been my eyes and ears in Alabama. He has been instrumental to the effectiveness of our State operations and no one could have done a better job of keeping me up-to-speed on local and State issues.

BEAU GREENWOOD

Beau Greenwood has been my agriculture legislative assistant since February 1995. As we faced the formidable task of rewriting the farm bill in the 104th Congress, I relied heavily on Beau. He worked with me to ensure that southern agriculture was treated equitably. We faced a tremendous battle with the peanut program, but fortunately were successful in defending this vital program. This long, grueling process came to a successful conclusion thanks in no small part to Beau's efforts. Prior to serving on my staff, he worked for Representative CHARLIE ROSE of North Carolina from 1992 to 1995. A native of Corpus Christi, Beau is the son of Allen Greenwood of Corpus Christi and Sherri Moore Greenwood of Little Rock, AR. Beau attended Texas A&M University and received his undergraduate degree from George Washington University. He studies each issue carefully and is a master of details.

JOYCE D. HACKWORTH

Joyce Hackworth has been with me since the beginning of my Senate career, building on her legacy of working with Democratic Senators from Alabama. Born and raised in Montgomery, AL, she attended Troy State University before going to work for Senator John Sparkman in January 1971. In fact, Joyce moved to Birmingham to open Senator Sparkman's first State office. She remained with him until he retired in 1979. I was elected to Senator Sparkman's seat that year and brought Joyce over to my staff. She has been the office manager in my Birmingham office since January 1979, and says she plans to retire along with me. Her retirement date, effective January 2, 1997, will mark 26 continuous years as a U.S. Senate staffer. Eighteen of those years have been spent on my staff handling everything from casework to the wide range of constituent requests that come into a Senate office on a daily basis. I appreciate her excellent work and colorful personality.

HENDERSON THAD HUGULEY

Thad Huguley, who has been with my Washington staff since 1992, hails from Lanett, AL. While a student at the University of Alabama, he served as vice president of the Student Government Association, was inducted into numerous campus leadership and scholastic honor societies, and worked as a part-time field reporter for the CBS affiliate in Tuscaloosa. He began working for me as a legislative correspondent. As a legislative assistant since late 1993, Thad has been responsible for telecommunications, commerce, environmental, banking, housing, transportation, and labor issues. He seems to have delved into virtually every possible issue area at one time or another. He is a jack-of-all-trades who was always able to master complex issues quickly. He has been a tremendous asset to my office and has been instrumental in helping set and accomplish our legislative agenda. He completed his master of arts in American history at American University in May 1996.

LEA ALDRIDGE HURT

Lea Hurt has been writing media releases, producing television and radio feeds and juggling reporter queries in my press office since July 1991. Before joining my staff, she was a familiar face on my hometown television station, WOWL–15 NBC, in Florence, AL, where she anchored the evening news. After moving to Annapolis in 1990 to be with her new husband Jay, Lea worked as an assignment editor at Sun World Satellite News until I hired her a year later to be my assistant press secretary. Now, as communications director, Lea handles a wide range of issues. A native of Decatur, AL, Lea is the daughter of Linda and Walter Brooks. She attended Calhoun Community College in Decatur, where she was SGA president, before graduating from the University of North Alabama with a

degree in English. Lea and I work together every week to produce my weekly column. I figured recently that we have put out around 280 columns on topics ranging from the balanced budget amendment to constituent services. I have appreciated her hard work, pleasant personality, and dedication. She always presents an attractive appearance. I wish her every future success.

BRENDA JARVIS

Brenda Jarvis knows Montgomery—everything from the city streets to the State legislature. It is her hometown as well as where she now lives with her husband Jake and two children, Heather and Ricki Marie. Brenda joined my staff as a field representative in 1990, working with constituents, State agencies, the State legislature, local governments and chambers of commerce. Prior to that, she served as a member of Governor George Wallace's staff from 1971 to 1979 as an administrative assistant working with legislation, extraditions, the Department of Corrections, the Board of Pardon and Parole, the Department of Public Safety, court matters as well as appointments to boards, agencies and courts. From 1983 to 1987, Governor Wallace appointed her to be assistant director of the State Commission on Aging responsible for the State administration of the Older Americans Act. With her extensive career background, Brenda has been an invaluable help to me in many matters over the years. I have enjoyed working with her.

MARY JANET JOHNSON

Jan Johnson was one of the original ''Howell's Angels'' in my 1978 campaign for U.S. Senate. She and other volunteers worked many long hours for my election and, thanks to these efforts, we were successful. When I took office, Jan joined my staff working out of my Tuscumbia office as a field representative and State aide, continuing her legacy of long hours and hard work. In her 18 years on my Senate staff, Jan has traveled the State of Alabama like few others have. She knows the ''where'' and the ''who'' and can tell you the always-fascinating history that goes with it. Jan was born in Franklin County to Oscar and Nelda Lois Jackson. She has a son, Jacob Johnson, and a daughter, Mary Elizabeth Johnson Cahoon. I have depended on her greatly over the years and have appreciated her hard work.

JEANNE JONES

Since September 1982, Jeanne Jones has been a case worker and secretary in my Mobile office. For many years, Jeanne was the right-hand for Bob Morrissette, my dear friend and field representative in Mobile who passed away only recently. The daughter of Mr. and Mrs. James C. Lloyd, Jeanne was born in Birmingham, AL. She graduated from Shades Valley High School and attended Jacksonville State University and the University of South Alabama. Jeanne moved to Juneau to work for the State of Alaska for 2 years before returning to Alabama to live in Mobile in 1971. She has three children: Jeri, Jana and Jill; one son-in-law, Dirk, and two grandchildren, Taylor and Shelby. For 14 years, Jeanne has helped thousands of people in south Alabama with countless issues. I appreciate her dedicated work and tireless efforts on my behalf.

BETTY STREETER LANIER

Betty Lanier has been serving on my staff for more than 10 years now as a secretary and staff assistant. Most recently, she has worked extensively with the legislative director, serving as his right hand in terms of managing his heavy load of casework, correspondence, and legislative schedule. Previously, Betty worked for Illinois Senator PAUL SIMON and for a short time for Congressman Claude Pepper's House of Representatives Subcommittee on Health and Long-term Care. She also worked for several offices within the Department of Justice, including the Federal Bureau of Investigation, which brought her to Washington. From the small Bullock County town of Midway, AL, Betty is endowed with a variety of talents. She is a member of the Congressional Chorus, and has performed with the group at inaugurations, annual lightings of the Capitol Christmas tree, and Kennedy Center Arts Festivals. In addition, she has taken several Shakespearean acting classes. A post and avid reader, she has done an outstanding job and brought a real cultural and artistic flair to the office.

ALAN LEETH

Alan Leeth has been a legislative assistant and counsel in my office since December 1995, responsible for banking, budget, tax issues and Indian affairs. In the year that he has been with me, he has helped me develop and plan legislative initiatives, monitor developments within committees and on the Senate floor. Alan is from Opelika, AL, and is the son of Roy and Carol Leeth. He graduated from the University of Alabama at Birmingham and received his law degree from my law school alma mater, the University of Alabama, where he met his wife Tracy. Alan has been a tremendous asset to my staff and I am sure I will continue to hear great things from him in the future.

WILLIAM MANSEL LONG, JR.

William Mansel Long, Jr. began working in my Washington office in 1979 as a legislative assistant. Since that time, he has moved up the ranks and currently serves as legislative director. Mansel has proven himself to be a close friend, loyal employee, and trusted advisor. I have known him and his family for many years; he is also a native of Tuscumbia. He served in the Army for 2 years, earning a Good Conduct Medal. He received a bachelor of arts degree from Tennessee State University, and has taken graduate courses at Alabama A&M University, District of Columbia Teachers College, The American University, Catholic University, Trinity College, and George Washington University. Before joining my staff, Mansel was a social studies teacher, special education teacher, and a consultant for International Business Services. He has received numerous honors and awards, and received a Doctor of Humane Letters degree from Faulkner University in 1984. ''Dr. Long,'' as the staff affectionately calls him, has been an outstanding public servant and I could not imagine having served in the Senate without his assistance and leadership.

JUDY LOVELL

Judy Lovell has been my correspondence manager since 1990. In those 6 years, she has helped me develop and maintain an office mail management plan to deal with the thousands of letters we receive every week. Judy takes care of the mail in a full circle approach. She directs the incoming mail to the appropriate person and then oversees the final return mailing process, scrutinizing everything from grammar to content. Aside from her outstanding work, Judy is also known for her excellent bean dip, which we have been fortunate enough to frequently sample over the years. Before joining my staff, Judy worked for Senator Howard Cannon of Nevada from 1981 to 1983, and Senator John Danforth of Missouri from 1983 to 1990. She and her husband John live in Bowie, MD, and have four children: John, Tim, Terry, and Tracy; and one grandchild, Katy.

KRISTI MASHON

Kristi Mashon has taken on the herculean task of archiving documents from my career as a Senator and as chief justice of the Alabama Supreme Court. She has been working with me on this project since June 1995. Kristi previously served as archivist for Senator George Mitchell of Maine and is also currently working for Senator PATRICK LEAHY of Vermont. A native of Austin, TX, Kristi is the daughter of Les and Barbara King. She graduated from the University of Texas in 1988 and completed her graduate education at the University of Maryland in 1995. Kristi and her husband Mike have one daughter, Madeleine, who recently celebrated her second birthday. I have appreciated Kristi's thorough work and attention to detail. I am confident that my documents and memorabilia are in good hands.

KIMBERLY MCDONALD

Kim has been with my staff since November 1991. She started out as a legislative correspondent, researching and formulating responses to constituent mail. In 1995, she was promoted to caseworker where she acts as a liaison between constituents and Federal, State or local government agencies. Her areas of responsibility include Aging, Foreign Affairs, Government Affairs, Health, Immigration, Labor, Postal Affairs and Social Security. As you can imagine, with such a wide range of issues, Kim stays busy. She has worked

with me to help countless Alabamians who thought they had no where to turn. It was only about a year ago that our staff celebrated Kim's marriage to Curtis F.M. McDonald, our last ''office'' wedding. I have enjoyed working with Kim and am sure that she will continue to achieve great things.

TOM MCMAHON

Tom McMahon has been my press secretary since February 1989. As my chief spokesperson, Tom has to be conversant on a wide variety of issues. In this area he has proven himself as a true ''renaissance man,'' able to knowledgeably discuss everything from bankruptcy reform to crop insurance. Tom came to Washington in 1987 as press secretary to the late Representative Bill Nichols of Alabama. Prior to that, he worked in university relations at his alma mater, Auburn University. In fact, Tom leads the ''Auburn gang'' in my office as a former president of the Metro Washington Auburn Club. He graduated from Auburn in 1984 with a degree in communications. Before graduation, he was station manager at Auburn's WEGL–FM radio and worked as an anchor and reporter at WAUD–AM radio, also in Auburn. He and his wife Diane, a native of Scottsboro, AL, now live in the Washington area. I have appreciated the outstanding work Tom has done over the years and am sure we will continue to hear great things from him in the future.

JACQUELINE A. NATTER

Jackie joined my staff as a legislative correspondent in November 1994, after serving an internship at the State Department's Bureau for Political-Military Affairs. While she was studying international relations and English at Georgetown University, from which she graduated in 1994, Jackie completed an internship in my office and worked as a research assistant for the National War College. As a self-described ''military brat,'' her interest in military affairs started at a very young age, and has continued through her academic and professional work. Currently serving as a legislative assistant handling national defense, space, and veterans issues, Jackie also coordinates my military services academy nominations. She is the middle daughter of Rear Admiral Jack and Nancy Natter of Birmingham and is looking forward to returning to Alabama at some point in the future. She has been a valuable addition to my staff and I know she will make tangible contributions to the fields of national defense and foreign policy in the future.

BARRY PHELPS

A native of the Birmingham, AL area, Barry Phelps moved to Washington in 1989 after completing his master of public administration and bachelor of arts degrees at the University of Alabama. He came to work for my office in the fall of 1990 as a legislative correspondent and 1 year later became my speechwriter. Since that time, he has simultaneously handled legislative issues relating to foreign policy, international trade, and general governmental affairs. In addition to being an excellent ''wordsmith,'' Barry has also been instrumental to my work as chairman of the Senate delegation to the North Atlantic Assembly, traveling either with me or as my representative to NAA meetings in Berlin, Germany; Copenhagen, Denmark; Oslo, Norway; and Turin, Italy. In the fall of 1993, he began the graduate liberal arts program at Georgetown University, attending classes in the evenings and on weekends. He completed his master of arts degree there in April 1996, concentrating his studies in the area of international affairs. We were not surprised to learn that Barry was ranked first in his graduating class and had the honor of serving as commencement marshall.

ROBERT SCHULTZ

Bob Schultz has been an outstanding recent addition to my staff in Washington. A Pennsylvania native and graduate of Dickinson College in Carlisle, Rob was brought on board earlier this year to handle the important task of compiling and summarizing my 18-year Senate legislative record. He completed a similar project for former Senator Don Riegle of Michigan in 1993 and 1994. Since he has been here, he has compiled my record in certain policy areas, such as defense and foreign policy, agriculture, court reform and judiciary, civil rights, and space exploration and NASA. Rob has done an incredible job under severe time constraints, and we could not have succeeded without him.

BARBARA SHERRILL

I noted in my retirement announcement that Tuscumbia, AL, is the best little town in America to go home to. Barbara Sherrill, a secretary and caseworker in my Tuscumbia office, figured that out years ago. A native of Waukegan, IL, Barbara worked in Washington, DC, for the Air Force at the Pentagon. Her husband, Estes, is a native of Tuscumbia, so in 1971 after he retired as an Air Force pilot, their family moved back to that area. Barbara joined my staff in 1985, working with my chief of staff, the late Bill Gardiner. Her assistance has been invaluable to me as well as to the many constituents who call or drop by the Tuscumbia office seeking help. She has said that her greatest reward is hearing constituents say that the help they received from our office has made a difference in their lives. Barbara has three children—Beth, Martha, and Andy—and three grandchildren—Benjamin, Elizabeth, and Rachel.

SAMANTHA SMITH

Two positions in a Senate office that are usually considered ''gatekeepers'' to the member are receptionist and personal scheduler. By that definition, Samantha Smith is the ultimate ''gatekeeper,'' serving on my staff since August 1993—first as a receptionist and then as scheduler. Born in Florence, AL, she is the middle daughter of Judge and Mrs. Larry Mack Smith. Samantha graduated from Hollins College in Virginia in 1992 with a degree in French. She spent a total of 2 years in France both as a student and as a teacher before joining my staff. Her ability to juggle the hectic schedule requests that come into my office has been a tremendous asset to me. I appreciate the fine job she has done.

MARY K. SPEIS

Mary Speis has been with my staff ever since the beginning of my tenure in 1979. Her career on Capitol Hill, however, goes all the way back to 1965, when she served as an assistant to former Illinois Congressman Barratt O'Hara. A native of Washington, DC, her Alabama ties came about thanks to her sister, Jackie, who worked for Alabama Congressman TOM BEVILL before moving to Athens, Greece to be with her husband, a native of that beautiful country. Mary has often visited her sister in Greece during the summer recess periods. A graduate of the University of Maryland with a fine arts degree, she landed a job with former Alabama Senator James B. Allen working with the legislative assistants. In 1978, after the death of Senator Allen, she worked for his wife, Marion, who succeeded him in the Senate. In 1979, she came to my office to serve as an aid to the legislative assistants. In 1985, she began working as my personal assistant and has become very special to me and the rest of the staff.

YOLANDA ANGELINE TURNER

Yolanda Turner came on board our ''Senate ship'' in August 1992 as a staff assistant working with the office manager and correspondence management staff. The daughter of Mrs. Velda A. Ragland and Mr. Glenn A. Turner, she is from Suitland, MD. Her mother and sister, Monique A. Turner, work for Senator BILL BRADLEY, just down the hall from Yolanda. Their work in the Senate is truly a ''family affair.'' Before joining our office, she was a clerk typist for the resource management staff at the U.S. Department of Agriculture. We were all excited earlier this year by the birth of Yolanda's daughter, Breanna Akira Turner.

STANLEY VINES

If you want to know about voting statistics and election demographics in the State of Alabama, Stanley Vines is the man to see. With over 20 years of involvement in Alabama politics, he has gathered a wealth of information about voting trends. Stanley's political bloodline runs deep—his father's family has been active in politics in the Bessemer area for over a century. He began political work in 1976 and since that time, has set up phone banks and helped runs numerous campaigns for Alabama candidates. Stanley began serving as field representative in my Birmingham office in 1982, after a 41-year career with American Cast Iron Pipe Co. In the years since, he has helped me better present the people of

Alabama by keeping me abreast of the issues and events going on in that area. Born in Watson, AL, Stanley graduated from Birmingham's Phillips High School and attended Jefferson State Junior College. Stanley and his wife, Ethel Catherine Vines, have two sons, Thomas and James.

HEIDI WAGNER

Heidi Wagner has served as a front-office receptionist in my personal office and most recently as clerk and staff assistant for the Subcommittee on Administrative Oversight and the Courts minority staff. A Mobile, AL native, she graduated from the University of South Alabama and is working on a masters degree at American University here in Washington. She is the portrait of cool under pressure, since she is always able to handle even the most demanding tasks and situations with grace, professionalism, and good humor. She is sort of a word ''connoisseur,'' constantly challenging staff with the presentation of new words and definitions to enhance their vocabulary. Her ''Word of the Day'' feature appearing on computer screens each morning was often a welcome way to begin the day.

SALLY WALBURN

The first voice you hear when you call into my Washington office is that of Sally Walburn. Her cheery ''Senator HEFLIN's office, this is Sally. May I help you?'' has opened up hundreds of conversations with Alabamians. Sally has been my receptionist since June 1996. A native of Tuscaloosa, AL, she is the youngest child of Dr. and Mrs. James Walburn. Sally graduated from Ole Miss in May 1996 with a degree in English. Although her time on my staff has been brief, she has demonstrated her outstanding abilities in dealing with constituents on the ''front line.'' I wish her every future success.

JAMES G. WHIDDON III

Jim Whiddon is currently serving as my counsel on the Subcommittee on Administrative Oversight and the Courts and as legislative assistant for energy and natural resources issues. He has done an outstanding job on these and other issues that have come his way since joining the staff in 1993. He has been especially helpful on bankruptcy reform and the constitutional amendment to ban flag burning. Before moving to Washington, he worked in Atlanta. Jim, a native of Montgomery, attended the University of Alabama, where he earned his bachelor of science degree at Samford University in Birmingham, where he obtained his juris doctor degree from the Cumberland School of Law. He served as a law clerk to the Honorable Rodney R. Steele, Chief Judge of the U.S. Bankruptcy Court for the Middle District of Alabama.

JANETTA WHITT-MITCHELL

Janetta Whitt-Mitchell is a native of Mobile, AL. She graduated from Tuskegee University and is a longtime community activist and energetic advocate for the improvement of social conditions. Through her work as my Mobile field representative and other leadership activities, she had helped communities address needs related to health care, employment, human rights, education, law enforcement, economics, and drug abuse. She is a member of the New South Coalition and an associate of the National Organization for Women. She is also first vice president of Mobile's Human Rights Commission and serves on the board of directors of the National Coalition of 100 Black Women's Mobile County Chapter. The daughter of Mr. Charles and Mrs. Mary Lee Whitt, she is married to Dr. Joseph Colvis Mitchell. Janetta has been an invaluable member of my State staff and I truly appreciate her hard work and advocacy on so many issues and projects.●

TRIBUTE TO THORTON STEARNS

● Mr. KERRY. Mr. President, I am pleased to offer congratulations to Thorton Stearns, a graduate of the Massachusetts Institute of Technology and longtime resident of Winchester, MA, who is the first recipient of the Eugene Joseph McCarthy Philanthropist of the Year Award, presented by Winchester Hospital.

For more than 15 years, Mr. Stearns has generously supported the hospital's philanthropic efforts. He has embodied the spirit of philanthropy of Mr. Eugene McCarthy. Mr. McCarthy was a quiet, private, but generous man who upon his passing left Winchester Hospital and numerous other charities a $1 million bequest.

Thorton Stearns, known affectionately to the staff of Winchester Hospital as ''Thorny,'' has served the hospital as a corporator. He has acknowledged that his philanthropy has a component of self-interest, having said, ''I have used the hospital and I might need its services again; therefore, it is important that I support the hospital financially.''

Now chairman of the Vacuum Barrier Corp., which he founded in 1958, Thorton Stearns continues to be an active member of the Winchester community. I am pleased to recognize his efforts on behalf of Winchester Hospital and wish to congratulate him on being chosen as the first recipient of its Philanthropist of the Year Award.●

THE SCHOOL OF NURSING AT THE UNIVERSITY OF MARYLAND BALTIMORE

● Mr. SARBANES. Mr. President, I rise to offer my congratulations to the School of Nursing at the University of Maryland Baltimore campus and its dean, Dr. Barbara Heller, as ground breaking begins for a new, state-of-the-art facility designed to provide an exceptional environment for students to obtain a high-technology, interactive nursing education.

The 150,000-square-foot building will combine cutting edge technology with the existing topnotch, challenging curriculum. Since its establishment in 1889, the school of nursing in Baltimore has proven to be a nationally recognized leader in the nursing profession, providing high quality, specialized training for nurses across the country. The school ranks consistently among the top 10 schools of nursing in the United States and was recently listed as sixth in the Nation by U.S. News & World Report.

The school is a leading supplier of professional nurses for Maryland, with close to 82 percent of its graduates practicing in the State. With the increased demand for well-prepared nurses in health care delivery, I am confident that the school's graduates will provide this exceptional care to Maryland residents, as well as to all of our Nation's citizens.

As the first school in the world with a nursing informatics program, as well as the Nation's first program in nursing health policy, the School of Nursing at the University of Maryland Baltimore campus is a leader in providing the innovative knowledge and skills required to practice in an ever-changing profession. The school currently offers concentrations in a variety of fields including oncology, additions, neonatal intensive care, primary care, gerontology, informatics, and community-based care.

Mr. President, I was privileged to attend the ground breaking ceremony for this exceptional facility on September 27. I urge my colleagues today to join me once again in recognizing the school of nursing for its dedication to innovative educational programs of the highest caliber, its focus on community service, and its commitment to clinical research. The gifted students who will receive their education in this new facility will prove critical in ensuring that the people of Maryland and across the Nation will receive quality care in our changing health care environment.●

MARTIN LUTHER KING, JR. MEMORIAL

● Mr. SARBANES. Mr. President, I am very pleased that the Senate earlier this month passed legislation, as part of the omnibus parks bill, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Dr. Martin Luther King, Jr., in the District of Columbia.

I first introduced this legislation in the U.S. Senate in 1985 and have reintroduced it in each succeeding Congress. While we have been able to move this legislation through the Senate in two previous Congresses, until now it has failed to pass the House of Representatives. Fortunately, the bill has now also passed in the House of Representatives, thanks to the good work of Congresswoman MORELLA and Congressman DIXON.

Since 1955, when in Montgomery, AL, Dr. King became a national hero and

an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN, in 1968, Martin Luther King, Jr., made an extraordinary contribution to the evolving history of our Nation.

His courageous stands and unyielding belief in the tenet of nonviolence reawakened our Nation to the injustice and discrimination which continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the 14th and 15th amendments to the Constitution.

Mr. President, Martin Luther King, Jr., dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means, and a memorial in the Nation's Capital honoring Dr. King's tremendous contributions is long overdue. I want to again extend my thanks to all those who have worked so hard to bring this effort to fruition. Without their tireless efforts over the years, this important legislation would not have been enacted.●

HAROLD JINKS

● Mr. BUMPERS. Mr. President, Arkansas lost one of its treasures last week. Harold Jinks of Piggott, AR, whom Arkansans affectionately refer to as ''Mr. Democrat,'' passed away at the age of 90.

If the term ''yellow-dog Democrat'' were in the dictionary, Harold Jinks would be listed as the definition. Though Harold Jinks studied to be a farmer in school, it was the study and practice of politics that sustained him throughout his life.

A friend to many Presidents and to every major Democratic officeholder in Arkansas, Harold Jinks brought enthusiasm into every rook he entered. He admonished young people about their duty to vote and be involved in politics. To Harold, being a mere spectator in politics was a sin. You had a duty to be a player.

Active in his community and his church, Harold worked for many years at USDA and was at one time a special assistant to the regional director of the U.S. Postal Service.

Harold was southwest regional director for the Democratic National Convention in 1957 and attended most conventions thereafter either as a delegate or strong advocate for the national ticket. He chaired the Arkansas Committee on Seniors for Carter-Mondale.

In retirement, if you could call it that with Harold, he authored books and founded the Senior Democrats of Arkansas and served as chairman of the Arkansas Joint Legislative Committee of the National Retired Teachers Association and AARP. He also found time to organize the Washington-based Buy American Action Coalition to promote the buying of American products.

He was a walking whirlwind of activity, and always at work promoting a cause or a candidate. A virtual encyclopedia, he enjoyed the history of politics as much as he did the campaigns.

Mr. President, Harold Jinks taught us all the importance of being involved in our Government. He chided us when he thought we were dragging our feet and applauded us when we were conscientious. He was loved by those of us in Arkansas who shared his passion for politics, and he will be missed by all who had the good fortune to know him and be touched by him and his infectious enthusiasm for the political process.

Betty and I extend our deepest sympathy to Harold's lovely and devoted wife, Wilma. We owe her our gratitude as well for sharing Harold with us.●

TRIBUTE TO LT. GEN. RONALD R. BLANCK

● Mr. THURMOND. Mr. President, reaching the top of one's profession is perhaps the most rewarding experience any person can achieve in their career, and today, I pay tribute to a good friend, Lt. Gen. Ronald R. Blanck, who has reached the pinnacle of the Army's Medical Corps with his promotion to the position of Surgeon General of the Army.

When one thinks of military medicine, the image that comes to the minds of most people is that of an Army medic rushing to the aid of a fallen comrade. While there is probably no sight more comforting to a wounded soldier than a medic, Army medicine goes far beyond the soldiers who brave fire on battlefields in order to save lives. Included in the Army Medical Corps are doctors, nurses, and specialists of all kinds who serve in a sophisticated system of clinics, hospitals, and research facilities. No matter where they are stationed, soldiers have access to excellent care thanks to the efforts of the selfless men and women of the Medical Corps and the leadership provided by the Surgeon General of the Army.

As he packs his bags and leaves the Capital area for his new job at Fort Sam Houston, TX, General Blanck assumes this post with the praises of his patients, as well as his peers in both the Army and in the medical fields of the other services. Throughout his career as a doctor and Army officer, the new surgeon general has established a respected, and well-deserved, record for professionalism, leadership and, most importantly, compassionate care. Beginning with his initial assignment as a battalion surgeon in Vietnam to his tenure as the commander of Walter Reed Army Medical Center, General Blanck has repeatedly sought innovative and more efficient manners in which to treat patients, demonstrated an ability to find solutions to complex tasks, and been an advocate for research into treatment that will benefit soldiers. Without question, General Blanck brings an impressive set of credentials to the Army's top medical post.

Mr. President, as General Blanck assumes the responsibilities of being the principal medical advisor to the Chief of Staff of the Army, I am certain that he will approach his job with enthusiasm, seriousness, and with a commitment to excellence. I wish him continued success in his duties and commend him for the service he has rendered the Army and the Nation.●

TRIBUTE TO THE LATE MABEL LEE BURROUGHS

● Mr. THURMOND. Mr. President, I today pay tribute to Mrs. Mabel Lee Burroughs, who recently passed away after leading a very long and rewarding life.

The region of South Carolina that stretches from just north of Charleston up to the North Carolina line, and only a few hundreds west—literally not much further than a stone's throw from the edge of the sand dunes—is known as the Grand Strand. This area has always been famous for having some of America's most beautiful beaches, and for years it has been one of the favored vacation destinations of people from around the world.

Much of the popularity of the Grand Strand can be attributed to the work and vision of the Burroughs family. The late James Burroughs, Mabel's husband, was a successful community and business leader who, along with a number of other individuals, became interested in the commercial potential of the Grand Strand as a resort area. In the years following World War II, these development pioneers were responsible for converting Myrtle Beach from a quiet and little known stretch of sunkissed sand to an area that offers unlimited recreational opportunities for tourists and South Carolina residents. This tradition of entrepreneurial spirit and business success is being carried on by Egerton Burroughs, the son of Mabel and James, who is the developer of the successful and popular family attraction, Broadway on the Beach.

Without question, the late Mrs. Burroughs played an important role in her husband's business successes, and certainly served as a trusted adviser in his dealings. For almost 20 years she served as an account associate with the family-owned firm, Myrtle Beach Farms, as well as being an original trustee and secretary treasurer of the Burroughs Foundation, a philanthropic organization.

