court of last resort when it comes to Presidential vetoes.

In just a few minutes, we are going to up that record to 25 and 0.

Whenever we have one of these two veto votes, we also hear about stories attributing votes, one way or the other, to horse-trading and arm-twisting. But the simple fact is that George Bush has won every one of these showdowns because the bills he has vetoed have been bad bills.

And this is a bad bill, too. The President was right to veto it. And we are going to do the right thing in sustaining his veto.

It is a bad bill because it will not work. It will not do what the proponents of the bill say they want to achieve.

It will not lead to the release of a single political prisoner. It will not open up China's markets. It will not stop arms sale.

There is not the slightest bit of evidence, or logic, or history that suggests enactment of this bill will accomplish any of the goals laid out by the proponents.

But what is even worse than that. Overriding the President's veto—putting this bill in law—will not only do no good; it will do a great deal of harm.

It will harm China's young, entrepreneurial class—the country's strongest advocates of reform—far more than it will harm the old men in Beijing.

It will be a devastating blow to the economy of Hong Kong, dramatically reducing the chances it can survive as an enclave of freedom and free markets after 1997.

It will hit home in every wallet and pocketbook in this country. The fact is, we import billions of dollars of low-cost, good quality products from China which we simply cannot get anywhere else at anywhere near those prices.

Let me give you just one example. Ending MFN for China will raise the price of a pair of inexpensive shoes—the kind that typically sell for $10-$25—$1 to $2. If you are in a low-paying job or have a fixed income, or are living on unemployment compensation, and you have three or four kids who need shoes—that hurts.

Most damaging of all, enacting this legislation will wipe out many, many American jobs. One reputable economic research organization has put the toll at 300,000 jobs.

There has been a lot of genuine anguish—and some crocodile tears—over the plight of our Nation's unemployed. There have been a lot of partisan potshots at George Bush, saying he does not care about the unemployed.

Well, he does care. And he does not want to put tens and tens of thousands of Americans on the unemployment roles so a few politicians can feel good about taking a high moral stance on China.

And let me urge the American voters, the next time one of their Senators starts making a heart-wringing speech about his or her concern for the unemployed, ask that Senator how he or she voted on this issue, to put 300,000 Americans out of work.

Because this is not just a China bill; a foreign policy bill.

In a very concrete way, this is a jobs bill, too. And we are kidding ourselves, and kidding our constituents, if we do not face up to that.

And let me list one last way enacting this bill will do real damage.

Just before we voted on the conference report in late February, we had a closed session of the Senate, to debate reports of Chinese sales of advanced weapons and technology to other countries. The distinguished Senator from Delaware [Mr. BIDEN] proposed that session. I commend him for making that suggestion, because I believe we benefited from our discussion of this critical issue. We were able to separate some facts from speculation, and put some other facts in the proper context.

No doubt about it, we all deplore some things the Chinese have done in this area. And we are unanimous in demanding that China cease and desist in some of its irresponsible arms sales policies.

But let us analyze this. Why do the Chinese do these deals? We heard it in the closed session, and in private briefings. But it is not a classified matter. It is just common sense. They sell arms for the same reason we sell wheat, and airplanes, and computers, and, yes, arms. They sell arms to make money—desperately needed hard currency.

But here is the logic of the supporters of this legislation. We want China to stop selling arms, so—to pressure them to do that—we close down one of the most lucrative markets they have for earning hard currency from nonmilitary exports, the United States market.

We just shut down the United States market to the Chinese.

What do you think the Chinese will do? They still need the hard currency. They are suddenly getting a lot less of it, at least in the short run, from selling nonmilitary goods to the United States. The only other thing they have to sell, that anyone wants to buy, is military equipment and technology.

In those circumstances, are they likely to sell more arms, or fewer arms? It does not take a genius or a rocket scientist to figure that one out.

Mr. President, if we are going to use MFN to bludgeon the Chinese on matters like arms proliferation, we are creating an interesting linkage—in fact it was just referred to by the Senator from Oregon—and setting an interesting precedent. MFN is based on emigration policies. It has never been linked to anything else.

Maybe one of these days we will have a proposal on the floor to provide some friendly country with some loan guarantees, for example. Maybe one of us will think back to the good initiative of the Senator from Delaware, and call for a closed session to talk about that country's arms exports. Maybe we will start conditioning loan guarantees, or direct aid, or any other aid to any other country, or continued implementation of a free trade agreement, or even MFN on that country, maintaining a simon-pure policy on arms sales.

If we are going to start down the road on arms sales and start reviewing every country that is involved in arms sales and say you ought to loose your MFN, that is a debate we ought to have. That is a debate we ought to have. If we want to change the law we ought to have that debate, but that should not be the debate here.

Mr. President, President Bush has a strategy for advancing America's interests in every one of these areas we have discussed. We are making progress, substantial in some areas like trade and arms proliferation; less substantial, but still significant, in human rights.

We are going to keep the heat on China. We are going to stay engaged. We are not going to turn our backs to 1 billion 100 million people.

It seems to me if we want to have an impact on 1.1 billion people and the leaders of the People's Republic of China we ought to be seated at the table, not outside. Not locked out because we have taken some action, or the Senate has taken some action. It seems to me we are in a better position, if we have a difference of opinion, if we want to influence their policy, to be inside the tent and not outside the tent.

So, in my view that is the way to get the job done. Not by mounting some high moral perch and firing our moral Scuds.

Mr. President, I urge every Senator to vote to sustain President Bush's veto on this bad legislation.

This is an important vote. It is an important vote to agriculture; it is an important vote to consumers in America; it is an important vote to a lot of other people who do business in the People's Republic of China and create American jobs. Make no mistake about it. If President Bush finds the Chinese are engaged in some unlawful conduct with reference to arms sales or everything else, he can stop it in a minute. He can stop it in a minute. And he will do that in a minute.

But I am prepared, if anybody has any doubts, to give the President the benefit of the doubt in this very important issue. I hope the President's vote would be sustained.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, I yield such time as he may consume to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia [Mr. FOWLER] has the floor.

PRIVILEGE OF THE FLOOR—H.R. 2212

Mr. FOWLER. Mr. President, before I begin I ask unanimous consent that Mr. Joel Wusthoff, a staff intern for Senator MITCHELL on the Democratic Policy Committee be accorded the privilege of the floor during the consideration of, and votes on, H.R. 2212, this legislation.

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

Mr. FOWLER. Mr. President, the issue of granting MFN status to China is one that troubles me greatly on many levels. With its vast resources, China is on the verge of becoming an economic colossus of the 21st century. Surely as the minority leader just stated, our two nations must try to find a way to forge closer ties.

At the same time, though, we cannot ignore that in other ways the Chinese Government also represents a brutal system, intolerant of any dissent; it violates the fundamental values of democracy and freedom upon which our international relationships must be based.

In considering the MFN status for China I personally cannot forget the meetings I had in Georgia with groups of Chinese students following the massacre in Tiananmen Square. Row after row of young Chinese men and women were trying to maintain their composure as they related in graphic detail the experiences of their friends and families, stories that we may have forgotten, but they have not forgotten. Stories of families and friends being crushed by tanks, mounds of bodies burning and many other horrors.

Mr. President, this administration and this Congress knows full well that all efforts to gloss over these events, ones that may seem distant to us today but whose pain has not abated for those students in Georgia and their loved ones in China, this cannot alter the fact that nothing has really changed in Beijing.

At a time when other former autocracies are struggling to reform themselves into democracies all over the world, one of the last bastions of autocratic rule is being treated or would be treated by us to special status. Certainly, we should do no favors for a regime which treats its own people without mercy.

It is not enough for this administration that gross human rights abuses are ignored. I would like to take just a moment on trade policy.

Right now, Chinese exports to the United States are growing twice as fast as our exports to them. We should use that economic leverage at the very least to try to correct that imbalance.

According to the President's economic plan, we must ship more of our jobs and our capital to China. Right now, I can tell you again from evidence in my own State, China is cheating on its textile quotas and hurting jobs, industrial jobs all over Georgia and throughout the southern textile producing States. We have lost thousands of jobs because the Chinese, and others, erect high barriers to keep out our goods and promote their own industry, one that we know all too well is based on low, low wages and sorry conditions.

And yet the administration is asking us once again to accept politics as usual. No, we should not go begging in Japan. No, we ought not to be caving in to the Chinese. It seems to me if we are going to do $100 or $150 billion in trade with China, they ought to do $150 billion in trade with us. If we are going to have a bilateral treaty with the Chinese, the Taiwanese or anybody else, if we are going to sell $150 billion in goods and services to them, they ought to be buying $150 billion in goods and services from us.

Mr. CHAFEE. Can I ask a question on that issue on my time?

Mr. FOWLER. I will be delighted.

Mr. CHAFEE. Mr. President, I am having a little trouble following the Senator. If we buy $150 billion, any amount, from a country, the return commensurate requirement is that they buy the same amount from us; is that what the Senator is suggesting?

Mr. FOWLER. I am suggesting to the Senator from Rhode Island that those countries whose economies are fully capable to sustaining an equal trade relationship with the United States of America, countries whose economies are strong, countries who have signed or would like to engage in bilateral trade negotiations and be a principal trading partner with the United States of America, yes, we should use our leverage as the largest consuming country in the world to require that at end of the year, to the greatest possible extent, our trading balances should balance.

Certainly, we can do that with the Japanese. Certainly, we can do that with the Taiwanese. Certainly, we can do that with the Chinese. The only thing, in my opinion, that is keeping that from happening is the timidity of our country in not insisting that what should be an equal trading relationship is, in fact, at the end of the year and on the bottom line an equal trading relationship. We buy $150 billion from them; they buy $150 billion from us.

Mr. CHAFEE. That is a very interesting approach.

Mr. FOWLER. I am glad the Senator likes it.

Mr. CHAFEE. I may not understand it. It seems to me what the Senator is saying is that we are a big, powerful country and we can bully these countries into buying from us exactly what we are buying from them. It reaches an interesting conclusion. For example, we have a trade surplus with Australia. We have a trade surplus with the Economic Community of Europe. Is that evil? And should we in a throes of guilt decide that we should not be selling more to Australia than we buy; there is something morally wrong with this, following the lines which the Senator has diagramed, and the same with the European Community? In other words, every nation with which we have a trading surplus, somehow we should reverse that and get it down to equal; is that what the Senator is saying?

Mr. FOWLER. I will be very pleased to debate trade policy and discuss this. As the Senator knows, that is not what I just said. But allow me to finish my statement on China.

Mr. CHAFEE. If he can clarify that point——

Mr. FOWLER. I will be very pleased to discuss this both on the floor and off. I am simply saying that where we have competitors who are capable; not telling them what to buy. I am trying to think of a surplus in the Senator's own State, but I cannot do it. I assume what brought the Senator to his feet was my discussion of what I said about the President's trip to Japan.

They do not want to buy our cars. They do not have to buy our cars. I agree with the Senator. We cannot make the Japanese buy our cars. We can try, but I do not think we can make them do it. I would like to. I would like to save Detroit, but I can say to them that we have huge surpluses of wheat for an island nation which they need which they can certainly buy to make our balance with them less imbalanced.

In Georgia, we have millions of tons of chickens that they need. We will sell them chickens. We will sell them cotton. We will sell them soybeans, but it takes a little steel in the spine of this administration if we are going to use the economic leverage that we have where we do have these imbalances with nations whose economic status of living and whose economies are perfectly able to be equal if we would use a little of our power to do it.

I thank the Senator and will be glad to work with him at a future time on a better trade policy.

Mr. President, in conclusion, we should pursue reciprocal agreements in trade relations, including MFN, that would only speed the process of reform in China. But we should do it from a position of strength. We should not be afraid to insist on the terms laid down by the Senate, measurable progress on free trade, human rights and proliferation of weapons of mass destruction.

When it gets down to it, we have no choice but to engage China in every effort to change its reactionary policies and hold it to responsible standards of international behavior. We have the means to do that, I submit, because the people are willing, despite the fact that the rulers in Beijing are not.

For us, the opening of China does represent a great opportunity. To China, exchanges with the free world represents a desperate need. We should proceed there with the confidence that if any semblance of the present Government hopes to survive, it must, it must, it must undertake the reforms that we espouse.

As for me personally, I am not going to break from the commitment I made to those Chinese students, anguished students who looked to our Government for leadership in those difficult days following the barbarity in Tiananmen Square.

I pledged then, as I do today, that we will demand real change of the rulers in Beijing before granting them any of the favors that they seek.

I thank the distinguished chairman of the committee. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Rhode Island.

Mr. CHAFEE. I yield myself such time as I might consume off the time on our side.

Mr. President, I think we really ought to make clear what we are talking about. If there is ever a term that was inappropriate for the situation, it is most-favored-nation. Most-favored-nation does not mean a nation is favored in any way. It means that if you do not get that status, you are put in a very small group of pariahs in the world.

The United States, for example, grants most-favored-nation to—listen to this selection: Syria and Libya. We give most-favored-nation to Iraq. We give most-favored-nation to Iran. We give most-favored-nation to Cambodia. There is only a handful of nations that we do not give most-favored-nation treatment to: Cuba, Vietnam, Albania, North Korea.

So when we say we should give most-favored-nation to China, it is not giving them some specially selected treatment that is a favored type; it is giving them something we give every other nation in the world except the four or five nations I have previously mentioned.

What are we dealing with here? What those on the other side who seek to override the President's veto are saying is that unless China conforms to these certain criteria that the President will have to certify, then we do not grant them this most-favored-nation treatment.

Some of those we clearly know that the Chinese are not going to subscribe to under pressure from the United States. Indeed, I think we have to realize this is the way they view the situation, to China, a great and proud nation, bigger than this Nation in population, longer in history by far than we, with a history of isolationism, a history of turning its back to the rest of the world. We are saying, for example, if you do not release all the prisoners as a result of the Tiananmen Square massacre, and the President so certifies, which he cannot, they do not get the treatment we accord every other nation and, indeed, that every other nation accords to China. Is this not peculiar?

Here we go seeking markets, saying we want to improve trade, and yet we are saying to China with one-fifth of the world's population, we are not going to deal with you—unless you kowtow to us and do exactly what we want, we are not going to trade with you.

Now, Mr. President, I have listened to this debate, and I noticed an awful lot of it was about trade and the imbalance of trade. The objections are not necessarily on the human rights side. The objections are that China has a trade surplus with us, and so we ought to cut them off. Of course, that is what passage of this legislation would result in.

We do not like the trade situation in China. If they are violating it in some respect, intellectual property or prison labor, all things that are alleged, then we have ways to respond.

As the Presiding Officer well knows, we can use the Super 301 action, which is provided for in our trade laws. What we seek, Mr. President, is access, and the way to get access is not to proceed as we are doing here, to deny MFN, which cuts off all relations. It does not just cut off trade relations. It really sours all relations with China.

Mr. President, this is very unfortunate legislation. I believe that we have a way of dealing with it; if we do not like the trade process, the trading method in which China indulges, and they are contrary to accepted procedures, we have ways to proceed, as I mentioned before. But let us not put China off in some little box and try and erect a wall around them, erect a wall around how many people they have, 1.2 billion people, and say we are not going to deal with you. The Japanese, the Brits, the Dutch, the Germans, and everybody else can deal with you but not us, because we do not like a series of things you are doing.

If we really are interested in dealing with these matters, human rights progress, preventing exports made by prisoners, terminating religious persecution, allowing freedom of the press, stop jamming Voice of America, stop intimidation of Chinese in America, allow access by international human rights groups—on it goes—if we really believe in all those things, Mr. President, then we must open our ways and methods of dealing with the Chinese. Just as we have had success in the intellectual property field, we have reached an agreement which seems rather satisfactory. We have to see how it works out in practice, but there is no question but what it represents a significant breakthrough in our relationship with China.

We never would have achieved that, Mr. President, if this legislation had gone through and the President had not vetoed it. Like it or not, and those on the other side will describe it in various complicated ways, the facts are that if this legislation should pass denying MFN to China except with certain certifications by the President and the Untied States, China would cut off its relationships with us.

So, Mr. President, this is a significant vote. It is a significant vote not necessarily for trade reasons, although it is for that, but it is much more significant as to whether we truly will bring China into the family of nations. China, as everybody knows who has studied 8th grade history, has had a long history of isolationism, which they have enjoyed, and it was not unique. It just did not go back to when they started the Great Wall of China in the year 403 B.C. Think of it, from 1946 until President Nixon went to China in the 1970's, China was separated from the rest of the world. It was a breakthrough for President Nixon and Secretary Kissinger to go there. Gradually, we have opened up these relationships and improvements have been made.

Mr. President, I greatly hope the vote to sustain the President's veto will pass, and not just pass by a couple of votes. I hope it will pass overwhelmingly. I might say this is very important, as I said previously, to our relationships with China as a massive part of the world, which we cannot dismiss, but also on the trade side likewise.

I come from a State that has the world's largest toy company in it. That toy company does business in China to a very substantial degree. They have a factory set up. They purchase likewise from other factories in the southern part of China not far from Canton. Now, they can see in that part of China growing up a spirit of individual enterprise, a spirit of free enterprise, which we all applaud. And we believe there is a connection between that and the eventual arrival of the democratic principles, and indeed there is in that section of China.

If the President's veto should not be sustained, the ability to import from those factories would clearly end, and thus several thousand jobs would be lost in my State. We have a million people in our State—very small. What I am reporting here would be duplicated in other States as well, and I suspect in the State of the Presiding Officer, although I am not familiar enough with his situation in Connecticut. So we are cutting off our nose to spite our face if this veto should not be sustained.

For those reasons, Mr. President, I hope very much we can get on with this vote and that the votes in favor of the President's position will be overwhelming.

Mr. President, I see no one else prepared to speak at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, I yield the Senator from New Mexico such time as he requires.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. Mr. President, as I understand it, we have some time remaining, and I ask unanimous consent that I be able to speak on a subject that is not the pending matter.

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

THE TAX INCREASE

Mr. DOMENICI. Mr. President, I have a bill that is being walked down here that Senator BOND wants to join me on, and I will try to introduce it as part of this discussion. I will ask for some time on that.

I rise today to give the Senate part two of my analysis of the tax increase that passed the Senate a few days ago, increasing marginal rates in the tax structure of the United States.

I choose to call my series—this is part two—"The Economic Growth Means More Jobs, Not More Taxes." That is the theme. I want to talk about a married couple, who are small business people providing new jobs in my State.

I consider them to be important contributors to the economy of my home city, Albuquerque. But some who voted for the tax bill apparently do not think they contribute new jobs, but rather that they ought to pay more taxes. The company's name is Wood Workers Supply. John Wirth and his wife, Billy Jean, in 1973 started the business with 5 employees. In 1976, they put together their first mail-order catalog. Today they provide and pay checks for 165 families in Albuquerque in three or four different places. Eighty-five of those are in Albuquerque; 35 in Casper, WY; 45 in Graham, NC.

The jobs at Wood Workers Supply are good jobs, on average about 20 to 25 percent more than the average paying jobs in the city of Albuquerque. Wood Workers Supply sells machinery, power tools, woodworking supplies, and John and Billie Jean pride themselves in featuring American-made products in their stores.

That way, they support other American industries and workers. And 50 percent of the sales are made to cabinet makers, furniture makers craftsmen, and homebuilders, who want to be more productive and competitive. New equipment helps them achieve that goal.

After almost 20 years of working 70 hours a week, he and his wife have built a nice business. They are proud of the contribution to the economies of the cities I just described, but they are rudely surprised to learn that they were part of the wealthy class who were not paying their fair share of taxes, at least according to some, at least according to the bill that passed the Senate, the Finance Committee bill. John tells me, frankly, that he and his wife plow almost all of their profits back into the business. Yet, if the finance bill becomes law, they would have to pay substantially more in taxes over the next year.

John and Billie Jean had a different plan for that money. They were going to create about 100 new jobs. They are expanding, and in October 1991, they opened a new facility in North Carolina. They planned to open a new one in New Hampshire later this year that would have employed about 30 people. If all goes according to plan, they would even open one in the State of Kentucky with another 30 jobs.

John is negotiating with a mail-order firm that he wants to move to his home city of Albuquerque. It is a small operation, but it would mean an additional eight jobs within the next 1½ to 2 years. He is negotiating to buy a small manufacturing plant that would move to Casper, WY.