Mrs. Burroughs was more than a loyal wife, dedicated mother, and successful businesswoman, she was also a public spirited citizen who gave much of herself to the people of Myrtle Beach. Born in Loris, SC, which is just a short distance from the beach and is in the heart of my State's tobacco country, Mabel Burroughs learned at an early age the importance of community and working together. Throughout her life, Mrs. Burroughs was active in a number of causes that sought to make

our State a better place, and she approached these endeavors with enthusiasm and commitment. Additionally, she was a devoted Christian who gave freely of her time and was strongly involved in her church and parish.

Mr. President, with the death of Mabel Lee Burroughs, South Carolina has lost one of its most well known, well liked, and well respected daughters and business leaders. I join the entire Burroughs family in mourning this passing and extend my deepest sympathy to Mrs. Burroughs' sister, Ruby Lee Hughes; two sons, Egerton and Howard; and her two grandchildren.●

REPORT CONCERNING THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY [LIBERTAD] ACT OF 1996

● Mr. HELMS. I wish to bring to my colleagues' attention a report submitted by the Secretary of State on ''The Settlement of Outstanding United States Claims to Confiscated Property in Cuba'' as mandated by Public Law 104–114, the Cuban Liberty and Democratic Solidarity [LIBERTAD] Act, and I ask that it be printed in the RECORD.

The report follows:

DEPARTMENT OF STATE,
Washington, DC, September 27, 1996.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee, U.S. Senate.

DEAR MR. CHAIRMAN: In accordance with the provisions of the Cuban Liberty and Democratic Solidarity Act of 1996, we are filing with the Senate Foreign Relations Committee the report entitled the Settlement of Outstanding United States Claims to Confiscated Property in Cuba, required by Section 207 of the Act.

Copies of this document are also being filed with the House International Relations Committee, the Senate Appropriations Committee and the House Appropriations Committee.

Please do not hesitate to contact us if you have any questions on this issue or on any other matter.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

Enclosure: Section 207 report.

SETTLEMENT OF OUTSTANDING UNITED STATES CLAIMS TO CONFISCATED PROPERTY IN CUBA

(Report to Congress Under Section 207 of the Cuban Liberty and Democratic Solidarity Act of 1996)

Section 207 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 requires the Secretary of State to ''provide a report to the appropriate congressional committees containing an assessment of the property dispute question in Cuba.'' Pursuant to section 207(a), included in this report are the following areas of review:

An estimate of the number and amount of claims to property confiscated by the Cuban government that are held by United States nationals in addition to those claims certified under section 507 of the International Claims Settlement Act of 1949, 22 U.S.C. 1643f;

An assessment of the significance of promptly resolving confiscated property claims to the revitalization of the Cuban economy;

A review and evaluation of technical and other assistance that the United States could provide to help either a transition government in Cuba or a democratically elected government in Cuba establish mechanisms to resolve property questions;

An assessment of the role and types of support the United States could provide to help resolve claims to property confiscated by the Cuban government that are held by United States nationals who did not receive or qualify for certification under section 507 of the International Claims Settlement Act of 1949; and

An assessment of any areas requiring legislative review or action regarding the resolution of property claims in Cuba prior to a change of government in Cuba.

ESTIMATE OF CLAIMS

Under the Cuban Claims Program, established by Title V of the International Claims Settlement Act of 1949, as amended in 1964, 8,816 claims were filed with the Foreign Claims Settlement Commission (FCSC). In 1972, the FCSC completed its Cuban claims program and certified 5,911 claims against the Cuban Government. The value of these claims was originally $1.8 billion, but is now estimated with interest to be approximately $6 billion.

No systematic accounting has ever been done for claims of U.S. nationals in addition to those claims cetified under the FCSC's Cuban Claims Program. Virtually all such claims are held by individuals and companies that were not U.S. nationals or entities at the time of the loss. Based on the approximately 1.5 million Cuban-Americans in the United States and the U.S. government's previous experience with claims resolution, we would estimate that there may be from 75,000 to 200,000 such claims. It is more difficult still to estimate the value of these claims, but it could run easily into the tens of billions of dollars.

SIGNIFICANCE OF PROMPT RESOLUTION TO THE CUBAN ECONOMY

The prompt resolution of confiscated property claims is essential to the revitalization of the Cuban economy under a transition or democratic government. Cuba's recovery from decades of economic mismanagement will require the creation of a climate friendly to investment, and a clear commitment to property rights is indispensable for creating such a climate. Progress in resolving uncompensated claims will serve as a signal to new investors, foreign and domestic, that transition and democratic governments understand and respect the importance of private property.

It will also be particularly critical to clear up questions concerning title to commercial properties that play, or could play, major roles in Cuba's economy. Delays in doing so will almost certainly delay investment necessary to continue, restore and/or upgrade operations at commercial facilities. Delays of this kind would constitute serious setbacks to a new government's efforts to increase employment and restore the country's fiscal health.

Beyond building confidence in Cuba among potential new investors, the process of claims resolution, if carried out creatively and effectively, may itself generate investment in Cuba by the holders of claims. Negotiating a resolution of certified claims will be an important step. Holders of certified U.S. claims in Cuba include some of the United States' largest and most successful corporations, many of which may be interested in renewing their involvement in Cuba under the right conditions. Resolution of non-certified claims will also be important to attracting new investment.

While prompt resolution of property claims is essential, it will not be easy. Experience in other countries making the transition from Marxist to market economies has shown that resolution of most expropriation claims can take several years, even when governments move expeditiously to set up the proper mechanisms to do so. While they are engaged in these efforts, these new governments have also been faced with a myriad of other political and economic challenges. The United States' goal in these transitions has been—as it will be in Cuba—to help the new governments maintain stability, overcome these many challenges and firmly establish democratic governments and market economies. Within this broader context, and balancing objectives when necessary, prompt resolution of property claims is a priority for the U.S. government, both in order to protect the interests of U.S. claimants and to stimulate investment in a new Cuba.

ASSISTANCE AND SUPPORT FOR RESOLVING PROPERTY CLAIMS

Consistent with long-standing practice and international law, the United States would expect to assist U.S. nationals with claims against the Government of Cuba. One aspect of such assistance may be the negotiation of a lump-sum settlement of certified claims, as forseen by the FCSC's Cuban Claims Program under Title V of the International Claims Settlement Act. The timing of any such negotiation cannot be predicted now.

Resolution of non-certified property claims and disputes in Cuba could be facilitated by technical and other assistance from the U.S. government. Programs of this kind could assist officials of a transition or democratic Cuban government in the development of policy alternatives, formulation of legal and administrative mechanisms, public education campaigns and institution-building. Such assistance may enhance the government's ability to resolve claims and thereby improve claimants' prospects of obtaining compensation or restitution for confiscated property. Assistance in this area could include help in interpreting and evaluating the experience of other countries in resolving property issues, assessing the potential impact of various alternatives, and training officials in consensus-building processes in Cuba. In one instance, a U.S. technical adviser worked with a government's ministry of finance to develop a compensation program based on indemnification bonds.

American assistance would reflect the lessons learned from major property disputes with respect to governments in transition to democracy. Elements of a successful claims resolution strategy include:

Rapid establishment of a legal framework for property ownership.

An administrative process for claims resolution that is centralized, transparent and simple.

A credible and fair system for payment of compensation to legitimate prior owners where restitution is not provided.

Effective enforcement of both restitution and the payment of compensation from national treasury reserves.

U.S. assistance and support for resolving property claims might therefore include the following elements:

U.S. technical advisers could assist in the drafting of legislation and supporting regulations which are essential to creating a functioning compensation program. Some elements of a program might include establishing legal bases for arbitration mechanisms, creating financial instruments and other reforms to underpin compensation schemes, and suggesting property titling or registration reforms related to providing secure and transferable ownership rights of both claimants and individuals in Cuba.

U.S. experts could review for a democratic or transitional government in Cuba the institutional support required for resolving

property disputes. This could include an assessment of the best institutional practices developed elsewhere, and development of the information and administrative systems necessary for effective implementation. Key to getting such a program started could be various sorts of training, advice regarding information systems, hardware and software, property surveying and registration systems, and assessing operational, management and staffing costs for administration.

U.S. advisers could help in the development of a plan for educating the Cuban public about the nature and basis of such a system. Such a program could require a significant commitment of effort and resources by a future Cuban government and the U.S. government. This effort could focus on gauging public opinion and identifying concerns and issues of potential stake holders in the reconciliation process to ensure policy and legal solutions are responsive.

Intenational financial institutions could develop and carry out programs with similar goals and along these lines.

Various agencies of the U.S. government may be available to provide such assistance. For instance, the FCSC may be able to offer technical assistance to a transition or democratic government in Cuba, as well as to interested NGOs and independent organizations, in the efforts to resolve property disputes. Such assistance could include advice on structuring a claims adjudication or arbitration mechanism is Cuba, assistance in devising procedures for collecting, hearing and disposing of the claims, and advice on principles to follow in resolving claims involving property that has been substantially altered subsequent to being taken.

ASSISTING U.S. NATIONALS WITHOUT CERTIFIED CLAIMS

Assisting a democratic or transition government in its efforts to establish an efficient property resolution mechanism will directly support the efforts of non-certified claimants to obtain compensation in Cuba. In addition, the U.S. government may provide various forms of support to U.S. nationals wishing to present claims to such a domestic Cuban body. Such support could include ensuring that interested persons obtain the necessary papers to file their claims; encouraging a transition or democratic government to resolve such claims promptly and effectively; monitoring the progress of claims settlement and, where necessary, offering creative solutions to difficult problems; and providing informal assistance to claimants seeking to understand the process and present a claim. In the case of Central and Eastern Europe, for instance, the U.S. government—principally through the special envoy for property claims in the region—has actively promoted the resolution of claims arising from both Nazi confiscations and Communist nationalizations.

LEGISLATIVE REVIEW

At this time, there are no areas requiring further legislative action regarding the resolution of property claims in Cuba prior to a change of government in Cuba. Once a transition or democratic government comes to power in Cuba, however, it will be important for the Administration and Congress to consult closely as conditions change in Cuba to assist in the resolution of property claims in Cuba in a manner that contributes both to the development of a strong bilateral relationship with a democratic Cuba and to Cuba's economic recovery.●

TRIBUTE TO THE NEW HAMPSHIRE SPECIAL OLYMPICS AS THEY HOLD THEIR FIFTH ANNUAL FALL GAMES

● Mr. SMITH. Mr. President, I today recognize the New Hampshire Special Olympics participants and volunteers as they hold their fifth annual fall games, their second largest event of the year. On October 26, more than 550 athletes, 200 coaches, and 300 New Hampshire volunteers will gather in Concord, NH to participate in the Special Olympics fall games. The games, which will be held on the beautiful campus of St. Paul's School, are certain to be met with enthusiasm and excitement by participants and volunteers alike. I would like to extend a special New Hampshire welcome to everyone who will partake in this special day.

Above all else, I would like to recognize the participants. All 550 athletes devoted countless hours and a tremendous amount of hard work and perseverance in preparation for this event. I truly admire their dedication and courage as they come forward to compete in these seven difficult sporting events. All of them are top-notch athletes and should be very proud of their efforts. May all the Olympians enjoy their day.

The New Hampshire Special Olympics fall games would not be possible without the help of so many volunteers who work behind the scenes. Volunteers are truly essential to the success of the fall Special Olympic games. I would like to extend a heartfelt thank you to all the New Hampshire volunteers who make this wonderful day possible.

I would also like to commend New Hampshire Special Olympic's executive director, Mike Quinn, and his capable staff. They have dedicated countless hours of their time to make the Special Olympics a success, and have allowed the residents of New Hampshire to come out and show their Granite State spirit.

Without the support and contributions of a number of sponsors, the New Hampshire Special Olympics would not be able to hold their fall games. Among these supporters are St. Paul's School, the National Guard, Derryfield School, Merrimack County Savings Bank, AMR/Chaulk, Ambulance Services, and many more. Once again, I extend my thanks to those who made a contribution to this phenomenal program.

May the fifth annual fall games be a success and continue to flourish in the future. I wish all the Olympians the very best as they compete in the New Hampshire fall games. We are all very proud of you.●

TRIBUTE TO NEW HAMPSHIRE ALLIANCE FOR THE MENTALLY ILL ON THE OCCASION OF THEIR 17TH ANNUAL CONFERENCE AND MEMBERSHIP MEETING

● Mr. SMITH. Mr. President, I today pay tribute to the Alliance for the Mentally Ill of New Hampshire on the occasion of their 17th Annual Conference and Membership Meeting. This educational conference is being held on October 26 at Rundlett School in Concord, NH. Those participating will have an excellent opportunity to attend workshops, view informative displays, and talk to alliance members. I congratulate all the alliance volunteers for hosting this important conference and extend a special welcome to those who will be in attendance.

The New Hampshire Alliance for the Mentally Ill strives to better the lives of those with mental illnesses or serious emotional disorders, promote the rights of the mentally ill, and educate the public about mental illness. Their goals are to highlight numerous services available to the mentally ill, especially focusing on youngsters and seniors.

I commend the New Hampshire Alliance for the Mentally Ill for their hard work and dedication to increasing the level of awareness of mental illness. Their conference will provide an excellent opportunity for those attending to learn more about the alliance and their objectives. Again, I would like to welcome all the participants who are attending this educational conference and congratulate those who have worked so hard to organize the conference.●

TRIBUTE TO NEW HAMPSHIRE'S NATURE CONSERVANCY CHAPTER FOR RECEIVING THE NATIONAL PROGRAM PROGRESS AWARD

● Mr. SMITH. Mr. President, I today pay tribute to New Hampshire's Nature Conservancy for receiving the National Program Progress Award. The New Hampshire chapter was presented with this award, one of the Nature Conservancy's highest honors, at the Nature Conservancy's National Annual Trustees Meeting on September 30.

The New Hampshire chapter has earned this award for their outstanding work in protecting Sheldrick Forest, a 227-acre old-growth forest located in Wilton, NH. The conservancy launched a multifaceted grassroots campaign to save the forest from development. Through its campaign the conservancy raised the property's purchasing price to $550,000. The New Hampshire chapter also purchased Sheldrick Forest, making it the conservancy's 17th preserve in the State. This was an outstanding accomplishment.

In addition to the conservancy's dedicated actions to save Sheldrick Forest its members were recognized for their efforts to protect the Great Bay estuary system, for supporting the Maquipucuna Cloud Forest Reserve in Ecuador, and for creating the Mount Teneriffe preserve in Milton, which is home to a federally listed endangered orchid species. The New Hampshire Nature Conservancy chapter has worked hard to preserve New Hampshire's

beautiful environment. The conservancy's members should be proud of this distinguished award and their great success in preservation that it celebrates.

A national awards committee, drawn from among the Nature Conservancy's 50 State chapters, its 21 programs in Latin America, and its offices on the Pacific Rim and in Indonesia, selected the New Hampshire Chapter for the National Program Progress Award. The award recognizes a conservancy chapter that has made the greatest progress during the past year in building its overall program, and achieving the conservancy's mission of protecting land that harbors rare and endangered plants, animals, and ecosystems.

At the Nature Conservancy's National Annual Trustees Meeting last month, the group's president and CEO, John Sawhill, spoke about the dedication and inspiration of the New Hampshire chapter by saying, ''I was amazed that so many people from all walks of life were involved in raising the money for this project and how the local community embraced our effort to save the forest * * * I believe Sheldrick Forest can serve as an inspiration to us all.'' The New Hampshire chapter sets an excellent example for environmental preservation in New Hampshire and for other parts of our country.

The New Hampshire chapter has certainly made our State very proud of their efforts. Congratulations to the New Hampshire Nature Conservancy on this distinguished award. May they continue to protect and preserve our beautiful New Hampshire's forests.●

THE CONTINUED IMPORTANCE OF HEALTH CARE REFORM AND MEDICAL RESEARCH

● Mr. HEFLIN. Mr. President, over the years, we have participated in many efforts to assist the people of Alabama and the Nation in the area of health care, particularly in insuring adequate funding for biomedical research programs. The various budget battles to ensure that cancer research is maintained at the highest effective level became an annual effort during my tenure as a U.S. Senator.

During the mid-1980's, it became necessary for me to author several amendments to various spending bills in order for important cancer research to be adequately conducted.

Cancer is a disease that knows no class, income levels, lifestyle, race, or sex. It can strike anyone at any time, as evidenced by studies estimating that almost 1 million Americans develop this deadly disease annually.

In Alabama, important research through grants from the National Institutes of Health [NIH] is being carried on at 13 universities, hospitals, and research institutes. Research particularly crucial to our efforts to conquer cancer is being done at the University of South Alabama in Mobile, the Southern Research Institute in Birmingham, and the University of Alabama at Birmingham. These institutions are well known for their important contributions to cancer research.

The cancer research community throughout America, and the world, knows that one of the true flagships of cancer research is the Cancer Core Center at UAB, which has been listed among the three top U.S. centers for cancer research. It is one of the first centers recognized by the National Cancer Institute, and has experienced remarkable growth. In addition, it has developed some of the most sophisticated resources for basic science and clinical care in the southeast, and it is now a regional, national, and international resource for patient care and research.

Through the National Institutes of Health, we have been successful in getting funds to establish grants for sickle cell centers at UAB, and the University of South Alabama. Sickle cells, or sickle cell anemia, is predominately an inherited, chronic blood disease where the red blood cells become crescent shaped and function abnormally. This is how it got its name. The pains from this disease are due to aggregations of sickle cells causing a temporary blockage of the small blood vessels. These cells are subject to early destruction in the circulation, causing a chronic anemia. Although it occurs primarily in people of African heritage, with one out of 400 African Americans affected, it also occurs in persons from Mediterranean and other countries. A clinical alert issued by health care professionals in January 1995 by the National Heart, Lung and Blood Institutes announced an effective treatment of an anticancer drug which showed a remarkable reduction with regard to the complications of this disease.

In addition, other biomedical research is being conducted at Alabama A&M University, and Tuskegee University Veterinary Medicine program. Both these historical black universities have received funds for biomedical, as well as agriculture research. This includes my sponsorship of the amendment to the farm bill, providing $50 million to legislation involving the 1890 land grant colleges, where Alabama A&M University and Tuskegee University were the top beneficiaries.

In the mid-1980's, the Marshall Space Flight Center and the University of Alabama at Birmingham [UAB] made a major contribution to our Nation's cancer research efforts by managing a program for protein crystal growth experiments on the space shuttle. For years, UAB has been a world leader in this type of research, with their knowledge having been crucial in the development of new drugs to treat critical illnesses. I feel considerable pride that I changed a working relationship between UAB and Marshall Space Flight Center. The restrictions on gravity, however, created difficulties in growing protein crystals large enough for detailed study. In space, where there is no gravity, it was discovered that these crystals can be grown many times larger than on Earth, thus giving researchers samples large enough for accurate atomic characterization.

During my years in the Senate, I have been an ardent believer of our space program. I feel this contribution by Marshall Space Flight Center, and UAB is indicative of the benefits society can reap from a successful space program. Likewise, I have helped in restoring funds for the National Heart, Lung and Blood Institute [NHLBI] of the National Institutes of Health. Discussions have been held with Dr. Claude Lenfant, Director of NHLBI, on many occasions regarding the research at UAB in the area of cardiology, led by Dr. Gerald Pohost. Both Dr. Lenfant and I have had the distinction of testifying before this Subcommittee on Appropriations for the Department of Labor, Health and Human Services and Education and Related Agencies of the Senate Appropriations Committee, regarding this research.

At UAB, the cardiology division is one of the leaders in the Nation in research and teaching in clinical diagnosis and treatment. With areas of special expertise in the treatment of sudden death, interventional cardiology, cardiac transplants, and magnetic resonance imaging, the division continues to set the course for the future in basic and clinical research, and for the treatment of all forms of cardiovascular disease.

Over the years, I have strongly supported appropriations for the National Institutes of Health. My testimony before the subcommittee focused primarily on the critical importance of funding for the National Cancer Institute, the Centers for Research Resources [NCRR], and the National Heart, Lung and Blood Institute. In my opinion, NCRR never received the attention it deserved.

I was convinced that the biomedical research technology program at the University of Alabama's center was outstanding. It involves a unique, high-field magnetic resource image. This device has the potential to study the biomedical basis of human diseases without biopsy. These magnetic resonance mehtods have the capacity to determine tissue viability, as well as to examine biochemical and metabolic processes underlying heart disease, transplantation, rejection, and other common cardiac maladies.

On several occasions, I visited the National Institutes of Health to discuss their programs and goals. I was most impressed with the competency and quality of their operations. NIH is responsible for placing the United States in a position of preeminence in biomedical research and biotechnology. During my tenure in the Senate, it was determined that we could not let this prime example of excellence deteriorate, especially when so many advances are being realized. Supporting the National Heart, Lung and Blood Institute

has been one of my pet priorities. It provides leadership for our national programs dealing with diseases of the heart, blood vessels, blood and lungs, and the use and management of blood and blood resources.

In 1989, Congress provided $640 million for heart disease research, and by 1994, these estimates had grown to $737 million. These figures are for heart disease research, and I am proud to have been a leader with regard to providing Federal support in this area.

For the National Heart, Lung and Blood Institute, appropriations including grants and direct operations went from $10,725,000 in 1950, to an appropriation of $1.2 billion in 1994. Perhaps because of my own health, I have great faith in the work of the National Heart, Lung and Blood Institute. In fact, my own heart problems were solved with many techniques developed under advance research which took place at UAB in Birmingham, and elsewhere in the country. Drs. Pohost and Roubin—my physicians in Birmingham—took excellent care of me, and showed me how much our country can benefit from clinical research supported by the Heart, Lung and Blood Institute.

In February 1993, when the administration forwarded its budget proposal for 1994, it was $16 million less than the previous year's budget. Immediately, I went to work with a group of my colleagues in the House and Senate to increase the budget of the NHLBI to a more reasonable level of $1.27 billion, which was $75 million more than the administration's request—an increase of $63 million over the 1993 budget. This set the stage for an annual increase. Also, this year, I urged Congress to establish a cardiovascular care consortium center to be headed by Dr. Pohost at UAB. The Conference Report on Labor, Health and Human Services and Education Appropriations included a $2.5 million for a project which the University Cardiovascular Care Consortium [UCCC] had proposed. It is called a best practices demonstration project, and we were able to convince the Health Care Financing Administration to endorse brief supportive language in the conference agreement to help ensure that this project recevies high priority.

Although we were not able to adopt the provisions of the consortium in the appropriations bill, I have joined several Senators in contacting officials of the Health Care Financing Administration, urging the officials to move forward with a best practices demonstration project on congestive heart failure that the Senate Committee on Appropriations referenced in its fiscal year 1997 report. Congestive heart failure is the leading cause of mortality among Medicare beneficiaries. It is also the most costly diagnosis for the Medicare Program. A successful effort to develop and implement improvements in the quality and cost effectiveness of heart failure diagnosis and treatment would improve patient outcomes, thus reducing Medicare expenditures.

The most contentious battles in my fight for improving health care and disease prevention for all Americans involved the Medicaid Program. Shortly after I took office in the U.S. Senate, officials of the Alabama Medicaid Agency contacted my office complaining that the Health Care Financing Administration in Washington was requiring the State of Alabama to return $10 million to the Federal Government. Apparently, the State had authorized distribution of durable medical equipment, which at that time was not allowable under the Federal Medicaid regulations. The Medicaid Program is administered at the State level within certain general Federal guidelines. I was advised that the State of Alabama could ill-afford to lose $10 million from its Medicaid budget. Therefore, my office successfully negotiated a settlement in favor of the State of Alabama with HCFA officials involving this dispute of Medicaid funds.

As with cancer research, funding for Medicaid was virtually an annual battle. When Congress considered the 1993 omnibus budget reconciliation bill, I urged an amendment which was adopted, thus giving relief to hospitals that treated a high disproportionate share of poor patients. This legislative action resulted in the State of Alabama receiving annually $93 million additional dollars in Medicaid funds. This was because of the transitional amendment to the Omnibus Budget Reconciliation Act.

During the summer of 1996, after the transitional period had passed, a glitch again appeared in the flow of Federal funds to Alabama, causing Federal officials to withhold about $94 million. I stayed in Washington during a recess period, endeavoring to work out a settlement of the issues between HCFA and the Alabama Medicaid Agency. We were able to negotiate a temporary settlement in this regard. The Alabama Medicaid Agency and my office negotiated with HCFA officials relative to a commitment by Alabama to comply with Federal requirements regarding patient's hospital payments, and to attempt to address HCFA's concerns with its hospital payment system. HCFA released the funds based on the State's commitment.

Problems occurred in the Medicaid Program because of the method by which Alabama finances its Medicaid Program through so-called intergovernmental transfers, a method of counting some funds from State and county hospitals as part of its Medicaid share. Alabama now receives about $2.089 billion annually in Medicaid funding. This means that Alabama's contribution should be over $800 million. However, the fact remains that Alabama's general fund has been appropriating only about $140 t0 $150 million each year for Medicaid.

This year, two different supplemental appropriations in the amount of $10 million brought it up to a level of $169 million. The difference between this amount and the $800 million match has caused chronic disputes between HCFA and the Alabama Medicaid Agency. Being able to avoid putting up Alabama's Medicaid share in real dollars has been a mixed blessing. It has certainly saved Alabama's general fund from going into serious deficit, due to the rapid increase in overall Medicaid expenditures caused in part by additional services mandated by Congress. In turn, this has enabled the State to keep taxes low, and to avoid having to shift funds from other needed services, including education.

In September 1996, I was delighted when HCFA agreed to a request by the State's congressional delegation to release $94 million in moneys that had been withheld from the Medicaid Program in Alabama. Sooner or later, Alabama is going to be required to find some additional money to put into Medicaid. Thus, finding a solution to our most recent Medicaid crisis will not be easy, and I do not believe the answer we found will last very long. Accordingly, we will need to start thinking about what we are going to do with this fix expires.

Looking to the future, Alabama's Representatives and Senators in Washington must examine all Medicaid reform proposals with great care. Such proposals offer States much greater flexibility in designing their Medicaid programs. This is clearly positive. If we do a good job, we can offer more cost-effective services to Medicaid recipients. But we must remember that the price of this flexibility may be that the Federal Government may at some point stop paying 70 percent of these health care costs. Alabama taxpayers will then have to pick up 100 percent of the additional cost, including, for example, the nursing home bills of our rapidly increasing number of elderly citizens. This is a big price to pay, and we had better be certain what we are doing.

In essence, the Federal Government should supply about 70 percent of Alabama's Medicaid funds and the State should supply about $700 million. However, in actuality, the Federal Government is supplying about 92 percent of the Medicaid fund, and the State is supplying about 8 percent. The settlement we just reached would not only release $94 million in 1996, but it would release about $94 million in each of the next 5 years.

There is a movement in Congress to block grant Medicaid programs. However, it seems that the Federal Government would not block grant the almost $2.1 billion that it is giving our State. It is likely that the Federal Government would only block grant $1.4 billion, which would represent the 70 to 30 percent ratio. This means the State would have to appropriate $170 million.

Therefore, if you add $1.4 billion in Federal shares, and $170 million in State shares, you will reach a total of

$1.57 billion. This is $530 million short of what is currently being funded for Alabama's Medicaid. There are no easy answers. There is much work that remains to be done.

Additionally, in the area of public health education, I sponsored legislation to establish two health facilities at the University of Alabama at Birmingham to honor two of Alabama's legendary Senators; namely, the John J. Sparkman Center for International Public Health Education, and the Lister Hill Center for Health Policy. With $5 million in appropriations to the Lister Hill Center, and $4 million in funds appropriated to the John J. Sparkman Center, both centers have been instrumental in developing research programs that address the needs in public health in the United States, as well as other developing countries.

Initiated in 1980, the John J. Sparkman Center for International Public Health Education [SCIPHE] was provided initial support when Congress authorized funding for the establishment of an endowment at UAB. The endowment assures long-term support SCIPHE programs and activities which should be conducted primarily onsite in developing countries rather than at UAB or other academic institutions. Thus, the primary mandate of SCIPHE is to promote and provide sustainable training strategies for public health professional in developing countries.

The Lister Hill Center [LHC] for Health Policy is also a congressionally endowed center, with a university-wide mission to facilitate the conduct of health policy research, in addition to disseminating the findings of that research beyond the usual academic channels. It also fosters research primarily through the work of its scholars in the areas of health care markets and managed care, maternal and child health, management in public health organizations, and clinical health services research. Scholars with national reputations in an area pertinent to health policy are invited monthly to give seminars. These seminar series are free of charge and are open to the UAB community.

I was asked by officials at UAB, Auburn Veterinary Medicine School, NIH and the National Association of Bio-Medical Research Association to pass legislation making it a Federal crime to damage or destroy medical research centers. One of the awards I am most proud of is the Outstanding Service to Science Award from the National Association of Bio-Medical Research for passing such legislation as well as other contributions I made to biomedical research.