His business plan would be in trouble if the bill that we voted in a few days ago—the tax bill, the so-called economic growth and jobs bill and tax fairness bill—according to John, if the new rates go into effect, the additional tax will slow down, rather than permit him to expand.

So his ability to expand without borrowing money, without looking to the Government for anything, will be impeded not helped by the jobs bill which will not create jobs, but will collect more taxes, including more from this couple and their business.

The President asked the Congress to enact an economic growth package. Those who support the bill that passed here claim that it is an economic growth bill, but I believe it is no economic growth bill. Growth means jobs. The real world impact of this bill is to delay the creation of jobs by business men and women like John and Billie Jean, and thousands of other small business people who leave much of their profits in their business to grow, to add jobs, yet report the income since they are partnerships or subchapter S corporations, report it as income and under the bill will pay taxes on all of it at about 16 percent higher than they are paying today, a rather substantial increase in what they will pay out of the money that they would have used to grow and add jobs.

Recently our largest newspaper in Albuquerque, the Albuquerque Journal, ran a political cartoon that I think captures the folly of the bill that is now in conference. The cartoon showed the Congress raising taxes so it could spend more taxpayer money on Government programs, and in their cartoon, Benefits for the Unemployed, the Finance Committee bill spends the money on special interest provisions and in new entitlements.

Mr. President, as we all know, I think that the entrepreneurs that I have described here have a better idea. They want to create jobs with this money. They make a very efficient and responsible use of the capital and the human resources that are a part of their business.

It is misguided policy to raise taxes on some job-creating entrepreneurs and business people who are depending on it to provide long-term economic growth. John, who I have been speaking of, is a bit of a philosopher. He notes that the Founding Fathers never contemplated a country where 60 percent of the Federal tax burden would be shouldered by 10 percent of the taxpayers.

Let me run through those numbers on Federal income tax burdens because there is a lot of misinformation floating around. In 1977 the top 10 percent paid 50.5 percent of the individual taxes. In 1980, their burden dipped slightly, 49.1, but it has increased since then. By 1992 it increased to 60.2 percent. This means that the other 90 percent are paying 39.8 percent of the total tax burden.

Frankly, Mr. President, I think I am beginning to understand why the lowering of the marginal tax rates during the last half of the decade of the eighties caused so many small businesses to grow and add so many millions of new jobs. I think it is precisely because they left their money in their businesses, that is the small business people, and those who were corporate chartered but under tax laws were partnerships they left their money in their businesses and that added innumerable thousands of jobs.

Some might say that is not the way they want the tax laws to work. Frankly, I believe the proof is in the pudding. If you want jobs, you do it that way. You leave business people, men and women, small businesses, you leave them to the job of job creation, and you do not maximize the taxes you take from them because to do that leaves an economy such as ours less apt to grow, prosper, and do what many of us want, provide opportunities for people.

I thank Senator CHAFEE for yielding, and I yield the floor.

Mr. BENTSEN. Mr. President, I yield such time as I may need, and I must re-

spond to my friend from New Mexico concerning his comments about the tax bill.

Let me make a point. The President has stated that he was sorry he ever got into the 1990 budget agreement. But that agreement is the only discipline we have on the administration and this Congress to try to see if someday we can get this budget deficit down. But the President has demonstrated how he has turned his back on that budget agreement by presenting legislation to us that the CBO, Congressional Budget Office, says would cost this country $24 billion.

I hear my friend from New Mexico talking about this tax increase, tax increase, tax increase. What is not said by this administration is there is an equivalent tax cut in that bill.

When President Reagan talked about cutting taxes and raising the capital gains tax, he called it reform. This bill can justifiably be called reform also, because what we are trying to do is bring some fairness back into the tax system.

President Reagan proposed a 35-percent tax rate on anyone making over $70,000 a year. That was his proposal. This bill affects families that make over $175,000 a year, and that is after their deductions. That actually means they will certainly have a gross income of something over $200,000 a year. The bill raises their tax rate by 5 percent, from 31 to 36 percent on families making over $175,000 a year, or individuals making over $150,000 a year. The vast majority of those people making over $70,000 a year, that President Reagan would have had pay a 35-percent tax, under this proposal, will be left paying 28 percent a year.

Then let us look at what the bill means in the way of progressive taxation. In this country, if you make $35,000 a year or if you make $1 million a year, the difference in your tax rate is only 3 percent. The ability to pay, fairness in the tax system, I think those are major considerations that we have to address.

Another proposal that was not mentioned is what the bill does for the self-employed or for the small employer who today can only get a tax credit for 25 percent of his health insurance premium. We are talking about moving it up to 100 percent. We are working to make that permanent.

Then in the ill-fated attempt to make this bill bipartisan, we reached out to take the seven incentives that the President put in his program and put them in ours, some with minor modifications and others word-for-word. I am talking about things to encourage income growth like accelerated depreciation. We put in a credit for a first-time home purchase. We added a much better IRA, one that would say to all Americans when they sit down to write their check to the IRS, they will have the option of writing it to their IRA and taking a $2,000 deduction. And we would allow the utilization of that to help people buy their first home, help them take care of the college education of their children, or take care of a major medical illness. Those are positive things that have been put in the piece of legislation that we will be going to conference on today at 5 o'clock.

So, these are major things to bring fairness to the tax system. We do not bust the budget but live within the budget agreement. For top income people, the top seven-tenths of 1 percent, we still would have a top rate substantially below that of our principal economic competitors, like Japan, Germany, and the United Kingdom.

Mr. President, it is not easy to put together one of these tax packages. There is not everything in it that I would have liked or that others would. But overall, it is a substantial improvement on present law.

We say to those people, middle-income folks that took the biggest hit in the last decade, who saw their taxes go up as their incomes went down, that we are going to give you a $300 credit for each child you have. The cost of rearing children today has continued to escalate, whether you are talking about housing, medicine, or food. And for those typical families of four with 2 children, we have a $600 tax credit; that is a 25-percent tax cut for a family making $35,000 a year, the median income.

So it is a step in the right direction. Does it solve all our problems? Of course, it does not. Does it immediately turn this economy around? Of course, it does not. We did not get in this shape overnight. This is a situation that came upon us gradually over a period of years.

And this bill is a step in the right direction in trying to help the economy with, long-term growth and restoring some fairness to the system.

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

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 15 seconds.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would point out that when the taxes are increased from 31 percent to 36 percent, it is, of course, not a 5-percent increase, it is a 16-percent increase.

I also would point out that this benefit for these children goes only to those children who are age 15 and younger; in other words, under the age of 16. And the total benefit is 83 cents a day per child. So I do not think any of us suggesting that is going to stimulate the economy.

And the other point I would like to make, it is not just solely inside the Beltway talk to say that 83 cents a day is not very much. In my State, which certainly is not a wealthy State—and we are going through all kinds of problems currently—I present this situation to our people and say, if you are going to add $32 billion of tax revenue to the Nation—and that is what this costs over 5 years, $32 billion—is it best to have it go to a very limited class?

It does not go to everybody, it does not go to the very poor, and it certainly does not go to the rich. It goes to those with incomes roughly from $20,000 to $50,000 and then phases out. It only goes to those who have children 15 or under, and it is for this limited amount.

So I propose that to the folks at home. Is this the way you would like $32 billion additional revenue to go in our country? And the answer unanimously is, "No. Let us put it to reduce the deficit of this country." And that is where we ought to go.

I am not opposed to new taxes. I have voted for new taxes around here plenty of times. But if we are going to go into a big new tax program such as this, then let us use it to look after these children, not their parents with 83 cents a day, but help relieve this terrible burden we are placing on these children to the tune of $300 billion a year of additional debt that someday they are going to have to pay and their children and their families.

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

The PRESIDING OFFICER. The Senator from Rhode Island has 13 minutes and 33 seconds.

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

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNITED STATES-CHINA ACT—VETO

The Senate continued with the reconsideration of the bill.

Mr. D'AMATO. Mr. President, I rise today to oppose the effort to continue most-favored-nation trading status with China. Yesterday's newspapers contain information that suggests China is providing Iran with some of the technology necessary to construct nuclear weapons. If anyone in this Chamber can think of anything more horrifying than that, they have a more vivid imagination that I do.

It was with great foreboding that I supported the administration's position in support of most-favored-nation trading status for China. I had hoped that after the collapse of communism in the Soviet Union, the Chinese Government would begin to significantly

change their behavior. Obviously, that has not occurred. Until the Chinese Government learns how to act as a responsible member of the world community, they should not enjoy an advantageous trade relationship with the United States.

Mr. President, I ask unanimous consent that the attached articles be printed in the RECORD in their entirety.

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

[From the Los Angeles Times, Mar. 17, 1992]

CHINA HELPING IRAN BUILD NUCLEAR ARMS, U.S. SAYS

WASHINGTON.—Although a recent inspection found no evidence of nuclear weapons research, U.S. officials believe that Iran is engaged in a determined, long-term effort to develop nuclear weapons with the help of technology from China.

Over the past few years, China has provided Iran with a mini-reactor and with technology similar to that used by Iraqi President Saddam Hussein in attempting to develop nuclear weapons.

"I don't think the Iranians are going about it in such a brutish fashion as Saddam Hussein," one State Department official said. "Their program is much more subtle and long-term."

In 1990, Iran and China signed a 10-year agreement for scientific cooperation and the transfer of military technology.

U.S. officials said that the items publicly acknowledged to have been transferred between the two countries—such as an electromagnetic separator for producing isotopes—are "very small-scale stuff" and, by themselves, could not be used to make nuclear weapons. But they said the Chinese exports would be invaluable for an Iranian nuclear weapons program, because they would help Iran acquire the know-how to later build nuclear weapons.

Iran now ranks, along with North Korea and the Commonwealth of Independent States, among the top concerns of U.S. officials worried about the spread of nuclear weapons.

CIA Director Robert Gates testified in Congress last month that Iran "is building up its special weapons capability as part of a massive . . . effort to develop its military and defense capability." Iran is looking to China to supply missiles and nuclear technology, he said.

China contends that all of its nuclear help to Iran has been above-board and that the facilities it is helping Iran develop comply with the legal safeguards of the International Atomic Energy Agency. A Chinese Foreign Ministry spokeswoman said last November that while China has supplied Iran with nuclear technology, it is "only for peaceful purposes."

WEST WORRIES CHINA WILL SELL MISSILES

(By Paul Lewis and David Silverberg)

HONG KONG.—China intends to proceed with missile sales contracted before it agreed to abide by the Missile Technology Control Regime (MTCR) last November according to experts here and in Washington.

"There are two reasons why China is not likely to conform to the wording and spirit of the MTCR," Chong-Pin Lin, associate director of Chinese studies at the Washington-based American Enterprise Institute, told Defense News last Thursday.

"One is financial," said Lin, who noted that missile sales bring China desperately needed foreign currency.

"The second is the nature of the control structure," Lin added. "It is very difficult for the highest levels of government to control the corporations."

Experts here add a third reason for the Chinese reluctance to abide by the MTCR: a fear of losing prestige and influence in the Third World.

In addition to the well-publicized M11 missile deal between Pakistan and China, the China Precision Machinery Import-Export Corp. (CPMIEC) in 1988 entered into an agreement with Syria to develop the intermediate range M9 missile.

The CPMIEC, a company established by the Chinese Ministry of Aerospace Industry and under the direction of the State Council, was until recently, along with China Great Wall Industry Corp., on a U.S. sanctions list as a result of sales of such missiles.

The M9 missile has been developed with Syrian funds and has recently undergone tests at a government-owned range in Gansu province. The M9 is a solid-fuel mobile missile with a range of up to 600 kilometers (372 miles).

The M9 is a more modern missile than the M11 developed for Pakistan and is better suited for delivering a crude nuclear warhead. The M9 also can be armed with a chemical or biological warhead.

The missile does not possess pinpoint accuracy, but it is more precise than the Iraqi Scud B or its al-Husayn derivative used in the Persian Gulf war. Fitted with a fuel-air munition, the M9 could be used as a tactical weapon.

Delivery of M9 missiles to Syria is said to be imminent and sources say that up to 24 missile transporter-launchers already are in place in the country.

However, in testimony before the U.S. Senate's Joint Economic technology and security subcommittee last Friday, Richard Clarke, U.S. assistant secretary of state for politico-military affairs, said the world's chief missile proliferator at the moment is North Korea rather than China.

Clarke said North Korea is marketing three missiles: the original Scud, an extended-range Scud-C, and a new missile called the No-Dong I. The missile is still in development, said Clarke, but it is expected to have a range of over 1,000 kilometers (620 miles), covering all of South Korea and Japan.

"If, as we suspect, they will also try to sell this new missile in the Middle East, it will also pose a threat to stability there," said Clarke.

Chinese officials are also reported to be less cooperative than previously in helping draft new restraints on conventional arms sales to the Middle East, according to administration sources.

The United States, Britain, France and Russia have largely agreed that they will notify one another before major defense sales in the Middle East. They have also largely agreed on the types of equipment that will require notification. However, the Chinese position is becoming less cooperative, the sources report.

Mr. DODD. Mr. President, once again, I rise for the purpose of calling attention to the repressive policies and programs of the Chinese leadership.

Mr. President, last July, 55 Members of this body agreed to send a clear signal to the sheltered old men of Beijing. We agreed that we would no longer look the other way as China violated fair trade practices, flaunted internationally recognized standards of human rights, and armed the Third World with nuclear weapons technology.

Three weeks ago, when the conference report first made its way to the floor, 59 Members of this body lent it their support. A majority of the Senate, like the majority in the House of Representatives—and backed by a clear majority of Americans—agreed that the time had come to reverse United States policy in China.

Today, thanks to the efforts of the majority leader, this issue is before us once again. We may pick up a few more votes today. We may come closer to our goal. But in the end, we all know the likely outcome.

Barring an unforeseen circumstance, Mr. President, this override vote will fail. Business with China will continue as usual. And the leaders of Beijing will have pulled the wool over our eyes once again.

We all know what brings us to this confrontation today. For the 26th time since taking office, the President has rejected the clear majority of Congress and told the American people that he knows best. In the process, the President has taken the hopes and aspirations of the Chinese people and blotted them out with his veto pen.

I know the President has had a long history of dealing with the Chinese. I know he considers himself an expert on the Chinese people, their culture, and their ways. And I know that his record, in Congress, at the United Nations, and within the intelligence community, has given him lengthy experience in Chinese relations.

But sometimes I think that you can get so close to a subject that you lose all objectivity, Mr. President. And that is what I suspect has happened here.

The President sees a China that is struggling within itself, one faction pushing for reform and another resisting change. The President sees a China that knows it must join the international community, and is only delaying the inevitable.

The President sees a China that is making economic reform, a China that needs positive reinforcement to nurture it along. The President sees a China that will eventually come to embrace democracy and full economic freedom, if only we will give it the chance.

Let me tell you about the China I see, Mr. President.

I see a China that continues to detain hundreds of Tiananmen Square demonstrators, without regard to due process or recognized standards of judicial review.

I see a China that has tortured hundreds of its own citizens during detention and interrogation, despite the persistent condemnation of the international community.

I see a China that has mocked the rules of world trade, and now holds a

$13 billion trade surplus with he United States as a result.

I see a China that has sold missile launchers to Pakistan, nuclear technologies to Algeria, and missile technology to Syria, adding to an arms race that threatens us all.

I see a China that makes concessions on the eve of United States congressional debates, but then closes its ears to its own people.

I see a China that is so insulated from reality that its Premier, Li Peng, calls the issue of human rights an infringement on his nation's sovereignty.

Finally, Mr. President, I see a China that has been allowed to act with impunity for so long, it has forgotten what it means to be a responsible member of the world community.

Mr. President, we are not asking much with this legislation. This legislation would not sever our relationship with China. It would not put an immediate end to MFN treatment. But it would put an end to the legacy of complicity and tolerance that has marked our relationship with China. Such action is long overdue.

I hope the Senate will have the courage to override this Presidential veto.

Mr. DURENBERGER. Mr. President, I rise to oppose today's effort to override the President's veto of H.R. 2212, the conference report conditioning most-favored-nation [MFN] trade status for China.

Several times in recent months, the Senate has debated and voted on this issue. This has been an important debate that has helped illuminate the many interrelated issues on the MFN matter.

Mr. President, on several occasions in recent months, I have spoken in this chamber against measures to restrict MFN for China. I will not waste the Senate's time by restating those positions in full.

I would, however, just summarize my perspective very briefly. First, I remain convinced that it is in our Nation's best economic and geopolitical interests to maintain normal trading relations with China. Several times, I have urged my colleagues to consider not only the likelihood that conditioning MFN would fail to achieve the desired objectives in China, but that it would profoundly damage United States economic and political interests.

Second, it is difficult for this Senator to envision what benefits our country derives from returning to a policy in which we actively seek to isolate China.

Third, I remain persuaded that unilaterally using trade as a foreign policy weapon only hurts the American exporter and consumer. Other countries will always step in to fill the void left by our unilateral withdrawal from a market. This is precisely what happened with the failed United States embargo against the Soviet Union in 1979.

More recent experience has also taught us that the corollary to this reality is also true. That is, that economic and trade policy can be a meaningful foreign policy tool only when applied multilaterally, in concert with the world's other trading partners. United Nations economic and trade sanctions against Iraq have had meaning only because the world acted in unison.

I ask my colleagues again, will Japan follow our lead in restricting trade with China? Will France or Germany? Will Australia or Brazil? No, Mr. President, of course not. Their farmers and businesses will simply step in and take the business that we unilaterally sacrifice.

Fourth, it remains my view that it is fundamentally inappropriate for the United States, acting alone, to start and stop trade with other countries because of disputes over human rights matters. If we applied these same standards to any number of our other trading partners, we would be unilaterally restricting trade all over the Third World.

Last summer, I quoted at length from the publications of respected international human rights organizations regarding the records of various trading partners. No one is calling for revoking normal trade relations with Indonesia or Kenya, Mexico or Brazil, Turkey, South Korea, or India. Acting alone, the United States cannot, regrettably, change the behavior of the rest of the world. The forum for addressing these issues is not through trade, but through vigorous diplomatic efforts.

Mr. President, I wish to emphasize that neither President Bush nor this Senator believes that extending unconditioned MFN can be interpreted as condoning China's human rights practices, its irresponsible weapons proliferations policies, or its various troublesome trade practices. But strictly conditioning and ultimately revoking MFN on a unilateral basis simply will not have the desired impact in China.

Mr. President, I renew my call to President Bush and Secretary Baker to keep the pressure on China to improve their various policies and practices that we and other responsible members of the international community rightly find so objectionable. Clearly, more needs to be done to persuade China to respect internationally accepted norms of behavior in areas such as human rights and weapons proliferation.

But MFN is the wrong tool for the job. It is a blunt instrument that holds little promise for achieving otherwise laudable objectives. Effectively revoking MFN will only kick the legs out from under the negotiating table at which we address our very real and serious problems with China. That might give some of us a degree of short-term satisfaction, but precious little long-term gain.

Mr. President, I urge my colleagues to take the long-term view and sustain President Bush's veto. Thank you, I yield the floor.

Mr. SANFORD. Mr. President, I rise today to urge my colleagues to override the President's veto of a vital piece of legislation, H.R. 2212, a bill that would limit most-favored-nation status for China. It is not complicated. We simply insist on a decent level of human rights, we insist that China quit cheating on weapons proliferation, and we insist that China get honest in their trade practices. When the President vetoed this bill on March 2, he said that his policy of offering MFN status unconditionally "invites China's leadership to act responsibly." Well, Mr. President, I want to send an invitation they can't refuse. The President's policy of currying favor with the Chinese Government has produced no change in China's abominable human rights record, no change in China's continuing disrespect for attempts to halt the proliferation of weapons to unstable Middle East countries, and absolutely no change in China's pattern of chronic unfair and illegal trade practices. The clear message is that the Chinese Government doesn't need to close up in order to get what it wants from the President of the United States.

Chinese violations of human rights are well documented. Religious persecution, imprisonment without trial, torture, and execution are frighteningly commonplace. The violence in Tiananmen Square and the ensuing treatment of students and other citizens are prime examples of what still goes on in China. And yet the Chinese feel that these activities are internal Chinese affairs. Sure they are. So is it our internal business as to who trades here. The point is that the promotion of human rights is a special concern, a special obligation. The United States of America is the great shining torch to which the oppressed people of the world look for hope and freedom.

China not only threatens her own citizens, but by blatantly engaging in nuclear proliferation, China is threatening all citizens of the world. China has sold lythium hydride to Iraq that could have been used against our troops in the gulf in the form of missile fuel or even nerve gas. And they continue to sell deadly M-9 and M-11 missiles to Syria and Pakistan. China is still refusing to act as a responsible member of the world community, yet President Bush chooses to reward them with most-favored-nation status.

To make all this more pointed, our Nation is experiencing economic chaos fueled by mounting trade deficits and increased competition from the subsidized markets of the east. China is

the second largest deficit trading partner of the United States, behind only Japan. The American people are buying more Chinese goods and selling fewer United States goods to China than ever before. Who can blame American men and women for feeling that the President has let them down? The Chinese continue to send textiles and apparel to the United States under fraudulent visas to be sold at cut rate prices in crass violation of trade agreements. When North Carolina textile mills shut down because Chinese goods, much of it made by prison labor, are dumped on the United States market, the President says it is fair trade. Well it is foul trade and a foul deal when our citizens are put out of work by a Chinese labor force that makes, on average, .37 cents per hour. And this foul deal will clearly be the work of the President and the minority party in the U.S. Congress should this veto be allowed to stand.

Mr. President, we must stop the unfair trade practices. We have the opportunity here to call China to task. To demand that they practice fair trade, or lose favored trade status. Is it too much to demand that they not cheat? That they respect basic international trade law? The President says yes, and would have us close our eyes to these violations. But why should they reap the benefits of most-favored-nation trading status with the United States?

I fully support the conditions to most-favored-nation status for China as set forth in H.R. 2212. Is is a reasonable proposition that we have offered to China.

It is too bad that the President has decided to cast his vote for allowing the dangerous world political situation to be aggravated by the uninhibited sale of weapons of war, and against North Carolina and American working people.

Mr. HARKIN. Mr. President, I rise in support of H.R. 2212, to extend most-favored-nation [MFN] status to the People's Republic of China with certain conditions. I encourage my colleagues to join me in voting to override the President's veto and reject his failed China policy.

Mr. President, we should be clear about what this bill does and does not do. The bill does not impose an embargo against China and does not end economic relations with that country. It does not seek to disengage the United States from China but rather change the terms of our engagement. H.R. 2212 extends MFN status for China on the condition that China adheres to its prior commitments on weapons proliferation, ends its discriminatory trade practices, and has made progress in human rights. President Bush has had nearly 3 years since the June 1989 massacre of Tiananmen Square to positively influence Chinese policies by constructive engagement. The President's policy of forgive and forget has clearly failed. It is time to pursue a policy consistent with our values and our interests: respect for human rights, nonproliferation, free and fair trade.

For the past 2 years President Bush has argued that extending MFN would give Chinese leaders the incentive to improve their human rights practices. Yet, today according to the State Department's 1991 human rights report "China's human rights practices remained repressive, falling far short of internationally accepted norms." the reputable human rights organization Asia Watch reports:

> If anything, the Chinese authorities showed themselves even less willing in 1991 than in 1990 to ease up on the relentless repression they have pursued since the military crackdown in Beijing and other cities on June 4, 1989.

It is estimated that thousands of prodemocracy activists remain in jail; religious persecution, as well as arbitrary arrests, unfair trials and torture persist. Moreover, the Government of China continues to violate the fundamental rights of the Tibetan people and repress citizens who advocate nonviolent democratic reforms.

China's human rights abuses are not limited to areas of political and civil rights. China also violates human rights through its use of prison-labor for commercial gain. I should point out that the International Labor Organization Convention 105 prohibits the use of forced or compulsory labor "as a means of political coercion or education or as punishment for holding or expressing political views ideologically opposed to the established political, social or economic system." Further, section 307 of the Smoot-Hawley Tariff Act of 1930 has prohibited the importation of prison-made goods into the United States for over 60 years. Yet, in a direct violation of international labor treaties and United States law, the Chinese Government continues its practice of using forced labor in producing cheap products that are later exported. Last November, when Secretary Baker visited Beijing, products made by prison labor in the Shandong Province were on display at a trade fair in San Francisco. Evidence indicates that prison labor is involved in the export of sugar, T-shirts, underwear, wine, tea, leather, shoes fertilizers, electric fans, handtools, diesel engines, and other products. Last July, during a debate on extending MFN status to China, I pointed out that the April 1991 Business Week, cited State Department documents showing official Chinese statements that China exports $100 million each year in goods produced by forced labor. Mr. President, China's use of prison labor to export cheap goods is not only illegal and morally repugnant but also devastating to American workers forced to compete against China's prison-exports.

Other trade practices by China are also harmful to the United States. These practices include restriction of foreign firms' access to China's domestic markets, lack of adequate protection for patents, copyrights, and trademarks, as well as severe restrictions on foreign investment in China. As a result of China's discriminatory trade practices our bilateral trade deficit with China is now second only to Japan. In 1991 our trade deficit with China increased by $2 billion to $11.7 billion. That trade deficit means the loss of over 250,000 United States jobs.

The bill before us, H.R. 2212, seeks to redress our trade relations with China. It encourages China to end its discriminatory trade practices by protecting intellectual property rights and providing American exporters with fair access to Chinese markets including removing nontariff barriers. Mr. President, it is true that China is potentially a large market for the United States. But if strong action isn't taken to end China's discriminatory trade practices and open up China's markets, our exports will continue to suffer. We simply can no longer afford to be on the losing end of our trade relations or fail to take action when unfair trade practices hurt American workers.

Aside from our concerns about human rights and China's unfair trade practices, H.R. 2212 addresses one of the most serious threats to our national security—the proliferation of chemical, biological and nuclear weapons. A New York Times article of February 22, questions whether China will halt its sale of long-range ballistic missiles and nuclear-related technologies to Pakistan, Iran, Libya, Iraq, and Syria. Such sales would be destabilizing to volatile regions and counter to vital U.S. interests. I am aware that China has signed the Nuclear Non-Proliferation Treaty and accepted the terms of the Missile Technology Control Regime. And, if China intends to adhere to those agreements, neither China nor the administration should object to the provisions in the bill relating to nonproliferation. However, if China violates those agreements and the verbal assurances it has given to the United States, China should pay a heavy price. China would automatically lose its MFN status and possibly billions of dollars in trade with the United States. The nonproliferation provisions in H.R. 2212, therefore are not punitive but provide the proper incentives for China to adhere to its prior commitments.

Mr. President, as I have stated before, I support the normalization of political and economic relations with China. The choice, however, is China's. To receive most-favored-nation status China must choose between maintaining policies which are clearly unacceptable or pursue policies which afford its citizens their basic human rights, adhere to its prior commitments on nonproliferation, and end its

discriminatory trade practices. Again, I support MFN for China, but not at the expense of sacrificing our concerns for human rights, interest in fair trading practices and the protection of our national security. Most-favored-nation status is not a right. And, it is both reasonable and fair for the United States to extend MFN status while safeguarding our principles, economic security and our national interests by encouraging serious political and economic reform in China.

Mr. ADAMS. Mr. President, today, I will once again support the attachment of conditions to the renewal of most-favored-nation status for China. A majority of the Members in both the House and the Senate have voted repeatedly to use our trading privileges to further the broader aims of U.S. foreign policy and to promote the national interest.

Curbing weapons proliferation is in the U.S. national interest. China continues to be a major supplier of missiles and missile technology to the Middle East and to South Asia—two of the most unstable regions of the world. Its promises to the Bush administration have to date proven empty.

Promoting human rights is in the U.S. national interest. The protection of individual rights is not only central to the values that our country holds dear, it is one of the strongest elements of our foreign policy. Moreover, countries that protect the rights of their own citizens are better international citizens as well. And that is in everyone's best interest.

Last, eliminating unfair trade practices is in the U.S. national interest. Improving Chinese protection of intellectual property and increasing market access are vital for United States businesses trying to get a foothold in China.

Mr. President, I believe that MFN is the one policy tool that the Chinese truly understand. The conditions we would attach are attainable, and both China and the United States would benefit from a bilateral relationship based on the principles espoused in the United States-China Act. MFN status is a privilege and both the United States and China should treat it as such. We simply cannot maintain the status quo—regardless of Chinese behavior—on the grounds that this constructive engagement may pay off in the future. I urge my colleagues to override the President's veto and to support the conditions before us.

Mr. BRADLEY. Mr. President, today I rise to vote to override the President's veto of H.R. 2212, the conference report on the United States-China Act of 1991.

President Bush's veto is yet another example of his seriously flawed China policy. The President has told us to wait, that continued trade with China as a most favored nation would have a positive impact, that our relations would lead to freer markets and greater liberty. This we heard even in the wake of China's brutal crackdown on students in 1989.

Well, Mr. President, we have waited long enough. And as we have waited, the Chinese Government has solidified its totalitarian control over the people. Instead of seeing reforms, as the President predicted, we have seen a return to repression as usual. The President's own State Department has listed an array of human rights violations committed by this regime. In Tibet, we've seen a continuation of persistent and widespread rights abuses, from torture in penal institutions to obstructing religious worship.

The Chinese Government has also demonstrated a flagrant disregard to our nonproliferation goals. Its construction of a nuclear reactor in Algeria, and its arms contract with Syria are but two examples of a long-established practice of selling arms indiscriminantly, regardless of the dangerous escalation of violence.

And let us not forget their own trade policy. I do not believe we should be offering the continued status of most favored nation to a country which the U.S. Trade Representative has confirmed has engaged in unfair trade practices. China's continued imposition of tariff and nontariff barriers has not gone unnoticed.

Mr. President, this veto must not stand; the United States can no longer remain silent while China represses its citizens, practices unfair trade practices, and heightens the risk of violence through its arms sales. the United States has the ability to send a message to the Chinese Government. A message that the Chinese people are unable to send for themselves. Let us send it for them.

Mr. MURKOWSKI. Mr. President, yet again we as legislators are debating whether to deal with China through contact or isolation. This is not a debate on whether China has a bad record on human rights, trade barriers, or proliferation questions. They do. No one in this body argues that point. What we need to decide is how best to force changes in China.

Mr. President, isolation will not change the policies of China. The only way to force reform in Beijing is to keep up the pressure through tough negotiations, increasing trade ties and targeted sanctions. We must vote today to continue these pressures and sustain the President's veto. Conditional MFN would be nothing more than isolation of China.

WEAPONS PROLIFERATION

I am as concerned as the rest of the country over China's human rights record and their unfair trade practices. But for me, the most important aspect of our vote today has to do with proliferation of weapons of mass destruction. There is no excusing China's record—shows Chinese sales of missiles, chemical weapons, and nuclear technology to some of the worst regimes in the world.

I am convinced that this is the single most important issue in the United States-China relationship. As bad as China's record is on human rights and trade weapons proliferation has a direct impact on the national security interests of the United States. This is not just China's business, thit is our business.

Therefore, we must focus our pressure and sanctions on the issue of proliferation directly, which is exactly what the Bush administration has done. Through continued pressure and tough talks, this administration has succeeded in making a significant breakthrough. China has publicly made two pathbreaking commitments: First, to sign the Nuclear Nonproliferation Treaty by next month; and second, to adhere to the terms of the Missile Technology Control Regime.

Mr. President, these achievements are not simple political rhetoric. The administration has achieved results and now the Senate should act to put those results in concrete by sustaining this veto. If the Senate fails to do so, China will have no reason to restrain its proliferation behavior.

I know that many in this Chamber will be suspicious of Chinese promises to abide by its commitments. I too have a healthy amount of skepticism—but we cannot test China's intentions by rejecting MFN. As vice chairman of the Intelligence Committee, I pledge to monitor China's behavior on these issues. If I learn of violations, I will be the first to come to the floor to demand a reconsideration of our policy.

TRADE AND HUMAN RIGHTS

Mr. President, there is a host of other good reasons to remain engaged with China. I have gone over these points time and time again, as have many of my colleagues. I will not go into detail at this time.

But we must keep in mind what removal of MFN—an undeniable result of this bill—will do to our other interests. It will hurt American business interests. It will remove our ability to negotiate on trade problems on copyrights, intellectual property rights, and unfair market practices. Loss of this power will mean we cannot protect ourselves, nor will we be able to change China's practices.

The loss of MFN will hurt the reformers in China, the very people we want to encourage. There are strong indications coming from Beijing that the policy of reform is making a strong comeback. What a loss it would be if we pushed this reform back a step.

Mr. President, we will also do untold damage to our friends in Hong Kong, and in Taiwan as well. There are no places more directly affected by China's hardline leaders than Hong Kong,

Taiwan, and even South Korea. But these nations are not isolating China, they are getting more involved every day. They know the true value of the power of the marketplace to bring about democratic reform. We must learn from their examples.

CONCLUSION

Mr. President, the removal of MFN status for China most importantly reduces our ability to influence change in China. This would be a tragic mistake on our part. We must stick with our convictions that we can influence change in repressive nations, as we have done so successfully around the world in the last few years. We must reject this policy of isolation and sustain the President's veto.

Mr. CHAFEE. Mr. President, I know of no further speakers on our side who wish to speak on this veto situation. And, thus, I am prepared to yield back all the time on this side if the distinguished chairman of the committee would like to do so.

Mr. BENTSEN. Mr. President, I know of no further speakers on this side. I am prepared to yield back the remainder of our time, and I do so. I understand that the rollcall is automatic.

The PRESIDING OFFICER. The Senator is correct.

The Chair understands that both floor managers have yielded back all time reserved on the veto override.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] is necessarily absent.

I also announce that the Senator from North Dakota [Mr. CONRAD] is absent because of a death in the family.

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

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—60 yeas, 38 nays, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—60

Adams	Glenn	Metzenbaum
Akaka	Gore	Mikulski
Bentsen	Gorton	Mitchell
Biden	Graham	Moynihan
Bingaman	Harkin	Nunn
Boren	Heflin	Pell
Bradley	Helms	Pressler
Breaux	Hollings	Pryor
Bryan	Inouye	Reid
Bumpers	Kennedy	Riegle
Byrd	Kerrey	Robb
Cranston	Kerry	Rockefeller
D'Amato	Kohl	Sanford
Daschle	Lautenberg	Sarbanes
DeConcini	Leahy	Sasser
Dodd	Levin	Simon
Exon	Lieberman	Smith
Ford	Lott	Specter
Fowler	Mack	Wallop
		Wellstone
		Wirth
		Wofford

NAYS—38

Baucus	Durenberger	Murkowski
Bond	Garn	Nickles
Brown	Gramm	Packwood
Burdick	Grassley	Roth
Burns	Hatch	Rudman
Chafee	Hatfield	Seymour
Coats	Jeffords	Shelby
Cochran	Johnston	Simpson
Cohen	Kassebaum	Stevens
Craig	Kasten	Symms
Danforth	Lugar	Thurmond
Dole	McCain	Warner
Domenici	McConnell	

NOT VOTING—2

Conrad	Dixon

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 38. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the bill on reconsideration fails to pass over the President's veto.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes today.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators be permitted to speak therein.

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

Mr. GORE addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Tennessee is recognized.

FOURTH ANNIVERSARY OF THE GASSING OF THE KURDS

Mr. GORE. Mr. President, Monday, March 16, was the fourth anniversary of the gassing of the Kurdish city of Halabja, at the order of Saddam Hussein. More than 5,000 men, women, and children died in that attack. Today, Saddam Hussein—having survived even his military defeat at our hands—remains in power. He continues a genocidal war against any group that would stand against him: against the Shiites holding out desperately in the southern marshes of Iraq, and especially, against the entire population of the Kurdish region in the north.

There are no words to adequately or fully explain the nightmare of Saddam Hussein's continuing reign of terror, the suffering of innocent men, women, and children who have been methodically tortured—literally and figuratively—by a government that has them frightened, paralyzed, and smothered by despair.

For a description of these events, I especially commend to you and to all Members of this body, a staff report issued in November 1991, to the Senate Committee on Foreign Relations, entitled "Kurdistan in the Time of Saddam Hussein." When this report was issued, 600,000 Kurds had fled to the Turkish border with Iraq and were facing mass death from exposure, epidemic disease, and hunger. After a belated start, but to its credit, the Bush administration ultimately acted. Operation Provide Comfort prevented a major calamity from becoming a catastrophe.

Thanks to that effort, the Kurdish people escaped the worst, but they continue to face a deadly threat.

For months, Saddam Hussein has imposed a land blockade on the Kurdish regions, literally starving to submission or death his own people—simply because he is afraid that if their voices are not silenced, they will overpower his. Food, fuel, and medicine are in critically short supply. The United Nations, which has taken over responsibility for humanitarian relief, is not—according to my information—responding at a level commensurate to the need.

Meanwhile, Iraqi military forces are reportedly beginning to press in upon the Kurdish regions. It is clear that Saddam Hussein is going to use every means at his disposal to destroy the Kurds. The question is: Can he get away with it?

Our country cannot turn its back on this cruel, inhuman, unthinkable repression. We alone can make a difference to millions of human beings—to men, women, and children, to parents and grandparents and the new generations they are struggling to protect and nurture.

We could bring food, fuel, and medicine to the Kurdish people—even as we and others must now undertake to help Turkey deal with the effects of the recent earthquake. We have the ability to make Saddam Hussein pay for any military infraction of the cease-fire. And, in my opinion, we have the ability ultimately to dispose of him and his entire wretched system of government.

But President Bush has created an obstacle to action by creating an obstacle in our thinking; namely, the sense that Saddam Hussein is somehow essential to the stability of his region and that we must take care to deal with him only within carefully weighted limits. We must get over it and beyond it. Saddam Hussein and those who serve him are war criminals. The people in the region will not begin to know safety until Saddam and his cohorts have met the fate of all tyrants, as one day they assuredly will.

Long ago, we should have started to prepare for that day of reckoning. Instead, based on the misguided notion that we needed Saddam Hussein's regime, the administration literally gave him the means to save himself, and to beat down those who rose up against him. It took a long time—too long—for

the administration to accept that this man is a permanent menace, and to begin to cast about for ways to bring him down.

Better late than never, maybe, but more than the administration's timing is off—the policy is still lagging and haphazard. Once the administration finally came to appreciate the need to depose Saddam Hussein, you would think that it would grasp any and all tools for that purpose. One of those tools, it seems to me, is to convene a formal war crimes tribunal to document crimes against humanity, committed by Saddam Hussein and his associates. But no tribunal was convened. Why?

This should have been done immediately after the liberation of Kuwait. That it was not done is extremely curious. But perhaps more curious still is the administration's slowness to act on another major opportunity to document without question the criminal nature of the Baathist regime. The possibility exists to remove from the Kurdish region all the necessary and terrifying documentation to keep a tribunal fully occupied investigating and prosecuting crimes against the Kurds alone.

These are the records kept by the Iraqi police themselves, of torture and death visited upon thousands of men, women, and even little children. In some cases there are video-tapes of these atrocities—videotapes too brutal even for American television. Recently, there has been some press and television coverage of these matters, but it is only the tip of the iceberg.

Starting in late November, I have appealed privately on more than one occasion for the administration to act to secure these documents and tapes. I have even provided the administration with the promised support of one of our greatest universities to help speedily organize and release this information. But the administration delays, and with each day, the risk increases that some portion of this information will be lost.

I understand that there are impediments of one sort or another. But even making allowances for that—generous allowance—it baffles me and disappoints me deeply that so much time has been lost, and still the administration plods along on a spiral bureaucratic track. Where is the passion for justice that one should find here?

Does our Government find it acceptable that this record should be lost, and that these voices of the dead be silenced forever? We have it without our capacity to document these atrocities and to make this information available. Does this administration really endorse a policy of inaction that threatens to erase a brutal record that must be remembered and prosecuted rather than being whispered away and forgotten? Does it wish to risk becoming Saddam Hussein's accomplice by helping him escape exposure and condemnation? Surely, not. That cannot be the explanation, and it is not. Surely, the administration will act eventually to make sure that the one imperishable memory of Saddam Hussein will be the precisely documented and cataloged record of his crimes against humanity.

Tomorrow, Mr. President, the Senate Foreign Relations Committee will be holding a hearing on the subject of mass murder in Iraq. In doing this, they perform a sacred duty to the dead whose blood, as the Bible says, cries out from the earth on which it was spilled. But there are the living to remember as well as the dead. Hopefully, during this week of remembrance, our Government will reaffirm its support for the living: by stating bluntly that we will not stand idle while the Kurds perish by degrees, as Saddam Hussein tightens the noose. Instead, let us provision the Kurds, let us warn Saddam Hussein against violating their sanctuary, and let us take every necessary step to expose to world opinion what has been done to them by the powers that be in Iraq.