I am proud to have played a small role in the promotion of health care and medical research during my tenure in the Senate. No one can argue that this type of reform and research are crucial to the future of our Nation and the well-being of our citizens. I am also proud that my home State is playing such an important role in this area.

While we cannot ignore the need for improving access to quality health care, we also cannot forget the importance of medical research, health education, and disease prevention.●

THE IMPORTANCE OF CONTINUED SPACE EXPLORATION AND RESEARCH

● Mr. HEFLIN. Mr. President, at the beginning of my first term, my appointment to the Commerce Subcommittee on Science, Technology and Space was beneficial, primarily because my home State of Alabama contains the Marshall Space Flight Center in Huntsville. Alabama is historically an economically disadvantaged State, and by creating a high-technology corridor through northern Alabama, we have been able to provide jobs at NASA and the defense and space-related activities in the area. Alabama is now near the top of the list in terms of the number of high-technology industries.

But in fairness, it should be understood that a Senator learns to have a dual purpose in what he does. It may sound cynical to say that I was working for my own State and my own electorate, but that was my job. I didn't have any particular expertise in the Space Program before arriving here, but learned about it because it was important to Alabama. My predecessor in the Senate, John Sparkman, had also taken an interest in space policy. He was a native of Huntsville. While serving on this subcommittee, an appreciation of the national, and in fact global, need to pursue the study and exploration of space and also an appreciation of the need to travel in space in order to expand the scope of humanity became more clear to me. Joe Moquin and Charles Grainger, who represented the Federal Affairs Division of the Huntsville Chamber of Commerce, as well as others, were helpful as I studied these exciting issues.

Recent advances at NASA highlight these needs powerfully. Our voyages to Mars, combined with a recent discovery on Earth, have allowed us to deduce that life may have existed on another planet. The Hubble space telescope has given us a better understanding of the universe. The space station, which is now called Alpha, will allow Americans to stay in space permanently and conduct manned scientific experiments.

Many have complained that the space program is too expensive and it yields little for the investment. But the space program provides a far greater return than its cost. Satellites have redefined the way we communicate, and they have reshaped our economy. However, even this immediately practical benefit is outweighed by other, more intangible gains. The knowledge we can gain in physics and technology has proved itself nearly unlimited. And there are unexpected benefits of the program, including what we can learn about our own planet, the advances we can make in the field of medical research, and the international diplomacy we will develop with the space station.

I want to take some time here to summarize my activities relative to the space program, particularly regarding the space station and Marshall Space Flight Center. On a personal level, I am proudest of being the first Senator to call for and push for the development of a space station and also to have been a strong supporter of the shuttle program. Marshall has been central in both of these projects, and members of the Alabama congressional delegation have done our best to see that this remains the case.

Maintaining the independence and viability of NASA has been one of my top priorities. The agency has suffered a number of public relations problems in recent years, beginning with the Challenger explosion, followed by the failure of the Mars orbiter, and highlighted by the initial embarrassment of the Hubble telescope. But even before these setbacks, the military space budget had grown larger than NASA's. Of course, I have advocated ABM defenses, including some space-based projects for the future, longer than any other Senator. But NASA's civilian, independent status is necessary for the space program. For this reason, it was necessary to oppose intrusions such as military control of the heavy lift launch vehicle, which was proposed after the shuttle disaster, and each year, to work as hard as possible to see that NASA received the money it needed to continue to serve as a viable agency and to accomplish its specific aims.

Of course, it is NASA, the Marshall Space Flight Center, and the universities and businesses in Alabama who deserve the real credit. They are the minds who develop this astounding technology and reshaped the State. As a Senator, my aim was to do everything possible to support them consistently.

In 1979, we worked to ensure that the Commerce Committee approved a $185 million supplemental authorization for Marshall to develop the space shuttle. In fact, the overall funding for the center had increased by $100 million since the previous year. We also worked to persuade the members of the Appropriations Committee to fund the shuttle, and they provided nearly our full request.

My subcommittee also approved $5 million for the gamma ray observatory project, to be developed at Marshall and launched by the space shuttle, and it authorized a fifth shuttle and a national oceanic satellite system. However, the full committee cut these three programs, so we set out to be certain that they would pass in later years.

In 1980, the Commerce Committee approved an authorization to build a fifth shuttle, but the conference committee dropped it in the final bill. However, the Congress did pass increases for

NASA over the administration's request.

In the committee, my amendment to add $12 million to the NASA budget to begin development of the solar electric propulsion system—called SEPS—at the Marshall Center was attached. The program was a $300 million program, spread over 5 years. Although it was originally in the fiscal 1981 budget, OMB had eliminated it over NASA's objections. This reusable system offered the high energy to fly demanding and complex missions that would otherwise require several expensive and expendable stages. That year, both Houses passed authorizations for this program. Both Houses also passed authorizations for the gamma ray observatory and the national oceanic satellite system. That same year, at a subcommittee hearing in Huntsville, I urged NASA to increase laser research and development at the Marshall Center. My argument for the increase was that the Soviets were spending at least three to five times America's $5 million annual budget on laser development. The continued research and development of laser technology was only one of the goals for the United States in the 1980's, but the potential benefits of laser power in both military and civilian applications mandate an accelerated interest by the scientific and industrial communities.

This hearing was part of a series conducted largely to investigate the potential of lasers in defense. However, the applications of lasers seemed worthy of investigation for civilian purposes. Testimony revealed the possibility that lasers might be used to generate vast amounts of power. This power might be used in space propulsion systems. In fact, at these hearings, witnesses speculated that lasers might even ultimately be used to facilitate nuclear fusion.

That year, we also highlighted international pressures to increase overall funding for NASA. In the years since the Moon missions, America had seemed preeminent in space, but the reality was that we had begun to fall behind the Russians. Senators John Glenn and Jack Schmitt, both former astronauts, appeared on my television show, the ''Heflin Report,'' to discuss the U.S. space program as compared to the Soviets. The United States had launched only 16 times in 1979 contrasted by the Russians' 87. In fact, the Russians had launched many more times over the previous 15 years.

In 1981, Columbia flew its first mission, showcasing the Marshall Space Center's work. This next giant step in America's ongoing adventure in space would not have been possible without the men and women in Huntsville who developed the shuttle's engines. Due to their successes, we were able to authorize increases to the shuttle program, although the Congress did not fully fund the program at the administration's request.

Despite this massive advance, however, critics continued to maintain that the space program was too costly, and supporters worked as best we could to clear up this misconception, such as citing studies conducted in the early 1970's which indicated that the program has brought $7 to $15 for each dollar spent. Commercial satellite launches had contributed to this return. NASA had also developed technology for the aircraft industry and the Landsat system, used to explore natural resources.

Notably, through our work in the committee that year, we also secured authorizations for NASA's missions to Jupiter and to Halley's Comet. Both of these NASA missions ultimately proved to be tremendously successful.

In 1982, we were finally able to include funds for a fifth space shuttle in the NASA authorization. This authorization represented an overall increase, and it included money for the National Oceanic and Atmospheric Administration Landsat satellite scanning, something we had been fighting to get for a long time.

But that year, for the first time, the military's space budget grew beyond NASA's. While I have long supported military initiatives in space, this was seen by some of us as a threat to NASA's independent, civilian status. Although there is a purpose to certain military missions in space, to usurp NASA's role is contrary to the U.S. mission in space as it was conceived. In the years to come, especially after the Challenger disaster, this threat would continue.

In 1983, the construction and deployment of a permanent, manned space station was again urged. A permanent presence in space is the next logical step in human advancement, and research in space has certain advantages not to be found on Earth. The microgravity atmosphere of space allows numerous scientific activities to occur. The growth of crystals and the electrophoresis process can take place far better in space than in the gravity atmosphere of Earth. Several kinds of metals will combine only under the conditions found in space. Medical research has also had many successes in space.

Dr. Charles Bugg, Dr. Larry DeLucas, and other scientists at the University of Alabama at Birmingham were conducting significant experiments in crystallography, but knew nothing about the crystallography activities at Marshall Space Flight Center until I got them together. Since then, they have developed a renowned partnership that will likely lead to treatments and cures for many diseases.

My strength on the subcommittee increased that year when I became its ranking member, and we crafted an authorization bill which provided money for space station design at Marshall. It also increased the funding to NASA generally. The bill provided more money than the President requested for Marshall's space telescope, its materials processing, teleoperator maneuvering system, and its space plasma lab programs. Finally, the bill also authorized the construction of a fifth space shuttle, which Reagan had not requested. Of course, this authorization bill was a particularly good one for the future of Marshall Center, but it also helped to bring about a more balanced NASA program.

Earlier in the year, I contacted the President to oppose the sale of the Nation's weather and land satellite system and to oppose commercialization of the National Weather Service because of my concern that such a transfer might hinder the system's efficiency. People in many parts of the country relied on the system for early warning in the case of tornados and other severe storms; farmers relied on the information to determine their crops, and the scientific community depended largely on the information. Under the proposal, the transfer seemed likely to be a single company. Since that company would require, as a condition of the sale, a noncompetitive, guaranteed Government contract for many years for the information derived from the satellites, the Government would be establishing a monopoly and creating disincentives for commercialization. The committee was able to secure provisions in the authorization bill to prevent the sale of NASA land and weather satellites, unless the sale were specifically approved by another law.

Some of us also opposed the cuts to the National Weather Service recommended by the National Oceanic and Atmospheric Administration. Specifically, the NOAA had suggested reducing the number of weather stations to one-tenth their existing number. Specialized forecasts would also be eliminated. But the projected savings were minimal; the cost to create a centralized station would outweigh the savings over many years.

There was another project undertaken that year, which applied peripherally to the space program. This was the University Research Capacity Restoration Act which Senator DANFORTH and I introduced to bring universities and industries together in the creation of research parks. We introduced the bill after holding two hearings in Birmingham on the measure.

University research is among the most valuable in the country, yet lack of funding has limited it to obsolete equipment. With this bill, we hoped to use the Government as a catalyst to create research parks that combine industry and university resources. We hoped that we might thereby increase the quality of research at such institutions as the University of Alabama at Birmingham [UAB], the University of South Alabama in Mobile, Auburn, Tuskegee, and Alabama A&M. Metallurgy and space-based materials processing were among the chief projects we had in mind.

In 1984, the President supported the development of a permanent space station in his State of the Union Address.

I was absolutely delighted that he gave the station such strong support; without his help, this project might have died early on.

Energized by the President's support, I visited the Marshall Center in Huntsville, which would handle most of the materials processing for NASA's station numerous times, and each time was greatly encouraged. My committee was able to endure that the NASA authorization included funds for research and development of the manned space station. This authorization also created a National Commission on Space, a Mars mission, and a satellite to study the Earth's upper atmosphere. However, many of us were disappointed that the Congress approved the sale of Landsat satellites.

Other provisions of the authorization included language to create a National Commission on Space to establish a plan for the civilian space program. There was some concern over the Defense Department's intrusion on the space program, so we limited its membership on the board to a single nonvoting seat. The purpose of the commission was to study long-range goals and schedules for the program.

The commercialization of space also became a major initiative in these years. In 1984, Congress passed a law to encourage commercial space launches. It required licensing, to be provided by the Department of Transportation, and we set about to consider further ways of expanding private launches.

My bill to improve university research, the University Research Capacity Restoration Act, became law in 1984. The new law was designed to increase support for the NIH, the NSF, NASA, and the Defense, Energy, and Agriculture Departments by combining university and private industrial research efforts.

In 1985, when the Commerce Committee passed its NASA authorization, NASA's budget suffered cuts, but under this bill, Marshall Space Flight Center was not affected. It included strong support for four major Marshall programs: the space station, the materials processing program, the orbital maneuvering vehicle [OMV], and the aeronautical research and technology program.

Specifically, the bill funded the space station with a specific requirement that it embrace only peaceful ends. The committee had originally considered a lower level for the space station than the $200 million included in the bill, but we were able to bring that figure up. I worked especially hard to see that Marshall got a sizable portion of the space station work. Marshall was then designated to do 40 percent of the work, the most of any center. Robert Hager, project manager of Boeing, and I developed a close working relationship that proved very effective over the years.

This bill also fully funded the materials processing program at Marshall, a program with which several universities in my State were intimately involved. As a result of experiments conducted on the shuttle by McDonnell Douglas and Johnson and Johnson, we were hopeful that some major medical breakthroughs would materialize as a result of NASA-private sector materials processing research.

At one point, the OMV was deleted from the bill, but we were successful in persuading the committee to go forward with the development of this vehicle. Marshall's other chief project, the aeronautical research and technology program, also came out well. Again, this type of initiative was among NASA's chief money-making sources.

Further, the authorization bill provided for the delivery of the fourth shuttle—Atlantis—but Congress did not fund the fifth. We also authorized the Galileo mission to Jupiter, the Ulysses mission to the Sun, and the Hubble telescope, which has proved itself a tremendous success despite setbacks here and there.

My bill to remove tax code barriers to the commercialization of space was introduced that year along with the sponsorship of the subcommittee's chairman, Senator GORTON. The bill would have extended incentives for investment and research and development, and accelerated depreciation schedules. Many U.S. laws were written before the commercial uses of space were ever envisioned, but commercialization of space could be improved with the impetus of Government cooperation. To this end, we have maintained contact with officials from the Auburn University School of Engineering concerning corporations who might be interested in space-based materials processing. We have an opportunity to combine the expertise of Marshall Space Flight Center with university experts and transfer this potential to the private sector. This idea is one way to help make this possible and hopefully it will some day be enacted.

I also cosponsored a concurrent resolution to express the sense of the Congress that the Nation must improve university research, restating the ideas behind the University Research Capacity Restoration Act which had my cosponsorship in 1983. The 1983 bill increased support for the NIH, the NSF, NASA, and the Defense, Energy, and Agriculture Departments. This resolution did not fund these entities, but it restated the congressional commitment to do so. We depend on our preeminence in science to enable us to advance technology and maintain our economic and national security.

On January 28, 1986, the Challenger disaster brought a whole host of problems to the space program and to those of us who supported it. The public was horrified, and the military began to increase its intervention in space. Spacelab, a program to add modules to the space shuttle for experiments in orbit, died, and the space station suffered cuts; the Hubble telescope was also delayed until 1988. The Defense Department began building its own launch vehicles for satellites, and the military's space budget grew to two-thirds the total U.S. space budget. Further, President Reagan pocket-vetoed the NASA authorization which included money for the replacement of the Challenger shuttle, chiefly because of provisions creating a National Aeronautics and Space Council to advise the President on space and military issues. However, the Congress did appropriate money for the new shuttle in the omnibus appropriations bill.

Morale was at a terribly low level at Marshall Space Flight Center. Their spirit had been devastated by the Challenger explosion. I came out publicly at critical times praising the excellent work that had occurred at Marshall over the years and pointed out that while the explosion was horrible, the fault could be placed at many doors. Hopefully, my remarks boosted morale at Marshall. We worked behind the scenes to get Senator Robert Dole to visit Marshall and speak words of encouragement and support for the Huntsville-based space flight center. His words helped restore the morale and reputation of Marshall.

At the end of 1986, then-NASA Administrator Fletcher announced that work assignments on the space station had been finalized, and Marshall Space Flight Center was to maintain roughly 40 percent of the space station design and construction. It would also have responsibility for the living and working quarters of the spacecraft. The Marshall Center would provide technical direction for the propulsion system, conduct the adaptation of the planned international module, and develop and construct the environmental and pressure systems of the station, among other things.

That year, I contacted President Reagan and Energy Secretary Herrington to urge construction of the superconducting supercollider in Alabama. Researchers at UAH had developed a compound that loses all resistance to electricity at a higher temperature than had been previously possible. With the expertise demonstrated by this and other breakthroughs in this scientific area and the outstanding support provided by the University of Alabama at Huntsville and similar outstanding research at Auburn University, the State of Alabama has shown that it is a logical location for projects like the supercollider. Unfortunately, Alabama was not chosen, and the project ultimately was discontinued.

In 1987, I had to relinquish my seat on the science subcommittee in order to stay on the Agriculture Committee. Given the importance of the space program to my constituents, it was a great sacrifice, but farming was also so important to Alabama and therefore felt it wise to remain on that committee. In any case, I did my best to stay as involved with space issues as possible.

In the aftermath of the Challenger explosion, I testified before the subcommittee to oppose Air Force administration of the proposed heavy lift launch vehicle. The Defense Department had requested a supplemental appropriation of $250 million for the project. Assigning the project to the Air Force with only minimal NASA input would have been a backward way to approach the development of this vehicle. All the more so since the Air Force planned to start anew, without incorporating any of the lessons of the shuttle. NASA would benefit greatly from the vehicle's use, and its greater capacity would make up for lost time in the shuttle program in the deployment of the space station and other projects.

I successfully urged the inclusion of language in the supplemental appropriations bill to ensure that NASA played a more significant part in the development of the heavy launch vehicle. Marshall Space Center's expertise in propulsion and other aspects of design could serve as an excellent resource in the development of a heavy lift rocketship. And such a vehicle might one day facilitate a trip to Mars—and beyond.

Notably, disputes over military use of the space station made its passage difficult that year. Congress ultimately allowed some military research. And Alabama came out well through the debate. At the end of the year, NASA awarded Boeing, with facilities in the State, the contract to perform Marshall Space Flight Center's work on the station. The project had my full support, since, among other things, it would bring over 6,000 jobs to Alabama. It was a significant leap forward for the space program, and it only solidified my efforts to ensure that the space station received primary consideration.

Another boon for Alabama came that year when NASA selected Auburn University as host to its Center for the Commercial Development of Space Power. The new center would research the generation, storage, conditioning and distribution of electrical power in space. This was the kind of project desperately needed in my State. This center, and projects like it, could become the incubator for a new industry on the cutting edge of space technology. Until now the power requirements of our space ventures have been low, but future space projects will make much higher power demands. With these types of initiatives, we will begin the development of a cadre of engineers and physicists who will provide the crucial talent pool needed for the space power program for years to come. Hopefully, much of this work will be done in Alabama.

Meanwhile, my efforts to bring the supercollider to my State continued, especially through an amendment to the supplemental appropriations bill to decide location of the supercollider solely on technical merit. The Energy Department had just announced that it would consider donations of money and land. The Senate approved this amendment, but of course, it still did not work out as hoped.

In 1988, during the Presidential campaign, some of NASA's Democratic supporters were disappointed that our party's candidate did not show any particular support for the space program, nor the space station. I talked several times with Governor Dukakis asking for a revised stand on the issue. At a Huntsville campaign stop, he recited his full support for the space program and space station. We were able in Congress to pass funding at the full level of President Reagan's request.

That same year, I became a strong supporter of the Advanced Solid Rocket Motor project, which came about after the failings of the shuttle boosters and their O-rings became known, and talked to each of the Members of the Alabama Congressional Delegation asking for their full support of this ASRM Project for NASA and to support the appropriation process in Congress. Although there had been partisanship and divisiveness concerning the location of the rocket plant, the Alabama Congressional Delegation needed to pull together as a team and present a solid and united effort for this project and Alabama jobs.

In 1989, we protested the budget resolution's funding level for the space station. Knowing it would be a very tough budget year for the space station, we enlisted the support of Senators Sasser and DOMENICI of the Budget Committee. But when the Senate passed its VA–HUD appropriations for fiscal year 1990, the low funding level for NASA was criticized by me and others. While the bill provided for a 15-percent increase for the space program, that was only the bare minimum and it fell short of what was needed to maintain world leadership in space research, technology, and exploration. Most notably, the space station was funded at $200 million less than NASA's request. While fighting hard for full funding for the space station, I was nonetheless hopeful that the funding level would provide enough for the program to move forward without any serious program modifications, rescoping, or schedule delays.

During a speech I delivered on the Senate floor on the 20th anniversary of the Moon landing, my support for the station was again emphasized. We cannot just leave our advances at that. We need to return to the Moon and travel to Mars. The President agreed that the space station was the first step to these ends, and a space summit with Members of Congress was suggested.

After much debate on the advanced solid rocket motor plant, we finally secured funding through the conference through use of an unusual procedural tactic. The House had not included funding, but we made sure the Senate included money so that there could be an increase during conference. Congressmen Whitten and BEVILL were extremely helpful in this effort. Although some questioned this strategy, we adhered to the rules completely. This bargaining chip worked, and we pushed the funding through successfully.

In 1989, the benefits of the Space Grant College and Fellowship Act were realized in my home State. Under its provisions, NASA selected several Alabama Universities to comprise a consortium for the new National Space Grant College and Fellowship program; these schools included UAH, UAB, Alabama A&M, the University of Alabama, and Auburn.

As a side note, NASA selected two Alabama women to fly on shuttle missions that year. These women were Mae C. Jemison, M.D. and N. Jan Davis, Ph.D. Dr. Jemison was the first African American woman selected for space flight. Without question, Alabama played an important role in the development and implementation of the space shuttle program. I took some pride in knowing that two people from my home State could take advantage of those efforts and experience the accomplishments of their fellow Alabamians first-hand.

In 1990, NASA suffered cuts after the Hubble telescope debacle, and it saw the death of National Space Council's long-term proposals for lunar and Mars missions. The problems of the telescope had brought very hard times on the agency, and the Congress needed to combat an increasing negativity in the press and among the public.

To work out these problems, the President held the space summit suggested the year before at the White House. It brought together the President, the Vice President, NASA officials, and other Members of Congress, including myself. Elected officials must continue to hold these kinds of summits in the future, because talks regarding the space station need to be centralized and should focus on the goals of acquiring and maintaining full funding and placing the space station in orbit.

During that same year, the Augustine Advisory Committee on the Future of the U.S. Space Program issued its report. I was quite pleased with its recommendations, including its advocacy of a heavy lift launch vehicle. At the time, the Congress and the committee were still waiting for a redesign of the space station, which had been dubbed ''Freedom.'' The HLLV seemed like it might be a good device for deployment of the station.

By that time, we had won the battle for the ASRM plant, which was to be located at Yellow Creek in Michigan, just across the border from Alabama. And that year, the Marshall Center awarded a $550 million contract to Lockheed for the design and construction of the Advanced Solid Rocket Motor. Lockheed arranged to subcontract the work to RUST International of Birmingham. It was going to be a great boon to Alabama as well

as the space program; in the following years, we did our best to continue this project.

In 1991, President Bush's fiscal 1992 budget request for NASA received my support. It was a 13-percent overall increase to fund the space station, NASA's share of the Heavy Lift Launch Vehicle program, and to increase space science research. The budget allowed the propulsion element for the space shuttle program at Marshall Space Flight Center in Huntsville to continue without interruption. And completion of the Advanced Solid Rocket Motor plant in Yellow Creek was also included.

But, of course, the space station met opposition again. To push the project, I met with the Vice President, administration officials, and other Members of Congress to discuss the future of the space station after its redesign, and we all came out of this meeting with a feeling that we were going to join forces. Vice President Quayle assured us that the President had assigned a high priority to the station.

There was an attempt to cut the program in the Senate, but it was opposed on the floor. The Senate voted to keep the funding in the bill. The station's toughest battle that year was in the House of Representatives. Congressmen BUD CRAMER and TOM BEVILL did great work in restoring funding after the House appropriations subcommittee had cut funding for the program from its bill. Together, we sought to return NASA to a reasonable and balanced profile of programs and to make sure that America did not abandon the 100,000 scientists, engineers, and support staff associated with NASA and its contractors who work on the development of the space station programs. We also sought to save the more than 3,000 jobs in Huntsville.

We protected other local jobs as well. The ASRM plant received full funding. And other programs which were funded were the Marshall Center's Advanced X ray Astrophysics Facility, and the National Launch System/Space Transportation Main Engine program. The Earth Observing Systems program also faired well.

In October, the President signed a bill to facilitate the construction of Space Station Freedom. Soon afterward, there was a meeting with a group of astronauts to discuss the station's future and talked with the astronauts about Mission to Planet Earth, a program to study the Earth's atmosphere with satellites.

As the whole debate on funding went on, I spoke about how much Alabama's economy had grown since the space program began there in the 1950's. Its role in the State's future was crucial. The growth began with the Army's development of the Redstone and Jupiter missile systems in response to Sputnik, and continued when Milton Cummings and Joe Moquin established the Cummings Research Park. Last, the Army Missile Command, the Redstone Arsenal, the Marshall Space Flight Center, and the Strategic Defense Command had great potential to continue the expansion.

In 1992, another amendment to eliminate the space station came before the Senate. The Senators who supported this amendment had deliberately inflated the cost of the station, and they perpetuated the myths of the station's extravagance. Again, the Senate failed to approve the amendment.

That year, the Senate also approved a resolution to place two full-scale models of the space station at the Capitol from June 2 through 4, 1992. The fight to fund the space station continued to be impassioned each year. If my colleagues had an opportunity to see first-hand the incredible potential the space station offers, they would understand how important continued funding is to the program. The NASA exhibit included two modules, the habitation and laboratory units, each housed in a tractor-trailer. I toured the exhibit myself with NASA Administrator Goldin and a visiting boy scout troop from Alabama.

I used a floor speech commemorating the quincentenary of Columbus' voyage to the Americas to again illustrate the importance of the Space Program. When hearing some of my colleagues rail against the space station and other projects designed to propel us into the future, one cannot help but wonder what they would have said had they been around in 1492. Some of the most important human advances, like Columbus' voyage and many breakthroughs in medicine, had been accidental. We may not always know exactly what is out there, but we know we must continue to explore in order to discover. Because of believing this so strongly, I met with the crew of Endeavor to discuss the future of the Space Program. Among these astronauts was Kathryn Thornton of Alabama.

Another proposal which was shortsighted was the President's decision to eliminate the advanced solid rocket motor plant from his budget request. Its supporters could not understand the rationale behind cancellation, since this system would have been much more reliable than previous boosters. In a letter to Senator MIKULSKI, the chair of the appropriations subcommittee, I asserted that it would cost more to cancel the Advanced Solid Rocket Motor Program than to complete it. That fact, combined with its increased safety and efficiency, certainly justified the ASRM in my own mind, and, fortunately, she agreed.

But this was not enough. We had to use the same strategy we used in 1989. The House had voted to kill the ASRM plant at the request of the Director of OMB. So, I spent an entire day convincing the Senate Appropriations Committee to include some funding to the program. Representative Jamie Whitten of Mississippi, chairman of the House committee, used this as a starting point to provide full funding in the conference. We also convinced AL GORE to voice support for the ASRM in speeches as the Democratic Vice Presidential candidate.

The final appropriations bill, which went to the President, included a much higher level of funding than appeared in the first Senate appropriations bill for ASRM, $2.1 billion for the space station, and $167 million for Marshall's AXAF Program, which was also in danger of elimination entirely.

In 1992, my bill to endorse the U.S. Space Camp, the U.S. Space Academy, and Aviation Challenge programs was introduced. Our goal in Congress must be to support educational programs and to tear down any barriers that would prevent government agencies from working in conjunction with private enterprise dedicated to teaching our youth.

Shortly after taking the oath of office as President, Bill Clinton began a program of downsizing the Government. The enemies of NASA went to work at OMB, and in the original recommendations from OMB, the space station was to be canceled. Many of the enemies of the space station in Congress were urging President Clinton to cancel the space station.

Congress recessed around the holiday celebrations of the birthdays of Presidents Washington and Lincoln in February 1993. I had scheduled a return to Alabama to visit numerous places in the State with a series of town meetings. Upon learning that President Clinton was seriously considering canceling the space station, my entire recess schedule was put on hold in order to stay in Washington to do everything possible to see that the space station survived in the President's budget. We worked with representatives of Boeing, McDonell Douglas, and others involved to stop the cancellation. For more than a week, we rallied forces to support the space station. On several occasions, I personally discussed the merits of the program with our President and Vice President.

We got Texas Governor Ann Richards to become actively involved in our efforts. There were numerous people working night and day to do everything they could to save the space station, and I hesitate to list all of them because there were so many that might be left out. But, Chris Hansen of Boeing and Amy Bondurant, an attorney representing McDonnell Douglas, were extremely helpful in this effort. Jyles Machen, our loan from Marshall, served as a congressional fellow in my office for 2 years, and his expertise was invaluable to me on the space station and to all issues and projects relating to NASA.

Vice President ALBERT GORE had always been a supporter of the Space Program, and he was convinced to go all out to preserve it. Greg Simon, a highly intelligent and knowledgeable member of Vice President GORE's staff, was especially helpful in this battle.

During this time, we kept in constant contact with the officials at Marshall Space Flight Center as well. The team that worked to save the station at that time all cooperated and performed exceptional work. When the President's budget was finally submitted, he called for the full funding that NASA requested for the space station.

In 1993, the ASRM program died after the House had voted it down for the fifth time, even though the new Vice President and other officials were strong supporters. The House votes during 1993 were so overwhelmingly negative that it became clear that the best to be hoped for was a reassignment to keep Yellow Creek employed in some other activity. My chief concern by this point was saving Alabama jobs. The plant was nearly completed, and it had several possible uses, so the NASA administrator came to my office to discuss its future.