In the aftermath of the gulf war, President Bush decided not to react in the face of the uprising he had encouraged and, as a result, thousands of lives were unnecessarily lost. A brilliant war strategy was dimmed by the disarray of lackluster post-war confusion. We have an urgent opportunity before us. We cannot allow mistakes of policy or a loss of courage. We cannot ignore the voice of conscience for the sake of expediency.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

OMB INTERFERENCE IN OSHA'S EFFORTS TO PROTECT WORKER HEALTH AND SAFETY

Mr. KENNEDY. Mr. President, for too long, American workers have been exposed to an unacceptable range of dangerous conditions in the workplace. When Congress passed the Occupational Safety and Health Act of 1970, our goal was to end these intolerable conditions and guarantee every worker the basic right to safe and healthy conditions on the job.

The Nation made remarkable bipartisan progress toward this goal in the 1970's. But not in the 1980's. For the past 12 years, the Reagan and Bush administrations have systematically undermined the intent of the statute, obstructed its goals, and interfered with the ability of the Occupational Safety and Health Administration to fulfill its responsibility.

But the obstructionist tactics of the administration have sunk to new depths this year. In January, as part of his so-called regulatory moratorium, President Bush asked OSHA to conduct a top-to-bottom review of every health and safety regulation issued in the past 20 years. Too many workers remain at risk and too many workplace hazards still exist for OSHA to divert its scarce resources to this kind of blanket review of the few regulations it has managed to issue.

Most of us also find it very curious that the Bush administration is suddenly committing resources to reviewing itself—because most of the regulations to be reviewed were issued under the Reagan and Bush administrations. They have already undergone earlier exhaustive reviews by the Office of Management and Budget.

Now, the absurdity of even that review has been outdone. Last week, the Office of Management and Budget blocked OSHA from going forward with a pending new standard to limit the threat of toxic chemicals to workers in the construction, maritime, and agriculture industries. The regulations would protect 6 million workers in those industries from exposure to dangerous chemicals that cause cancer and other serious diseases.

OMB makes the preposterous claim that these health regulations will actually jeopardize workers' health. The agency is relying on a far-out, off-the-wall, right-wing theory of cost-benefit analysis—a theory that if employers spend less money on health and safety, they will pay higher wages to employees or charge lower prices for their goods. As a result, OMB claims, workers will be able to eat more nutritious food, spend more quality time on leisure activities, purchase fancier health club memberships, and afford higher quality health care.

This is what OMB is saying to workers in agriculture and in the construction and maritime industries—keep on breathing those toxic paint and fertilizer fumes. Do not get up tight about the sandblasting. Do not give a second thought to the toxic chemicals you are handling. Do not worry about the lung cancer, the silicosis, the kidney damage, the anemia, the high blood pressure, the neurological disease you may be getting on the job. Do not worry if you wake up coughing in the night and short of breath. You will have higher wages to help you pay your medical bill. Consumers will be paying lower prices for commercial products—so at least those consumers will be able to afford healthier lives.

This is deregulation ideology run amok. It is Alice in Wonderland economics. OMB is saying that healthy working conditions are bad for workers' health.

OMB should stop kowtowing to business, and OSHA and the Labor Department should get on with their statutory responsibility of protecting workers' health. It is inexcusable that these toxic chemical regulations are being

delayed even 1 minute, let alone several years, because of irrational arguments like this.

For too long, the Bush administration has refused to address America's worsening health crisis. Now they are compounding the neglect by attempting to take the problems of most Americans in obtaining decent health care, and turn those problems upside down to justify further neglect of workers' health and obtain higher profits for business.

As I understand it, even the Labor Department is gagging over this flagrant intervention by OMB. Perhaps President Bush does not really know what OMB is doing in his name. This President, any President, should reject such an absurd and illogical application of cost-benefit analysis, and put a stop to this shameful and transparent attempt to protect business profits at the expense of workers' health.

One phone call would do it, Mr. President. What we need is a moratorium on OMB, not a moratorium on needed health and safety standards in the workplace.

Congress never intended any such result in the OSHA statute. In fact, in interpreting that law, the Supreme Court has flatly ruled that OSHA cannot rely on cost-benefit analysis at all in setting health standards for the workplace—let alone take such analysis to this extreme. OMB is out of its depth and out of its jurisdiction. If the White House wants a practical demonstration of effective cost-benefit analysis, the President should take OMB to the woodshed and strike a blow for worker health and safety.

Even on its own terms, OMB's cost-benefit analysis is ridiculous. They completely ignore the real costs of failing to protect the health of workers. They ignore the significant costs that occupational illness imposes on the health care system, the Social Security and disability system, and the worker's compensation system. They ignore the costs of lost productivity. They ignore the enormous human costs of worker deaths and illnesses.

In sum, OMB says that healthier workplaces undermine workers' health. That position is irrational and unacceptable, and President Bush should reject it forthwith.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

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

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2370 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE INTREPID WARRIORS

Mr. SIMPSON. Mr. President, I would like to take just a few moments to commend our returning colleagues, the intrepid warriors, Senators BOB KERREY and TOM HARKIN, for their personal courage in taking on with enthusiasm and conviction one of the most awesome enterprises ever created by the mind of man. I say "mind of man" because if it was created by a Higher Power, I am certain it would have been a more rational activity. I am, of course, speaking about the campaign for the Presidency of the United States.

All of us here who have sought political office, whether in Congress or in State legislatures or city councils, or at any level—county commissioner, whatever—have the greatest variety of differences in character and philosophy as any set of human beings could possibly have.

However, most of my adult life, I have spent legislating. I do believe there is one common personality factor in legislators. We may serve poorly; we may serve well. We may be political success stories or abject failures. We may be the winners of elections or the losers.

But it has been my personal experience that the vast majority of people that truly strive, and then make the choice to run, the very intimate choice—you are putting your name on the ballot and people are there to accept or reject you by your name; are truly sincere in their common desire to be of some service to their fellow man.

The public criticism which those of us in political office receive is in large part due to the performance gap between our own human frailties and this still noble calling of public service.

Since we all have that basic desire to serve, it is then quite logical that folks who are either blessed or afflicted—however you might want to look at it—with that particular character trait might seek the opportunity to do the highest and best good for the greatest amount of people. And the office of the President of the United States is about the best you can do on that score.

Getting there, however, often involves the highest level of personal sacrifice that is imaginable by any of us. As Senators, we think we are under the constant light of scrutiny. It is nothing in comparison to what Senator HARKIN and Senator KERREY have recently endured. It is much more than living in a fish bowl—in the present tense. Every bit of your past is dredged right up there with you, too.

And one must never forget: You also need to express in the gravest and greatest detail exactly what you will do in the future—1 year, 10 years, 5 years, 4—"Who will serve in your administration? What is your specific plan for this special interest or that; and boy, there are plenty of them. What will be the tag on your philosophy and you slogan?" And much crazier questions than that.

So I admire both of our fine colleagues for their striving and vigor. Senator KERREY and Senator HARKIN had their message to deliver. They ran their campaigns and contributed greatly to the electoral process, just as have other colleagues on this floor, such as Senators DOLE, BENSTEN, THURMOND, BIDEN, CRANSTON, GLENN, GORE, HOLLINGS, KENNEDY, SIMON and PRESSLER, have done in the past.

And, I would hunch, I probably left some out. So now we welcome them back to the bosom of the Senate. As I have often said, done properly and well, legislating is still one of the driest forms of human endeavor. We welcome them back to that type of routine.

It is going to be a very partisan year. In fact, it already assuredly is. We see that each and every day. The bills we have just been discussing are no exception. The folks on our side of the aisle are going to continually step up on this floor to defend the President and advocate his proposals vigorously. The folks across the aisle are vigorously going to criticize the President, and whenever they nominate their person, they will be coming to the floor to glorify their nominee's proposals. All of this activity is "the mother's milk of politics," as my old friend Jesse Unruh of California, used to say, but it serves to complicate the nature of our work. There is even greater potential for complication and gridlock when colleagues of either party add the ingredient of their own campaigns for reelection to this strange recipe which we serve up daily on this floor.

However, all that is now behind our two friends, and we welcome them back to the relatively reduced wattage of the lights in this venerable Chamber. I have had, and will continue to have, political disagreements with both Senator HARKIN and Senator KERREY; and boy, have we had some. But let me say they both served with vigor and energy, and they are effective legislators and have demonstrated that very singular characteristic of a sincere and honest desire to serve their fellow citizens. I welcome them back.

Mr. President, I yield the floor.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 93-29, as amended by Public Law 98-459, appoints Ms. Cornelia Hadley, of Kansas, to the Federal Council on the Aging, for a term effective February 26, 1992.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TECHNICAL CORRECTIONS TO RULE XXV OF THE STANDING RULES OF THE SENATE

Mr. PRYOR. Mr. President, on behalf of Senator MITCHELL and Senator DOLE, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 272, a resolution to make technical changes to rule XXV; that the resolution be agreed to; and the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 272) was considered and agreed to as follows:

S. RES. 272

Resolved, That paragraph 4(h) of rule XXV is amended to read as follows:

"(h)(1) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(6)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Labor and Human Resources, who serves as chairman of a committee listed in paragraph 2, may, serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(7) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may, serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(9) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(10) A Senator who on the last day of the One Hundred First Congress was serving on the Committee on Environment and Public Works and the Committee on the Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(11) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance may, during the One Hundred Second Congress, also serves as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(12) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(13) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(14) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(15) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(16) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(17) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Veterans' Affairs, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraph 3 (a) and (b).

"(18) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred Second Congress, also serve as a member of

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the Committee on Veterans Affairs and the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraphs 3 (a) and (b).

"(19) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred Second Congress, also serve as a member of the Joint Economic Committee so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(20) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Veterans Affairs, may, during the One Hundred Second Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(21) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget, may, during the One Hundred Second Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(22) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Small Business, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(23) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(24) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(25) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred Second Congress, also serve as a member of the Committee on the Budget so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(26) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred Second Congress, also serve as a member of the Joint Committee on Taxation so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph 3.

"(27) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget, may, during the One Hundred Second Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(28) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary, and the Committee on Armed Services, may, during the One Hundred Second Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(29) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Finance and the Committee on the Governmental Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(30) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations, and the Committee on Energy and Natural Resources, may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(31) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred Second Congress, serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(32) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Labor and Human Resources and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Finance so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(33) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(34) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(35) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Foreign Relations and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as her service as a member of each such committee is continuous, but in no event may she serve, by reason of this subdivision, as a member of more than three communities listed in paragraph 2.

"(36) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(37) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Finance and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Agriculture, nutrition, and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(38) A Senator who was sworn in on January 10, 1991, may serve as a member of the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry, may, during the One Hundred Second Congress, serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(39) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(40) A Senator who on the last day of the One Hundred First Congress was serving as a

member of the Committee on the Budget and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(41) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget and the Special Committee on Aging may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3(a) and (b).

"(42) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(43) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Select Committee on Intelligence and the Committee on Veterans' Affairs may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3(a) and (b).

"(44) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Veterans' Affairs and the Special Committee on Aging may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(45) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(46) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Special Committee on Aging and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(47) A Senator may serve as a member of the Special Committee on Aging and the Committee on Small Business during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(48) A Senator may serve as a member of the Special Committee on Aging and the Committee on Veterans' Affairs during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(49) A Senator may serve as a member of the Committee on Rules and Administration and the Select Committee on Intelligence during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b)."

RETAIL COMPETITION

Mr. PRYOR. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 429.

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

Resolved, That the House insist upon its amendments to the bill (S. 429) entitled "An Act to amend the Sherman Act regarding retail competition," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Brooks, Mr. Edwards of California, Mr. Synar, Mr. Fish, and Mr. Campbell of California be the managers of the conference on the part of the House.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate disagree to the amendments of the House; agree to the conference requested by the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees on the part of the Senate.

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

The Chair appoints Mr. BIDEN, Mr. KENNEDY, Mr. METZENBAUM, Mr. THURMOND, and Mr. HATCH conferees on the part of the Senate.

DEMOCRATIC CHANGES IN ZAIRE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 417, Senate Concurrent Resolution 80, a concurrent resolution concerning democratic changes in Zaire; that the committee amendments where appropriate be agreed to; that the concurrent resolution be agreed to; that the motion to reconsider the adoption of these items be laid upon the table; that the preamble and the amendments to the preamble be agreed to en bloc.

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

The amendments were agreed to.

The concurrent resolution (S. Con. Res. 80) as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended, and the preamble, are as follows:

S. CON. RES. 80

Whereas the people of the United States support the development of democratic institutions in Zaire that reflect the will of the people of Zaire and are concerned about ongoing human rights abuses in Zaire as confirmed by the Lawyers Committee for Human Rights;

Whereas Zairean security forces have repressed peaceful mass demonstrations protesting the government's economic policies and urging the implementation of democratic reforms;

Whereas recent press reports and other reliable sources indicate that these incidents caused the death of several people as well as the arrest of numerous people opposed to the regime;

Whereas these tragic events occurred following a period of continuous procrastination in convening a sovereign national conference composed of political, civic, religious, and other organizations;

Whereas President Mobutu has indicated, clearly, a lack of commitment to a transitional government to return the country to democracy by dismissing the new Prime Minister Tshisekedi Wa Mulumba;

Whereas the leaders of government in Zaire, beginning with President Mobutu, have systematically obstructed each attempt to facilitate this conference which could bring about a peaceful transition toward democracy; and

Whereas the catastrophic economic and social situation and the rampant corruption of authority, against which the population of Zaire is revolting, are being aggravated by the political uncertainty deliberately prolonged by President Mobutu: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) calls on President Mobutu to step down and permit the transitional government to return the country to democratic rule;

(2) firmly condemns all violations of human rights in Zaire;

(3) fully supports the aspirations of the Zairean people for democratic change, in particular the convocation of a sovereign national conference that would be fully representative of all the opposition forces, that would be conducted in a democratic manner, and that would have the full right to make its own decisions;

(4) supports the sovereign national conference to form the transitional government as soon as possible to organize free and democratic elections;

(5) invites the international community of nations to express their concern with respect to the repression and corruption of the regime and to provide support to the Zairean democratic forces desire for peaceful change;

(6) calls upon the President of the United States to urge the introduction of appropriate international observers to monitor the National Conference; and

(7) calls upon the President of the United States to express his willingness to offer appropriate assistance to help implement the political transition process.

MEASURE INDEFINITELY POSTPONED—SENATE CONCURRENT RESOLUTION 70

Mr. PRYOR. Mr. President, I ask unanimous consent that calendar No. 416, Senate Concurrent Resolution 70, a

concurrent resolution to express the sense of Congress with respect to the support of the United States for the protection of the African elephant, be indefinitely postponed.

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

RAIL SAFETY IMPROVEMENT INITIATIVES ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 326, S. 1571, the Rail Safety Improvement Initiatives Act of 1992.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1571) to amend the Federal Railroad Safety Act of 1970 to improve railroad safety, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments.

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Rail Safety Improvement Initiatives Act of 1991".

AUTHORIZATION FOR APPROPRIATIONS

SEC. 2. Section 214 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 444) is amended to read as follows:

"SEC. 214. AUTHORIZATION FOR APPROPRIATIONS.

"(a) There are authorized to be appropriated to carry out this Act not to exceed $41,024,000 for general safety operations, plus $10,748,000 for railroad research and development (except magnetic levitation and other high-speed rail research and development), for the fiscal year ending September 30, 1992; not to exceed $53,116,000 for general safety operations, plus $15,167,000 for railroad research and development (except magnetic levitation and other high-speed rail research and development), for the fiscal year ending September 30, 1993; and not to exceed $55,931,000 for general safety operations, plus $15,759,000 for railroad research and development (except magnetic levitation and other high-speed rail research and development), for the fiscal year ending September 30, 1994. The Secretary is authorized to request, receive, and use payments from non-Federal sources for expenses incurred in training safety employees of private industry, State and local authorities, or other public authorities, other than State rail safety inspectors participating in training pursuant to section 206 of this title.

"(b) Sums appropriated under this section for railroad research and development and automated track inspection are authorized to remain available until expended.".

PENALTY PROVISIONS

SEC. 3. (a) CLARIFICATION OF APPLICABILITY.—Section 209(a) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438(a)) is amended by striking the parenthetical clause and inserting in lieu thereof the following: "(including but not limited to a railroad; any manager, supervisor, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; or any independent contractor providing goods or services to a railroad)".

(b) SANCTIONS AGAINST INDIVIDUALS.—(1) Within three months after the date of enactment of this Act, the Secretary of Transportation shall establish operational procedures to ensure the effective use of the authority under section 209 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 438) to assess civil penalties and issue prohibitory orders against individuals for violations of any rule, regulation, standard, or order prescribed by the Secretary of Transportation under that Act.

(2) Not later than January 1, 1994, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the extent to which the Secretary has used the authority to assess civil penalties and issue prohibitory orders as described in paragraph (1).

REGIONAL ENFORCEMENT PILOT PROJECT

SEC. 4. (a) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot project in at least one region of the Federal Railroad Administration to demonstrate the benefits that may accrue to the Federal railroad safety program from having legal counsel available in regional offices of the Federal Railroad Administration.

(b) PROGRAM DESIGN.—The pilot program shall be designed to test whether having a regional attorney who is a Federal employee within the Department of Transportation perform initial case review, assess penalties, settle cases, and provide legal advice to Federal Railroad Administration regional personnel on enforcement and other issues is preferable to having all such actions performed at the headquarters level.

(c) COMPLETION.—The pilot program shall be completed within eighteen months after the date of enactment of this Act.

(d) REPORT.—Within two years after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Congress describing the results of the pilot program. Factors to be considered in the report shall include, but are not limited to, the speed, volume, and effectiveness of civil penalty actions; the efficiency of the delivery of legal advice on safety issues; the financial and other costs of retaining regional attorneys in each region; and the effects on uniformity of enforcement resulting from performing in the regions of the Federal Railroad Administration the actions described in subsection (b).

PROTECTION OF RAILROAD SAFETY ENFORCEMENT PERSONNEL

SEC. 5. Section 1114 of title 18, United States Code, is amended by inserting "any officer or employee of the Federal Railroad Administration assigned to perform investigative, inspection, or law enforcement functions," immediately after "any employee of the Coast Guard assigned to perform investigative, inspection or law enforcement functions,".

LOCOMOTIVE CRASHWORTHINESS AND WORKING CONDITIONS

SEC. 6. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(r)(1) The Secretary shall, within 24 months after the date of enactment of this subsection, submit to Congress a report on the status of efforts to improve the safety of locomotive cabs. Such report shall assess—

"(A) the adequacy of Locomotive Crashworthiness Requirements Standard S-580, adopted by the Association of American Railroads in 1989, in improving the safety of locomotive cabs; and

"(B) the extent to which environmental and other working conditions in locomotive cabs affect productivity and the safe operation of locomotives.

"(2) In carrying out the assessment required under paragraph (1)(A), the Secretary shall conduct research and analysis, including computer modeling and full-scale crash testing, as appropriate, to consider the costs and safety benefits associated with equipping locomotives with—

"(A) braced collision posts;

"(B) rollover protection devices;

"(C) deflection plates;

"(D) shatterproof windows;

"(E) readily accessible crash refuges;

"(F) uniform sill heights;

"(G) anti-climbers, or other equipment designed to prevent overrides resulting from head-on locomotive collisions;

"(H) equipment to deter post-collision entry of flammable liquids into locomotive cabs; or

"(I) any other devices intended to provide crash protection for occupants of locomotive cabs.

"(3) The report required under paragraph (1) shall include a statement of the Secretary's plans for related regulatory action or, if no regulatory action is planned, an explanation of why the Secretary considers such action unnecessary.".

RAILROAD OCCUPATIONAL SAFETY AND HEALTH

SEC. 7. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(s)(1) The Secretary shall consult with the Secretary of Labor to ensure that the Secretary of Labor is currently apprised of the extent to which the Secretary has exercised jurisdiction to prescribe or enforce rules, regulations, standards, or orders affecting occupational safety or health under this title or any other Federal railroad safety law.

"(2) The Secretary shall promptly refer to the Secretary of Labor any information or credible allegation concerning safety or health hazards affecting railroad employees involving working conditions as to which the Secretary has not exercised the jurisdiction described in paragraph (1).