Later that year, NASA and the Thiokol Corporation announced that company would transfer its rocket nozzle section from Utah to Yellow Creek. Eight hundred people would start work there. The transfer made a lot of sense, since Marshall would be the chief buyer, and of course we wanted to see the jobs there.

But there were other disappointments that year, including, most notably, the fact that Marshall was not chosen to be the lead center for the space station program. However, Boeing, also located in northern Alabama, would serve as a major contractor. Of course, Marshall would have been an excellent choice to host the project, especially because of the quality work the management and employees there had done on the program. They had done it without any of the large cost overruns that plagued other centers working on the space station project.

But in our Yellow Creek meeting with the NASA administrator, he assured Congressman CRAMER and me that any rumors Marshall would be close were ''poppycock,'' and his assurances seemed pretty solid. The final appropriations bill included more than $2.1 billion for the space station. This funding level included vital elements such as the payload utilization operations conducted at Marshall Space Flight Center. And NASA had selected the Marshall Center to build the Space Station Furnace Facility, a project which would employ 160 people.

That year's appropriations bill had other advantages for Alabama, too. It included millions for the Centers for the Commercial Development of Space. These centers were comprised of a consortium of universities, including UAB, UAH, and Auburn. NASA had recently conducted a peer review of these centers and scored Alabama's three centers very well. By the recommendations of this same report, 6 of the 17 centers were scheduled for closure, but not ours.

In 1994, the dramatic and successful repair of the Hubble Telescope helped NASA to restore some of its own credibility with the public. Another tremendous benefit was the report issued by the Advisory Committee on the Redesign of the Space Station, an independent group of academic, scientific, and business leaders, headed by MIT President Charles Vest. This committee had reversed its initial, negative view on the space station printed in 1993. This time, Chairman Vest clearly stated that the program had progressed well beyond his expectations. It was not an endorsement to be taken lightly and it further emphasized the need for budgetary stability and a firm national commitment for the International Space Station.

However, NASA still had its vocal opponents. For instance, CBO published a report stating that NASA could save half of its money by halving its workload. We were able to point out many errors in the report. This sort of haphazard approach was reflected in the budget allocation handed to the VA–HUD subcommittee, which cut $700 million from NASA's budget. I was very concerned by the proposed cuts, and began working to ensure that the space station and other programs were protected.

1994 saw yet another Senate amendment to cut the space station. By that time, the program had already been assigned a district management structure with clear lines of responsibility and authority. One center had been designated as a host center to facilitate program administration, and one contractor was selected as the prime, with all others working as subs. Transition to the previous year's redesign and this new management structure was complete. The new management structure included a concept widely embraced within the private sector, a tenet of total quality management known as the integrated product team. These teams are a flexible management tool designed to bring together experts from several fields to work individual issues, solve problems, improve communications, and speed decision making. Essential design and review stages were almost completed.

Compared to the Freedom design, the International Space Station had nearly twice the power, almost double the pressurized volume, and twice the number of laboratory modules. The station was designed to orbit at a higher inclination, broadening the band of the Earth's surface and atmosphere visible to the station. The crew size has been increased from 4 to 6 fulltime crew members. The amount of extra-vehicular activity, or ''spacewalks'' required to construct the station has been drastically reduced, thereby reducing program risk. Furthermore, the international partners in the project had completed their essential design and review stages.

It made no sense to cut the program, and the Senate knew it. In the subsequent vote, 64 members voted for the space station, a remarkable victory. We did a not of preparatory work for the vote and all of our efforts paid off and everything turned out well. Those of us who were proponents of the space station contacted every Senator numerous times in advance of the vote. I was pleased to serve as chairman of the vote round-up group as on several occasions before and since. We tried to get as many votes as possible so we could put this continual fight for space station funding behind us. Our position was greatly strengthened by the House of Representatives, which also gave a strong show of support for the space station that year.

Senators MILKULSKI and GRAMM of the Appropriations Committee did outstanding work on the NASA budget, which reflected remarkable support for the Space Station and the space science programs. It increased NASA's funding over the President's request, and fully funded the space station.

That year, the Senate also passed an amendment to appropriate $40 million for the continuation of the commercial mid-deck augmentation module for the space shuttle—widely known as ''Space Hab.'' The amendment became part of the emergency supplement bill to aid victims of the earthquake. The primary contractor for the project was McDonnell Douglas, headquartered in Huntsville, which would employ 150 people to finish the quasi commercial venture. The Space Hab program has been in serious danger due to budget cuts, but the appropriation allow it to continue. It was a crucial project in the commercialization of space.

We also continued our efforts to maintain Yellow Creek that year, pursuing the rocket-nozzle factory at the plant and other options. In a meeting with Navy Secretary Dalton, I proposed conversion of NASA's Yellow Creek facility into a site for Navy demilitarization of surplus strategic and tactical rocket motors. NASA's Advanced Rocket Motor Director had given me the idea in another meeting. The Navy would receive a flexible facility to enable the sound disposal of excess rocket motors; the transfer would create a means to investigate energy production and reusable chemicals, and jobs would be saved.

Last year, there were misguided efforts to cut the NASA budget significantly. The Republicans advocated huge cuts, and the President and NASA Administrator claimed they had to propose cuts, too. The Executive Branch told me that some of the funding reductions would occur after the construction of the space station was completed. Streamlining the shuttle program was another cost-savings plan.

In a meeting in May, the NASA Administrator announced that both the Senate and the House versions of the Republican budget proposals would cause severe cuts to the agency's personnel. To pay for the tax cut contained in the House of Representatives budget plan, he told me NASA would be forced to cut 45,000 civil service and

contractor jobs at NASA by the year 2000. The House proposal was worse, and it required large cuts by this year. Of course, the President vetoed this budget, but the agency is still in trouble.

Most disturbing, however, was the House Republicans' announcement that they would close Huntsville's Marshall Space Flight Center by 1998 along with other NASA facilities in Maryland and Virginia. In a meeting with NASA Administrator Goldin, he assured me he would fight to maintain all three center the House had targeted: Marshall, Goddard, and Langley. We had already done a lot of work in the Senate, and Senator Shelby and I had contacted key leaders in the Senate and received their commitments to keep Marshall and the other centers open.

In September 1996, we fought against yet another Senate amendment to cut funding for the space station. Tens of thousands of pounds of equipment had already been constructed, and the shuttle had flown its first station related mission the year before. Although the Senate voted the amendment down, it is unfortunate that the biggest challenge the station program faces appears to be the Congress of the United States, specifically a small handful of members who continue to offer legislation aimed at terminating the station program. Since the inception of the program, votes have been held over 18 times on the station. We must continue to reject these attempts and continue our support of the Space Station program. We owe this to the future of the citizens of the United States and to all the people of Earth.

Unfortuantely, the Premiere Nozzle Center at Yellow Creek came to an end last year. Mississippi state officials seem to have made a deal with NASA to gain title to the property.

The Yellow Creek saga began when TVA terminated a 30–percent-complete nuclear reactor. Then came the rash cancellation of the ASRM plant, which was designed to prevent future space shuttle disasters like the Challenger incident in 1986. Last, we were faced with the sell-out of the nozzle center, a project which first was announced just 18 months beforehand.

In reviewing its history, it is hard to dismiss the theory that the use of Yellow Creek as a site for ASRM and as a Nozzle Center was being sabotaged from the beginning after the Revised Solid Rocket Motor was completed. Given its history, hopefully something productive can occur at Yellow Creek; otherwise it will stand as a monument to Government ineptitude an incompetence, as well as a destructive conspiracy.

In my last year as a Senator, NASA and the space station have, thankfully, enjoyed a banner year. Congress has approved a NASA budget of $14.37 billion, which includes $2.1 billion for the International Space Station. Space Lab received $102.3 million, which is 10 million over the original request. In April, NASA safely concluded the second longest shuttle mission. The space station was reconfigured within congressional budget limits and considerable improvements were made in management, engineering and budgeting the program. These changes led to a resounding endorsement from the Vest Committee.

It is rewarding to those of use who have worked long and hard in support of this important international scientific collaboration that the groundswell of public and congressional support is growing stronger. Credit for this success belongs to the team of personnel—scientists, engineers, contractors, universities and government agencies—who have worked tirelessly to make this program a viable path to the future.●

JUDICIARY COMMITTEE ACTIVITIES AND COURT REFORM

● Mr. HEFLIN. Mr. President, as the end of the 104th Congress was drawing to a close, I began making a series of speeches summarizing my activities and legislative efforts relating to some of the major policy issue areas facing our Nation. My purpose was to reflect upon and generally summarize my three terms in the Senate, pointing out progress, key accomplishments, disappointments, and suggestions for the future. So far, I have focused on the areas of civil rights and national defense and foreign policy. Here, I will devote some attention to my role as a member of the Senate Judiciary Committee.

Much of my statement on civil rights issues focused on activities within the Judiciary Committee, since these issues often arise in the context of court cases and nominations. I will reiterate some of that material here, but will focus more on court reform and the administration of justice, issues which were not discussed at length in that statement on civil rights.

While serving as chief justice of the Alabama Supreme Court, my primary goal was to modernize the State's system of justice. The backlog of cases when I came into office was staggering, so we set out immediately to pass reform of the judicial article, which is the part of the State constitution outlining the State judiciary. During my term, we were successful in getting the people to adopt a new article to the State's constitution in the form of a constitutional amendment which was known as the new judicial article and in getting the State legislature to pass a judicial article implementation bill, which some say became a model for the Nation. I was extremely proud of our efforts and of the many hundreds of people who came together to make it happen. I saw first-hand that State courts can be made more efficient and citizens' access to the courts increased.

Upon arriving in the Senate, I quickly saw that much of the reform we accomplished at the State level was needed at the Federal level. Much of my work on the Judiciary Committee has focused on bringing these reforms to the Federal court system. As a member, chairman, and ranking member of the subcommittee overseeing the courts and judicial administration, I have had the opportunity to seek many much-needed improvements in the administration of justice. Since judicial administration is so important to access to the judicial system, it is my firm belief that efficient administration is a necessary component of swift and sure justice for all those who seek it.

Since time and space will not permit me to be as comprehensive in summarizing these various issues as I would like, I ask unanimous consent that a summary listing of legislation I have introduced, cosponsored, or directly shaped in some way be included in the CONGRESSIONAL RECORD after my remarks. However, I would like to summarize some of the highlights in these areas.

One of the major efforts was in the area of bankruptcy reform. Passage of the Bankruptcy Reform Act of 1994 brought to a close nearly 5 years of work in this area. Over these several years, we were able to produce the first major substantive change in the Bankruptcy Code since 1984. We successfully streamlined and updated the code.

The need for a major reform of the code became apparent with the record increases in bankruptcy filings the courts had been experiencing. There was a need for changes in the code which recognized the changes in the economy and different types of financial arrangement faced by consumers and businesses.

Our act addressed virtually all aspects of bankruptcy, including provisions which made significant and important changes to the bankruptcy process in our Federal courts. Also included were provisions which streamlined the process for the individual consumer debtor through the encouragement of the use of chapter 13 repayment bankruptcy provisions. The commercial bankruptcy process and procedure was also addressed. I am particularly proud that a Bankruptcy Review Commission was set up to review and study the laws and process related to bankruptcy filings. Overall, these reforms have led to a more effective and workable process.

In the 96th Congress, I introduced a bill to divide the Fifth Circuit Court of Appeals into two courts. Its main purpose was to promote judicial efficiency. Individual judges in the fifth circuit were severely burdened by an excessively large caseload. Furthermore, the entire court had accrued the largest en blanc caseload in U.S. judicial history. The measure splitting the circuit and creating the 11th Circuit Court of Appeals was signed into law in October 1980.

In the 97th Congress, I was a cosponsor of the Omnibus Victims Protection

Act of 1982, which provided additional protection and assistance to victims and witnesses in Federal cases. I was also proud to have been a moving force in the establishment of a State Justice institute in 1984 during the 98th Congress, and in the passage of an act amending title 18 of the United States Code to ban the production and use of advertisements for child pornography or solicitations for child pornography. This became law in November 1986, at the end of the 99th Congress.

I have always been firmly committed to measures which ensure the free and open exercise of religion. In 1988, during the 100th Congress, an act to impose criminal penalties and to provide a civil action for damage to religious property and for injury to persons in the free exercise of religious beliefs was passed by Congress and signed into law. Later, in the 103d Congress, my subcommittee held hearings on proposed Equal Employment Opportunity Commission [EEOC] guidelines which many felt would have adversely affected Federal workers' rights to express their religious beliefs in the workplace. Ultimately, we were successful in preventing these guidelines from taking effect. This year, in the wake of the rash of church burnings in the South, I strongly supported the legislation to increase penalties for those convicted of destroying houses of worship through arson.

During the 101st Congress, I was extremely proud of being a cosponsor of a comprehensive act containing three major parts. One was the Civil Justice Reform Act, which required selected U.S. courts to implement expense and delay reduction plans. A second part was the Federal judgeships Act, which created 85 new judgeships, thereby streamlining efficiency. The third major part of this act was the Federal Courts Study Committee Implementation Act, which put into place a number of the committee's recommendations. The act, which became Public Law 101–650 on December 1, 1990, also contained provisions dealing with television violence, computer software rental, judicial discipline, and the rights of visual artists.

One of the proudest achievements of my career occurred during the 102nd Congress, with the passage of my bill to name a Federal building in Montgomery, AL, after Judge Frank M. Johnson, Jr. Judge Johnson, one of the greatest jurists to have ever served on the Federal bench, did so much to promote racial progress in Alabama and the rest of the South that I could think of no more fitting tribute to honor his work and service. It became law on March 20, 1992. A new Federal courthouse was built in Birmingham and later named the Hugo Black Courthouse and the Montgomery courthouse is now being expanded.

That same year, the Federal Courts Administration Act of 1992 was signed into law (P.L. 102–572, October 29, 1992). This law encompassed four bills I sponsored: the Federal Courts Study Committee Implementation Act, the Judicial Survivors' Annuities Improvements Act, the State Justice Institute Reauthorization Act, and the Court of Claims Technical and Procedural Improvements Act. It also contained a provision cosponsored by myself and Senator GRASSLEY which created a new civil cause of action in Federal court for victims of international terrorism.

I supported the Violent Crime Control and Law Enforcement Act of 1994, which, among other things, provided funding for 100,000 policemen for communities all across the Nation. While there were several provisions in this bill with which I strongly disagreed, on balance, its good provisions far outweighed its bad. I saw it as a positive and comprehensive effort to stop the onslaught of crime and drugs in our society.

Of course, there have been disappointments over the years, such as the failure to pass a constitutional amendment to ban flag burning and one to require a balanced Federal budget. I and many others in Congress worked long and hard to pass these measures, and they came close in the most recent 104th Congress. I think especially in terms of the balanced budget amendment, that we will ultimately be successful. I will continue doing all in my power as a private citizen to see that these amendments are added to our Constitution.

Much of my time and energy in the 104th Congress was spent on a bill to establish an independent Court of Administrative Law Judges. I have always thought it absurd that Federal agencies were allowed to judge cases involving themselves and outside parties. How can a ''judge'', employed by the agency he is serving, be expected to decide cases fairly and impartially? The bureaucrats fought this proposal tenaciously, and again, we were unsuccessful. We did, however, come closer in 1996 than ever before, and I remain hopeful that the next Congress will see the wisdom of ensuring independence in Federal administrative law.

Another item which ultimately failed in the 104th Congress was comprehensive regulatory reform. I joined with Senators Dole and JOHNSTON in seeking to provide a cost-benefit analysis in terms of certain regulations whose economic impact exceeded $100 million. Regulatory reform should remain at the top of the congressional agenda.

One issue on which its opponents, including myself, were successful on was in preventing product liability reform from passing. So-called product liability reform legislation was billed as an effort to rein in errant juries and limit excessive awards to plaintiffs. While I do support tort reform, I believe it should be done at the State level and without weakening the jury system. The right of trial by jury is one of the most sacred rights we have as Americans, and nothing should be done to limit that right or restrict a citizen's access to the judicial system. The federalized product liability reform bills contained many provisions which would have immunized many tortfeasors in a manner which was grossly unfair. This type of legislation should continue to be defeated so that our jury system—imperfect as it may be—remains strong and the bulwark of our system of justice.

In 1979, I convinced members of the Judiciary Committee to kill the court annexed arbitration bill, which would force parties in personal injury, property, and contract cases under $100,000 to submit to mandatory arbitration in Federal court. I believed this bill was unconstitutional because it would deny the guarantee of a jury trial and the constitutional right of access to justice. An arbitration bill which doesn't penalize a party from seeking a trail de novo will go a long way toward minimizing the faults of the proposal.

In 1979, Congress passed an amended Federal Magistrates bill, which became Public Law 96–82. When it was first introduced, I criticized it as the third piece of a haphazard modification to the system in 10 years. Rather than amending it piecemeal, lawmakers should study and approach the whole system.

In 1979, we passed a law, Public Law 96–43, to amend the Speedy Trial Act of 1974 in order to limit the delay from charge to trial in the Federal courts to no more than 100 days.

In 1979, I opposed the Illinois Brick bill. After studying the case carefully, I concluded that Justice Byron White had issued a correct decision. I was fearful that if this legislation were adopted, class action antitrust cases would completely occupy the time of Federal judges and require a many-fold increase in the number of Federal judges in a short time.

In 1979, when it passed the judiciary committee, I called the Equal Access to Justice Act one of the best pieces of legislation I have seen. The bill would have allowed citizens whom the Government had taken to court unjustifiably or who contested unreasonable regulations to recover attorney fees. In other words, if a citizen is proven right, he doesn't have to pay for justice. The House never acted on this bill. But in 1985, Congress passed Public Law 99–80, similar to the Equal Access to Justice Act. This law allowed local governments, individuals, and small businesses to collect attorneys' fees if they won cases against Federal agencies.

In 1979, Congress passed the Justice System Improvement Act, Public Law 96–157, to reauthorize the Law Enforcement Assistance Administration. This bill created the Office of Justice Assistance, Research and Statistics [OJARS] which would coordinate the administration of the LEAA and two other, new agencies, the Bureau of Justice Statistics [BJS] and the National Institute of Justice [NIJ]. I had become a strong supporter of the LEAA during

my tenure as the chief justice of the supreme court. In Alabama, our police and sheriff departments had been largely underfunded, undermanned, undertrained and unprofessional, but with the LEAA's help, they developed into well-disciplined and professional organizations. Unfortunately, the LEAA died in 1980 during budget debate.

In 1980, the Congress passed a bill to create the 11th U.S. Circuit Court of Appeals, which became Public Law 96–452. The old Fifth Circuit, which comprised six States, had become so overburdened that it could no longer handle its caseload. In fact, its en banc caseload was the largest in the country. We did have a great concern in the Congress about the implications of the split to civil rights, since this court generally handled the most important civil rights cases. Judge Frank Johnson served as an excellent advisor for the Court to ensure that the Congress handled the split with care.

In 1980, the Senate passed a bill calling for a ''State of the Judiciary'' speech by the Chief Justice. Congress as a whole largely ignores the third branch until some crisis situation demands that we provide additional Federal judges or implement some reorganization. This idea has not yet materialized into law, but I still think it is a good plan.

In 1980, I introduced another bill to create a National Court of Appeals to relieve the overburdened Supreme Court. During 1979, the Court heard less than 7 percent of the cases before it. This bill never passed either, but in the future, the Congress must arrive at some solution to the overwhelming caseload of the Court.

In 1982, we introduced legislation to amend Federal habeas corpus procedures by restricting the power of the Federal courts to review and overturn State criminal convictions. There is a crying need to achieve finality in our criminal justice system and to protect the integrity of the State judiciary. I had also included certain provisions regarding habeas corpus procedures in my Federal court study implementation bill. The Republican 104th Congress passed some provisions relating to habeas corpus reform, but it contained a number of questionable provisions.

Provisions to create a State Justice Institute, which I had first introduced in 1980, became part of Public Law 98–620. Specifically, with the Institute, we sought to provide education for judges and officers of the courts of the States as well as sound proceedings for managing and monitoring caseloads, and improvement of access to justice. Hoping to adhere to the doctrine of federalism and separation of powers, we designed the Institute to assure strong and effective State courts, and thereby improve the quality of justice available to the American people. These ends were all the more important since recently enacted Federal laws, including the speedy trial act, had increased the cases sent to State courts.

This law also amended title 28, United States Code, with respect to the places where court shall be held in certain judicial districts. It also included several other provisions. The first established an Intercircuit Tribunal. The second clarified the circumstances under which a trademark may be canceled or abandoned. The last pertained to the authority of the special counsel.

In 1980, Congress passed a bill to cut costs and delays in antitrust trials. This bill became Public Law 96–349.

In 1980, the Congress passed a bill to create a U.S. Court of International Trade and to reform the judiciary machinery relating to trade. This bill became Public Law 96–417.

In 1980, the Congress passed a bill to make certain that Federal courts hear all cases under their jurisdiction. Before this bill passed, the amount in controversy determined whether or not a Federal court would hear any given case. This bill became Public Law 96–486.

In 1982, Congress created the U.S. Court of Appeals for the Federal Circuit. A new law, Public Law 97–164, combined the U.S. Court of Customs and Patent Appeals and the U.S. Court of Claims. The new court had the same authority as the other 12 U.S. Circuits, but its jurisdiction was national, rather than regional, and determined by subject matter.

During hearings in the 96th Congress, I declared that it was time to declare a war on crime, and in the following Congress I introduced a number of measures I hoped might effectively reduce it. Elements of my package became law over the years immediately following. Public Law 97–285 set penalties for crimes against cabinet officers, Supreme Court Justices, and Presidential staff members. Public Law 97–291 created additional protections for and assistance to victims and witnesses in Federal cases. Public Law 98–127 dealt with tampering, as in the case of the Tylenol murders. Public Law 98–292 was designed to fight the sexual exploitation of children. Public Law 98–305 criminalized the robbery of a controlled substance.

In October 1984, several other elements of my war on crime package became Public Law 98–473. This law included the Justice Assistance Act to provide aid to State law enforcement, after the model of the defunct LEAA. It provided for victims' compensation. The law also included mandatory sentencing for use of firearms in a Federal crime, and other sentencing guidelines including the creation of a sentencing commission to establish standards for punishment in Federal crimes. Further, it provided for Federal prosecution of murders-for-hire, drug trafficking, pharmacy robbery, labor racketeering, computer fraud, and assaults on Federal officials. Last, the law included provisions which shifted the burden of proof in the insanity defense to the defendant. The Hinckley acquittal inspired this language. However, the act contained some questionable provisions which I opposed.

In 1984, Congress passed a bill to amend the Clayton Act, relating to antitrust laws, as it applied to local governments.

In 1984, Congress, passed Public Law 98–547 to fight auto thefts in which the criminals stripped and sold the vehicle as spare parts. The law required identifying numbers on the major parts.

In 1985, we extended the deadline for the sentencing commission, created by Public Law 98–473, to finalize its guidelines. This extension was included in Public Law 99–417. Another law, Public Law 99–22, made minor changes to the commission.

In 1985, we passed another law, Public Law 99–218, regarding the Supreme Court Police and its authority to protect the Justices and officers of the Court.

In 1986, we passed Public Law 99–303 to fight sexual molestation in Indian Country.

In 1986, we reformed Federal justice and judges survivors' annuities with Public Law 99–336.

That year, we also amended the False Claims Act with Public Law 99–562 to strengthen enforcement provisions for making false claims to the Federal Government. This bill also included protections for whistleblowers, something that we had worked on for a long time. In our view, these protections were particularly important in preventing Government waste, in the Defense Department, and in other areas.

In 1986, we banned advertisements for child pornography with Public Law 99–628.

In 1986, Congress improved the delivery of legal services to indigents with Public Law 99–651.

In 1987, Congress passed Public Law 100–236 to amend the laws governing multiple appeals filed on orders from Federal agencies. Until that time, lawyers frequently filed appeals in different courthouses in order to draw a judge they thought would be favorable to their case. The new laws allow 10 days to appeal an order, and created a lottery system for selection of the judge if multiple appeals were filed.

In 1987, I introduced legislation to change the administrative law system. Congress has considered this language several times since, but it has not yet passed a bill. Administrative Law Judges are employed and housed by the agencies they oversee. This system represents a clear conflict of interest. I believe that judges must, instead, be independent, and for this reason I sought to create an independent corps of administrative law judges. I strongly recommend that Congress address the problem in the future.

In 1988, Congress passed the Permanent Federal Court Study Act, which I had originally introduced during 1980 as part of a package which had included the unsuccessful National Court of Appeals. The Federal court study committee language became part of

Public Law 100–702. We designed the Federal court study committee to plan for the long range needs of the judiciary. I believe that reform must keep costs in mind, and it must avoid a careless, band-aid approach. These two conditions are required if we are to maintain public confidence in the judicial system.

Public Law 100–702 also included other significant provisions. It raised jurisdictional authority in Federal diversity cases from $10,000 to $50,000. It also reauthorized the State Justice Institute, created pilot programs of voluntary court-annexed arbitration, resolved district court jurisdictions under the Tucker Act, established methods of adopting recommendations of the Judicial Conference, and reformed jury selection. In a letter addressed to me, Chief Justice Rehnquist called the bill ''probably the most significant measure affecting the operation and administration of the Federal Judiciary to be considered by the Congress in over a decade.'' Rehnquist also wrote that passage of the bill ''with its many and varied provisions to improve different aspects of the judicial system, will significantly enhance the effectiveness of the Federal Judiciary as a whole.''

In 1988, Congress passed another bill which had been part of the 1980 package which ultimately became Public Law 100–702. This bill gave the Supreme Court greater discretion in selection of its cases. This language took 8 years to pass, but it finally became part of Public Law 100–352.

In 1988, the Congress passed the Anti-Drug Abuse Act of 1988, which became Public Law 100–690. This new law included the creation of a drug czar, which had been eliminated from my 1984 crime package. This new law also included the Criminal and Juvenile Justice Partnership Act and the Child Protection and Obscenity Enforcement Act.

In 1988, Congress passed a new law, Public Law 100–694, to protect Federal employees from the threat of lawsuits based on their work performance. The bill was designed to overturn the 1988 Supreme Court decision, Westfall versus Erwin.

In 1988, we passed Public Law 100–700 to make it a crime to knowingly defraud or attempt to defraud the Government in contracts of $1 million or more.

I strongly supported a constitutional amendment to ban flagburning in the late 1980's, and I spent a great deal of time on it in the most recent Congress.

In 1990, Congress authorized the appointment of 74 new U.S. district and 11 new U.S. circuit judges with Public Law 101–650. Importantly, this new law also incorporated the Judicial Discipline Reform Act to improve procedures for disciplining Federal judges, and to establish a National Commission on Judicial Discipline. The final language to discipline judges short of impeachment was the culmination of years of work that had included a proposed constitutional amendment. I had also proposed another constitutional amendment in 1988 to reform the actual impeachment proceedings, which had proven themselves to be cumbersome.

Public Law 101–650 contained some other miscellaneous provisions. The law also contained language to address television violence by removing from antitrust laws any cooperation within the industry to reduce it. The law included provisions to deal with computer software copyright laws. This bill also contains S. 1198, the Visual Artists Rights Act, which gives creators of certain artistic visual works the right to prevent modification or destruction of their work.

In 1992, Congress passed the Administrative Procedure Technical Amendments Act, Public Law 102–354, to make technical corrections to Chapter 5 of title 5, U.S.C. This law also amended the Alternative Dispute Resolution Act (Public Law 101–552) to authorize Federal agencies to resolve disputes between two other parties.

In 1992, Congress passed the ''Dead-Beat Dad'' bill. This became Public Law 102–521.

In 1992, Congress passed the Federal Courts Administration Act of 1992, which became Public Law 102–572. This law was actually a conglomerate of several bills. It codified certain recommendations of the Federal Courts Study Committee, which I believe had turned out to be a valuable experiment. It reformed the judicial survivors' annuities system. It reauthorized the State Justice Institute for fiscal years 1993–1996. It altered the claims litigation procedure before a newly renamed U.S. Court of Federal Claims. Public Law 102–572 also included language Senator GRASSLEY and I wrote in order to create a new civil cause of action in Federal court for victims of international terrorism.

In 1992, Congress passed a bill to authorize the Juvenile Justice and Delinquency Prevention Act of 1974. This legislation became Public Law 102–586.

With Public Law 103–192, Congress extended pilot arbitration programs in 20 district courts for one year.

Public Law 103–420 reauthorized 10 mandatory and 10 voluntary court annexed arbitration pilot programs, and authorized the judiciary automation fund. It also extended the deadline for the Rand Corp.'s study of civil litigation.

Public Law 103–305 changed the rules on the EEOC's guidelines regarding religious harassment in the workplace. With this law, we sought to allow personal expressions of religious belief, which until that time had been prohibited. Similar language had stalled in the 102d Congress due to abortion controversies.