"(3) Upon enactment of this subsection, the Secretary shall publish in the Federal Register a request for comments from railroad labor, railroad management, and other interested persons regarding the matters described in paragraph (4) (A), (B), and (C). Such comments shall be submitted to the Secretary within 6 months after the date of enactment of this subsection.

"(4) Not later than 18 months after the date of enactment of this subsection, the Secretary shall submit to the Congress a report concerning coordination of Federal activities with respect to the safety and health of railroad employees under this title, the

other Federal railroad safety laws, and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.). The Secretary shall include in the report—

"(A) a description of any material hazards, or alleged material hazards, not currently addressed by a specific rule, regulation, order or standard, pertaining to working conditions with respect to which the Secretary has exercised the jurisdiction described in paragraph (1);

"(B) a description of any standards issued by the Secretary of Labor under the Occupational Safety and Health Act of 1970 for general industry, or for construction, that would apply to such working conditions, absent the Secretary's exercise of jurisdiction; and

"(C) a discussion of the extent to which application of standards issued under the Occupational Safety and Health Act of 1970 to such working conditions would—

"(i) enhance safety;

"(ii) conflict with rules, regulations, orders or standards issued by the Secretary;

"(iii) result in any operational or other hazard due to the nature of the railroad work environment; and

"(iv) impose excessive or unnecessary costs on the railroads and the public.".

EVENT RECORDERS

SEC. 8. Section 202(m) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(m)) is amended to read as follows:

"(m) Following a railroad accident reportable to the National Transportation Safety Board, the Board shall have immediate access to event recorders, recording media of such recorders, and all train components related to event recorders, and shall have the first opportunity to read event recorder data and related materials. The railroad shall take all steps necessary to preserve such recorders and related equipment in accordance with rules established by the Board. In no case shall any person other than personnel of the Board attempt to operate such event recorder, or attempt to read or extract event recorder data, unless and until the Board has released the railroad from its obligations under this [paragraph.] *subsection*. If, within 4 hours after receiving notification by the National Response Center, the Board does not notify a railroad that the Board's employees are en route to the accident scene and that the Board intends to exercise its right to immediate access to the railroad's event recorder, recording media, and related equipment, the railroad shall be released from its obligations under this [paragraph.] *subsection*. Upon such release, the railroad and other agencies investigating the accident may operate the event recorder and read or extract event recorder data. If the Board exercises its right to immediate access to the railroad's event recorder, recording media, and related equipment, the Board shall provide access to these items to the railroad and other investigative agencies within a reasonable period of time. Any railroad or other person who violates this [paragraph] *subsection* shall be liable for a civil penalty under section 209.".

VOICE COMMUNICATIONS AND ADVANCED TRAIN CONTROL SYSTEMS

SEC. 9. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(t)(1) Within 12 months after the date of enactment of this subsection, the Secretary, after consultation with the National Railroad Passenger Corporation, freight carriers, and rail equipment manufacturers, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on voice communications and advanced train control systems.

"(2) With respect to voice communications, such report shall—

"(A) summarize the present technology in use and available for ensuring operationally effective voice communications between trains and between trains and train dispatchers located at railroad stations; and

"(B) evaluate the advantages and disadvantages of requiring that every locomotive (and every caboose, where applicable) be equipped with a railroad voice communications system capable of permitting a person in the locomotive (or caboose) to engage in clear two-way communications with persons on following and leading trains and with train dispatchers located at railroad stations.

"(3) With respect to advanced train control systems, the report shall—

"(A) describe the status of advanced train control systems that are being developed, and assess the implications of such systems for effective railroad communications; and

"(B) [makes] *make* recommendations with regard to the need for minimum Federal standards to ensure that such systems provide for positive train separation and are compatible nationwide.".

NORTHEAST CORRIDOR SAFETY COMMITTEE

SEC. 10. (a) MEETINGS.—Section 11(c) of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended to read as follows:

"(c) The Northeast Corridor Safety Committee shall meet at least once every two years to consider matters involving safety on the main line of the Northeast Corridor.".

(b) REPORT.—Section 11(d) of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended—

(1) by striking "Within one year after the date of enactment of this Act" and inserting in lieu thereof "At the beginning of the first session of the 103d Congress, and biennially thereafter,"; and

(2) by adding at the end the following new sentence: "The report shall contain the safety recommendations of the Northeast Corridor Safety Committee and the comments of the Secretary on those recommendations.".

(c) TERMINATION DATE.—Section 11 of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended by adding at the end the following new subsection:

"(e) The Northeast Corridor Safety Committee shall cease to exist on January 1, 1999, or on such date as the Secretary determines to be appropriate. The Secretary shall notify the Congress in writing of any such determination.".

JUDICIAL REVIEW

SEC. 11. (a) IN GENERAL.—Section 202(f) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(f)) is amended to read as follows:

"(f) Any final agency action taken under this title or under any of the other Federal railroad safety laws, as defined in section 212(e) of this title, is subject to judicial review as provided in chapter 7 of title 5, United States Code. Except as provided in section 203(e) of this title, any proceeding to review such final agency action shall be brought by filing a petition in the appropriate court of appeals. Such petitions shall be handled in the manner prescribed in chapter 158 of title 28, United States Code. Nothing in this section precludes the Secretary, through the Attorney General, from bringing an action in a district court when such action is permitted under this title.".

(b) TECHNICAL AMENDMENTS.—(1) Section 2341(3)(B) of title 28, United States Code, is amended by inserting "or the Secretary of Transportation" immediately after "Secretary of Agriculture".

(2) Section 2342 of title 28, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(7) all final agency actions described in section 202(f) of the Federal Railroad Safety Act of 1970.".

POWER BRAKE SAFETY

SEC. 12. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(u)(1) The Secretary shall conduct a review of the Department of Transportation's rules with respect to railroad power brakes, and within 18 months after the date of enactment of this subsection, shall revise such rules based on such safety data as may be presented during that review.

"(2) In carrying out paragraph (1), the Secretary shall, at a minimum, consider—

"(A) whether to require two-way end of train devices (or devices able to perform the same functions) to enable a train crew to initiate braking from the rear of a train; and

"(B) whether to issue requirements or standards regarding dynamic braking equipment.

"(3) The Secretary shall, within 2 years after the date of enactment of this subsection, report to the Congress on the results of the review conducted under paragraph (1) and any revisions of rules or other actions taken in connection therewith.".

LOCAL RAIL FREIGHT ASSISTANCE PROGRAM

SEC. 13. Section 5(q) of the Department of Transportation Act (49 App. U.S.C. 1654(q)) is amended—

(1) in the first sentence, by inserting ", $16,000,000 for fiscal year 1992, $20,000,000 for fiscal year 1993, and $25,000,000 for fiscal year 1994" immediately before the period at the end; and

(2) in the third sentence, by striking "any period after September 30, 1991" and inserting in lieu thereof "any period after September 30, 1994".

The PRESIDING OFFICER. Without objection, the reported committee amendments are agreed to.

Mr. EXON. Mr. President, I rise in support of S. 1571, the Rail Safety Improvement Initiatives Act of 1992. As chairman of the Surface Transportation Subcommittee of the Committee on Commerce, Science, and Transportation, I am pleased to have my colleagues, Senators HOLLINGS, KASTEN, BURNS, ROCKEFELLER, HARKIN, and SIMON, with me as cosponsors on this bill.

The railroad industry is fundamental to our Nation's transportation system. Our economy relies on railroad shipment and freight delivery, and intercity travelers in many portions of the country count on Amtrak for their

transportation needs. We depend on the railroads to be reliable, but most importantly, they must be safe.

Recent accidents in the industry, with significant loss of life and harm to the environment, underscore this paramount concern for safety. Safety enforcement of the railroad industry is a Federal responsibility, assumed by the Federal Railroad Administration [FRA] within the Department of Transportation [DOT].

The legislation we are considering today, the Rail Safety Improvement Initiates Act of 1992, initiatives a new, 3-year authorization for FRA safety programs and sharpens the agency's existing safety responsibilities. The proposed 3-year funding cycle will broaden FRA's current safety programs, support additional initiatives, and provide for needed research and development efforts.

Amounts authorized to be appropriated under the bill for the general safety programs of FRA include $41.024 million in fiscal year 1992; $53.116 million in fiscal year 1993; and $55.931 million for fiscal year 1994. The bill also authorizes appropriations for the railroad research and development programs of FRA—exclusive of research and development for magnetic levitation and other high-speed rail systems—the sums of $10.748 million for fiscal year 1992; $15.167 million for fiscal year 1993; and $15.759 million for fiscal year 1994. These funding levels will permit FRA to accelerate action on its current safety regulatory agenda, move forward on the new administrative initiatives mandated by this legislation, and support critical research and development efforts vital to continued safety improvements in the railroad industry.

Among revisions to existing railroad safety laws contained in S. 1571, the Secretary of Transportation would be required to establish and complete within 18 months a pilot project to demonstrate the benefits of having available in FRA regional offices resident legal counsel empowered to streamline the enforcement review process. In order to clarify and extend the Secretary's enforcement authority, the legislation would broaden the statutory definition of "person" subject to such authority, require the Secretary to establish procedures to ensure the effective use of authorized sanctions, and provide for additional protection under Federal criminal law for Federal enforcement personnel. S. 1571 also prescribes technical amendments which would require that appeals of any final agency action taken under Federal railroad safety laws must be brought in the appropriate court of appeals.

Of note, S. 1571 will help clarify the applicability both of the railroad safety laws and the Occupational Safety and Health Act of 1970 to the working conditions of railroad employees. Under the bill, the Secretary would be required to work with the Secretary of Labor, to solicit public comments, and to report to Congress on efforts to facilitate interagency coordination and enforcement on issues related to the health and safety of railroad employees.

S. 1571 would also require the Secretary to review and revise DOT's rules on railroad power brakes, and to investigate the adequacy of railroad locomotive cab safety and working conditions. Other requirements in the legislation include a report by the Secretary to Congress on the current effectiveness of voice communications systems, and on the prospects for implementation of new advanced train control technologies. The bill also designates that the Northeast Corridor Safety Committee must meet every 2 years to consider matters concerning safety on the main line of the Northeast corridor. In addition, S. 1571 includes authorizations for the Local Rail Freight Assistance Program, in the amounts of $16 million for fiscal year 1992, $20 million for fiscal year 1993, and $25 million for fiscal year 1994.

I am pleased to accept and incorporate a number of amendments to S. 1571 as reported. The amendment by Senator HOLLINGS, chairman of the Committee on Commerce, Science, and Transportation, and cosponsor of this legislation, would require the General Accounting Office [GAO] to conduct an in-depth study of the Secretary's rules and regulations pertaining to track safety, to be followed by a rulemaking conducted by the Secretary to revise the Secretary's track safety regulations in accordance with GAO's recommendations.

Another amendment, by Senator SIMON, would require the Secretary within 1 year of enactment of the bill to conduct a study of the working conditions of railroad dispatchers. This study would examine the findings of a report, the "National Train Dispatcher Safety Assessment 1987–1988," released by FRA in 1990, in order to determine the scope of any further legislative or regulatory action which may be warranted.

A third amendment, by Senator SEYMOUR, would require the Secretary within 9 months after enactment of the bill to report to Congress on the routing of railroad hazardous materials shipments within the State of California. Through this report the Secretary would assess the relative safety of particular rail routes within California and recommend what actions can be taken, without unreasonably burdening commerce to improve inherently unsafe routes or reduce hazardous materials traffic along those routes.

In addition, I am pleased to offer three amendments to S. 1571 as reported. The first amendment is a technical to redate the short title of the bill to 1992 and strike one provision which is no longer needed. The second amendment I am introducing today would revise the section on locomotive cab crashworthiness and working conditions included in the bill as reported to require that the Secretary institute a rulemaking on this subject instead of a study. The amendment lists specific criteria to be considered in the scope of this rulemaking, and requires, if ultimately no regulations are prescribed in this important safety area, that the Secretary shall report to Congress on the reasons for that determination.

A third amendment I am offering today would revise the legislation as reported by requiring the Secretary to conduct a rulemaking addressing standards governing railroad power brakes and dynamic braking equipment. In carrying out this rulemaking the Secretary will require in specified circumstances two-way end of train devices capable of initiating braking from the rear of a train, with full implementation of this requirement to be completed within 48 months after issuance of performance standards for such end-of-train devices. I am pleased to incorporate into the bill this amendment which I believe will add significantly to the safety of our railroad industry.

In conclusion, Mr. President, the Rail Safety Improvement Initiatives Act of 1992 as amended charts a positive course for our Nation's railroad safety programs, revitalizing existing efforts and implementing a number of needed new initiatives. I am dedicated to working with my distinguished colleagues to pass this important piece of legislation.

Mr. HOLLINGS. Mr. President, as chairman of the Committee on Commerce, Science, and Transportation, I rise in support of S. 1571, the Rail Safety Improvement Initiatives Act of 1992. This legislation, which I have cosponsored, will reauthorize the rail safety enforcement programs of the Federal Railroad Administration [FRA] within the Department of Transportation [DOT] for a 3-year period, through fiscal year 1994.

I commend my colleagues Senator EXON, chairman of the Surface Transportation Subcommittee, and others for forging a bipartisan consensus on the scope and direction of the Federal rail safety oversight and enforcement programs. The new initiatives in this bill, including an expansion of the safety enforcement authority of the Secretary of Transportation, a clarification of the applicability both of the railroad safety laws and the Occupational Safety and Health Act of 1970 to the working conditions of railroad employees, and investigations into requirements for railroad power brakes and locomotive cab crashworthiness, all signal a congressional commitment to ensure the safe operation of our Nation's railroad industry.

One area of the Secretary's regulations which has not received recent attention is railroad track safety. These regulations have not been amended since the early 1980s, and thus may not take into account technological and operational innovations since that period. The National Transportation Safety Board continues to investigate a number of recent railroad accidents, including the July 31, 1991, Amtrak accident in Lugoff, SC, which claimed seven lives. While the causes remain unclear, railroad track and roadbed conditions may have been a contributing factor in at least one of these accidents.

I therefore am introducing an amendment to the Rail Safety Initiatives Act of 1992, which would require the General Accounting Office [GAO] to conduct a study of the adequacy of the Secretary's rules, regulations, orders, and standards that are related to track safety and the effectiveness of the Secretary's enforcement program. The GAO is to complete this study within 18 months after the date of enactment of this legislation, and at that time will submit a report to Congress including its recommendations for appropriate administrative action.

Within 12 months of the submission of GAO's report, the Secretary shall complete a rulemaking proceeding on track safety, taking into account the recommendations made by the GAO. At the completion of the proceeding, the Secretary also shall submit to Congress a statement explaining the actions the Secretary has taken to implement the recommendations received from the GAO.

This amendment is important to advance the safe operation of our Nation's system of railroad transportation. I urge my colleagues to support this amendment, and the Rail Safety Initiatives Act of 1992, as amended.

Mr. SIMON. Mr. President, I am proud to be a cosponsor of the Rail Safety Improvement Initiatives Act of 1991 which not only addresses a number of outstanding rail safety problems, but reauthorizes the Local Rail Service Assistance Program as well. Thanks to the outstanding work of my friends and colleagues, Senator HOLLINGS and EXON, this is a bill that has bipartisan support and has evolved after consultation with all of the groups working on rail safety.

I am also grateful that my colleagues have accepted an amendment to address my concern for the workplace environment of train dispatchers. The Federal Railroad Administration's report, "National Train Dispatcher Safety Assessment 1987-1988," issued in February 1990, was undertaken because the FRA was concerned about the occupational stress of train dispatchers and the impact of such stress on safety.

Railroad train dispatchers have grave safety responsibilities. The potential for a serious mistake arises anytime the dispatchers are distracted from their primary duty, the safe and timely movement of rail freight traffic.

FRA identified a number of problems which could lead to serious dispatching errors. Some of these are: noise and confusion in and about the workplace, multiple dispatchers within a single room, and unauthorized persons in the office of a dispatcher. At times the noise levels are so high that verbal communications must be repeated.

My amendment will set a date by which the Secretary of Transportation shall report to Congress on any steps being taken by the Department of Transportation and the railroad industry to rectify these problems and recommend any actions necessary to correct those problems which affect railroad safety.

I am also proud to be cosponsoring the Local Rail Service Program. I wish we could authorize more because this program is a fine example of how much benefit communities can receive with careful investment of a small amount of Federal dollars in vital transportation service.

Not only does LRSA help the small branch rail lines that feed our major rail systems, but it is a strong contributor to local economies. If a farmer can load his commodities on rail instead of oversized trucks too heavy and too large for local roads and bridges, he not only receives good service but local governments save many road repair dollars as well.

By combining LRSA funds with local and private sector contributions to fund the local rail projects, Illinois has leveraged these to the maximum covering more projects in more communities. Many more communities need this assistance.

Mr. SEYMOUR. Mr. President, I am extremely pleased the Senate is taking action today to reauthorize important rail safety programs.

There have been several sad reminders over the past year demonstrating how vulnerable we are to rail accidents. In California, in particular, back-to-back rail accidents during the month of July, both of which involved the release of hazardous materials into the environment, have renewed the cry for greater oversight and enforcement in the area of the transportation of hazardous materials by rail.

The first spill occurred on July 14, 1991, when a Southern Pacific train derailed near Dunsmuir, dumping 19,000 gallons of metam sodium, a powerful pesticide, into the upper Sacramento River. And 1 week later, on Highway 101 near Seacliff, a train derailment spilled a powerful corrosive, hydrazine, onto one of the busiest highways in California, causing the evacuation of 300 residents and trapping commuters in their cars for hours.

In terms of the Dunsmuir spill, I am sure many of my colleagues saw pictures and media reports which said that, for all practical purposes, the river would be dead. This toxic chemical wiped out hundreds of thousands of fish, killed virtually all plant life in a 45-mile stretch of the river, and threatened drinking water for millions of Californians. Some have referred to the Dunsmuir accident as an unprecedented environmental disaster.

Perhaps the most shocking news to come out of this train wreck was the fact that neither the Department of Transportation nor the Environmental Protection Agency list or regulate metam sodium as a hazardous substance in rail transportation. Ironically enough, the Coast Guard does list this substance as hazardous when shipped in bulk form and therefore polices its transport by ship.

Fortunately, neither of these spills resulted in serious human injury or death. However, we have not been so fortunate in the past. The Dunsmuir spill clearly demonstrated how vulnerable our environment is to the release of dangerous chemicals.

Clearly, we must seek ways to identify and correct inherent safety flaws that may exist in our rail transportation network. And perhaps more important, we must move forward at a much quicker pace to identify chemical substances such as those involved in the Dunsmuir and Seacliff spills that could threaten the environment should they be released.

It is for these very reasons that I am offering this amendment to the rail safety bill. My amendment requires the Secretary of Transportation to report back to Congress on those rail routes in California that are inherently less safe than others for the rail transportation of hazardous materials.

At this time, in the event of an accident, investigators to evaluate such factors as driver conduct and mechanical failure. My amendment would expand the scope of such reviews to include the investigation of any potentially dangerous conditions inherent to a rail route. These include such factors as climate and the topography of the region. In its study, DOT will also look at factors such as railroad track and equipment maintenance, operating practices, and train handling procedures. Finally, Federal departments and agencies responsible for protecting California's public lands and environment will be consulted, and the public will be given an opportunity to comment.

Mr. President, we need to understand fully the causes of the Dunsmuir accident, all rail accidents—if the rail line itself, the grade, the turn or other factors contributed to the wreck. If such factors are major causes of the derailment, then no matter how carefully the driver handles the train, or how well-maintained the engine or the track, there could exist, literally, a

built-in danger to the route. This is unacceptable, particularly if hazardous materials are being transported.

Once such routes are identified, the Secretary would offer recommendations for action to reduce or eliminate the transfer of hazardous materials over inherently unsafe routes. Clearly, stepping beyond the condition of individual trains and examining the rail routes themselves, would move the industry in the direction of greater safety. I do want to point out that I had hoped to expand the scope of this study to include the entire nation, but in the interest of time, limited FRA resources and to speed investigators to California, I reluctantly agreed to limit the study to California. Nonetheless, I am sure the results of this study will have applications nationwide, and will add to the efforts the Commerce Committee has been making for years to provide for the safe transportation of hazardous materials.