BANKRUPTCY

Our work in the Senate significantly affected the language in Public Law 96–56. This bill (H.R. 2807) originated in the House to amend the Bankruptcy Act to prohibit the discharge of federally insured or guaranteed student loans until 5 years after graduation. The Bankruptcy Reform Act (Public Law 95–598) had repealed this prohibition until the first day of fiscal year 1980, but Congress filled the gap with H.R. 2807. Specifically, before we attached our amendment in the Senate, the bill would only have covered loans repayable directly to the Federal Government or to a nonprofit educational institution.

In 1984, we passed a much more significant bankruptcy measure to bring Federal bankruptcy courts in line with the Supreme Court's Marathon decision. This bill became Public Law 98–353. With Marathon, the Court ruled that 1978 bankruptcy law was unconstitutional because the bankruptcy judges, who are not appointed for life, should not have the same authority as other judges. The bill put bankruptcy under the jurisdiction of the district courts, but gave the article I bankruptcy judges the power to hear these cases. With this law, we averted the need to appoint 200 new article III judges for life.

Notably, with this bankruptcy legislation, we also sought to protect farmers, catfish growers, and shrimpers who lost their crops in a processing or storage facility which went bankrupt. Further, the legislation was designed to prevent drunk drivers from escaping their liability through bankruptcy laws.

Passage of this bill took time, however, and under the Marathon decision, the extant system would collapse—leaving half a million unheard cases. For this reason, until the major bill became law, we needed to extend the temporary arrangement twice. We accomplished the extension with Public Law 98–249 and Public Law 98–271.

Another bankruptcy law which passed in 1984, Public Law 98–531, clarified laws on retirement for bankruptcy judges.

In 1986, the Congress passed another major bankruptcy law. This law, Public Law 99–554, provided for the appointment of 52 additional bankruptcy judges. The law also allowed for the appointment of trustees under the Department of Justice to handle the administration of bankruptcy cases. Last, the bill paid special attention to small farmers who went bankrupt and included language to help them avoid liquidation.

Two other bankruptcy bills became law in 1987. Public Law 100–99 pertained to protections under title 11. Public Law 100–202 included language to specify salaries for magistrates and bankruptcy judges.

There were four more bankruptcy bills which became law in 1988. The first clarified laws pertaining to insurance benefits under the bankruptcy code for retirees. It became Public Law 100–334. A second authorized additional bankruptcy judges in Colorado, Kansas,

Texas, Alaska, and Kentucky. This bill became Public Law 100–587. A third clarified the bankruptcy laws as they applied to municipalities, including changes to the laws governing their bond issues for public works. It became Public Law 100–597. Last, Congress passed legislation to provide for retirement and survivors' annuity for bankruptcy judges and magistrates, etc. This bill became Public Law 100–569.

In 1990, we passed a bill to clarify the laws governing swap agreements and forward contracts. It became Public Law 101–311.

That year, Congress also passed a law to prohibit drunk-drivers from discharging debts arising from their actions under chapter 13. This became Public Law 101–581.

The 1990 crime bill included some bankruptcy provisions pertaining to the collection of debts to the U.S. Government and the discharge of debts in bankruptcy. This bill became Public Law 101–647.

In 1992, Congress passed a bill to authorize the appointment of additional bankruptcy judges. This bill became Public Law 102–361. Alabama was to receive another bankruptcy judge for the Northern district.

1994 saw the passage of a major bankruptcy reform bill. This bill became Public Law 103–394. It modified provisions concerning the rights of debtors and creditors and altered the relationship between secured and unsecured creditors. It increased the efficiency of the business reorganization procedures. It encouraged the use of procedures that allow individual debtors to pay their debts over time instead of facing liquidation. It also created a bankruptcy review commission to report on needed substantive changes. The bill sought to modernize the administration of the bankruptcy process by establishing clear authority for bankruptcy courts to manage their dockets activity through the use of status conferences. The bill strengthened extant law to encourage Federal appeals courts to establish a bankruptcy appellate panel to promote expedient bankruptcy appeals.●

TRIBUTE TO MARSHALL B. DURBIN, SR.

● Mr. HEFLIN. Mr. President, just before the sine die adjournment, the Alabama Business Hall of Fame at the University of Alabama announced that the late Marshall B. Durbin, Sr., would be inducted posthumously into the Alabama Business Hall of Fame. Marshall Durbin was the sort of business visionary blessed with the ability to turn his dreams into the reality of accomplishments.

Born to O.C. Durbin and Ola Culp Durbin February 27, 1901, in Chilton County, AL, Marshall Durbin, Sr., passed away in November 1971, leaving behind him then four brothers, five sisters, a widow, a son, and what is now one of the top poultry companies in the United States, with facilities in three States, markets as far flung as Russia and the Far East, annual sales of about $200 million, and more than 2,200 employees.

To gain a more complete understanding of Marshall Durbin, Sr., it helps to turn the pages of history back to the late 1920's when the enterprising young Alabamian—whose formal education ended at third grade—moved off the family farm to the big city of Birmingham to enter the real estate business. But the stock market crash of October 1929, followed by the Great Depression, led him quickly to the conclusion that this would not be the most profitable course to follow. Reviewing his options, Mr. Durbin decided that regardless of economic conditions, ''People will want to eat.'' So in 1930, with $500 in funds borrowed from his bride, the late Eula Sims Durbin, he established a retail fish stand. Two years later, he added poultry—and a second stand.

From those small retail stands Marshall Durbin Cos., grew into its present-day status as a vertically integrated company, complete with its own hatcheries, breeder flocks, contract growers, warehouses, processing plants, cooking plants, feed mills, fleet, and distribution facilities. The growth in Marshall Durbin Sr.'s business was mirrored by that of the Alabama poultry industry, which today has a major impact on the State's economy. By producing more than 882 million broilers, it provides employment for some 55,000 Alabamians and income for almost 4,000 farmers—and has a total industry impact of almost $7.5 billion.

During his years of industry leadership Mr. Durbin actively supported organizations that would contribute to its growth—and the growth of his State. For example, he was a cofounder of the Southeastern Poultry and Egg Association, served as president of the Alabama Poultry Processors Association and was cofounder of the Alabama Poultry Industry Association. On the national level, he was a cofounder of the National Broiler Council and the first president of the National Broiler Marketing Association, plus he served 15 years as a member of the board of directors of the Institute of American Poultry Industries.

''His principle business philosophy was hard work and lots of it,'' remembers Marshall B. Durbin, Jr., who succeeded his father as head of Marshall Durbin Cos., after working in the business with him for many years. ''In the early years, he would be on the streets making personal calls to hotels and restaurants at 4 a.m.—calling on the chefs in person. There was a lot of competition, and often the company that got the business was the first one there. ''He always tried to be the first one there.'' Mr. Marshall, Junior, is a very good friend of mine and we have talked extensively about his father and his legacy over the years.

Another place Marshall Durbin came in first was in his belief that chicken could be a viable business in the South. In the pre-World War II era, the Midwest seemingly had a lock on the market due to the producers' close proximity to ample supplies of corn and grain. Mr. Durbin worked long and hard to help convince railway companies to move to larger railcars and concurrently reduce rates, selling them on the argument that by the reduction they could increase volume and profits. This led to a shift in agricultural economics, with the South producing more chickens and the Midwest focusing its efforts on growing more corn and soybean to feed those chickens. He also led the way in promoting the nutritional value of chicken; it was at his urging in the early 1960's that the National Broiler Council initiated, with Kellogg's Corn Flakes and the Cling Peach Association a joint advertising program centered around this theme and aimed at women's magazines.

Mr. Marshall, Junior, also remembers his father, who over the years furthered his education with such readings as ''Plutarch's Lives'' and Will Durant's ''The Story of Civilization'', as a fair man. ''He was a good leader—a fair leader. I remember him as stern but friendly. Of course as happens in most businesses we sometimes disagreed on how things should be done because of the generational differences. But I can remember that for a while after he died when I had a problem I would still find myself getting up and going into his vacant office to ask for advice * * * by then I had learned that his counsel was generally right.''

The son says he believes his father, who in his later years found time for fishing and always reserved his Sundays to take his granddaughters to the zoo and then out for hamburgers, would most like to be remembered for the way he helped set the course for the poultry industry in not only Alabama and the Southeast, but in the United States.

Perhaps Marshall Durbin, Senior's most significant legacy in that regard stemmed from his tenure on the U.S. Department of Agriculture National Advisory Committee in the middle 1960's. At the time, the USDA was in the process of introducing a proposal to impose production quotas and price controls on the poultry industry. Having seen what a detrimental effect similar policy measures had wreaked on the cotton industry, Mr. Durbin used his membership on the National Advisory Committee to position himself in the leadership of the opposition to quotas.

The result of those months of work in Washington, DC, are still felt today. Thanks to the efforts of Marshall Durbin, Senior and those who worked with him, no lids were imposed on poultry-production, and unlike King Cotton, long ago dethroned in the world market, the poultry business has grown exponentially. For example, when Mr. Durbin went to Washington to first battle for this cause, the United States

was producing 2.3 billion chickens annually, while in 1995 some 7.3 billion birds were produced. And over the years, Alabama has been the beneficiary of much of this growth—as is evidenced by the fact it is now the third largest poultry-producing State in the Nation.

Even 25 years ago the relevance of Marshall Durbin Senior's national policy work in the District of Columbia was well known. As then said the Southeastern Poultry Times, ''His influence there was credited with helping to keep the poultry industry free of production and price controls and today the poultry industry is among the remaining 'free enterprise' industries of agriculture.''

Around the State, his efforts were also well recognized, as evidenced by his 1969 induction in the Alabama Poultry Hall of Fame. And upon his death in 1971, the trade magazine ''Broiler Industry'' drew upon the words of Ralph Waldo Emerson to best capture the industry leaders' accomplishments, writing, ''if, as Emerson said, 'an institution is lengthened by the shadow of one man,' then Marshall Durbin, Sr., was such a man * * * he was a man who always knew where he was going, and how he was going to get there—a true natural leader * * *. He was one of the best integrated broiler operators in the United States.''

But perhaps the final tribute to Marshall Durbin, Senior, is that he gave his vision the roots to continue to grow.●

TRIBUTE TO GOODWYN L. MYRICK

● Mr. HEFLIN. Mr. President, just before the sine die adjournment, the Alabama Business Hall of Fame at the University of Alabama announced that Goodwyn L. Myrick, the president and chief executive of the Alabama Farmers Federation and Alfa Insurance Co., would be inducted into the Alabama Business Hall of Fame.

Goodwyn is a native of Etowah County, AL, where he was born in 1925. He established his first dairy herd in 1944 with eight cows. Today, M & H Farms—a partnership between Goodwyn, his son, Greg, his daughter, Donna, and son-in-law, Tony Haynes—has over 400 Holstein dairy cows and 700 head of beef cattle. It encompasses two farms and more than 2,000 acres.

In 1978, he was elected president of the Alabama Farmers Federation, and is currently serving his ninth term as president of the federation and Alfa Insurance Co. During his tenure, Alfa has had the greatest amount of storm losses and the greatest amount of growth in its history, with $267 million in losses since 1978. At the same time, it has grown by 1,000 percent. The Alabama Farmers Federation has seen its membership grow from 223,000 in 1980 to nearly 400,000 today.

Goodwyn's previous positions include president of the Etowah County Farm Bureau Federation; the board of directors of the Alabama Farm Bureau Federation—predecessor organization to the Alabama Farmers Federation; and vice president of the federation.

Considered one of the most influential businessmen in the State, Goodwyn joins the ranks of over 100 other distinguished corporate leaders in the Alabama Business Hall of Fame. These previous inductees include George Washington Carver, Winton ''Red'' Blount, and Aaron Aronov.

I am pleased to commend and congratulate Goodwyn Myrick for receiving this most-deserved honor. The agricultural community of Alabama has never had such a strong leader and loyal friend.●

TRIBUTE TO BILL MITCHELL

● Mr. HEFLIN. Mr. President, just before the sine die adjournment, the Alabama Business Hall of Fame at the University of Alabama announced that Bill Mitchell would be one of its inductees this year. Bill is the retired president of First National Bank of Florence, which is now SunTrust Bank.

This University of Alabama Law School graduate has spent his life serving his community. He has served as president of the Muscle Shoals, Alabama, Regional Library Board, the Florence Chamber of Commerce, the Florence Rotary Club, and the Lauderdale County Chapter of the American Red Cross.

Bill has also been a member of the board of directors of the Alabama State Chamber of Commerce, the Alabama Department of Archives and History Board of Trustees, the University of Alabama System Board of Trustees, the University of Alabama College of Commerce and Business Administration Board of Visitors, and the University of North Alabama president's cabinet.

His rich heritage suits this honor well. He still attends First Presbyterian Church in Florence, where his great-grandfather, a Scotch-Irish immigrant, served as pastor during the 1850's. His grandfather served as a probate judge, a representative in the Alabama Legislature, and State tax commissioner. His father served in the State senate and as president of the Alabama State Bar.

Bill earned a noncombatant Bronze Star with Oak Leaf Cluster and a Legion of Merit award for his service during World War II. Before going into banking, he practiced law in Florence from 1946 to 1958.

According to an Alabama Business Hall of Fame report, the purpose of this award is to honor ''the names and accomplishments of the State's most distinguished business leaders.'' Bill Mitchell certainly fits this description. He has succeeded by following his own advice: ''Learn a lot about a lot of things, work hard and get to know people.'' He is a living example of the wisdom of that advice, for he has practiced it and lived it throughout his life.

In fact, few people have been as instrumental in making the city of Florence what it is today as he has. He has been involved in virtually every organized effort aimed at improving the quality of life for its residents. He has a lengthy list of leadership positions and career positions. He has often been called upon to serve as the president of charitable and civic organizations like those mentioned above. He has made his mark in business and has served his family and church faithfully.

I am pleased to commend and congratulate Bill Mitchell for being inducted into the Alabama Business Hall of Fame. He continues to bring honor to his city and its citizens who have been the beneficiaries of his many years of outstanding and selfless service.●

REGARDING H.R. 2505 ALASKA NATIVE CLAIMS SETTLEMENT

● Mr. MURKOWSKI. Mr. President, during the closing days of the 104th Congress, I spoke many times about how a single Senator, with or without cause, can prevent any piece of legislation from moving forward, even if it is noncontroversial. Unfortunately, this seems to be the case with a piece of legislation that is very important to me and the people of my State.

H.R. 2505 was passed by the House on September 26, 1996, at that time I had the legislation held at the desk in the Senate and continually tried to get it passed. Unfortunately, I was told that there was a Democratic hold on this legislation and it would not be able to move through the Senate in the final hours. I am deeply disappointed by this and am even more disturbed knowing that it was the result of a political decision and not one based on substance.

H.R. 2505 is a bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes. I supported all of the provisions in this package, Mr. President, and am very disappointed that it was not allowed to move forward on the floor of the U.S. Senate. The greatest consequence the failure to pass this legislation will have on the people of Alaska will be felt most severely in the Calista region.

Section 5 of H.R. 2505 implements a land exchange with the Calista Corporation, an Alaska Native regional corporation organized under the authority of the Alaska Native Claims Settlement Act. This exchange, originally authorized in 1991, by Public Law 102–172, would provide for the United States to acquire approximately 225,000 acres of Calista and village corporation lands and interests in lands within the Yukon Delta National Wildlife Refuge in southwestern Alaska.

The refuge serves as important habitat and breeding and nesting grounds for a variety of fish and wildlife, including numerous species of migratory birds and waterfowl. As a result, the

Calista exchange will enhance the conservation and protection of these vital habitats and thereby further the purpose of ANCSA and the Alaska National Interest Lands Conservation Act.

In addition to conservation benefits, this exchange will also render much needed economic benefit to the Yupik Eskimo people of southwestern Alaska. The Calista region is burdened by some of the harshest economic and social conditions in the Nation. As a result of this exchange, the Calista Corporation will be better able to make the kind of investments that will improve the region's economy and the lives of the Yupik people. In this regard, this provision furthers and carries out the underlying purposes of ANCSA.

This provision, is, in part, the result of discussions by the various interested parties. As a result of those discussions, a number of modifications were made to the original package of lands offered for exchange. Chief among these were the addition of another 27,000 acres of surface estate—fee and conservation easements—of village corporation lands, as well as the Calista subsurface estate lying underneath those lands, and the removal of the Tuluksak mineralized parcel from the exchange.

In a last minute agreement to move the bill through the House, the total value of the exchange package was reduced by 25 percent to $30 million. Such a reduction was unwarranted and seriously undermined the utility and benefit of the provision for the public and for Calista and the 12 village corporations involved. I intend to do all I can to restore this value to the exchange package next year and will call on my colleagues on both sides of the aisle to assist in remedying this problem.

Mr. President, it is time to move forward with this exchange. It is my firm intent to see this exchange go forward so that the mutual benefits to Calista and to conservation of the natural resources within the region can be achieved.

Following are some of the letters of support from conservationist for implementing the land exchange with Calista.

The material follows:

NATIONAL AUDUBON SOCIETY,
Anchorage, AK, July 10, 1996.

Hon. DON YOUNG,
House Resources Committee,
Washington, DC.

DEAR CONGRESSMAN YOUNG: I'm writing on behalf of the National Audubon Society including its 2,200 Alaska members to support your legislative efforts to achieve a land exchange authorized in P.L. 102–172 for the benefit of the Calista Corporation on the Yukon Delta National Wildlife Refuge.

Audubon recognizes the Yukon Delta National Wildlife Refuge as among the premier waterfowl production areas on the continent. Its wetland habitats produce an annual fall flight of geese, ducks and swans that benefit thousands of hunters and other wildlife enthusiasts throughout the Pacific Flyway. Most importantly, these waterfowl along with millions of other migratory birds, fish and game animals constitute the mainstay of the region's subsistence economy.

After having worked with Calista and other partners for some 10 years on the Yukon-Kuskokwim Delta Goose Management Plan, we are convinced that the majority of their stockholders fully realize how essential the protection of fish and wildlife habitat through flyway-wide cooperation is to the future of their people and the wildlife that grace their lives. Through the goose management plan, and with Calista's cooperation, we are achieving great success in restoring seriously depleted goose populations to healthy levels. The proposed land exchange will further enhance these and other joint efforts to conserve refuge fish and wildlife.

We know that Calista has worked long and heard to negotiate a fair and equitable administrative land exchange with the Department of the Interior, but to no avail. Thus it appears congressional action is required to resolve the matter in a way that is most fair to Calista stockholders while providing greater protection to refuge resources of great state and national significance. We believe this can be accomplished by exchanging approximately 28,000 acres of surface and 182,000 acres of subsurface estate for certain excess or surplus government properties as P.L. 102–172 provides. With federal acquisition monies becoming increasingly scarce, this seems an innovative and practical approach to better conserve our nation's wildlife heritage while helping the Calista Corporation and its stockholders better secure their economic future. In other words, this should be a win-win solution for all concerned.

Thank you for your leadership on this important issue, Congressman Young, and for your consideration of our views.

Sincerely,

DAVID R. CLINE,
Senior Wildlife Counselor.

DUCKS UNLIMITED, INC.,
Washington, DC, June 21, 1996.

Hon. DON YOUNG,
Hon. GEORGE MILLER,
Committee on Resources, U.S. House of Representatives, Washington, DC.

DEAR MR. YOUNG AND MR. MILLER: We are aware of a pending land trade between the federal government and Calista Native Corporation. The area that would be acquired by the U.S. Fish and Wildlife Service in this swap is land that serves as a very important waterfowl breeding area for the Pacific and Central flyways of North America. Substantial portions of the populations of several waterfowl and other bird species use the Yukon-Kuskokwim river delta for breeding and as staging and stopover habitat in their annual migratory cycle.

I understand that you have legislation under consideration that will facilitate a situation that allows the Fish and Wildlife Service to acquire these lands. Ducks Unlimited is in favor of assuring that these lands will be kept in a condition that will allow these birds maximum opportunity to complete their life cycle needs.

Sincerely,

SCOTT SUTHERLAND,
Director of Governmental Affairs.

HERNDON, VA, *September 18, 1995.*

Hon. DON YOUNG,
Chairman, House Resources Committee,
Washington, DC.

DEAR MR. CHAIRMAN: It has been brought to my attention that you are considering early actions to further the land exchange involving the Calista Regional Corporation (Calista) originally authorized by P.L. 102–172. As an individual with lengthy involvement in the implementation of the Alaska Native Claims Settlement Act, passage of the Alaska National Interest Lands Conservation Act, and numerous related Alaska issues including efforts to achieve completion of the Calista land exchange, I am writing this brief letter to express my support for actions that will further a fair and equitable exchange that benefits both the shareholders of Calista and the conservation interests of the Federal Government. You may recall that for nearly eight years I was in charge of the Fish and Wildlife Service efforts to support the Administration's proposals under Section 17(d)(2) of the ANCSA. In that capacity, I was directly involved with many discussions in the government and the Native leaders in the region and villages. Since leaving that FWS position, I continued having periodic involvements in Alaska matters. I am thoroughly familiar with the exchange provision in law and the efforts made by Calista to reach accord with the Department of the Interior.

It has been my intent to write you a more detailed analysis of the difficulties that have afflicted the Calista exchange and to offer my support for your efforts to remove major impediments. The suddenness of the potential actions in your committee necessitate sending this shorter communication on the subject.

The Calista Corporation has invested substantial resources and time in their efforts to resolve concerns within the Department of the Interior and to move forward with an exchange that represents fairness to the corporation and reasonable benefits to the government. Unfortunately, even with those tangible and resolute overtures by Calista, the exchange process never achieved the level of meaningful two-way communication necessary to resolve serious differences in approach. Thus, although I had sincerely hoped that a beneficial and just reconciliation of differences would be negotiated, there has been no real progress in this matter for more than a year.

Mr. Chairman, even while we have had differences through the years, each of us have worked in his own way for self-determination, fairness and equity for the Native peoples of your great state. I believe that Calista has made an honorable offer of lands and interests in lands that would benefit the long-term conservation and management of the Yukon Delta National Wildlife Refuge. They have sought fairness in the terms of the exchange, but they have been unable to engage the Interior Department representatives in meaningful negotiations. It appears necessary and important for you to assist Calista toward a just exchange arrangement that also provides the refuge with benefits at a fair cost. I will strongly support actions to accomplish those worthy goals.

Sincerely yours,

WILLIAM C. REFFALT.

ANCHORAGE, AK, *June 24, 1998.*

Speaker NEWT GINGRICH,
Rayburn House Office Building,
Washington, DC.

DEAR SPEAKER GINGRICH: I am writing to you in strong support of the Calista land exchange in H.R. 2505 and urge that you act on this measure as quickly as possible. As a long time resident of Alaska and someone concerned with conservation and sustainable economic development, I cannot overstate to you how important this exchange is—both to the people and the resources of the Calista region.

The Calista land exchange involves outstanding fish and wildlife habitat located within the Yukon Delta National Wildlife Refuge (YDNWR). The Yukon Delta is one of

the most unique and productive delta ecosystems in the world. And, it is a place of my heart.

Twenty years ago, I first experienced the Yukon Delta as my brother and I paddled by canoe over two thousand miles from the Great Slave Lake in the Northwest Territories of Canada across the old fur-trade route to the Yukon river, and then down to the Bering Sea. To us, the Yukon Delta had become an almost mythical destination. But, by the time we had reached the delta, we had become excited about ''ending'' our expedition, sponsored by Old Town Canoe Company, and we were eager to fly out. What we found there surprised and delighted both of us—a gentle and calm beauty and abundance neither of us had anticipated. This was, in our two-thousand mile journey, one of the most special places we had encountered. We decided to stay awhile.

Later, as the University of Alaska's marine extension agent for western Alaska for several years based in Kotzebue, I returned to the area many times attempting to help the local people develop a commercial economy. I came to realize then what I learned at the end of our canoe expedition—that the highest and best use of this delta was in preserving it intact, just as it was.

This is something that I think the local people came to realize long ago. Thousands of geese, ducks, loons, cranes, and swans, as well as seabirds and shorebirds migrate to this spectacular refuge every summer to breed and raise their young. The wetlands that exist on the Calista inholdings within the refuge provide critical habitat for many species of birds, fish, and mammals, making these areas an integral part of the ecosystem. Because wildlife do not often subscribe to politically constructed boundaries, any consideration for conserving this extraordinary ecosystem as a national wildlife refuge must include the Calista lands. It is crucial that Calista lands be protected in a manner consistent with the management objectives of the refuge.

Unlike some Alaska Native corporations, it has been very difficult for the Native people of the Calista region to translate their land endowment into financial capital that can be used to provide shareholder dividends and to develop real, long-term cash economies.

Thus, the exchange proposed in H.R. 2505 is somewhat sublime—surplus federal property for conservation. It could well become the U.S. version of the debt-for-nature exchanges now underway between international lending institutions and third-world countries to preserve dwindling habitat.

This exchange, if approved, will help to protect ancestral lands and wildlife habitat, and it will provide Calista the money with which to hopefully jumpstart profitable business ventures elsewhere. I hope your action might also help alleviate other social problems in the region, such as the alarmingly high rates of suicide, infant mortality, hepatitis, meningitis, tuberculosis, alcoholism and unemployment.

This is a chance to do something right, that will be remembered as such in history. Seldom do we get such a chance. It is my sincere hope that this exchange will be the first of many, bringing conservation, social, cultural, and economic benefits to rural Alaska.

I urge that you take immediate action to ensure that this, and many other similar exchanges, are enacted.

Sincerely,

RICK STEINER,
The Coastal Coalition,
Anchorage, AK.

THE CONSERVATION FUND,
Shepherdstown, WV, September 22, 1995.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: As I understand it, you are considering legislative steps to implement the land exchange authorized in P.L. 102–172 for the benefit of the Calista Corporation and of the Yukon Delta National Wildlife Refuge. I am writing to you to voice my support for efforts in Congress to complete this exchange, which I believe would be of substantial benefit to the conservation of wildlife refuge resources in the Yukon Delta region.

By way of background, as you may know, I was with the U.S. Fish and Wildlife Service (USFWS) for 24 years. Three of those years were spent as the Alaska Regional Director of the USFWS from 1983 until 1987 and two years as the Associate Director in Washington, D.C. Since my retirement from government, I have served as the Director of Science for the Conservation Fund, a publicly supported non-profit organization dedicated to advancing land and water conservation.

From studying the Calista land exchange, it appears that approximately 28,000 acres of fee or fee entitlement would be involved and 182,000 acres of subsurface estate. Given the nature of the lands in the Yukon Delta region, acquiring the subsurface estate as proposed will go a long way toward conserving the resources of the surface estate which contains critical fish and wildlife habitat in the northern sector of the Pacific Flyway. This is a wildlife refuge of tremendous resources clearly worthy of special conservation efforts.

The exchange would make productive and creative use of certain excess or surplus government property in exchange for lands and interests in lands to be conserved. This seems to be a sensible approach to assist conservation while at the same time providing a means to enable an Alaska native Corporation to serve the most populous, undeveloped and the poorest Native region in the state. This is especially true considering the few dimes on the excess or surplus property dollar often associated with the sale of such lands in the Federal portfolio.

I know that it has been difficult bringing this exchange to a successful conclusion. I believe, as you apparently do, that the time has come to resolve this in an expeditious way that is fair and reasonable for the landowner and for the government. As in the past, when a process gets so bogged down for whatever reason, that is it unable to deal fairly and effectively with an issue, it is likely that the Congress will need to step in to help achieve an equitable resolution. It appears that is the case here.

Thank you again for your consideration of my views on this matter and I strongly urge you and your colleagues to take action soon to implement this land exchange.

Sincerely,

ROBERT E. PUTZ, Ph.D.

CALIFORNIA STATE DIVISION, THE IZAAK WALTON LEAGUE OF AMERICA,
June 11, 1996.

Hon. DON YOUNG,
Chairman, House Resources Committee,
Washington, DC.

DEAR MR. CHAIRMAN: The California Division of the Izaak Walton League of America is a non-profit grassroots organization whose members are dedicated to outdoor recreation and the conservation and the preservation of our natural resources. On behalf of the 500 members statewide, I am writing to offer my support of legislation that would facilitate the Calista Land transfers authorized by congress in 1991 and urge that this important measure be enacted expeditiously.

This measure would help conserve and protect critical wildlife habitat located within the Yukon Delta National Wildlife Refuge (YDNWR) in the Calista region of Alaska. Much of the terrain involved provides low lying coastal habitat for waterfowl, fish and other wildlife typical of the Calista Region and the YDNWR. The YDNWR was established in 1980, pursuant to the Alaska National Interest Lands Act, to protect nesting and breeding habitats for large numbers of migratory birds. Millions of geese, duck, loons, cranes, and swans, as well as shorebirds and seabirds migrate to the spectacular refuge every summer to breed and raise their young. The wetlands that exist on these in holdings are world class and serve as unparalleled habitat for many species of birds and other wildlife.

The specific wildlife that would be protected by this exchange is outstanding. For example, Pacific Bract, White Fronted Geese, Cackling Canada Geese and Emperor Geese nest on the parcels in the exchange. These birds are all ''species of Concern'' under the Migratory Bird Treaty Act. Their numbers have been declining precipitously. All waterfowl in the refuge, except for the Emperor Geese, use the Pacific flyway, wintering over at various locations along the U.S. West Coast and Mexico. In addition, most shorebirds nesting in the refuge also migrate along this flyway, wintering as far away as South America. Wintering overgrounds are where birds spend at least half of their lives. Securing the stability of these waterfowl populations' nesting and overwintering grounds must remain a priority if these populations are to thrive. The Calista land exchanges would enhance this overall protection.

The Calista exchange involves both surface and sub-surface estates. Given the access and other rights of the subsurface estate owner to use and otherwise disturb the surface estate, in order to adequately protect the wildlife and associated habitats, it is imperative that the subsurface estate be protected as well. Consequently, acquisition of subsurface estates is crucial to carrying out the overall purposes of the refuge.

In closing, if adequately protected, the wilderness lands offered by the Calista inholdings will create a legacy of the world class natural resources in the Yukon Delta National Wildlife Refuge that can be shared by anglers, hunters, boaters, ecotourists, wildlife viewers and subsistence users alike.

Sincerely,

SAMUEL A. CARR, Jr.,
National Director.●

ADDRESS BY AMBASSADOR RICHARD GARDNER: ''FRANKLIN ROOSEVELT AND WORLD ORDER: THE WORLD WE SOUGHT AND THE WORLD WE HAVE''

● Mr. KENNEDY. Mr. President, Richard Gardner, the U.S. Ambassador to Spain and one of the Nation's most respected authorities on foreign policy, delivered an important address in Turin, Italy, last month at a conference on the legacy of President Franklin Roosevelt in modern international relations.

Ambassador Gardner's address is an eloquent and instructive analysis of President Roosevelt's remarkable leadership in leading the United States out of the isolationism that marked the

years before World War II and his vision of a post-war world in which nations could and would work together to achieve common security, promote economic development, and protect human rights.

Ambassador Gardner also perceptively analyzes our current efforts with other nations to adapt these goals and ideals to the practical conditions and needs of the modern world.

At a time when some in Congress are inclined to prefer isolationism and unilateral action, Ambassador Gardner's address offers a compelling analysis that ''practical internationalism'' is the right approach for the future. I believe that his address will be of great interest to all of us in Congress and to many others in the country, and I ask that it may be printed in the RECORD.

The material follows:

FRANKLIN ROOSEVELT AND WORLD ORDER: THE WORLD WE SOUGHT AND THE WORLD WE HAVE

(Address by Richard N. Gardner, U.S. Ambassador to Spain, at the Conference on The Legacy of FDR)

January 6, 1941: Adolph Hitler and Benito Mussolini are the masters of Western Europe. Nazi armies have over-run Poland, occupied Denmark and Norway, invaded the Netherlands and Belgium, and conquered France. Russia stands aside, faithful to the Hitler-Stalin pact. Only England resists the onslaught of Fascist tyranny, bracing itself under terrifying air raids for the expected German invasion.

In Asia, the militarists of Japan are on the march. The United States is beginning, hesitantly, to give help to England, yet the Lend-Lease Act has not yet passed the Congress, and the American people are overwhelmingly against entering the European war. It is hard to imagine when or how peace and freedom can ever be restored to Europe—or the world.

In this dark moment an American President, Franklin Delano Roosevelt, appears before the Congress of the United States. He tells the American people they face an unprecedented threat to their freedom. He pledges all of America's resources to the defense of the democracies. And he inspires his countrymen with the following statement of what the historic struggle is all about:

''As men do not live by bread alone, they do not fight by armaments alone. Those who man our defenses, and those behind them who build our defenses, must have the stamina and courage which come from an unshakable belief in the manner of life which they are defending. The mighty action which we are calling for cannot be based on a disregard of all things worth fighting for.

''In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression—everywhere in the world.

''The second is freedom of every person to worship God in his own way—everywhere in the world.

''The third is freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy peace time life for its inhabitants—everywhere in the world.

''The fourth is freedom from fear—which, translated into world terms, means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.

''That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create with the crash of a bomb.

''To that new order we oppose the greater conception—the moral order. . . . The world order which we seek is the cooperation of free countries, working together in a friendly, civilized society.''

What prompted Franklin Roosevelt to present this ambitious vision of a postwar world? What specific measures did he initiate to move toward that goal? What have been the results? What guidance can we find in his foreign policy legacy today? One could write a book about questions like these, but let me try, within the confines of one speech, to suggest some answers.

I believe it is fitting that we discuss such questions in Europe, and particularly in Italy. Had Roosevelt not been President of the United States, it is doubtful that the United States would have moved so firmly in 1941 to oppose the Axis powers. With a different President, committed to an isolationist policy, Japan might not have attacked Pearl Harbor; Hitler and Mussolini might not have declared war on the United States. Europe might have lived for decades under Fascist tyranny.

Moreover—and this is the point I wish to develop here—our postwar institutions for cooperation in peace and security, trade and development, and human rights might never have been created.

Franklin Roosevelt was an idealist. But he was also, to use John F. Kennedy's famous description of himself, ''an idealist without illusions.'' He could be pragmatic—should I say even Machiavellian?—in accommodating to political realities, but he remained faithful to a consistent vision of the future. He understood only too well how hard it would be to realize the kind of postwar world he described, but he was equally convinced of the need to try.

As Democratic Vice-Presidential candidate in 1920, Roosevelt had campaigned, in vain, for Woodrow Wilson's League of Nations. In his view, the rise of Fascism and the coming of the Second World War were caused in large part by the failure of the United States to join the League. He also blamed the peacemakers at Versailles for failing to create effective international institutions to assure collective security, economic solidarity, and human rights.

He believed that the American people would never throw their full weight into the struggle against Fascism if they saw nothing better at the end of the road than more unrestrained military competition, more ''spheres of influence,'' more depression and economic nationalism, more colonial aggrandizement—and more war. He was convinced that these misfortunes would inevitably result unless the United States once and for all renounced isolationism and took the leadership in constructing a new world order based on enduring moral principles.

As he told the Congress: ''We shall have to take the responsibility for world collaboration, or we shall have to bear the responsibility for another world conflict.''

THE WORLD WE SOUGHT

Thus it was that Roosevelt moved swiftly, even before the United States entered the war, to lay the basis for American leadership in a postwar peace system. In an historic meeting at sea with Winston Churchill in August 1941, the two leaders proclaimed in the Atlantic Charter ''certain common principles . . . on which they base their hopes for a better future for the world.''

The Charter contained eight fundamental propositions: no territorial aggrandizement; no imposed or undemocratic territorial changes; sovereign rights and self-government for all peoples; access, on equal terms, to the trade and raw materials of the world for ''all States, great or small, victor or vanquished''; international economic collaboration to secure ''improved labor standards, economic advancement and social security''; a postwar peace assuring safety to all nations and freedom from fear and want for all men; freedom of the seas; and, ''pending the establishment of a wider and permanent system of general security,'' the disarmament of aggressor nations and ''the reduction for peace-loving peoples of the crushing burden of armaments.''

On January 1, 1942, the principles of the Atlantic Charter were subscribed to in a document promulgated in Washington by the 26 nations allied in the struggle against the Axis powers. That document was called the ''Declaration by the United Nations''—a term invented by President Roosevelt. It was his inspiration to propose the same term to describe the permanent peace organization that would be founded by the victorious allies at San Francisco.

Roosevelt's conception of a postwar world order had three main elements—collective security, economic cooperation, and human rights. Each of these elements found its way into the United Nations Charter, and achieved concrete expression in global and regional institutions that remain with us today. We now take these concepts so much for granted that it is hard to realize how revolutionary they were when they were first set forth by Roosevelt and his Administration some 50 years ago.

To begin with, collective security. Roosevelt pressed a skeptical Winston Churchill and an unconvinced Joseph Stalin to accept the idea of a global organization to keep the peace. Churchill preferred several regional peace organizations; Stalin probably wanted none at all—just Big Three arrangements to keep the Axis powers disarmed and acceptance of a new Soviet Empire in Eastern Europe.

But Roosevelt prevailed. His postwar peace system seemed at the time a judicious blend of realism and idealism: Four so-called ''policemen''—the United States, Britain, Russia and China—would put their forces at the disposal of the United Nations to keep the peace and would receive the special privilege of the veto (later these became the five Permanent Members of the Security Council with the addition of France). All UN members large and small would undertake common commitments to settle their disputes peacefully and refrain from the threat or use of force against the territorial integrity or political independence of other nations.

Roosevelt believed that the great powers should learn to live without colonial empires and spheres of influence, accepting the same obligations of international law as smaller countries. He applied this belief to the United States in Latin America just as he sought to apply it to the Soviet Union in Eastern Europe.

As he had written in the journal *Foreign Affairs* as far back as 1928: ''The time has come when we must accept . . . a newer and better standard in international relations.'' Should disorder threaten a sister nation in Latin America, ''it is not the right or the duty of the United States to intervene alone. It is rather the duty of the United States to associate with itself other American Republics, to give intelligent joint study to the problem, and, if the conditions warrant, to offer the helping hand or hands in the name of the Americas. Single-handed intervention by us in the affairs of other nations must

end; with the cooperation of others we shall have more order in this hemisphere and less dislike.''

An important part of Roosevelt's concept of collective security was the control and regulation of armaments. Roosevelt was no believer in unilateral disarmament—one need only recall his effective work as Assistant Secretary of the Navy during the First World War and his leadership in making the United States the ''arsenal of democracy'' in the struggle against Fascism. But throughout his life he was a passionate supporter of multilateral and reciprocal disarmament under international control wherever it was achievable, and he looked towards a world in which all nations would be disarmed except the ''four policemen''—whose arms would be used only to safeguard the common security in accord with decisions of the Security Council of the United Nations.

Although he died a few months before the first atomic bombs were dropped on Japan, he had begun to think about the terrible destructive power of nuclear weapons. A year after his death President Truman, following in the spirit of Roosevelt's thinking on disarmament, offered to turn over the then U.S. monopoly of nuclear weapons to the United Nations, if other countries would also foreswear their development. Stalin's rejection of this proposal, known as the Baruch Plan, set us on the path of the nuclear arms race and opened up today's frightening prospects of nuclear proliferation.

There are those who believe that Roosevelt acquiesced in the domination by the Soviet Union of Eastern Europe is violation of the very universal principles he was espousing with the founding of the United Nations. The facts are to the contrary.

At the Yalta Conference, Roosevelt secured from Stalin pledges of ''the earliest possible establishment through free elections of governments responsive to the will of the people'' (Declaration on Liberated Europe) and, in the case of Poland, ''free and unfettered elections . . . on the basis of universal suffrage and secret ballot'' (Declaration on Poland).

The Soviet suppression of freedom in Eastern Europe was not the result of the Yalta Agreements—it took place in violation of them. In the weeks before his death, Roosevelt sent a stern message of protest to Stalin for his failure to honor the Yalta Agreements. But he was powerless to force the Russians out of countries their conquering armies had occupied.

As the historian Robert Dallek has written after an exhaustive examination of the historical record: ''The suggestion that Roosevelt could have restrained this Soviet expansionism through greater realism or a tougher approach to Stalin in unpersuasive.'' To the same effect is George Kennan's judgment that as an aftermath of World War II ''no one could deny Stalin a wide military and political glacis on his western frontier . . . except at the cost of another war, which was unthinkable.''

Finally, we have the testimony of Averell Harriman, Roosevelt's wartime Ambassador to the Soviet Union: ''It was Stalin's actions which brought on the Cold War. Roosevelt has been criticized for being taken in by Stalin and for unwisely trusting him. Nothing is more unfair. If he had failed to try, Roosevelt would have been held responsible for the breach between us.''

Economic cooperation was the second essential element in Roosevelt's conception of world order. He was determined to put an end to the American tradition of economic nationalism and use American power to construct a new and cooperative international economic order. He had told his countrymen that American democracy could not survive if one-third of the nation were ill-housed, ill-clothed, and ill-fed; he now urged upon his countrymen the further recognition that American welfare could not be assured in a disordered and impoverished world economy.

The Second World War, Roosevelt believed, was caused in part by the wild currency disorders, mass unemployment and economic desperation that brought Hitler and Mussolini to power. This time priority must be given to laying the economic foundations of the peace. And these foundations, while preserving the system of private enterprise, could not consist of unregulated market forces either within or between nations. To assure high levels of employment, growth, trade and economic justice would require an active role by governments working together through new international organizations.

To this end, Roosevelt first of all rejected the idea of a Carthaginian peace—there were to be no war reparations exacted from Germany, Italy and Japan as Stalin and others wanted. On the contrary, the vanquished as well as the victor countries were to be given fair economic treatment and equal access to markets and raw materials. Not only that, but the peoples of vanquished as well as victor countries liberated from Fascism were to receive generous help from the United Nations Relief and Rehabilitation Agency (UNRRA), ably led by Herbert Lehman and later Fiorello La Guardia.

To prevent another divisive postwar argument over the repayment of war debts, Roosevelt invented the Lend-Lease program, which brought $27 billion in wartime aid to Britain and $11 billion to the Soviet Union, with nothing asked in repayment except for a few hundred million dollars representing the postwar value of materials remaining at the end of hostilities. Lend-Lease was truly, as Churchill put it, the ''most unsordid act in history.''

The heart of Roosevelt's plan for a new world economic order lay in three new organizations—the International Monetary Fund, the International Bank for Reconstruction and Development, and the International Trade Organization. Agreement on the first two of these institutions was reached at Bretton Woods, New Hampshire, in the summer of 1944, almost a year before the San Francisco Conference approved the UN Charter.

Roosevelt and his colleagues considered orderly currency arrangements and properly aligned exchange rates as basic to everything else—hence the International Monetary Fund which was to assure a system of stable but adjustable par values, the elimination of exchange controls on current transactions, and a pool of currencies that could give countries time to adjust their balance of payments problems without measures destructive of their own or other countries' economic stability.

Essential to the success of the par value system, however, was the harmonization of national monetary and fiscal policies. The original version of the White Plan was explicit in this regard—members were obliged ''not to adopt any monetary or banking measure promoting either serious inflation or serious deflation without the consent of a majority of member votes of the Fund.'' In the negotiations leading to Bretton Woods, however, references to the limitation of national economic sovereignty were progressively weakened, in deference to political realities in Britain and the United States (and probably other countries).

The International Bank for Reconstruction and Development was mainly conceived as an agency for postwar reconstruction. With a relatively small amount of paid-in capital, it was to operate principally by issuing bonds on the private capital market. The Bank was conceived without much thought to the vast needs of the developing countries, though it provided a valuable framework that could eventually be adapted to assisting them. Its founders also underestimated the requirements of postwar reconstruction in Europe and Japan, which had to be dealt with through the Marshall Plan, whose 50th anniversary we celebrate next year.

When Roosevelt became President, the United States had only recently enacted the Smoot-Hawley Tariff, the highest in its history. Thanks to Roosevelt's reciprocal trade agreements program, under which Congress delegated broad tariff-cutting powers to the President, the United States was finally in a position to work with other countries for the removal of trade barriers and the elimination of trade discrimination. Thus, when the U.S. Congress refused to approve the International Trade Organization, the world was fortunate to be able to fall back on a multilateral trade agreement—GATT—which had been negotiated in 1947 under the authority of Roosevelt's trade legislation. GATT became the instrument for 50 years of largely successful negotiations to reduce tariffs and non-tariff barriers and resolve trade disputes.

In Roosevelt's concept of postwar economic cooperation, the International Monetary Fund, the World Bank and the International Trade Organization were to operate as largely autonomous ''Specialized Agencies,'' loosely ''coordinated'' by the General Assembly of the United Nations and by the Economic and Social Council (ECOSOC). Other major Specialized Agencies that emerged as a result of Roosevelt's leadership included the Food and Agriculture Organization, the International Labor Organization, the World Health Organization, UNESCO, and the International Civil Aviation Organization. ECOSOC was empowered to receive reports from the Specialized Agencies, to undertake studies, to call conferences, and to issue recommendations on economic and social questions.

Human rights comprised the third element in Roosevelt's conception of world order. Roosevelt worked to establish a new and revolutionary concept in international relations—that how a nation treated its own people was no longer its own business alone, but the business of the entire international community. Thanks to Roosevelt, the United Nations Declaration of January 1, 1942, spoke of ''human rights'' as a fundamental objective of the struggle against Fascism. And it was largely due to his Administration, prodded by private American academics and religious leaders, that the concept of human rights was firmly embodied in the UN Charter.

Human rights meant, first of all, the rights of peoples to self-government and independence. Roosevelt was determined that the Second World War should put an end to colonial empires and to the centuries-old system of territorial aggrandizement by victorious powers.

Clark Eichelberger, the founder of the American Association for the United Nations, has written of a wartime conversation with Roosevelt: ''The President said that when he had signed the Atlantic Charter, he had said we did not want more territory and that he was fool enough to mean it and would stand by it in the future.'' Even before the State Department developed its proposals for a United Nations organization it had at Roosevelt's urging, started work on the idea of an international trusteeship system, under which colonial territories conquered from the Axis powers (as well as other territories) would be administered for the benefit of the people and advanced toward independence.

But Roosevelt's conception of human rights was not limited to the self-determination of peoples. He knew too well that history is studded with examples of the unholy alliance between nationalism and tyranny. And he was convinced, with Hitler's campaign of genocide against the Jewish population of Europe as the most recent example, that violations of human rights could be a prelude to aggression and a cause of war. Thus his emphasis on individual rights as a postwar goal in the famous ''Four Freedoms'' speech. Hence the unprecedented commitment of UN members in the UN Charter to take joint and separate action in cooperation with the organization to promote ''universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.''

The story is told of a little girl who was asked to name her favorite American President and answered: ''Franklin Eleanor Roosevelt.'' The little girl was perhaps wise beyond her years. Mrs. Roosevelt undoubtedly played a part in deepening the President's commitment to human rights both at home and abroad. After her husband's death, Eleanor Roosevelt became Chairman of the UN's Human Rights Commission, and presided over the negotiation of the Universal Declaration of Human Rights, which was adopted by the General Assembly in 1948.

Mrs. Roosevelt also launched the UN on the drafting of the two basic human rights treaties—the Covenant on Political and Civil Rights and the Covenant on Economic, Social and Cultural Rights. But she knew that drafting human rights treaties was only part of what was needed: ''It is not just a question of getting the Covenants written and accepted,'' she used to say. ''It is a question of actually living and working in our countries for freedom and justice for each human being.''

THE WORLD WE HAVE

How did it all turn out? It is impossible to do justice to 50 years of turbulent and complex events in the brief time that remains to me, but let me offer some very general observations.

PEACE AND SECURITY

As everyone knows, the ambitious concept of collective security embodied in the UN Charter quickly collapsed with the collapse of the wartime alliance and the outset of the Cold War. It proved impossible to negotiate the special agreements under Article 43 of the Charter under which the Five Permanent Members and others were to make units of their armed forces available to the UN Security Council for peace enforcement purposes. Roosevelt's concept of collective security had to be implemented after his death by a different organization—NATO—conceived as a shield against Soviet aggression.

Nevertheless, the United Nations, adjusting to the postwar realities, developed noncoercive peacekeeping in place of collective security. Despite the Cold War, its men in blue helmets played a vital role in containing conflict in such far-flung places as Kashmir, Cyprus, the Middle East and the Congo. The Security Council and the Secretary-General served as useful resources for the peaceful settlement of disputes when members had the good sense to make use of them.

As the Cold War came to an end and the Soviet Union collapsed, the United Nations found itself called on to respond to an unprecedented number of new conflicts, requiring major operations in places like Cambodia, Somalia and the former Yugoslavia. Between 1987 and 1993, the UN undertook more peacekeeping operations than in all the previous year of its history. In these six years the UN went from five peacekeeping operations with 10,000 soldiers and an annual peacekeeping budget of $200 million, to 18 missions with 70,000 troops and a peacekeeping budget of $3 billion.

These operations placed great strains on the UN's operational capacity and even more on the financial resources and political will of its members. The UN found itself going beyond classical peacekeeping—men in blue helmets patrolling borders or otherwise supervising agreements to end hostilities. It was now obliged to assume responsibilities for the delivery of humanitarian relief and the maintenance of order in the midst of civil wars and even outright aggression.

In Somalia and the former Yugoslavia, there were large gaps between the ambitous Security Council mandates and the capacity of the world organization to carry them out. The inevitable result has been disillusionment with the UN, particularly in the United States.

These UN operations, as well as the crisis in Rwanda, have called into question a central assumption of collective security—the willingness of democratic countries to risk casulaties in conflict situations ''anywhere in the world,'' where they do not see their vital interests as being at stake.

UN peacekeeping missions will continue to be important in future years in helping to contain armed conflcit and deliver humanitarian aid. We need to explore practical ways to improve the training, equipment, financing and command and control of these missions. The UN can also improve its capacity for preventive diplomacy—working to resolve conflcits before they explode into violence.

But the time has come to recognize what the UN cannot do. Although the UN is still capable of traditional peacekeeping, it is not capable of effective peace enforcement against well-armed opponents who are not prepared to cooperate. This was amply demonstrated in Somalia and by UNPROFOR's experience in Bosnia.

For the foreseeable future, the defeat of aggression and the enforcement of peace will have to be undertaken by U.S.-led ''coalitions of the willing'' as in Desert Storm, or by NATO-led coalitions such as IFOR in Bonsia. These are clearly different instrumentalities than Roosevelt envisaged 50 years ago, but they are not inconsistent with the UN Charter which he made possible. That remarkably flexible instrument provides in Article 51 for the right of ''individual or collective self-defense'' and in Article 53 for the utilization by the Security Council of ''regional agencies'' for ''enforcement action under its authority.''

The United States and its European allies are now at work in building a new security architecture in Europe, which includes a new and enlarged NATO, the Partnership for Peace program with non-NATO members, a strengthened Organization for Security and Cooperation in Europe, and a broad Charter to govern NATO-Russian relations. A start has also been made at developing more effective regional institutions for the peaceful settlement of disputes and peacekeeping in Latin America, Africa and Asia, although much more needs to be done.

This is a far cry from Roosevelt's grand design of collective peace enforcement by the UN, but it is a pragmatic response in the light of political realities. Whether it will be enough to keep the peace in a disordered world will depend upon constructive behavior by the five Permenent Members of the UN Security Council and by regional middle powers, the willingness of the European Union and Japan to assure greater security responsibilities, and most of all, on skillful displomacy, backed by adequate military power, by the United States.

Roosevelt's ambitious hopes for the regulation and control of armaments by the United Nations have been frustrated by the same political forces that doomed a UN peace enforcement system. We have needed to rely, instead, on a decentralized system of agreements and institutions, some inside and some outside the United Nations. The START I and START II agreements, if fully implemented, will greatly reduce the number of nuclear weapons, and the renewal of the Non-Proliferation Treaty will help to check the spread of nuclear weapons. The Comprehensive Test Ban Treaty just concluded could also help reduce the danger of nuclear arms development.

The UN's International Atomic Energy Agency (IAEA) is playing a critical role in preventing nuclear weapons development in Iraq, North Korea, and other parts of the world. But still more can be done to strengthen the IAEA, to reinforce the export control efforts of the nucler suppliers club and to combat the growing black market in nuclear materials leaking from the stockpiles of the countries of the former Soviet Union.

The Chemical Weapons Convention, the UN efforts to eliminate the scourge of land mines, the Missile Technology Control Regime, and the post-Cocom export control arrangements to limit the spread of high-tech conventional weapons are other elements in the world's still evolving and still inadequate efforts to limit the production and spread of dangerous weapons.

Roosevelt saw the U.N. Security Council as the centerpiece of international cooperation for peace and security. It is increasingly recognized that altering the structure of the Council would be desirable if it is to continue to meet its responsibilities under the Charter.

The changes in power relationships in the half century since San Francisco have led a number of countries, including the United States, to propose adding Germany and Japan as Permanent Members, with the creation of three or four additional seats to permit more regular representation of middle powers from Asia, Africa and Latin America. So far the UN committee studying Security Council reform has not been able to achieve a consensus on this proposal or any other formula for making the Council more reflective of contemporary power realities. Whatever emerges must maintain the effectiveness of the Security Council as the operational arm of the United Nations in responding to challenges to international peace and security.

ECONOMIC COOPERATION

Roosevelt's grand design for economic cooperation has stood the test of time rather better than his design for peace and security, though not without profound changes that he could not have foreseen.

Instead of a system of fixed but adjustable exchange rates as conceived at Bretton Woods, we are now in a world of floating exchange rates for the world's major currencies, occasionally producing serious volatility and exchange rate misalignment. The International Monetary Fund was never able to assume its intended role as the primary supplier of liquidity to the world's developed countries, and it thus quickly lost any real influence over their monetary and fiscal policies. When the United States suspended gold convertibility in 1971, it put the world effectively on a dollar standard, and freed itself, at least in the short and middle run, from the necessity to balance its international accounts.

Unlike the world anticipated at Bretton Woods, we now live in a world in which capital flows have displaced trade flows as the

principal determinant of currency relations; more than $1 trillion of exchange transactions take place every day, only about two percent of which are linked to trade in goods and services in our highly sophisticated 24-hour-day global capital market, the original IMF concept that members could regulate capital movements but not payments for current transactions has become totally obsolete.

Yet Roosevelt was right in his fundamental concept that open trade relations require a measure of currency stability, and that currency stability in turn requires a degree of coordination of the monetary and fiscal policies of the major economic powers. So far as the industrialized countries are concerned, the efforts for such coordination now take place largely outside the Fund through meetings of the Treasury Ministers and Central Bank Governors of the Group of Seven (the United States, the United Kingdom, Germany, France, Italy, Canada and Japan).

The practical results of efforts toward greater international management of the floating rate system have been limited so far by an obvious fact of international economic life: the governments of the major economic powers are not prepared to subordinate their domestic policy objectives to the goal of keeping their currencies in some agreed international alignment.

Nevertheless, the search for greater monetary stability continues. It has enjoyed a measure of success through more limited regional arrangements, the leading example being the exchange rate mechanism of the European Monetary System. We shall soon see whether the more ambitious goal of a European Monetary Union with a European Central Bank and a European common currency will be achieved by the target date of 1999.

Like the International Monetary Fund, the World Bank had a very different future than the one envisaged for it by Franklin Roosevelt. The Bank's resources were too limited to play any significant role in accomplishing its primary purpose—the postwar reconstruction of war-devastated Europe. That purpose had to be assumed by the Marshall Plan, in which the United States pumped $16 billion (the equivalent of $100 billion in today's dollars) into European economies from 1948 to 1952, thus laying the foundation for the ''economic miracle'' of the Continent in the 1950's and 1960's.

The Marshall Plan was conditioned on the dismantling of intra-European trade barriers and on other concrete measures toward European economic unity. It thus led directly to the establishment of the Organization for European Economic Cooperation and paved the way for the creation of the European Common Market and eventually the European Union. Some Europeans in the postwar years claimed that an ''imperialist'' United States had ''hegemonical'' designs on Europe, but it is surely a strange kind of ''imperialism'' that urges weak and divided countries to unite so that they can become powerful economic competitors.

The strong support that the United States continues to give to European efforts at economic and political unity has been motivated by its enlightened self-interest in having a strong European partner with which to share global economic and political responsibilities. In a very real sense, this is a contemporary expression of Roosevelt's concept of economic solidarity in pursuit of a better world order. The New Transatlantic Agenda signed at the U.S.-E.U. Summit in Madrid last December may thus be seen as the lineal descendent of the Atlantic Charter of 1941.

If the International Monetary Fund and World Bank were unable to play the roles that Roosevelt imagined for them in relations between the United States and Western Europe, they have nevertheless more than justified their existence in the substantial technical aid and financing that they have provided to the less developed countries. The World Bank, moreover, became a model for the establishment of Regional Development Banks in Europe, Latin America, Africa and Asia. And with the creation of the International Development Association, the Bank acquired the capability to provide large quantities of concessional aid to the world's poorest nations.

More recently, with the end of the Cold War, the Bretton Woods institutions have acquired yet another unexpected role—that of assisting the former Communist countries of Eastern and Central Europe in making the transition to successful market economies. Roosevelt's goal of a cooperative one-world economic system including Russia, which seemed so utopian during the Cold War, has once again become a serious policy objective, even if its achievement still faces serious obstacles and uncertainties.

The third instrument of Roosevelt's postwar economic design—an institution for the reduction of trade barriers—has been realized in the General Agreement on Tariffs and Trade, whose eight negotiating rounds have now brought average tariff levels in the industrialized countries down to four percent, while also subjecting non-tariff barriers such as quotas to greater international discipline. The recently completed Uruguay Round was the most ambitious trade negotiation in history, covering hitherto neglected sectors like agriculture, textiles, services and intellectual property rights.