Mr. President, if we learned anything from the Dunsmuir spill, it was that there is insufficient coordination among the Department of Transportation and the Environmental Protection Agency in the listing of hazardous materials. I had prepared a second amendment, which I planned to offer when this bill was scheduled for floor debate last November. That amendment was designed to protect the environment from the unsafe rail transportation of dangerous chemicals by ensuring better communication among Federal agencies.

Under that amendment, the DOT and EPA would work together to amend the Secretary's current hazardous materials transportation regulations to include a definition of "chemical substances" that may pose a significant risk to the environment. Once defined, the Secretary would then take action to provide for the safe transportation of these substances if they are not already regulated as hazardous materials under the Hazardous Materials Transportation Act. I am pleased to say this amendment is no longer necessary as DOT published a rule in late January to accomplish this goal.

Mr. President, I commend Chairman HOLLINGS, Senator DANFORTH, the ranking member, and the subcommittee chairman, Senator EXON, for their leadership in this area. My hope in offering this amendment, using the Department of Transportation's guidance, is to allow the Congress to revisit this and other issues so that we can further expand on the rail safety provisions contained within this important bill.

Mr. President, I urge the adoption of my amendment.

Mr. BURNS. Mr. President, I want to be on record as this legislation passes as a supporter and cosponsor of Senator EXON'S amendment to require two-way end-of-train devices. The original bill includes a provision which I supported to require the Federal Railroad Administration [FRA] to review DOT's rules on power brakes taking into consideration the need to require two-way end-of-train telemetry devices on cabooseless trains. This amendment goes further, and I want to commend Senator EXON and his staff for working out this compromise between the various parties.

This amendment tells the Secretary not only to conduct a review, but to actually revise the rules to require two-way end-of-train devices or devices able to perform the same function. It gives the railroads enough time to phasein the required devices to ensure that we are not causing economic hardship for them. It also allows certain exclusions for the same purpose.

Overall, however, it meets the requirements of the railroad engineers who are interested in making sure the trains they operate run in the safest manner possible. These two-way-end-of-train devices make it possible for the engineer of a cabooseless train to apply emergency braking action at the end of a train. My interest in this issue stems from a February 1989 rail accident near Helena that may have been prevented had one of these devices been present. As a result of that accident, Montana became the first State to enact a law requiring the use of two-way-end-of-train devices whenever a train operates without a caboose in mountain-grade territory.

This is an important safety issue, Mr. President, and I am glad to see the Senate addressing it at this time. The working men and women of the railroad industry will know that we are on their side. And people in places like Helena, MT, can be assured that Congress is acting to prevent another runaway train accident from causing them to be evacuated from their home during the subzero Montana winter.

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

Mr. KASTEN. Mr. President, in 1988, the most far-reaching railroad safety legislation since the creation of the Federal Railroad Administration [FRA] was implemented. Under the leadership of FRA Administrator Gil Carmichael, the FRA has worked diligently to implement the provisions of the 1988 act, and voluntarily has initiated other important improvements.

S. 1571, the Rail Safety Improvement Initiatives Act of 1992, would reauthorize FRA's programs. It also addresses several concerns that have emerged since 1988. Specifically, S. 1571 provides for the following:

First, clarification of the applicability of penalties for safety violations, and establishment of procedures to ensure that penalties are effective.

Second, a regional enforcement pilot project to consider whether legal counsel in FRA regional offices would expedite enforcement.

Third, increased Federal law protection for railroad police.

Fourth, assessment of current locomotive cab safety and environmental standards. Senator EXON will offer an amendment to make this part of a 24-month rulemaking procedure.

Fifth, a report by the Secretary of Transportation, in consultation with the Secretary of Labor, on coordination of Federal activities affecting the safety and health of railroad employees.

Sixth, a report on the status of advance-train-control systems and the need for Federal standards to ensure that they provide for positive train separation and are compatible nationwide; and assessment of current voice communication technologies and their use.

Seventh, continuation of the Northeast Corridor Safety Committee created by the 1988 act.

Eighth, a review of current railroad power brake rules. Senator EXON will offer an amendment to mandate two-way end-of-train braking devices on certain trains no later than December 1997.

Ninth, reauthorization of the Local Rail Freight Assistance Program.

The provisions of S. 1571, and the amendments to be offered during Senate consideration, have been written with the cooperation of rail labor, the railroads, and the FRA. I urge my colleagues to support this legislation.

AMENDMENT NO. 1736

(Purpose: To amend section 6)

AMENDMENT NO. 1737

(Purpose: To amend section 12)

AMENDMENT NO. 1738

(Purpose: To correct the short title and to strike section 8)

AMENDMENT NO. 1739

(Purpose: To provide for certain actions with respect to track safety standards and the enforcement of those standards)

AMENDMENT NO. 1740

(Purpose: To require the Secretary of Transportation to report to the Congress on unsatisfactory workplace environments)

AMENDMENT NO. 1741

(Purpose: To require a report on the routing of hazardous materials shipments)

Mr. PRYOR. Mr. President, I ask unanimous consent that it be in order to send to the desk en bloc six amendments. I ask for their immediate consideration en bloc. I ask that the amendments be agreed to and the motion to reconsider laid upon the table en bloc.

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

Mr. PRYOR. Mr. President, I ask unanimous consent that the record reflect that these amendments are in behalf of Senator EXON, three amendments, Senator HOLLINGS, Senator SIMON and Senator SEYMOUR.

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

So, the amendments (No. 1736, No. 1737, No. 1738, No. 1739, No. 1740, and No. 1741) were agreed to en bloc as follows:

AMENDMENT NO. 1736

Strike all on page 5, line 17, through page 7, line 7, and insert in lieu thereof the following:

LOCOMOTIVE CRASHWORTHINESS AND WORKING CONDITIONS

SEC. 6. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(r)(1) The Secretary shall, within 24 months after the date of enactment of this subsection, complete a rulemaking proceeding to consider prescribing regulations to improve the safety of locomotive cabs. Such proceeding shall assess—

"(A) the adequacy of Locomotive Crashworthiness Requirements Standard S-580, adopted by the Association of American Railroads in 1989, in improving the safety of locomotive cabs; and

"(B) the extent to which environmental and other working conditions in locomotive cabs affect productivity and the safe operation of locomotives.

"(2) In support of the proceeding required under paragraph (1)(A), the Secretary shall conduct research and analysis, including computer modeling and full-scale crash testing, as appropriate, to consider the costs and safety benefits associated with equipping locomotives with—

"(A) braced collision posts;

"(B) rollover protection devices;

"(C) deflection plates;

"(D) shatterproof windows;

"(E) readily accessible crash refuges;

"(F) uniform sill heights;

"(G) anti-climbers, or other equipment designed to prevent overrides resulting from head-on locomotive collisions;

"(H) equipment to deter post-collision entry of flammable liquids into locomotive cabs; or

"(I) any other devices intended to provide crash protection for occupants of locomotive cabs.

"(3) If on the basis of the proceeding required by paragraph (1) the Secretary determines not to prescribe regulations, the Secretary shall report to Congress on the reasons for that determination.".

AMENDMENT NO. 1737

Strike all on page 14, line 20, through page 16, line 17, and insert in lieu thereof the following:

POWER BRAKE SAFETY

SEC. 12. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(u)(1) The Secretary shall conduct a review of the Department of Transportation's rules with respect to railroad power brakes, and within 18 months after the date of enactment of this subsection, shall revise such rules based on such safety data as may be presented during that review.

"(2) In carrying out paragraph (1), the Secretary shall, where applicable, prescribe standards regarding dynamic braking equipment.

"(3)(A) In carrying out paragraph (1), based on the data presented, the Secretary shall require two-way end of train devices (or devices able to perform the same function) on road trains other than locals, road switchers, or work trains to enable the initiation of emergency braking from the rear of the train. The Secretary shall promulgate rules as soon as possible, but not later than December 31, 1993, requiring such two-way end of train devices. Such rules shall, at a minimum—

"(i) set standards for such devices based on performance;

"(ii) prohibit any railroad, on or after 12 months after promulgation of such rules, from purchasing or leasing any end of train device for use on trains which is not a two-way device meeting the standards described in clause (i);

"(iii) require that such trains be equipped with a two-way end of train device meeting such standards not later than 48 months after promulgation of such rules; and

"(iv) provide that any two-way end of train device purchased before such promulgation shall be deemed to meet such standards.

"(B) The Secretary may consider petitions to amend the rules promulgated under paragraph (3)(A) to allow the use of alternative technologies which meet the same basic performance requirements established by such rules.

"(4) The Secretary may exclude from rules promulgated under paragraphs (1), (2), and (3) any category of trains or railroad operations if the Secretary determines that such an exclusion is in the public interest and is consistent with railroad safety. The Secretary shall make public the reason for granting any such exclusion. The Secretary shall at a minimum exclude from the requirements of paragraph (3)—

"(A) trains that have manned cabooses;

"(B) passenger trains with emergency brakes;

"(C) trains that operate exclusively on track that is not part of the general railroad system;

"(D) trains that do not exceed 30 miles per hour and do not operate over heavy grades, unless specifically designated by the Secretary; and

"(E) trains that operate in a push mode."

AMENDMENT NO. 1738

On page 1, line 5, strike "1991" and insert in lieu thereof "1992".

Strike all on page 9, line 15, through page 10, line 22.

AMENDMENT NO. 1739

At the end of the bill, add the following new section:

TRACK SAFETY

SEC. 14. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(v)(1) The General Accounting Office shall conduct a study of—

"(A) the adequacy of the Secretary's rules, regulations, orders, and standards that are related to track safety; and

"(B) the effectiveness of the Secretary's enforcement of such rules, regulations, orders, and standards, with particular attention to recent relevant railroad accident experience and data.

"(2) The General Accounting Office shall, within 18 months after the date of enactment of this subsection, submit to the Secretary and Congress a report on the results of such study, together with recommendations for improving such rules, regulations, orders, and standards, and such enforcement.

"(3) Upon receipt of such report, the Secretary shall initiate a rulemaking proceeding to revise such rules, regulations, orders, and standards, taking into account the report and the recommendations by the General Accounting Office submitted along with the report. Not later than 12 months after the date of submission of the report, the Secretary shall complete such proceeding and submit to Congress a statement explaining the actions the Secretary has taken to implement such recommendations.".

AMENDMENT NO. 1740

On page 9, line 14, strike the quotation marks and the period at the end.

On page 9, between lines 14 and 15, insert the following:

"(5) Not later than 1 year after the date of enactment of this subsection, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning any action that has been taken by the Secretary and the railroad industry to rectify the problems associated with unsatisfactory workplace environments in certain train dispatching offices identified in the National Train Dispatcher Safety Assessment for 1987-1988, published by the Federal Railroad Administration in July 1990. The report shall include recommendations for legislative or regulatory action to ameliorate any such problems that affect safety in train operations.".

AMENDMENT NO. 1741

At the end, add the following new section:

REPORT ON ROUTING OF HAZARDOUS MATERIALS SHIPMENTS

SEC. 15. (a) REQUIREMENT FOR REPORT.—Within 18 months after the date of enactment of this Act, the Secretary of Transportation shall report to the appropriate committees of Congress on whether, based on relevant data concerning train accidents within the State of California there are particular factors that make certain routes in that State inherently less safe than others for the rail transportation of hazardous materials and, if so, what actions can be taken, without unreasonably burdening commerce, to ameliorate those factors or reduce hazardous materials traffic over any inherently unsafe routes. The report shall address—

(1) whether the accident data on train accidents resulting in hazardous materials releases in recent years reveal that any inherent, permanent conditions such as topography or climate have played a causal role in or increased the likelihood of such accidents;

(2) whether the data referred to in paragraph (1) suggest that factors such as railroad track and equipment maintenance practices, railroad operating practices, and train handling procedures have played a causal role in or increased the likelihood of train accidents resulting in the release of hazardous materials; and

(3) what actions Federal agencies may take, are taking, or have taken to address whatever factors are determined to be playing a causal role in, or increasing the likelihood of, train accidents resulting in the release of hazardous materials.

(b) CONSULTATION; PUBLIC COMMENT.—In preparing the report required by subsection (a), the Secretary shall consult with Federal departments and agencies responsible for protecting the environment and public lands in California, and provide an opportunity for written comment by the public on the issues to be addressed in the report.

The PRESIDING OFFICER. If there are no further amendments the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading.

The bill was engrossed for a third reading and was read the third time.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2607, the House companion measure; that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1571, as amended be inserted in lieu thereof; that the bill be deemed read for a third time, passed, the motion to reconsider laid upon the table.

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

So the bill (H.R. 2607), as amended, was passed.

Mr. PRYOR. Mr. President, I ask further unanimous consent that S. 1571 be returned to the calendar.

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

RELATIVE TO HUMAN RIGHTS IN TIBET

Mr. PRYOR. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 271 regarding human rights in Tibet; that the Senate then proceed to its immediate consideration; that the resolution and the preamble be agreed to; and that the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution with its preamble, reads as follows:

S. RES. 271

Whereas, in the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, signed into law by President Bush on October 28, 1991, Congress declared Tibet to be an occupied country whose true representatives are the Dalai Lama and the Tibetan Government in exile;

Whereas, in this same Act, Congress declared that "it is the policy of the United States to oppose aggression and other illegal uses of force by one country against the sovereignty of another as a manner of acquiring territory, and to condemn violations of international law, including the illegal occupation of one country by another";

Whereas the Department of State, in its February 1992 "Country Reports on Human Rights Practices in 1991" annual report, cited "persistent abuses in Tibet", "frequent credible reports from Tibetan refugees of torture and mistreatment in penal institutions in Tibet", "harsh sentences for political activities", and religious and cultural persecution of six million Tibetans;

Whereas the people of Tibet have long been denied their right to self-determination;

Whereas human rights abuses have been routine and harsh in occupied Tibet since the People's Republic of China invaded Tibet in 1949–1950;

Whereas the United Nations General Assembly passed resolutions condemning China's human rights abuses in Tibet in 1959, 1961, and 1965;

Whereas a Subcommission of Independent Experts of the United Nations Commission on Human Rights passed Resolution 1991/10 ("Situation in Tibet", August 23, 1991), condemning recent Chinese human rights abuses in Tibet, including executions, torture and denial of national religious and cultural identity;

Whereas twenty-two countries, led by the European Community as the main sponsor, formally submitted a resolution ("Situation in Tibet", February 27, 1992) to the full United Nations Commission on Human Rights annual meeting in Geneva in February-March 1992;

Whereas this resolution ("Situation in Tibet", February 27, 1992) declared its concern "at continuing reports of violations of human rights and fundamental freedoms in Tibet which threaten the distinct cultural, religious and ethnic identity of the Tibetans;" acknowledged United Nations reports on torture, summary or arbitrary executions, religious intolerance and enforced or involuntary disappearances; called "on the Government of the People's Republic of China to take measures to ensure the full observance of human rights and fundamental freedoms of the Tibetans"; and invited "the Government of the People's Republic of China to continue to respond to requests by special rapporteurs for information" and requested "the Secretary-General to submit a report to the Commission on Human Rights at its forty-ninth session on the situation in Tibet";

Whereas an altered text was offered implying China's sovereignty over Tibet;

Whereas, due to a procedural motion, this altered resolution was not acted on in the United Nations Commission on Human Rights; and

Whereas the United States should take a firm stand against human rights abuses wherever they occur, and should also speak out against the illegal occupation of Tibet: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government should support resolutions like the European Community-led resolution on the "Situation in Tibet" submitted to the United Nations Commission on Human Rights;

(2) the United States Government should vigorously condemn Beijing's human rights abuses in occupied Tibet in all appropriate international forums; and

(3) the United States Government should raise human rights abuses in Tibet with senior officials of the People's Republic of China.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

VISIT TO THE SENATE BY PRIME MINISTER BEGUM KHALEDA ZIA OF THE PEOPLE'S REPUBLIC OF BANGLADESH

Mr. PELL. Mr. President, we have the great honor to have visiting with us Prime Minister Zia of Bangladesh, the first woman Prime Minister of her country and a good politician in her own right, five times a member of Parliament.

We are glad to have you visit us today. If my colleagues were here they would all join me in applauding. [Applause.]

We wish her well.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JOSEPH BUTTINGER: REFUGEE LEADER, VIETNAM SCHOLAR AND FIGHTER FOR HUMAN FREEDOM

Mr. PELL. Mr. President, I want to take a moment to remember Joseph Buttinger, a long-time worker and leader on behalf of refugees the world over, and a founding member and active director of programs for the International Rescue Committee.

Mr. Buttinger's life touched some of the greatest issues of our times. He was born in Austria in 1906 of working-class parents and left school at age 13 to help support his family. He became a leader of youth movements in Austria and later of the Social Democratic Party. He was active in the anti-Nazi underground during the 1930's in Austria and France, until he had to flee to the United States in 1939 with his American wife, Muriel Gardiner, a prominent figure in the history of psychoanalysis.

During and after World War II, Joseph Buttinger helped establish many of the refugee programs for which the International Rescue Committee has been widely recognized and honored. His personal actions helped smuggle thousands of anti-Fascist refugees out of Europe. For over 40 years he served as director of the IRC's Paris office and European division, and as an IRC board member and vice president.

During the 1950's, he aided refugees in Vietnam and took an abiding interest in the history and culture of that country. He formed the American Friends of Vietnam, and became a prominent scholar of that country's culture and politics. His two-volume work "Vietnam: A Dragon Embattled" was described in a review in the New York Times as "a monumental work"

that is "a strategic breakthrough in the serious study of Vietnamese politics in America."

Joseph Buttinger pursued his scholarly career with some half dozen other books on Vietnam and on the history of socialism. In 1972 the Austrian Government awarded him its Golden Order of Merit. According to the New York Times, the then-Chancellor of Austria, Bruno Kreisky, observed that "Mr. Buttinger was such a hero that if he had returned he would have become Chancellor."

As a fellow worker and board member of the IRC, I take special pride in having been associated in my own small ways with the heroic accomplishments of Joseph Buttinger. His life is a reminder of how much can be achieved by one person dedicated to the service of others and the cause of human freedom. We mourn his passing on March 4, 1992.

Mr. President, I ask unanimous consent an obituary from the New York Times be printed in the RECORD at this point.

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

[From the New York Times, Mar. 8, 1992]

JOSEPH A. BUTTINGER, NAZI FIGHTER AND VIETNAM SCHOLAR, DIES AT 85

(By Bruce Lambert)

Joseph A. Buttinger, a Nazi fighter who became an advocate for refugees of persecution and a renowned authority on Vietnam and the American war there, died on Wednesday at the Margaret Pietz Center for Nursing in Queens. He was 85 years old.

He died of natural causes after suffering from Alzheimer's disease, friends said.

Mr. Buttinger was born on an impoverished Bavarian farm and left home at 15 to work in an Austrian glass factory. He soon became the leader of Austria's Socialist youth movement and by 24 was secretary of the Social Democratic party and an ally of labor unions. After being imprisoned for several months in 1934, he became chairman of the Socialist underground and a top leader of the anti-Nazi movement.

FLED TO PARIS IN 1938

In the resistance, he met a courier and eventually married her. She was Muriel Gardiner, a wealthy American medical student who later became a noted psychoanalyst and wrote a political memoir titled "Code Name Mary." Many experts said she was the model for Lillian Hellman's book "Julia." Ms. Hellman denied it but declined to identify the woman she had portrayed.

When Germany occupied Austria in 1933, the Buttingers fled to Paris, where he was chairman of the exiled Socialists. In 1939, several months before the fall of France, the couple moved to the United States.

In 1940, Mr. Buttinger helped found what became the International Rescue Committee, a nonprofit organization aiding refugees of political, religious and racial persecution. Its initial work was with refugees from the Nazis, and later refugees of many Communist countries and other dictatorships. For 42 years, he served variously as director of the organization's Paris office and European division, board member and vice president.

Working with refugees in Vietnam in the 1950's, he became immersed in the history, culture and politics of that nation. He formed an organization, American Friends of Vietnam, and became a friend and supporter of the ruler, Ngo Dinh Diem. Later, disillusioned with Diem's dictatorial ways, Mr. Buttinger renounced him.

Despite having no formal education beyond the sixth grade, he became a respected historian and analyst of current events in Vietnam. As the United States went to war with Vietnam, his scholarship was in demand. His evolving view was that American policy was historically and morally misguided and doomed to fail.