Half a century after FDR's death, a worldwide consensus is emerging on the virtues of market economics, open trade, and private investment, the basic principles underlying the postwar economic institutions. Countries containing some three billion people have abandoned economic autarky and joined a one-world economy. The Bretton Woods institutions and GATT are no longer the preserve of a privileged few, but must now respond to the priorities of a larger and more diverse constituency. This is both a measure of their success and a challenge to their future.

The Uruguay Round also produced a World Trade Organization with an enhanced dispute settlement mechanism. Thus the plans for an International Trade Organization that were laid in the Roosevelt years have finally been realized—if 50 years late. Of course, the WTO still faces formidable difficulties, ranging from unfinished business of the Uruguay Round to new issues like trade and environment, trade and workers' rights, trade and competition policy, and the relation of the WTO to the multiplication of regional and subregional trade arrangements.

The comparative success of the Bretton Woods organizations and GATT stands in marked contrast to the relative ineffectiveness of the central economic institutions of the United Nations—the General Assembly and the Economic and Social Council. During the Cold War, these institutions were hampered by sterile East-West and North-South ideological debates.

Moreover, the UN economic system became a non-system afflicted by massive fragmentation of effort, with 16 Specialized Agencies, 5 Regional Commissions, 6 major voluntary funding programs, and 105 intergovernmental bodies of one kind or another. The restructuring of this system for greater effectiveness is obviously now a high priority.

Yet it would be wrong to write off the UN economic institutions as total failures. The UN Development Program, the UN Population Fund, UNICEF, and the UN High Commissioner for Refugees, to take just some examples, have made notable contributions to the alleviation of poverty and suffering. And the UN's recent global conferences—the Rio Earth Summit of 1992, the Cairo Population Conference of 1994, the Copenhagen Social Summit of 1995, the Beijing Women's Conference of the same year, and the Ankara Human Settlements Conference of 1996—have not only raised public consciousness about urgent global issues, they have produced action plans that can guide us to a better world in the 21st century if we have the political will to implement them with the necessary policies and financial resources.

Despite the considerable economic progress of the postwar years, there are still one billion people in the world living in abject poverty. Rapid population growth and the continued abuse of man's natural environment raise serious questions about the habitability of our planet for future generations.

So the moral of this economic part of the Roosevelt story is clear. The institutions he made possible, though flawed in many respects, contained the capacity for adaptation to changed circumstances and established the habits and mechanisms of international cooperation which are essential for the resolution of the huge economic problems that still lie ahead of us.

HUMAN RIGHTS

In the area of human rights, as in the other areas of Roosevelt's postwar vision, we find ourselves with a half century record filled with both accomplishments and disappointments.

One of Roosevelt's priorities that enjoyed rapid realization was that of decolonization. In our disillusionment with many aspects of the United Nations, we sometimes forget that it presided over a process that brought over a billion people in nearly one hundred countries to political independence. That this happened so swiftly—that it happened with so little bloodshed—and that the path to self-government was eased by the work of several dozen UN agencies engaged in public administration and technical assistance—all this owed much to Roosevelt's vision.

But FDR's commitment was to individual rights as well as to the rights of peoples, and here the record is a mixed one. On the positive side is the progress that has been made in the United Nations in developing clear human rights standards that UN members are supposed to respect. The Universal Declaration of Human Rights, adopted by the General Assembly in 1948 as a result of Mrs. Roosevelt's leadership, gave eloquent definition at the beginning to the political and economic rights that should be the legacy of every human being.

The Covenants that followed—one on Political and Civil Rights and another on Economic, Social and Cultural Rights—converted the main ideas of the Declaration into binding legal obligations and provided mechanisms to monitor members' performances. Other conventions such as those on Genocide, Torture, Racial Discrimination, and the Rights of the Child added to the rapidly growing body of human rights law that is supposed to govern the behavior of nations.

But as Mrs. Roosevelt insisted at the outset, the key question is what the international community will do to ensure that these fine words are actually implemented by UN members in their own countries. On this the UN started slowly. Many UN members, particularly those in the Communist world, Asia and Africa, did their best to make sure in the early years that the UN's Human Rights Commission was a toothless talk shop for talented lawyers and avoided criticism of any individual country.

A modest advance took place in the late 1960's with the adoption of Resolution 1503, which provided authority for the first time to investigate complaints of ''a consistent pattern of gross violations of internationally recognized human rights.'' Gradually the Commission lost its inhibition against scrutinizing and criticizing individual countries.

Still later, the Commission began to establish ''rapporteurs'' or expert investigators to examine complaints in individual countries and in human rights areas such as summary executions, religious intolerance, freedom of expression, and violence against women.

After many years of frustrating debate, a UN High Commissioner for Human Rights was finally established in 1994, with the authority to conduct investigations and bring reports of human rights abuses to the attention of UN bodies. The High Commissioner is assisted in this work by a small UN Center for Human Rights in Geneva, which also provides advisory services to governments on how to implement the growing body of human rights standards.

The collapse of Communism removed a core group of UN members who could be counted on to oppose all efforts to apply human rights standards to individual countries in an objective and principled way. Nevertheless there are still countries that claim that many ''Western'' concepts of human rights are not appropriate for non-Western societies.

It is significant that this claim was resoundingly rejected at the World Conference on Human Rights in Vienna in 1993, which reaffirmed that human rights are ''universal'' and must be protected by all governments ''regardless of their political, economic and cultural systems.''

As the massive ''ethnic cleansing'' in Bosnia and the genocide in Rwanda have reminded us, the UN still lacks any way of preventing large-scale violations of human rights or even of investigating them adequately as they occur. It will continue to lack this capability until UN members agree to provide it with the necessary legal authority and financial resources.

In the meantime, we can at least take satisfaction at the creation of the War Crimes Tribunals for Yugoslavia and Rwanda that are investigating gross violations of international humanitarian law after the fact. It remains to be seen, of course, whether the principal perpetrators of these crimes will ever be brought before these tribunals for trial and punishment.

It is perhaps to be expected that a universal body composed of governments could be only partially successful in implementing the human rights vision of Franklin and Eleanor Roosevelt. Governments are the problem, and their commitment to human rights varies enormously in different parts of the world. Fortunately, we can also pursue human rights progress through regional instruments (such as the European Court of Human Rights and the Organization for Security and Cooperation in Europe) and through the growing body of non-governmental organizations (such as Freedom House, Amnesty International and Human Rights Watch) that are making their influence increasingly felt at both the international and the country level.

CONCLUSIONS

Let me suggest three conclusions from this undoubtedly imperfect effort to examine FDR's concept of world order and the extent to which it has been realized today.

First, it is clear that the institutions of global cooperation that we work with today were shaped more by Franklin Roosevelt than by any other individual. Indeed, it is obvious that without Roosevelt we would have no United Nations, no International Monetary Fund and World Bank, no WTO or GATT, and no treaties embodying minimum standards of human rights or procedures, however weak and tentative, to implement them. We all know what these international institutions have failed to achieve, but how much more dangerous, disagreeable and hopeless our world would be without them!

Second, I suggest that Roosevelt's basic philosophy of practical internationalism can still be a guide for mankind today, and nowhere more importantly than in the United States.

It is the policy of the Clinton Administration to strengthen international institutions for cooperative action in peace and security, trade and development and human rights, and to make use of these institutions whenever possible. This does not mean, in today's imperfect world, that the United States will never act except through international organizations. Our approach, as President Clinton put it in his 1992 election campaign, must rather be, ''with others when we can, by ourselves when we must.'' It is a practical approach that FDR, that idealist without illusions, would surely have understood.

But there are some in our country who do not believe in this kind of practical internationalism. They think that with the Cold War behind us there is no need to dedicate significant attention or resources to international affairs. And there are others who see the UN and other international organizations as a threat to American sovereignty and advocate unilateral action not as a last but as a first resort.

FDR knew better. He saw as far back as 1941 that the United States could not pursue its vital interests or realize its highest values through isolation or a policy of acting alone. Isolationism and unilateralism, he knew, would not be sufficient to protect our fundamental interests—not in keeping the peace, not in controlling dangerous weapons, not in furthering currency stability or open markets, not in promoting fundamental human rights.

Were he alive today, I am confident he would tell us that isolationism and unilateralism would not enable us to cope with the new challenges that have emerged since FDR's time—the destruction of the global environment, population growth and migration, international drug trafficking, international crime, and international terrorism.

Third, I believe this idealist without illusions, this man whose spirit overcame the handicap of a devastating paralysis, would ask us not to abandon hope in the face of our current disappointments, nor seek refuge from our frustrations in a cynical passivity, but to meet our daunting challenges through creative and cooperative action.

As he himself put it in the speech he was preparing at the time of his death: ''The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith.''

The best way we can honor his memory is to work together with that ''strong and active faith'' to strengthen the institutions of a better world order which he has bequeathed to us.

OMNIBUS APPROPRIATIONS BILL

● Mr. ABRAHAM. There is a section in H.R. 4278, the omnibus appropriations bill regarding which I am wondering if I could seek some clarification from the distinguished chairman of the Commerce, Justice, State, and Judiciary Subcommittee of the Appropriations Committee. My inquiry is directed to section 306 of the Commerce, Justice, State, Judiciary Title. that provision prohibits the use of any funds appropriated in fiscal 1996, fiscal 1997, or thereafter for costs related to the appointment of special masters in prison conditions cases prior to April 26, 1996. That was the date when the Prison Litigation Reform Act, which required that such expenses be paid from funds appropriated for the Judiciary, was signed into law.

First, I was wondering if section 306 is intended to operate as an exception to the requirement of the PLRA that expenses, costs, and compensation for special masters be paid by the courts.

Mr. GREGG. No, it is certainly within the discretion of the courts whether they see a need for a special master and wish to assume the responsibility for such payments.

Mr. ABRAHAM. From the Senator's response, I surmise that it was not his intention in the omnibus appropriation bill to allow the courts, contrary to 18 U.S.C. 3626(f)(4) as amended by the PLRA, to impose costs, expenses or compensation amounts for special masters appointed prior to April 26, 1996 on the parties to the litigation?

Mr. GREGG. No, we did not intend to override any portion of the PLRA or impose such costs on anybody else.

Mr. ABRAHAM. Finally, is it envisioned under the omnibus appropriation bill that special masters originally appointed before and subsequently reappointed after April 26, 1996 would be treated in the same fashion as those appointed after that date?

Mr. GREGG. That is correct.

Mr. ABRAHAM. Thus if a court wants to retain a special master appointed before that date and pay that individual, all it need do is reappoint that person consistent with the PLRA.

Mr. GREGG. Yes, it is my understanding that the interpretation of my colleague from Michigan of the PLRA is consistent with the omnibus appropriation bill.●

SECTION 1102 OF THE COAST GUARD AUTHORIZATION ACT OF 1996

Mr. STEVENS. As chairman of the Senate Oceans and Fisheries Subcommittee, I wish to comment on section 1102 of S. 1004, my bill to reauthorize the U.S. Coast Guard which was recently passed by both the House and Senate.

Section 1102 provides funding for the Prince William Sound Oil Spill Recovery Institute [OSRI] located in Cordova, AK. The OSRI was created under section 5001 of the Oil Pollution Act of 1990 [OPA '90] to identify the best available techniques, equipment, and material for dealing with Arctic and Subarctic oil spills and to assess the effects of the Exxon Valdez spill on Prince William Sound's natural resources and on the environment, economy, and lifestyle of its residents.

Section 1102 of S. 1004 amends OPA '90 so that the National Pollution Funds Center will make payments directly to the OSRI for these activities, rather than through the National Oceanic and Atmospheric Administration or annual appropriations. The OSRI will conduct its mission over the next 10 years using annual interest from $22.5 million that was transferred from the Trans-Alaska Liability Pipeline Fund to the Oil Spill Liability Trust Fund. The initial payment to OSRI, which will occur within 60 days after the enactment of S. 1004, will include the interest that has accrued from the date of the first transfer of funds from the Trans-Alaska Pipeline Fund to the Oil Spill Liability Trust Fund pursuant to section 8102(a)(2)(B)(ii) of OPA '90.

Section 1102 makes other changes to enhance the effectiveness of the OSRI. It reduces the size and changes the composition of the OSRI Advisory Board, broadens the OSRI's mission, and allows the OSRI Advisory Board to request a scientific review every 5 years by the National Academy of Sciences to be performed by the Academy in carrying out section 7001(b)(2) of OPA '90.

The conferees intend for the Interagency Coordinating Committee on Oil Pollution Research (established under section 7001 of OPA '90) to coordinate with the OSRI and the Arctic Research Commission in developing and overseeing the national oil spill research plan. By involving these two entities, the Interagency Committee will be able to ensure that Arctic and Subarctic prevention and mitigation research needs are being fully identified and met. The Interagency Committee should include relevant recommendations of the OSRI in its reports to Congress, and should include OSRI representatives in meetings and other activities regarding oil pollution.

REGARDING S. RES. 304

● Mr. LOTT. Mr. President, I would like to make some clarifying remarks regarding the resolution recently agreed to by the Senate, S. Res. 304. This resolution will approve certain regulations to implement provisions of the Congressional Accountability Act. These regulations are approved to the extent they are consistent with the Congressional Accountability Act. In that regard, section 220(c)(3) of that act allows for judicial review of negotiability issues, although it limits who may seek review. Also, the term ''any matter'' under section 220(c)(1) of that act clearly includes any and all petitions and other submissions submitted to the board under section 220(c)(1) of the act. ●

ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Bill and Alice Wynkoop of Aldrich, Missouri who on Saturday, October 26, 1996 will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Bill and Alice's commitment to the principles and values of their marriage deserves to be saluted and recognized.●

CONGRATULATIONS TO LAWRENCE SMITHSON CELEBRATING HIS 100TH BIRTHDAY

● Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Lawrence Smithson of Chilhowee, Missouri who celebrated his 100th birthday on Wednesday, October 16, 1996. Lawrence is a truly remarkable individual. He has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of his life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 100 years.

Lawrence's celebration of 100 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized. I would like to join Lawrence's many friends and relatives in wishing him health and happiness in the future.●

HEARTFELT THANKS

● Mrs. FRAHM. Mr. President, I want to take just a moment to extend my heartfelt thanks to Chairman MURKOWSKI, Senator JOHNSTON, and their respective staffs on the Energy and Natural Resources Committee for including the designation of Nicodemus, KS, as a national historic site in the omnibus parks bill.

During the 1870's, Kansas was the scene of a great migration of southern blacks seeking their fortune in what some African-American leaders described as the ''Promised Land.'' One of the most important settlements founded during that time was Nicodemus. From sod ''burrows'' carved out of the prairie by the original ''colonists,'' Nicodemus flourished into a leading center of black culture and society through the turn of the century.

Today, a cluster of five buildings is all that remains of that once vibrant community. National historic landmark status has not halted the gradual decay of this monument to the struggle of African-Americans for freedom and equality. In fact, in its report entitled ''Nicodemus, Kansas Special Resource Study,'' the National Park Service indicated that ''[i]f Nicodemus is not protected and preserved by a public or private entity, it seems inevitable that the historic structures will continue to deteriorate and eventually be razed.'' It was that finding that prompted Senator Dole's original legislation granting the town of Nicodemus, KS, national historic site status.

Senators Dole and KASSEBAUM and Representative ROBERTS pursued historic site status for Nicodemus for years. As Kansans, they recognized that this little-known oasis of hope for blacks on the long road to true emancipation was on the verge of being lost forever to the ravages of time. Progress, however, was agonizingly slow. Familiar as I was with Nicodemus—it is located in my old Kansas senate district—I vowed to continue the fight. Ably assisted by Janet Sena, whom I was lucky enough to briefly inherit from Senator Dole, we piggybacked our freestanding bill onto the larger omnibus parks package to get it through the Senate and succeeded in incorporating it into the conference report to assure passage in the House.

Now, after a long and arduous struggle, the fight is won and we have taken the essential step toward saving this unique piece of American history. Descendants of the original Nicodemus settlers are convinced that historic site status will give the town the prestige necessary to raise preservation funds. I agree. For them, and for myself, let me once again offer my thanks to all who made the inclusion of Nicodemus possible.●

OMNIBUS PARKS BILL

● Mr. SMITH. Mr. President, I rise to speak in support of the Omnibus Parks and Public Lands Management Act, which was adopted unanimously by the Senate. This legislation contains numerous provisions affecting 41 States to preserve and protect our Nation's scenic rivers and historic land areas. I am pleased that, after many days of negotiations, we have reached agreement on this important environmental legislation.

Included in this comprehensive package is legislation that Senator GREGG and I introduced on August 10, 1995, to designate the Lamprey River in New Hampshire as part of the National Wild and Scenic Rivers System. The Lamprey Wild and Scenic River Act, S. 1174, will designate an 11.5-mile segment of the Lamprey River as wild and scenic. Following introduction, the Senate Energy and Natural Resources Committee held a hearing on the Lamprey bill, which was later approved unanimously by the committee.

The history of this legislation goes back almost 5 years when Senator Rudman and I introduced the Lamprey River study bill in February 1991, which was signed into law by President Bush later that year. Once the National Park Service determined the

Lamprey River's eligibility for the National Wild and Scenic Rivers System, a local advisory committee was formed to work with local communities, landowners, the National Park Service, and New Hampshire's Environment Department in preparing a comprehensive management plan. This management plan was completed in January 1995.

The Lamprey River management plan was subsequently endorsed by the advisory committee as well as the local governments affected by this designation. The primary criteria for my sponsorship of this legislation was the support of the local communities. After the towns of Lee, Durham, and Newmarket all voted in favor of this designation, it received my enthusiastic support.

The Lamprey River is well deserving of this designation for a number of reasons. Not only is the river listed on the 1982 National Park Service's inventory of outstanding rivers, but it has almost been recognized by the State of New Hampshire as the ''most important coastal river for anadromous fish in the State.'' Herring, shad, and salmon are among the anadromous species found in the river. In fact, New Hampshire fishing maps describe the Lamprey as ''a truly exceptional river offering a vast variety of fishing. It contains every type of stream and river fish you could expect to find in New England.''

The Lamprey is approximately 60 miles in length and serves as the major tributary for the Great Bay, which is part of the National Estuarine Research Reserve System. The Great Bay Refuge is also nearby, which was established several years ago following the closure of Pease Air Force Base. The preservation of the Lamprey is a significant component to protecting this entire ecosystem.

The 11.5-mile segment, as proposed by our legislation, has been the focus of local protection efforts for many years. The towns of Lee, Durham, and Newmarket, local conservationists, the State government, as well as the congressional delegation have all come together in support of this legislation. I believe the management philosophy adopted by the advisory committee best articulates our goals for this legislation: ''* * * management of the river must strike a balance among desires to protect the river as an ecosystem, maintain the river for legitimate community use, and protect the interests and property rights of those who own its shorelands.''

In conclusion, Mr. President, I congratulate Senate majority leader LOTT, Senator MURKOWSKI and others in negotiating an agreement on this comprehensive legislation. In addition, I commend all of the members of the Lamprey River Advisory Committee, especially Sharon Meeker of Lee, who served as committee chair, Judith Spang of Durham, and Richard Wellington of Lee. All have worked very hard on the Lamprey River legislation and have traveled to Washington to testify on its behalf. I am extremely pleased that, at last, the fruits of their labor will be rewarded with the adoption of the omnibus parks bill—one of the most significant environmental accomplishments of the 104th Congress.●

HUMAN TISSUES SAFETY ACT OF 1996

● Mr. WYDEN. Mr. President, I inadvertently neglected to ask that a copy of legislation I introduced with Senators DODD and SIMON be printed in the October 3, 1996, CONGRESSIONAL RECORD.

I request that this bill, the Human Tissues Safety Act of 1996, be printed in the CONGRESSIONAL RECORD to be dated October 21, 1996.

The bill follows:

S. 2195

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

SECTION 1. HUMAN TISSUE.

(a) IN GENERAL.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(hh)(1) The term 'human tissue' means a collection of similar human cells which—

''(A) is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of a disease or condition in a human or for reproduction;

''(B) achieves its primary intended purpose through repair or replacement of bodily tissue by structural support or cellular function;

''(C) may have been propagated or otherwise processed before use;

''(D) may be combined with substances that are safe under conditions of intended use and not intended to provide a therapeutic effect; and

''(E) includes reproductive tissue, demineralized bone, heart valves, dura mater, and manipulated autologous cells.

''(2) The term 'human tissue' does not include vascularized human organs, gene therapy, blood, soluble blood components, milk, or products made by combining human tissue with biomaterials.

''(3) Human tissue is not a drug, biological product, or device unless reclassified by the Secretary pursuant to section 352A of the Public Health Service Act.''

(b) REGULATION OF HUMAN TISSUE.—Subpart 1 of part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by adding at the end the following section:

''REGULATION OF HUMAN TISSUE

''SEC. 352A. (a) SUBJECT TO REGULATION.—

''(1) IN GENERAL.—Human tissue shall be subject to regulation under this section only if the Secretary publishes a finding in the Federal Register, after a hearing before the Commissioner, that voluntary regulation under generally accepted scientific standards is inadequate to protect the public health with respect to any particular type of human tissue or human tissue generally.

''(2) EXCEPTION.—Human tissue shall not be subject to regulation as a drug, biological product, or device unless it is reclassified under subsection (f).

''(b) REGISTRATION.—

''(1) IN GENERAL.—Any person subject to regulation under this section who recovers, processes, stores, or distributes human tissue for transplantation or implantation in the United States shall register in accordance with the registration procedures established for drugs under section 510 of the Federal Food, Drug, and Cosmetic Act. Such registration shall contain the name of the person, the location of its facilities, a list of the types of human tissue recovered, processed, stored, or distributed by such person, and a brief description of the basic method or methods of processing of such tissue.

''(2) AUTHORIZED ACTIVITIES.—A person registered in accordance with paragraph (1) shall be deemed to be authorized to conduct human tissue recovery, processing, storage, and distribution activities as identified in the applicable registration unless—

''(A)(i) the Secretary determines, upon inspection, that such person fails to meet applicable operating standards under subsection (c);

''(ii) the Secretary notifies such person of a determination under clause (i), advises the person of the steps necessary to meet such standards, and provides the person with a reasonable opportunity to establish compliance with the standards;

''(iii) the Secretary determines, after an opportunity for an informal hearing, that the person has failed to establish compliance as provided for in clause (ii) within the applicable period and such failure constitutes a threat to the public health; and

''(iv) the Secretary suspends or revokes the authority to conduct such activities;

''(B) the Secretary determines, after an opportunity for an informal hearing, that such person has failed to comply with any patient registry or other retrospective patient data requirement, and the Secretary suspends or revokes the authority to conduct such activities; or

''(C) the Secretary determines that such person presents an immediate or substantial danger to the public health, and the Secretary suspends or revokes the authority to conduct such activities, in which case an informal hearing shall be conducted within 5 business days of the date of such suspension or revocation.

''(c) OPERATING STANDARDS.—The Secretary may establish, after notice and opportunity for comment, operating standards for human tissue that shall be limited to the following general requirements for the recovery, processing, storage, and shipment of human tissue.

''(1) Requirements for infection control designed to prevent transmission of disease.

''(2) Requirements for processing practices that assure the safety of, and prevent damage to, human tissue.

''(3) Requirements for labeling and recordkeeping to identify the type of tissue and any added foreign substance and to permit tracing.

''(d) LABELING AND ADVERTISING.—Statements made in labeling, advertising or promotional materials regarding clinical benefit with respect to human tissue shall consist only of accurate and balanced representations that are consistent with sound scientific information, including current data from a registry required or established under subsection (e), if available.

''(e) REGISTRY.—A person registered under subsection (b) may be required by the Secretary to maintain a patient registry or meet other retrospective patient data requirements if, after notice and an opportunity for comment, the Secretary determines that such tissue has been commercially available within the United States for a period of less than 5 years and that such data requirement is necessary to protect the public health.

''(f) RECLASSIFICATIONS.—

''(1) HUMAN TISSUE.—The Secretary may reclassify a particular type of human tissue as

a drug, biological product or device if, after notice and an opportunity for comment, the Secretary determines that—

''(A) with respect to the particular type of human tissue—

''(i) the tissue is subject to a patient registry or other retrospective data requirement under which the collection of information has been required for at least 5 years (or such other time period as agreed to by the Secretary and the registered person); and

''(ii) the information received from such patient registry or other retrospective data requirement is insufficient to confirm the safety and clinical benefit from the use of such tissue; or

''(B) a particular type of human tissue should be reclassified because it presents an imminent hazard to public health.

''(2) UPON SECRETARIAL ACTION.—The Secretary may reclassify a human drug, biological product or medical device as human tissue if the Secretary determines, after notice and an opportunity for comment, that such previous classification is not necessary to protect public health.

''(3) UPON PETITION.—The Secretary may reclassify a drug, biological product, medical device, or human tissue upon the petition of the sponsor of such drug, biological product or device, or the registered person for such human tissue, if, after notice and an opportunity to comment, the Secretary finds that such reclassification is consistent with the protection of public health.

''(g) ENFORCEMENT.—

''(1) IN GENERAL.—If the Secretary determines that any person has violated any provision of this section or any regulations promulgated under this section, and the Secretary determines that the violation constitutes a significant risk to the public health, the Secretary may issue an order that such person cease distribution of human tissue, or that human tissue recovered, processed, stored or distributed by such person be retained, recalled, or destroyed. After receipt of such an order, the person in possession of the human tissue shall not distribute or dispose of the human tissue in any manner inconsistent with the provisions of the order.

''(2) HEARING.—A person subject to the order under paragraph (1) may obtain an informal hearing regarding the order if the person requests such a hearing not later than 5 days after receiving the order. If the person does make such a request within such period, the Secretary shall conduct the hearing within 30 days after receiving the request and shall issue an order not later than 15 days after the hearing is conducted. Such order shall be considered a final order of the Secretary.

''(h) INSPECTION.—Each person registered under subsection (b) shall be subject to inspection under section 704 of the Federal Food, Drug, and Cosmetic Act. The Secretary may, with the concurrence of the registered person, authorize an inspection be conducted by any person specifically accredited by the Secretary to conduct such inspection under section 712 of such Act.

''(i) CORD BLOOD.—

''(1) IN GENERAL.—This section (including provisions regarding reclassification) shall apply with respect to cord blood to the same extent and in the same manner as this section applies with respect to human tissue.

''(2) IMPLEMENTATION.—The Secretary shall implement this section with respect to cord blood under regulations promulgated after notice and opportunity to comment.

''(j) EYES.—The Secretary shall not regulate eyes until such time as the Secretary makes a finding under this section that voluntary regulation under generally accepted standards is inadequate to protect the public health.''.

(c) TRANSITION.—The requirements of the interim regulation, promulgated by the Secretary of Health and Human Services on December 11, 1993, shall remain in effect until amended or withdrawn by the Secretary. Any modifications to such regulations after the date of the enactment of this Act are subject to this Act and the amendments made by this Act.

(d) EFFECTIVE DATE.—The amendment made by subsection (c) shall take effect on June 30, 1997.

(e) CONFORMING AMENDMENTS.—

(1) ADULTERATION PROVISION.—Section 501 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351) is amended—

(A) in the first sentence by striking ''drug or device'' and inserting ''drug, device or human tissue''; and

(B) by adding at the end thereof the following:

''(j) if it is human tissue and it is recovered, processed, stored, or distributed by—

''(1) a registered person under section 352A of the Public Health Service Act whose failure to comply with standards constitutes a threat to public health; or

''(2) a person who is required under such section to register but has failed to do so.''.

(2) MISBRANDING PROVISIONS.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended:

(A) in the section heading, by striking ''MISBRANDED DRUGS AND DEVICES'' and inserting the following: ''MISBRANDED DRUGS, DEVICES, AND HUMAN TISSUE''; and

(B) in the first sentence, by striking ''drug or device'' and inserting ''drug, device or human tissue''.

(3) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end thereof the following:

''(v) The adulteration or misbranding of any human tissue.''.

(4) SEIZURE.—Section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) is amended

(A) in subsection (a)(2)(D), by inserting ''or human tissue'' after ''device''; and

(B) in the first sentence of subsection (d)(1), by striking ''or cosmetic'' and inserting ''cosmetic, or human tissue''.

(5) INSPECTION.—Section 704(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)(1)) is amended—

(A) in the first sentence, by inserting ''human tissue,'' after ''device,'' each place such appears; and

(B) in the second sentence, by inserting ''human tissue,'' after ''drugs,'' each place such appears.