His two-volume work, "Vietnam: A Dragon Embattled" (Praeger, 1967) was heralded in a review in The New York Times as "a monumental work" that "marks a strategic breakthrough in the serious study of Vietnamese politics in America" and as "the most thorough, informative and, over all, the most impressive book on Vietnam yet published in America."

OTHER TITLES

His other books included: "In the Twilight of Socialism" (Praeger 1952), "The Smaller Dragon—A Political History of Vietnam" (Praeger, 1958), "A Dragon Defiant: A Short History of Vietnam" (Praeger, 1972) and "Vietnam: The Unforgettable Tragedy" (Horizon, 1977).

Thirty-three years after he fled Austria, the Government awarded him its Golden Order of Merit. Chancellor Bruno Kreisky once mused that Mr. Buttinger was such a hero that if he had returned, he would have become chancellor.

His wife died several years ago. He is survived by his daughter, Constance Harvey of Aspen, Col.; a sister, Marie Fuchs, who lives in Austria; a brother, Louis, who now lives in the United States, and six grandchildren.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Without objection, the order for the quorum call is rescinded.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE ACTION AGENCY—MESSAGE FROM THE PRESIDENT—PM 119

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 407 of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 5047), I transmit herewith the Annual Report of the ACTION Agency for Fiscal Year 1991.

GEORGE BUSH.

THE WHITE HOUSE, *March 18, 1992.*

MESSAGES FROM THE HOUSE

At 12:28 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the House:

H.R. 4449. An act to authorize jurisdictions receiving funds for fiscal year 1992 under the HOME Investment Partnership Acts that are allocated for new construction to use the funds, at the discretion of the jurisdiction, for other eligible activities under such Act and to amend the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 to authorize local governments that have financed housing projects that have been provided a section 8 financial adjustment factor to use recaptured amounts available from refinancing of the projects for housing activities.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 292. A concurrent resolution expressing the sense of the Congress with respect to United States participation in the United Nations Conference on Environment and Development (UNCED).

At 6 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3508) to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. RICHARDSON, Mr. LENT, Mr. BLILEY as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3635) to amend the Public Health Service Act to revise and extend the program of block grants for preventive health and health services, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. DINGELL, Mr. WAXMAN, Mr. ROWLAND, Mr. LENT, and Mr. BLILEY as managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4210) to amend the Internal Revenue Code of 1986 to provide for increased economic growth and to provide tax relief for families; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. VANDER JAGT, and Mr. CRANE as managers of the conference on the part of the House.

The message also announced that the Speaker makes the following corrections in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 347) entitled "An act to amend the Defense Production Act of 1950 to revitalize the defense industrial base of the United States, and for other purposes":

From the Committee on Banking, Finance and Urban Affairs, Mr. SCHUMER is appointed in lieu of Mr. VENTO for consideration of title IV of the Senate bill.

The panel from the Committee on the Judiciary is also appointed for consideration of section 135 of the Senate bill. Additionally, Mr. FRANK of Massachusetts is appointed in lieu of Mr. CONYERS.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and ordered placed on the calendar:

H. Con. Res. 292. A concurrent resolution expressing the sense of the Congress with respect to United States participation in the United Nations Conference on Environment and Development (UNCED).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2812. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated March 10, 1992; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Environment and Public Works, the Committee on Finance, and the Committee on Foreign Relations.

EC-2813. A communication from the Administrator of the Farmers Home Administration, Department of Agriculture, transmitting, pursuant to law, the annual report on the use of private attorneys contracted to perform certain legal actions taken in connection with housing programs administered by the Farmers Home Administration; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2814. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend chapter 138 of title 10, United States Code, to provide deployed United States Armed Forces the authority to acquire logistics support, supplies, and service without geographic restriction, to remove the limitations on the amounts that may be obligated or accrued during a period of active hostilities involving United States Armed Forces, and for other purposes; to the Committee on Armed Services.

EC-2815. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize certain construction at military installations for fiscal year 1993, and for other purposes; to the Committee on Armed Services.

EC-2816. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend Chapter 47, title 10 (the Uniform Code of Military Justice), to improve the quality and efficiency of the military justice system; to the Committee on Armed Services.

EC-2817. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report on the consolidation of the Military Departments' FY 1991 unit exchange of training and related support between the United States and Foreign Countries; to the Committee on Armed Services.

EC-2818. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report on United States Costs in the Persian Gulf Conflict and Foreign Contributions to Offset Such Costs; to the Committee on Armed Services.

EC-2819. A communication from the Director of the Defense Mapping Agency, transmitting, pursuant to law, a report on the Agency's plan:: to study the potential conversion from partial in-house performance to full commercial contract of custodial services functions; to the Committee on Armed Services.

EC-2820. A communication from the Assistant Secretary of State (Conservation and Renewable Energy), transmitting, pursuant to law, notice in relative to the submission of the annual report on Electric and Hybrid Vehicles Program; to the Committee on Commerce, Science, and Transportation.

EC-2821. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Secretary's actions with respect to Ezeiza International Airport, Buenos Aires, Argentina; to the Committee on Commerce, Science, and Transportation.

EC-2822. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2823. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2824. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2825. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2826. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report entitled "Fifteenth Report to Congress: Comprehensive Program and Plan for Federal Energy Education, Extension, and Information Activities: Annual Revisions"; to the Committee on Energy and Natural Resources.

EC-2827. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the clean coal technology demonstration program for calendar year 1991; to the Committee on Energy and Natural Resources.

EC-2828. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report of building project survey for Orlando, Florida; to the Committee on Environment and Public Works.

EC-2829. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation to authorize the imposition of certain recreation user fees at water resources development areas administered by the Department of the Army; to the Committee on Environment and Public Works.

EC-2830. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation to amend the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 11, United States Code; to improve pension plan funding; to limit growth in insurance exposure; to protect the single-employer plan termination insurance program by clarifying the status of claims of the Pension Benefit Guaranty Corporation and the treatment of pension plans in bankruptcy proceedings; and for other purposes; to the Committee on Finance.

EC-2831. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements other than treaties entered into by the United States in the sixty day period prior to March 12, 1992; to the Committee on Foreign Relations.

EC-2832. A communication from the Assistant Secretary of State (Indian Affairs), transmitting, pursuant to law, a report on certain unclaimed funds designated for per capita payments; to the Select Committee on Indian Affairs.

EC-2833. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to amend title 38, United States Code, to make permanent the authority to collect reimbursement from health insurers and others for non-service-connected care provided to service-connected veterans; to the Committee on Veterans' Affairs.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Janelle Block, of Wisconsin, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1994.

George C. White, of Connecticut, to be member of the National Council on the Arts for a term expiring September 3, 1996.

Ian M. Ross, of New Jersey, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 1998.

(The above nominations were reported with the recommendation that the nomination be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 2364. A bill to amend title XI of the Social Security Act to increase the penalties for unauthorized disclosure of private social security information, and for other purposes; to the Committee on Finance.

By Mr. NICKLES:

S. 2365. A bill to amend title XVIII of the Social Security Act to repeal the reduced medicare payment provision for new physicians; to the Committee on Finance.

By Mr. COATS (for himself and Mr. SEYMOUR):

S. 2366. A bill to provide for coverage of Congress under Federal civil rights and employment laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. RIEGLE (for himself, Mr. DASCHLE, Mr. KERREY, Mr. HARKIN, Mr. CONRAD, Mr. WELLSTONE, Mr. LEVIN, and Mr. HEFLIN):

S. 2367. A bill to amend the Agricultural Act of 1949 to remove the requirement that the Secretary of Agriculture charge a loan origination for a crop of oilseeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HELMS:

S. 2368. A bill to increase the criminal penalties and add civil penalties applicable for transporting or importing goods made by convicts or prisoners, and for failure to mark packages made by convicts or prisoners, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 2369. A bill to amend section 7101 of title 38, United States Code, to provide for the reclassification of members of the Board of Veterans' Appeals and to ensure pay equity between those members and administrative law judges; to the Committee on Veterans Affairs.

By Mr. DOMENICI (for himself, Mr. BOND, and Mr. MOYNIHAN):

S. 2370. A bill to restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Labor and Human Resources.

By Mr. COATS:

S. 2371. A bill to establish a computer education program for certain students; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. PRYOR, Mr. DOLE, Mr. BOREN, Mr. HELMS, Mr. HEFLIN, Mr. CONRAD, Mr. COCHRAN, Mr. MCCONNELL, Mr. FOWLER, Mr. CRAIG, Mr. DASCHLE, Mr. SEYMOUR, Mr. BAUCUS, Mr. GRASSLEY, Mr. ADAMS, Mr. AKAKA, Mr. BENTSEN, Mr. BOND, Mr. BREAUX, Mr. BURDICK, Mr. BURNS, Mr. CRANSTON, Mr. COATS, Mr. D'AMATO, Mr. DIXON, Mr. DOMENICI, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. GORTON, Mr. HATCH, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KASTEN, Mr. KOHL, Mr. LEVIN, Mr. MACK, Mr. MURKOWSKI, Mr. NUNN, Mr. PRESSLER, Mr. REID, Mr. SANFORD, Mr. SHELBY, Mr. SPECTER, Mr. WALLOP, Mr. WARNER, Mr. WOFFORD, Mr. KENNEDY, Mr. THURMOND, Mr. LAUTENBERG, Mr. INOUYE, and Mr. MITCHELL):

S.J. Res. 272. A joint resolution to proclaim March 20, 1992, as "National Agriculture Day"; to the Committee on the Judiciary.

By Mr. SEYMOUR (for himself, Mr. STEVENS, Mr. SHELBY, Mr. ADAMS, Mr. LAUTENBERG, Mr. COATS, Mr. COCHRAN, Mr. HEFLIN, Mr. DOLE, Mr. D'AMATO, Mr. JOHNSTON, Mr. KASTEN, Mr. CRAIG, Mr. BURNS, Mr. DASCHLE, Mr. MACK, Mr. DECONCINI, Mr. DODD, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. RIEGLE, and Mr. SYMMS):

S.J. Res. 273. A joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week"; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. ADAMS, Mr. CRANSTON, and Mr. DECONCINI):

S.J. Res. 274. A joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 272. A resolution to make technical corrections to Rule XXV of the Standing Rules of the Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 2364. A bill to amend title XI of the Social Security Act to increase the penalties for unauthorized disclosure of private social security information, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY PRIVACY PROTECTION ACT

• Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation to strengthen criminal penalties in the Social Security Act against the unauthorized disclosure of private Social Security data.

On February 28, 1992, we convened hearings before the Finance Subcommittee on Social Security and Family Policy to hear testimony on an investigation into the alleged widespread theft and sale of personal and private records maintained by the Social Security Administration.

Mr. President, this is a very disturbing matter. Private firms, so-called information brokers, have allegedly bribed Social Security Administration employees to steal personal records of individuals from the Agency's computers for the purpose of selling the information to interested buyers. Such buyers apparently include private investigators, prospective employers, lawyers, insurance companies, and others interested in obtaining, for whatever purpose, someone else's Social Security number and employment and earnings history.

The results of the investigation to date are all the more disturbing because the scam does not appear to be an isolated case, or limited to a particular part of the country. The FBI has arrested at least 18 people in 10 States in connection with the investigation, and Social Security Administration employees in four States have recently been indicted.

One company in Tampa, FL, was so bold as to send out promotional brochures that boasted instant access to confidential computer data on virtually anyone in the country. One such brochure came into the hands of investigators in the Atlanta regional office of the inspector general of the Department of Health and Human Services. These investigators, together with the FBI, commenced one of the Government's most concerted efforts to date to crack down on the newly emerging information broker industry. The investigation appears to involve the largest case ever of theft from Government computer files, and may well involve the most serious threat to individual privacy in modern times.

Mr. President, throughout the history of the Social Security program we have sought to ensure the absolute privacy and confidentiality of the personal information maintained by the Social Security Administration. This agency maintains records on 200 million Americans. This information includes a person's Social Security number, full name, place of birth, date of birth, names of both parents, names of current and past employers, and a complete earnings history. It is of the utmost importance that we keep the promise made over a half century ago to keep this personal information private to the maximum extent possible.

One of the issues addressed by witnesses at our hearing was the question of statutory penalties for the unauthorized disclosure of this private data. Provisions of title 18 of the United States Code make it a felony to bribe

public officials or reveal confidential tax data. Offenders may be punished by up to 5 years imprisonment. These are the laws the U.S. attorneys in this case are using to prosecute the accused.

The Social Security Act also includes provisions against the unauthorized disclosure of private data maintained by the Social Security Administration, but these provisions make the offense a misdemeanor punishable by up to one year imprisonment, or a fine not exceeding $1,000, or both.

Mr. President, I consider it appropriate that the Social Security Act include penalties specific to the unauthorized disclosure of the private information maintained by the Social Security Administration on 200 million Americans. But I think these penalties must be strengthened. We must make it very clear that such disclosure is considered a very serious infraction, and must provide penalties severe enough to serve as a serious deterrent. Accordingly, this bill would amend the Social Security Act to make the improper disclosure of Social Security data a felony punishable by imprisonment of up to 5 years, or a fine of up to $10,000 for each occurrence of a violation—that is, for each individual Social Security disclosure—or both.

I wish to commend the diligent efforts of those employees of the Social Security Administration and the Office of the Inspector General at the Department of Health and Human Services who uncovered and investigated this scandal. I know the Commissioner of Social Security finds this matter as disturbing as we all do and will take steps to ensure that Social Security employees are aware of the consequences of such infractions. We can help in this task by providing for stiffer penalties and stronger deterrents in the Social Security Act against the unauthorized disclosure of private Social Security information.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of these remarks the text of the bill and an editorial on this issue from the Buffalo News of March 5, 1992.

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

S. 2365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Privacy Protection Act of 1992".

SEC. 2. INCREASED PENALTIES FOR UNAUTHORIZED DISCLOSURE OF SOCIAL SECURITY INFORMATION.

(a) IN GENERAL.—

(1) UNAUTHORIZED DISCLOSURE.—Section 1106(a) of the Social Security Act (42 U.S.C. 1306(a)) is amended—

(A) by striking "misdemeanor" and inserting "felony";

(B) by striking "$1,000" and inserting "$10,000 for each occurrence of a violation"; and

(C) by striking "one year" and inserting "5 years".

(2) UNAUTHORIZED DISCLOSURE BY FRAUD.—Section 1107(b) of such Act (42 U.S.C. 1307(b)) is amended—

(A) by inserting "social security account number," after "information as to the";

(B) by striking "misdemeanor" and inserting "felony";

(C) by striking "$1,000" and inserting "$10,000 for each occurrence of a violation"; and

(D) by striking "one year" and inserting "5 years".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on the date of enactment of this act.

[From the Buffalo News, Mar. 5, 1992]

KEEP SOCIAL SECURITY PRIVATE—STIFFEN PENALTIES FOR REVEALING PEOPLE'S RECORDS

Computerization brings problems along with efficiency and one area that needs careful protection is privacy. It's alarming to hear that Social Security records are not as confidential as everyone thought they were.

Testimony at a recent congressional hearing showed a fairly widespread pattern of unauthorized, illegal disclosure of Social Security records by federal employees. Fastbuck artists broker the information—a person's earnings history, say, or the names and addresses of present and past employers, even some bank account numbers—by obtaining the data from the government workers with access to it and then selling it to private clients for a hefty profit.

Sometimes these insidious brokers get the information by tricking Social Security employees. Sometimes they bribe them.

It is clear that the testimony, in a session conducted by Sen. Daniel Patrick Moynihan, D-N.Y., chairman of a key subcommittee on Social Security, isn't based on some Orwellian fantasy. A federal investigation by the FBI and others has so far resulted in indictments, both of federal employees and outsiders, in 10 states.

Since 1983, 70 Social Security employees have been convicted, according to the testimony, of illegally disclosing such data. Two months ago in Tampa, Fla., two executives of a private information firm pleaded guilty to participating in a conspiracy to sell Social Security records.

"Here we have a large-scale invasion of the Social Security system's confidentiality," Moynihan said. "It's not a one-time event. We have a new situation here."

New—and dangerous. These sleazy brokers invade and violate individual privacy. Their racket compromises the government's integrity. Their success taints a tacit contract between American workers and their national government.

One policy issue here is whether existing law is strong enough to combat and deter these abuses. It may be possible to convict those who abuse the system of bribery, a felony under Title 18 of the U.S. Code. The FBI and other investigators and prosecutors are pursuing this course.

However, the federal privacy act that governs the unauthorized disclosure of confidential information makes that breach only a misdemeanor, not a felony.

The law governing illegal disclosures of Social Security facts and figures should be strengthened. Unauthorized disclosure should become a felony. Otherwise, cases of such disclosure where bribery cannot be proved elude the stiffer felony punishments.

Peddling private records for profit is too basic an injury to personal privacy. It is too central to the relationship of individuals and their government. And as our society becomes more computerized, that threat is likely to grow, not diminish.●

By Mr. RIEGLE (for himself, Mr. DASCHLE, Mr. KERREY, Mr. HARKIN, Mr. CONRAD, Mr. WELLSTONE, Mr. LEVIN, and Mr. HEFLIN):

S. 2367. A bill to amend the Agricultural Act of 1949 to remove the requirement that the Secretary of Agriculture charge a loan origination for a crop of oilseeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

REMOVAL OF LOAN ORIGINATION FEE FOR OILSEEDS

● Mr. RIEGLE. Mr. President, I rise today along with seven of my colleagues to introduce legislation to remove the mandatory 2-percent soybean and oilseeds loan origination fee included in the Omnibus Reconciliation Act [OBRA] of 1990. The origination fee was included in the 1990 Reconciliation Act to reduce Government expenditures without destroying the benefits of the soybean marketing loan program. However, it is clear this approach has failed because fewer producers have participated and less revenues have been gathered by the Federal Government.

Originally, the 1990 farm bill in conjunction with the OBRA of 1990 established a minimum $5.02 loan rate per bushel and loan deficiency payments for 1991 to 1995. Under the OBRA of 1990, soybean and oilseed farmers who borrow from the USDA under the loan program are required to pay a 2-percent loan origination fee. This effectively resulted in a 10-cent cut in the loan rate, making the actual rate at $4.92 per bushel.

Since the passage of OBRA of 1990, the 2-percent origination fee has significantly discouraged farmers from participating in the loan program. Participation in the program has dropped more than 30 points over the previous 5-year period and revenues have been generated at a far slower pace than anticipated. The unintended result will be to eventually lower prices and reduce income protection during low-price periods.

The legislation I am introducing today contains an offset, which until now has been the main reason Congress has not removed this origination fee. The legislation my colleagues and I are introducing requires farmers to repay the loan during the same fiscal year in which the oilseeds are placed under loan. Currently, the loan program permits oilseeds producers to repay a loan at anytime within 9 months of placing the commodity under loan, which may result in carrying over the loans into the next fiscal year, resulting in additional cost in the year the loan is made. Requiring payment in the same year the loan is made eliminates the cost.

Mr. President, soybean producers in Michigan need the relief from the origination fees provided under this legislation. I urge my colleagues to join us in supporting this legislation and working for its passage. I ask for unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF LOAN ORIGINATION FEE FOR OILSEEDS.

(a) IN GENERAL.—Section 205 of the Agricultural Act of 1949 (7 U.S.C. 1446f) is amended—

(1) by striking subsection (m); and

(2) by redesignating subsection (n) as subsection (m).

(b) LOAN MATURITY.—Section 205(h) of such Act is amended by striking "on the last day of the 9th month following the month the application for" and inserting "September 30 following the date".

(c) CROPS.—The amendments made by this section shall be effective only for the 1992 through 1995 crops of oilseeds.●

● Mr. DASCHLE. Mr. President, today I join with several of my colleagues to introduce legislation that repeals the organization fee levied against producers of oilseeds who participate in the Federal Commodity Loan Program. The Omnibus Budget Reconciliation Act of 1990 instituted a number of fees and assessments on agricultural producers in an effort to reduce Government expenditures. The origination fee for oilseed marketing loans is one such fee that was imposed, but has burdened producers and undermined the loan program itself. We urge support for the elimination of the origination fee so that the loan program can be a more effective income management tool for oilseed producers.