THE NEED FOR BALLAST MANAGEMENT—H.R. 4283

• Mr. GLENN. I thank the Senator from South Dakota for his efforts in responding to the urgent national need for ballast management to prevent unintentional introduction of nonnative species into U.S. waters. As you know, some Senators raised concerns about the initial House-passed version of the National Invasive Species Act [H.R. 3217] because it does not give assurance that onerous requirements will not be imposed upon vessels that exercise the safety exemption from national ballast exchange requirements. This version, [H.R. 4283], rectifies that problem. The Great Lakes Program which already leaves sole discretion over safety to the ship master, and already requires alternatives if high seas exchange is not possible, will not be affected by this amendment. I ask the Senator, is it his opinion that the Coast Guard will actively seek to identify alternatives of which vessels may avail themselves in other coastal regions, and will it request vessels to conduct these alternative precautions on a voluntary basis in the new national program?

Mr. PRESSLER. As Chairman of the Senate Committee on Commerce, Science and Transportation that has jurisdiction of the U.S. Coast Guard, I would expect the Coast Guard to actively seek alternatives applicable to other regions, routinely identify those alternatives to ballast exchange for vessels which use the safety exemption, and encourage their use prior to discharging unexchanged water in the port of call.

Mr. GLENN. I also ask the Senator, if he believes that the Coast Guard will keep careful records regarding the extent to which the safety exemption is utilized, under what circumstances, and the extent to which vessels attempt in good faith to use alternatives that may be identified?

Mr. PRESSLER. Yes, I expect the Coast Guard to include each of those items in its reporting requirements, and to include a careful assessment of those matters in its report to Congress so that Congress can make decisions regarding the impact of this exemption and the need for revision of the law.

Mr. GLENN. As I mentioned, the Great Lakes Program currently requires alternatives to ballast exchange if high seas exchange is not possible due to safety concerns. While these alternatives are not overly onerous, I can understand industry's concern in other regions where the alternatives have not yet been developed.

A cooperative relationship between the Committee of Environment and Public Works at the Committee on Commerce, Science and Transportation is crucial to the passage of this legislation and its effective implementation. I hope that these two Committees that share jurisdiction over this issue continue to work together to evaluate progress under the National Invasive Species Act.

Mr. PRESSLER. I look forward to a continued cooperative relationship between the two committees as well as with the bill author and cosponsors.

Mr. GLENN. H.R. 4283 includes an exemption from the National Ballast Management Program for crude oil tankers engaged in coastwise trade. While the majority of this trade is conducted between Hawaii and Alaska, the risk to receiving waters of ballast water from these vessels may be significant. As the Senator knows, there is concern that fish pathogens may have been transported to Alaskan waters via this trade. I would hope that every effort will be made to study the baseline conditions of the Prince William Sound ecosystem to assure that invasive species problems in fact have

not been arising from this trade, and will not arise in the future.

Mr. PRESSLER. I join the Senator in urging such a study.●

CHILDREN'S HEALTH INSURANCE FOR LONG-TERM DEVELOPMENT ACT

● Mr. KERREY. Mr. President, on September 30, 1996, I introduced S. 2167, the Children's Health Insurance for Long-Term Development Act—the CHILD bill. In simple terms, this legislation will require private health plans to cover all necessary health and screening services for infants and children through age 3. But it has a broader purpose. It will close the gap between two entities that serve America's children, the health system and the school system, by addressing an important health risk that has implications for children's education achievements and later development.

A significant body of research demonstrates that the first 3 years of life are critical to children's development—mentally, physically, and emotionally. In particular, during the first 3 years of life the human brain and central nervous system undergo their most rapid period of neurological development. This time period—the infant neurological risk exposure period—provides both a substantial risk and an important opportunity. If we can ensure that children receive the health care, parenting and environmental influences they need during their first 3 years, we can give our children a strong start in life. If, however, we neglect their physical and mental development during this crucial period, we have lost an important opportunity to promote learning and prevent damage to brain functioning.

Obviously, there are many influences on a child's early development, such as parental influence and childrearing practices, comprehensive health care, environment, mental stimulation, and community support. As a Nation, we have an opportunity and an obligation to provide children with a safe, healthy, stimulating environment during their early years. This bill takes an important step toward this goal.

First, this legislation identifies a critical period in children's development—the Infant Neurological Risk Exposure Period [INREP]. Brain and nervous system development during this period has a long-lasting impact on the child's life. I hope that by singling out this particular time-frame, this legislation will focus greater attention on improving health care and supportive services during infancy and early childhood.

Second, this bill will require private health insurers to cover comprehensive preventive and curative services through age 3. These third-party payors will therefore be financially responsible for the care children need to be adequately monitored and treated through this important developmental period.

I was startled to learn that 86 percent of children who are privately insured are not covered for comprehensive well-child care. Children who receive health coverage through the Medicaid Program are covered for a comprehensive array of well-child care, diagnostic assessments and treatment services through the EPSDT program, yet most children who are privately insured do not have similar coverage. Health screenings and periodic check-ups provide an important opportunity for physicians to ensure that a child's neurological development is progressing along normal patterns—and to intervene as appropriate if it is not.

This comprehensive approach will also address other problems in pediatric health care, such as ensuring that children are completely covered for immunizations through this time period. This coverage will counter current immunization trends that leave 60 percent of children in most States with incomplete immunizations at age 2.

I should also emphasize that this bill, by its very nature, cannot help children who are uninsured. We need to pursue further legislation that addresses this important problem. In a recent study on children's health insurance, the GAO noted that the proportion of children who are uninsured—14.2 percent, or 10 million children—is at the highest level since 1987. This decline in children's health insurance coverage has been concentrated among low-income children.

Mr. President, all children should have health insurance that covers their complete developmental needs. We are the wealthiest, most powerful, and most advanced Nation on this planet. But it is discouraging that we still have so far to go when it comes to caring for our own children.

My friend and respected colleague Senator JOHN KERRY has offered one approach to this problem using sliding-scale subsidies; we should explore this option and others in order to ensure that America's infants and young children achieve their highest potential. My proposal represents the first step toward this important goal—the next step is health coverage for all children.

Mr. President, I ask that the text of S. 2167 be printed in the RECORD.

The bill follows:

S. 2167

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 ''Children's Health Insurance for Long-Term Development Act of 1996''.

SEC. 2. PURPOSE.

The purpose of this act is to provide health insurance coverage for children during the Infant Neurological Risk Exposure Period (INREP). The INREP extends through age 3 and encompasses the period of most rapid neurological changes in young children. Health coverage will improve children's health, and, through routine health supervision, promote parents' caregiving skills through these critical years.

SEC. 3 FINDINGS.

Congress finds that—

(1) 86 percent of children with private health insurance are under-insured with respect to well-child care;

(2) because the human brain develops rapidly until the age of 3, children need regular screenings and follow-up care to detect neurological abnormalities and ensure normal development;

(3) regular pediatric visits enable physicians to provide guidance on parental activities, such as reading, that stimulate the brain development of infants; and

(4) children deserve health care coverage that promotes normal brain and nervous system development.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) BENEFICIARY.—The term ''beneficiary'' has the meaning given such term under section 3(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(8)).

(2) CHILD.—The term ''child'' means an individual who is age 3 or younger.

(3) EMPLOYEE HEALTH BENEFIT PLAN.—

(A) IN GENERAL.—The term ''employee health benefit plan'' means any employee welfare benefit plan, governmental plan, or church plan (as defined under paragraphs (1), (32), and (33) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002 (1), (32), and (33))) that provides or pays for health benefits (such as provider and hospital benefits) for participants and beneficiaries whether—

(i) directly;

(ii) through a health plan offered by a health plan issuer as defined in paragraph (6); or

(iii) otherwise.

(B) RULE OF CONSTRUCTION.—An employee health benefit plan shall not be construed to be a health plan or a health plan issuer.

(C) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1))).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers' compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(4) GROUP PURCHASER.—The term ''group purchaser'' means any person (as defined in section 3(9) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(9))) or entity that purchases or pays for health benefits (such as provider or hospital benefits) on behalf of participants or beneficiaries in connection with an employee health benefit plan.

(5) HEALTH PLAN.—

(A) IN GENERAL.—The term ''health plan'' means any group health plan or individual health plan.

(B) GROUP HEALTH PLAN.—The term ''group health plan'' means any contract, policy, certificate, or other arrangement offered by a health plan issuer to a group purchaser that provides or pays for health benefits (such as provider and hospital benefits) in connection with an employee health benefit plan.

(C) INDIVIDUAL HEALTH PLAN.—The term ''individual health plan'' means any contract, policy, certificate, or other arrangement offered by a health plan issuer to individuals that provides or pays for health benefits (such as provider and hospital benefits) and that is not a group health plan.

(D) ARRANGEMENTS NOT INCLUDED.—Such term does not include the following, or any combination thereof:

(i) Coverage only for accident, or disability income insurance, or any combination thereof.

(ii) Medicare supplemental health insurance (as defined under section 1882(g)(1) of the Social Security Act).

(iii) Coverage issued as a supplement to liability insurance.

(iv) Liability insurance, including general liability insurance and automobile liability insurance.

(v) Workers' compensation or similar insurance.

(vi) Automobile medical payment insurance.

(vii) Coverage for a specified disease or illness.

(viii) Hospital or fixed indemnity insurance.

(ix) Short-term limited duration insurance.

(x) Credit-only, dental-only, or vision-only insurance.

(xi) A health insurance policy providing benefits only for long-term care, nursing home care, home health care, community-based care, or any combination thereof.

(E) CERTAIN PLANS INCLUDED.—Such term includes any plan or arrangement not described in any clause of subparagraph (D) that provides for benefit payments, on a periodic basis, for—

(i) a specified disease or illness; or

(ii) a period of hospitalization;

without regard to the costs incurred or services rendered during the period to which the payments relate.

(6) HEALTH PLAN ISSUER.—The term ''health plan issuer'' means any entity that is licensed (prior to or after the date of enactment of this Act) by a State to offer a health plan.

(7) PARTICIPANT.—The term ''participant'' has the meaning given such term under section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7)).

(8) SECRETARY.—The term ''Secretary'' unless otherwise specified means the Secretary of Labor.

SEC. 5. REQUIRED HEALTH CARE COVERAGE FOR CHILDREN.

(a) IN GENERAL.—Except as provided in subsection (b), a health plan or an employee health benefit plan shall ensure that coverage is provided with respect to a child who is a beneficiary under such plan for all medically necessary health care and related services, including—

(1) appropriate screening services at intervals that meet reasonable standards of medical and dental practice;

(2) all appropriate immunizations;

(3) necessary case management, transportation, and scheduling assistance; and

(4) such other necessary health care, diagnostic services, treatment, and other measures to correct or ameliorate defects and physical and mental illnesses and conditions discovered by the screening services, whether or not such services are covered for participants or policyholders under the plan.

(b) EXCEPTION.—Notwithstanding subsection (a), a health plan or an employee health benefit plan shall not be required to provide coverage for health care and related services that are not safe, are not effective, or are experimental.

SEC. 6. PROHIBITIONS.

In implementing the requirements of this Act, a health plan or an employee health benefit plan may not use a service limitation, including a lifetime benefit limit, of the plan to deny medically necessary health care and related services described in section 4 to a child.

SEC. 7. NOTICE.

(a) EMPLOYEE HEALTH BENEFIT PLAN.—An employee health benefit plan shall provide conspicuous notice to each participant regarding coverage required under this Act not later than 120 days after the date of enactment of this Act, and as part of its summary plan description.

(b) HEALTH PLAN.—A health plan shall provide notice to each policyholder regarding coverage required under this Act. Such notice shall be in writing, prominently positioned, and be transmitted—

(1) in a mailing made within 120 days after the date of enactment of this Act by such plan to the policyholder; and

(2) as part of the annual informational packet sent to the policyholder.

SEC. 8. APPLICABILITY.

(a) CONSTRUCTION.—

(1) IN GENERAL.—A requirement or standard imposed under this Act on a health plan shall be deemed to be a requirement or standard imposed on the health plan issuer. Such requirements or standards shall be enforced by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this Act. In the case of a health plan offered by a health plan issuer in connection with an employee health benefit plan, the requirements or standards imposed under this Act shall be enforced with respect to the health plan issuer by the State insurance commissioner for the State involved or the official or officials designated by the State to enforce the requirements of this Act.

(2) LIMITATION.—Except as provided in section 8(c), the Secretary shall not enforce the requirements or standards of this Act as they relate to health plan issuers or health plans. In no case shall a State enforce the requirements or standards of this Act as they relate to employee health benefit plans.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

SEC. 9. ENFORCEMENT.

(a) HEALTH PLAN ISSUERS.—Each State shall require that each health plan issued, sold, renewed, offered for sale or operated in such State by a health plan issuer meet the standards established under this Act. A State shall submit such information as required by the Secretary demonstrating effective implementation of the requirements of this Act.

(b) EMPLOYEE HEALTH BENEFIT PLANS.—With respect to employee health benefit plans, the standards established under this Act shall be enforced in the same manner as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c) (1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(c) FAILURE TO ENFORCE.—In the case of the failure of a State to substantially enforce the standards and requirements set forth in this Act with respect to health plans, the Secretary, in consultation with the Secretary of Health and Human Services, shall enforce the standards of this Act in such State. In the case of a State that fails to substantially enforce the standards set forth in this Act, each health plan issuer operating in such State shall be subject to civil enforcement as provided for under sections 502, 504, 506, and 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132, 1134, 1136, and 1140). The civil penalties contained in paragraphs (1) and (2) of section 502(c) of such Act (29 U.S.C. 1132(c) (1) and (2)) shall apply to any information required by the Secretary to be disclosed and reported under this section.

(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Health and Human Services, may promulgate such regulations as may be necessary or appropriate to carry out this Act.

SEC. 10. PREEMPTION.

(a) IN GENERAL.—The provisions of sections 4, 5, and 6 shall not preempt a State law or regulation—

(1) that provides greater protections to patients or policyholders than those required in this Act; or

(2) that requires health plans to provide coverage for pediatric care in accordance with guidelines established by the American Academy of Pediatrics or other established professional medical associations.

(b) EMPLOYEE HEALTH BENEFIT PLANS.—Nothing in this section affects the application of this Act to employee health benefit plans, as defined in section 2(3).

SEC. 11. EFFECTIVE DATE.

Except as otherwise provided for in this Act, the provisions of this Act shall apply as follows:

(1) With respect to health plans, such provisions shall apply to such plans on the first day of the contract year beginning on or after June 1, 1997.

(2) With respect to employee health benefit plans, such provisions shall apply to such plans on the first day of the first plan year beginning on or after June 1, 1997.●

HONORING THE JOHNSONS ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Andrew and Dorothy Johnson of Kansas City, MO, who on Wednesday, October 2, 1996, celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Andrew and Dorothy's commitment to the principles and values of

their marriage deserves to be saluted and recognized.●

CONGRATULATIONS TO FRANK PYTEL CELEBRATING HIS 100TH BIRTHDAY

● Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Frank Pytel of Kansas City, MO, who celebrated his 100th birthday on Friday, October 4, 1996. Frank is a truly remarkable individual. He has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of his life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 100 years.

Frank's celebration of 100 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized. I would like to join Frank's many friends and relatives in wishing him health and happiness in the future.●

TRIBUTE TO NANCY ELKIS

● Mr. LAUTENBERG. Mr. President, a few days ago, New Jersey lost a very special woman and I lost a good friend when Nancy Elkis passed away.

Mr. President, few people in New Jersey have touched more lives, or made a greater contribution to their community than Nancy Elkis. Nancy was a woman of amazing energy and incredible warmth. Over the years, she involved herself in a very broad range of civic and philanthropic initiatives, and held a variety of positions of responsibility in government and community organizations. Yet throughout her life, Nancy always was able to find the time to help people on an individual basis. And, quietly and with little fanfare, she improved the lives of countless numbers of others who were in need.

Mr. President, Nancy Elkis was the first woman elected to the Woodbury City Council, and she served as a councilwoman for 22 years. Although she was a Democrat in an area of the city dominated by Republicans, she won the respect of her constituents and her colleagues because of her unselfish, caring attitude, and her dedication to her community and the public interest.

On the city council, she was especially active in overseeing the city's water department, and she continually worked to ensure that the city's water quality remained high. She also was vice chair of the Gloucester County Housing Authority. In that capacity, she came down to Washington regularly to discuss our State's housing needs, and we talked often. In all of those visits, it was obvious that Nancy cared deeply about publicly assisted housing, and was motivated by a deep commitment to improving the lives of residents.

Nancy also was a member of the county economic development committee, the human resources committee, the commission on women, and the parks and recreation committee. Additionally, she was a State Democratic committeewoman for Gloucester County and past chair of the Woodbury Democratic Committee.

Mr. President, Nancy's contributions extended well beyond the realm of government and politics. She also played a major role in several charitable organizations. For more than 20 years, she was active with the Gloucester County unit of the American Heart Association, and she was chairwoman of the board of the New Jersey affiliate division of the American Heart Association at the time of her death. Recently, she was named State Volunteer of the Year.

In addition, Nancy was on the board of the United Way of Gloucester County, and had served as former president of the Gloucester County Visiting Nurse Association. She also volunteered at Underwood-Memorial Hospital in Woodbury.

Mr. President, beyond her long list of accomplishments and contributions, Nancy Elkis was a woman of great warmth. She really cared about other people, especially her own family. But her love of others extended to her entire community, and she continually was looking for ways to help others in need.

Mr. President, I attended a memorial service for Nancy yesterday, and was struck by the exceedingly large number of people who attended. The chapel was literally overflowing. People recounted stories of how Nancy had helped them over the years and each one was a memorial to a service she performed. Nobody could come away from that service, Mr. President, without appreciating just how deeply Nancy was loved and respected throughout her community, and how many lives she touched.

Mr. President, I have a special personal connection to Nancy Elkis because her daughter, Karin Elkis, is the director of my Barrington, NJ, office. And as I attended yesterday's memorial service, I came to appreciate more than ever how Karin's boundless energy and tremendous warmth—and her deep commitment to her family and her community—is a reflection of her own mother. It would be hard to find two more special people, Mr. President. And if there is a personal testament to the kind of person Nancy was, it is Karin along with her three other children.

Mr. President, I want to express my appreciation for the contribution Nancy Elkis made to her community and our State and offer my deepest condolences to Karin, her father, Preston, her sisters, Lisa and Emily, her brother, Tony, Nancy's mother, Irene Zibelman, and the other members of Nancy's family. Although their loss is painful, I know they will be nourished by their wonderful memories of Nancy.

Mr. President, Nancy Elkis was an uncommon person whose legacy will live on for many years. I know I speak for literally hundreds of others in expressing my sorrow over her passing, and my deep appreciation for everything she did for her community. She will be greatly missed.●

TRIBUTE FOR CONNIE WOODRUFF

● Mr. LAUTENBERG. Mr. President, New Jersey recently lost a remarkable woman, Connie Woodruff, who passed away on October 20. A veteran leader of New Jersey's African-American community, she will be remembered by many as a friend, mentor and supporter. And her work on behalf of the women of our state constitutes a permanent legacy.

Mr. President, if Connie Woodruff had a motto, it was, undoubtedly, that we make a living by what we gain, but we make a life by what we give. And her life was an example of generosity and compassion which should serve as a benchmark for all of us. In West Orange, she was chairwoman of the Human Rights Commission. And she was active in the Essex County ''Stamp Out Hate'' campaign, sponsored by the American Jewish Committee. She was appointed to various commissions by six governors, including the state's Commission on Judicial Review and the New Jersey Martin Luther King Commemorative Commission. Governor Whitman also appointed her an Essex County Tax Court Judge.

Over the years, Connie served on the board of more than 20 organizations, including the NAACP, the Urban League of Essex County Guild, The Leaguers, Newark YMWCA and New Jersey Cities in Schools. For several years, she was chairwoman of the University of Medicine and Dentistry of New Jersey's Board of Concerned Citizens.

Mr. President, although everyone in New Jersey benefited from her compassion and caring, she will be especially missed by the women of our State. During her 20 years with the Ladies Garment Workers Union, she battled to improve the working conditions for thousands of workers, mostly women. Later, she was an adjunct professor of labor studies at Rutgers-Newark, before moving on to Essex County College, where she spent the last 10 years of her career in education. At ECC, she was credited with helping to turn the dream of a Women's Center into reality. The Center's Director has remarked that Woodruff's life was dedicated to helping women become personally and financially self-sufficient. She also established the Connie Woodruff Nursing Scholarships at Essex County College.

Mr. President, Connie Woodruff served 16 years as chairwoman of the New Jersey Commission on the Status of Women, and she won two terms as president of the National Association of Commissions on Women, becoming president emeritus by acclamation.

As a writer for the City News, one of the most important voices of the African-American community in New Jersey, she married her special wit and biting insight into all the black political players. And she was one of the most astute political minds I have ever known.

Mr. President, New Jerseyans will miss Connie Woodruff's scholarship and leadership, and I will also miss her friendship. Countless individuals were helped by her and touched by her. And she made a difference in the lives of thousands of ordinary people. A champion for women's rights, human rights and civil rights, Connie Woodruff proved that good and great can exist in the same individual.●

UNFAIR NONPROFIT COMPETITION

● Mr. SHELBY. Mr. President, language included in the Senate report of the Subcommittee on Treasury, Postal Service and General Government appropriations, and included by reference in the fiscal year 1997 Omnibus Appropriations bill, directs the Department of the Treasury to review the problem of unfair nonprofit competition with small firms. The language also directs the Treasury to take ''steps, if necessary, to develop regulations clarifying the substantially related test as it applies to tax-exempt travel and tour activities.'' I want to speak briefly to the need for such regulatory clarification.

Mr. President, the travel and tour industry in this Nation is comprised predominately of the smallest entrepreneurial firms—tour operators and promoters, travel agents, hotel and motel owners, bus owners and operators. Small businesses that organize tours, small businesses that conduct tours, and small marketers that sell tours combined comprise one of the largest sectors of our economy. Although not often thought of as such, these entrepreneurs are vital exporters. By providing a large flow of service to foreign visitors they constitute one of the most successful exporting blocs in the United States. They export America and an understanding of America, from the national parks to our many other great attractions.

Mr. President, I raise these points not only to recognize the immense size and contribution of this industry, but to help us appreciate how important it is to ensure that our policies support and nurture a vibrant, competitive travel and tour industry. To an increasing extent these small businesses have been besieged by a source of unfair competition from nonprofit organizations, who now comprise more than 10 percent of our GDP. Some of the Nation's wealthiest tax-exempt organizations have discovered that travel and tour activities, albeit primarily a commercial venture, are an easy way to supplement income.

Now, Mr. President, small businesses support nonprofits in financing many of their endeavors. Small businesses recognize the important work of many nonprofits. They are partners with nonprofits. Indeed, while their contributions are not often publicized in the Conference Board, the U.S. Small Business Administration has determined that small firms are the largest contributors to nonprofits on an employee-by-employee basis. Small firms also do not fear competition from tax-exempt organizations, any more than they do from large firms, foreign firms, or any other entity. They embrace competition as a necessary part of their daily routine.

But what small businesses do resent, however, is competition where one party has been given an unfair advantage. And the competitive playing field between small firms and nonprofits has not been level for some time. Today, nonprofits make extensive use of privileged franking on mail, and they often cross-subsidize their travel activities using capital acquired for other purposes. And last but not least, when they directly compete against small firms they frequently enjoy the largest benefit taxpayers can bestow upon them—complete absolution from the income tax.

Mr. President, my concerns and the concerns expressed by this Congress are not new. Congress has tried to address this concern of unfair competition in the past. Indeed, more than 45 years ago, the Congress passed what is known as the unrelated business income tax, which taxes income that is not substantially related to the tax-exempt's mission. And, in 1986, the Supreme Court in *U.S.* v. *American Bar Endowment,* 477 U.S. 105, reiterated that ''[t]he undisputed purpose of the unrelated business income tax was to prevent tax-exempt organizations from competing with businesses whose earnings were taxed.''

However, growth in the number of nonprofits, an increased emphasis on commercial as opposed to donative sources of revenue, and most importantly, a paucity of guidance over what is meant by substantially related have combined to make that standard virtually meaningless.

The Congress is not alone in its concern over the failure of the law to prevent unfair competition. Even the IRS itself believes the substantially related standard, without adequate definition, is virtually unenforceable. And equally important, the U.S. Small Business Administration believes that guidance is necessary. I offer for inclusion in the RECORD a recent letter sent by the SBA chief counsel to the Department of the Treasury urging a regulation.

For many small tour operators, the discernible distinction between their activities and that of the nonprofit is not in the markets they serve or in the services they market, but rather in the inexplicable and unjustifiable distinction that, on the income predicted, one pays taxes and the other does not. And to make matters worse, a rationale for this cross-subsidization does not exist. As businesses point out, rather than enabling nonprofits to serve the needy for which an exemption is warranted, the exemption enables nonprofit travel and tour promoters to tap and maintain access to the high-end, most lucrative part of the market—the segment with the greatest disposable income, the greatest number of professionals, and the highest component of educated customers. When this competition occurs, there is a distinct and quantifiable competitive advantage nonprofits enjoy from total relief from the income tax.

Mr. President, for these reasons, the Senate report which accompanied the appropriations bill for the Treasury, Postal Service and General Government Appropriations Subcommittee, directed the IRS to review this situation. Action on this issue is requested by Congress. It is being requested by the U.S. Small Business Administration. It is sought by the IRS field agents. And last but not least, it is urged by the millions of small businesses that suffer from unfair competition.

The letter follows:

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, June 27, 1996.

Re unrelated business income tax travel and tour-related services—need for clarification.

Hon. DONALD C. LUBICK,
Acting Assistant Secretary for Tax Policy, U.S. Department of the Treasury, Washington, DC.

DEAR ASSISTANT SECRETARY LUBICK: This office has heard from numerous small business groups for more than a decade about the problems that taxpaying small businesses have when they are in competition with tax exempt organizations. As you know, resolving this issue was a recommendation of the White House Conference on Small Business and, we believe, the intent of the unrelated business income tax (UBIT) was to maintain an equitable business environment when tax-exempt organizations produced income from activities that are beyond the activities on which their exemption status is based. Most recently, a concern has been expressed within the travel and tourism industry (an industry made up predominantly of small businesses) that the line has become so imprecise that their industry is being damaged. They fear that the area will be regulated or is being regulated in a manner which prevents their participation in the regulation drafting process. We share their concern.

I am writing to urge the Treasury Department to incorporate a rule-making into the 1997 IRS Business Plan that would clarify the ''substantially related'' test for purposes of determining unrelated business income arising from the travel and tour activities of tax-exempt entities. A regulation would provide guidance where there is little existing guidance and would address an important, persistent and growing concern of small businesses over an issue of fundamental fairness. It would raise additional revenue through greater compliance in an area of known non-compliance, and standardize inconsistent application of the law by clarifying a hazy area of the law.

As you know, whether or not income from a commercial travel and tour activity by a university, a museum or other nonprofit is taxable depends upon whether or not the activity is ''substantially related'' to the organization's exempt function.

Unfortunately, the inherently subjective nature of the ''substantially related'' test, difficulties in its administration, and extremely limited guidance have contributed to a perception of fundamental unfairness by the small business community, particularly in the travel industry. This helps to explain why the issue rose to such prominence in the 1995 White House Conference on Small Business (and, for that matter, in the 1986 White House Conference on Small Business). Rather than enabling nonprofits to serve traditional educational tour markets for which exemption is appropriate, small businesses complain that this exemption has emboldened tax-exempts to maintain and expand into those market segments with the highest disposable income, the largest number of professionals, the most educated customers, and the least need for tax exemption.

Under current guidance, Technical Advise Memoranda or Private Letter Rulings, the Service has a fairly well established set of criteria under which it has found such activity to be exempt. However, the industry tells us that the subjective nature of the criteria gives a little reliable guidance for determining when commercial tours and travel will be taxable. It is in the resulting gray area that most of the commercial activity is currently undertaken. Despite substantial increases in tax-exempt travel and tour activity and greater commercial character of that activity, the tax treatment of such activity remains largely undefined, fueling the perception of unfairness and increasing overlap in the travel and tour activities conducted by both sectors.

Guidance in the form of a regulation, with examples, would better define the contours of the ''substantially related'' test and fill these gaps. Promulgation of a proposed regulation will ensure that the issue is framed in terms of the central focus of the debate—the application of the UBIT to what are essentially commercial travel and tour activities. A rulemaking will attract the greatest level of factual input from both the for-profits and nonprofits. Moreover, a rulemaking may even save Federal resources by eliminating the need for extensive audits with limited guidance and negative and inconsistent court rulings that may result from inadequate guidance. Indeed, it is our understanding that guidance has also been requested by the nonprofit community in order to alleviate increased audit activity.

We understand that the Treasury, in its proposed 1997 business plan will be focusing on several issues affecting nonprofits. We would welcome your including the regulatory guidance under the ''substantially related'' test—already identified to be of central concern to small businesses—as one of the priorities under that plan.

The Office of Advocacy, and specifically Russ Orban of my staff, would welcome the opportunity to work with you, and would be pleased to discuss how such a regulation might be fashioned.

Sincerely yours,

JERE W. GLOVER,
Chief Counsel. ●