Since the oilseed origination fee was imposed, participation in the loan program for soybeans has dropped 31 percent below the average for the preceding 5 year period. This drop is attributable to the 10-cents-per-bushel origination fee, which can push the effective interest rate on a commodity loan up as high as 30 percent, depending on how long the oilseed is kept under loan. Consequently, the fee is raising substantially less revenue than anticipated, while at the same time it is discouraging oilseed producers from using the best tool they have to assist them with the orderly marketing of their products.

Previous efforts to do away with the origination fee have been unsuccessful because they have failed to provide a budget offset. Our bill would offset the projected cost of eliminating the origination fee by requiring producers to repay the loan during the same fiscal year in which the oilseeds are placed under loan. Currently, the loan program allows producers to repay the loan at any time within 9 months of placing the commodity under loan. The resulting carryover of outstanding loans from one fiscal year to another accounts for the costs that have been attributed to the loan program. Furthermore, requiring repayment of the loans within the same fiscal year they are taken out would not be a significant burden on producers because they would still have up to a full year to take advantage of the loan.

Commodity loan programs are designed to give cash-strapped producers time to market their crops so that they can sell them at a time of year when prices are high, rather than at harvest time when prices are typically at the lowest level of the year. The additional costs imposed by the origination fee are discouraging thousands of producers from participating in the loan program. The origination fee must be repealed if the loan program is to function as intended.●

● Mr. CONRAD. Mr. President, today I am very pleased to join my colleagues in introducing legislation that not only eliminates the loan origination fee required on all oilseed loans taken out by producers, but does so without negatively impacting the budget.

The oilseeds loan origination fee was implemented as part of the Omnibus Budget Reconciliation Act of 1990. Billed as a budget deficit reduction tool, the 2 percent fee is deducted from a farmer's loan deficiency payment. Soybean producers as well as those of the six minor oilseed crops—sunflowers, flax, canola, rapeseed, safflower, and mustard—are assessed.

Mr. President, keep in mind that the marketing loan program was authorized for oilseed producers effective crop year 1991, in part, to help fight extraordinarily high subsidies in the European Community and to reestablish the United States as the premier oilseed producing Nation. Prior to 1991, minor oilseed crops had no type of loan program while soybean producers had a general loan program. The bottom line is that farmers haven't even had a chance to try out the new marketing loan program, to benefit from the program, and they have already been discouraged from participating by the fee.

I believe the origination fee has discouraged oilseed producers from utilizing the marketing loan program and discouraged oilseed production in the U.S. Here's a brandnew program, with no proven record. Farmers may elect to participate, a tough decision in any case, but the added consideration of a users' fee may be enough to weigh against a farmer's decision to sign up.

A case in point is soybean production. In 1991, we witnessed participation in the loan program drop well below the previous 5 year average. While the loan program was designed to provide farmers with more marketing flexibility, it can only serve as an effective marketing tool if producers are using it. It is clear more soybean growers are choosing not to use it. And I am concerned that producers of other oilseed crops may follow suit.

In crop year 1990, North Dakota led the Nation in the production of sunflower and flaxseed, accounting for 68 percent and 92 percent of the Nation's production respectively. That year, in my State alone, we harvested 15 million hundredweight of sunflowers and 3 million bushels of flax. Soybean production totaled 12.8 million bushels.

To continue producing oil crops at competitive levels and at a profit, oilseed producers in my State and others need access to a marketing loan program that provides the flexibility necessary to market wisely. We have the program. It was implemented by the 1990 farm bill. The key is access. Eliminating the loan fee would eliminate much of the ambivalence toward the program. The program could then work as it was intended—as an affordable marketing tool for oilseed producers. At the same time, our bill provides accountability in requiring an offset. The legislation requires that oilseed loans be repaid before the end of the fiscal year in which they are secured. The net effect is zero budget impact. Mr. President, I enthusiastically join my colleagues in sponsoring this legislation.●

● Mr. HARKIN. Mr. President, I am pleased to cosponsor this legislation to eliminate the 2-percent loan origination fee on Commodity Credit Corporation marketing loans on oilseeds. One of the most important reasons for my vote against the 1990 Omnibus Budget Reconciliation Act was the large cut in commodity programs that it required. Perhaps the most irksome and perplexing aspect of that measure for farmers is the oilseed loan origination fee.

The greatest impact of the origination fee has been on soybean producers. The loan rate for soybeans is $5.02 a bushel, and that is what farmers could reasonably think they would receive for pledging soybeans as collateral for the CCC marketing loan. After deducting the 2-percent loan origination fee, however, the loan proceeds to the farmer amount to only $4.92 a bushel. That is bad enough, but the real kicker is that the farmer must repay the loan at the full $5.02 rate plus interest.

The oilseed marketing loan is meant to provide short-term credit and allow farmers to delay marketing in order to take advantage of higher prices that may occur later in the marketing year. The origination fee negates much of the benefit of the oilseed loan program by increasing the costs of taking out loans. Most farmers repay the loans before the end of the 9-month loan term, and with the added cost of the origination fee, the earlier the repayment, the higher the effective interest rate—as high as a 30-percent effective annual interest rate on a loan outstanding for 1 month.

It is thus little wonder that use of the soybean marketing loan for the 1991 crop has fallen off 31 percent from the average for the preceding 5-year period. As a consequence, the revenue raised by the origination fee has also fallen far below expectations, thus greatly impairing its effectiveness in reducing program outlays.

Moreover, the burden of the loan origination fee, as is so often the case with such contrivances, falls most heavily on those who can least afford to bear it. Simple economics would dictate using commercial credit—especially for short-term financing—rather than suffer the high costs of using the CCC marketing loan. But farmers who are just starting out, or who have had a bad year, have a harder time obtaining credit and may well be forced either to sell at low harvest-time prices or bear the high costs of the loan origination fee.

This bill is designed to offset the projected cost of eliminating the oilseed loan origination fee by requiring repayment of the loans in the same fiscal year that the loan is taken out.

The oilseed loan origination fee was a bad idea from the beginning, and I urge my colleagues to join now in supporting this legislation to eliminate it.•

By Mr. AKAKA:

S. 2369. A bill to amend section 7101 of title 38, United States Code, to provide for the reclassification of members of the Board of Veterans' Appeals and to ensure pay equity between those members and administrative law judges; to the Committee on Veterans' Affairs.

RECLASSIFICATION AND PAY OF MEMBERS OF THE BOARD OF VETERANS' APPEALS

• Mr. AKAKA. Mr. President, I am today introducing legislation that would ensure that members of the Board of Veterans' Appeals [BVA] are compensated at the same rate as administrative law judges [ALJs], their functional peers in other Federal agencies. A similar bill has been introduced in the House by Representative MIKE BILIRAKIS of Florida.

THE BOARD OF VETERANS' APPEALS

Mr. President, the BVA is the highest adjudicatory body within the Department of Veterans Affairs. Each year, on average, the Board renders decisions on 40,000-plus appeals for benefits claims. These cases span the range of veterans' benefits, including claims for entitlement to service connection, increased disability ratings, total disability ratings, pensions, insurance benefits, educational benefits, home loan guarantees, vocation rehabilitation, and dependency and indemnity compensation.

The Board is comprised of 67 members who sit on 21 three-member sections, which hold hearings in every VA jurisdiction across the Nation. Board members must be able to handle all types of appeals regardless of their complexity. For example, they must possess a capacity for analysis and articulation and the ability to balance important and conflicting considerations. They must have command of judicial practice and the ability to assure a fair hearing. They must have both in-depth understanding of VA procedure and of the impact of ordering examinations or hospitalizations. He or she must be at ease in guiding research and citation of medical texts or in preparing a controversial or complex medical question for review by an expert from within or without the Department.

Because of varied and specialized requirements associated with the job, BVA members are necessarily selected through a highly exacting, competitive process. Reflecting the overriding need for individuals trained in BVA procedures and familiar with VA statutes, regulations, and practice, Members are usually chosen from the ranks of experienced staff counsels to the Board sections.

VETERANS' JUDICIAL REVIEW ACT OF 1988

The work of the BVA, while always difficult, has grown in complexity and volume over the years. From 1984 to 1991, with one exception, the BVA averaged more than 40,000 cases decided annually. However, during this same period, processing time jumped from 132 days in 1984, 186 in 1990, and 160 in 1991. This year, judging from the first quarter statistics, the number of BVA decisions will drop drastically, to as little as 25,000. This would be a significant reduction in itself, but is doubly so when one considers the fact that the BVA is now operating with a full complement of members for the first time in years. This decline in caseload and promptness can only be attributed to passage of the Veterans' Judicial Review Act [VJRA] of 1988, Public Law 100-687, which created a new Federal court of jurisdiction, the U.S. Court of Veterans Appeals, exclusively to review final decisions of the BVA.

Richard B. Frank, president of the Board of Veterans' Appeals Professional Association, cogently summarizes the adverse affect of judicial review on the Board's work in a recent letter to me:

By far the most significant event in the Board's history since its creation in 1933 was the Veteran's Judicial Review Act of 1988. Although the act is popularly thought of as only granting veterans "a day in court" at the United States Court of Veterans Appeals after the VA adjudication process is complete, in fact, the VJRA also permitted the Court to mandate radical changes in the adjudication process.

Prior to the VJRA, the Board issued written decisions designed to be accessible to a veteran without legal, or indeed, college education. These decisions reflected accurately a process that was informal, nonadversarial and result oriented. The Court has grasped the language incorporated in the VJRA that the Board provide "reasons and bases" for its decisions to dictate fundamental alterations in the formality, length and complexity of our decisional documents. While we acknowledge that the current decisions are more expansive and intellectually rigorous, these advantages have been gained at a price.

The Board now effectively writes decisions for the court rather than the appellant since any decision may be subject to appeal. To satisfy the Court that our decision contains adequate "reasons and bases" the Board made a fundamental shift in its decision writing effective November, 1991. The new format demands a decision of substantially greater length that interleaves the evidence and the law and regulations. Citations to Court decisions are mandatory; citations to advanced medical texts or treatises are commonplace. Many cases entail a discussion of a very sophisticated procedural analysis involving claims reopened after prior adjudications tailored to a framework derived the Court from language in the VJRA. We are confident that the resulting document is equal to or surpasses the decisional documents of any other administrative adjudicated body in the subject matter and legal complexity. Less happily, we are also confident that many decisions, if not most, are now inaccessible to the average appellant.

Not surprisingly, the changes dedicated by the Court and the VJRA have very materially slowed the productivity of the Board. In Fiscal Year 1991, the Board issued about 43,000 decisions. For the first quarter of Fiscal Year 1992, the Board produced over 8,000 decisions. On an annual basis, that would generate about 33,000 decisions for the year. During that quarter, however, the new format was in effect for only two months. The figures for January 1992 continue to chart a decline in productivity. At this time, the estimates of the Board Members for our ultimate production for Fiscal Year 1992 range from approximately 25,000 to 32,000.

This sharp decrease in overall productivity has been coupled with a sharp decline in the number of decisions that reach the merits. The Court has crafted an extraordinarily broad and still expanding "duty to assist" the claimant in developing his claim upon the Department from language in the VJRA. This "duty" is by far the major driving force that has propelled the Board from a remand rate that historically was always less than twenty percent to a rate that has crossed fifty percent and is still climbing.

The marked decline in productivity and the sharp increase in remands will inflict serious damage on the processing time for all appeals. In round numbers, during Fiscal Year 1991, the Board reached the merits of the issues on appeal in about 34,000 of 43,000 cases. At that time the Board's processing time, which recently had ranged as high as about 180 days, hovered around 150 days. Based upon current trends for Fiscal Year 1992, even if the Board issues 33,000 decisions, only half will reach the merits of the issues on appeal. This means the number of decisions reaching the merits will be only half of what it was the year before, from its already high levels. Board Members are keenly aware of what this means to appellants, but we have no recourse under judicial review.

Mr. President, Mr. Frank does not mention one other result of judicial review that has bearing on my legislation: the limitation of the terms of BVA Members to 9 years. Congress included this term limitation provision in the VJRA order to make BVA members more accountable for their ac-

tions. This is a reflection of the degree of importance Congress attached to these positions, for, to my knowledge, no other GS-15 level employee in Government is similarly restricted to a statutory term limit. This flip side of this is that, in conferring this honor on BVA members and ALJ's are treated: while ALJ's enjoy elevated pay and status, without limitation on their terms of office, BVA members suffer from vastly increased responsibilities while subject to the fear that they may not be reappointed after 9 years of dedicated service.

FEDERAL PAY ACT OF 1990

Mr. President, as the foregoing suggests, the natural evolution of BVA responsibilities, combined with the impact of judicial review, has rendered the work of the Board vastly more difficult and onerous. In these circumstances, VA faces great challenges in recruiting and retaining qualified Board Members.

Unfortunately, another development external to the Department has compounded this problem and created a very real possibility that BVA ranks could be eviscerated. I am referring, of course, to the passage of the Federal Pay Act of 1990, which, by making all administrative law judges in Federal service of equal grade, as part of the Senior Executive Service [SES], created for the first time a disparity in compensation between ALJ's and BVA members.

By elevating ALJ's to SES status, the Pay Act set them far apart from BVA members, who continue to be paid at the GS-15 level. At current rates, an ALJ can make as much as $17,000 more than their BVA colleagues. Board members have had to stand idly by while their nominal peers in other agencies are paid higher salaries and admitted to the Federal Government's elite executive ranks.

Yet, it is clear that the duties and responsibilities of ALJ's and Board members are virtually identical in every important respect; indeed, some would even argue that the work of BVA members is even more difficult and complex than that of many if not all ALJ's.

Mr. President, I have in my hand letters from three distinguished administrative law judges who support my contention that the work of ALJ's and Board members is nearly indistinguishable and therefore merits equal pay. What makes their comments noteworthy is that all three judges are also former members of the Board of Veterans' Appeals and thus in a position to comment intelligently on this matter. I ask that their letters be printed in the record following my remarks.

TALENT FLIGHT

What is the upshot of judicial review and the Federal Pay Act? In a word: inequity. BVA members are doing more work today than in the pre-judicial review era, for the same pay and for less job security. But, Mr. President, a far more important issue than simple fairness to our 67 BVA members is at stake: unless this situation is corrected, the BVA—and by extension, the Nation's 27 million veterans—stands in imminent danger of losing some if not all of its most qualified Members. Once again, I quote Richard Frank of the BVA Professional Association:

Within the last dozen years, no fewer than eight Board Members and six senior counsels have left the Board to become ALJs. This would seem modest, if it were not for the fact that four of these occurred within the past two years and four more current Board Members and four senior counsels are now on the list to become Social Security ALJs. It must be emphasized that this total represents all of the Board Members, except one, who ever applied that that all of these individuals made this choice prior to the passage of the Pay Act. The one exception arose from the fact that the Board Members so restricted her choices geographically that she never received an offer.

Some uncertainty now surrounds exactly when the list to become Social Security ALJs will reopen. Our current information is that the list will be reopened sometime in the first half of next year. At that time, at least 38 of the current 44 attorney Board Members will be applying to get on the list to become Social Security ALJs. (The only reason all 44 will not apply is because it is currently understood that all ALJ positions will be outside the Washington Metropolitan area. Should ALJ positions within the metropolitan area become available, the number of Board Members applying will increase). If they enjoy the success their predecessors have, there will be a massive loss of experienced Board members and no reason to believe that their replacements will not soon follow them to become ALJs.

CONCLUSION

Mr. President, if we continue to insist on maintaining an artificial pay distinction between ALJ's and Board members, we stand to do a vast disservice not only to current and future BVA members, but also to the thousands of veterans who appeal their claims to BVA each year. These men and women, who put their lives on the line for our country, at the very least deserve to have their cases heard by the most qualified personnel in the most expeditious fashion. If morale among BVA members becomes as low as we predict, and leads to a continuing exodus of our best and brightest, the BVA will become an attorney's dumping ground, a second-rate body that will produce second rate decisions, increase the number of cases remanded by the Court of Veterans Appeals, and inflate the time it takes for a veteran to have his or her claim decided. In short, as is always the case when we try to cut corners, veterans and their families will be the ones to suffer most. All of us in this chamber have had to intervene at one time or another on behalf of dozens, hundreds, perhaps thousands of veterans who have asked for assistance in resolving a claims problem with VA. I promise my colleagues that these requests will rise dramatically in the coming months and years if the BVA is allowed to become a backwater for Federal careerists.

Mr. President, the bill I am introducing today would help ensure that veterans claims are adjudicated by the most knowledgeable individuals. As such, it would help prevent a further deterioration in the quality of BVA decisions and the speed with which veterans' claims are adjudicated. Moreover, my bill is hardly a budget breaker—far from it. According to the latest Congressional Budget Office estimate for the House companion bill introduced by Congressman BILIRAKIS, this initiative would cost VA only $5 million over 5 years—a pittance when one considers that VA services and benefits total more than $30 billion annually.

Thank you, Mr. President. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that several letters relative to this legislation be printed in the RECORD.

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

SOCIAL SECURITY ADMINISTRATION,
OFFICE OF HEARINGS AND APPEALS,
June 10, 1991.

CHARLES L. CRAGIN,
Chairman, Board of Veterans' Appeals, Washington, DC.

DEAR MR. CHAIRMAN: I have information which may be helpful to you. I was employed by the Board as a staff attorney and senior attorney from June 1970 until November 1977, at which time I was appointed by Administrator Cleland and approved by President Carter as an associate member. In April 1980 I resigned to accept an appointment as an Administrative Law Judge with the Department of Health, Education & Welfare, now Health and Human Services. Since June 1980 I have been Hearing Office Chief ALJ in Shreveport, LA. This gives me a good perspective for comparison of the positions of Board Member and ALJ.

Succinctly stated, the differences are hardly worth mentioning. The incumbent must be able to analyze and summarize in a decisional format the facts and governing legal criteria in a clear and concise fashion. The decisional formats are quite similar. There must be an evaluation of the credibility of witnesses and probative value of documentary and other evidence, in addition to an adequate understanding of all legal, medical and other technical factors which bear on the assurance of a fair hearing.

The decisions must take into account federal, state and occasionally foreign statutes and regulations, as well as court decisions. There is virtually no substantive review or supervision beyond the traditional review on appeal under the substantial evidence criteria. The decisions are completely independent and final, and are issued to the parties in the name of the member or ALJ. The issues may be quite simple or enormously complex. The authority to make and publish decisions derives from direct delegation by the Secretary of the Department, and independence is absolute.

Previously developed evidence and the validity of previous adjudicative processes by the agency must be reviewed. Conflicts in the record must be resolved. Credibility of both lay and expert witnesses must be ap-

praised and oral argument and briefs considered. The examinations must be controlled. Findings of fact and conclusion of law are made. Attorney fee arrangements must be approved by appropriate order. A comparison of the position descriptions will highlight the parallels. I really can't think of a substantive difference. I became an ALJ based almost exclusively on qualifying experience with the Board, and was eligible at both the GS 15 and 16 level.

Should the need arise I would enjoy discussing this matter with you in person. Contacts with old friends at the Board indicate that the operation continues to prosper under your leadership.

Sincerely,

W. THOMAS BUNDY,
U.S. Administrative Law Judge.

SOCIAL SECURITY ADMINISTRATION,
OFFICE OF HEARINGS AND APPEALS,
Raleigh, NC, July 23, 1991.

CHARLES L. CRAGIN,
Chairman, Board of Veterans Appeals, Washington, DC.

DEAR MR. CRAGIN: There has recently come to my attention a proposal to reclassify the position of Associate Member of the Board of Veterans Appeals (BVA) to conform to the classification now applicable to Administrative Law Judges.

I was a member of the Board from 1977 to 1980 and have been an Administrative Law Judge (ALJ) since that time. The two positions are so closely comparable that I was surprised that the recent action to remove ALJs from the general pay schedule and into a new and separate pay schedule did not include members of the Board. I write now to support the new and higher classification for Board members.

The breadth of knowledge and experience and the temperament required are virtually identical and the duties are very similar. Of great importance is the need to retain high quality professionals in order to give to the Veterans population a high quality adjudicative system.

In summary, I believe that pay parity for Board members is important to veterans and their interest in maintaining a fair and effective appeals process.

Sincerely,

H. CLAYTON ADAMS,
Administrative Law Judge.

P.S. Just recently, members of the Appeals Council of the Social Security Administration's Office of Hearings and Appeals have been redesignated "Administration's Appeals Judges" and given the advantages of the new pay structure for ALJs. Their responsibilities are even more similar to those of the BVA than to those of ALJs.

FALLS CHURCH, VA,
April 26, 1991.

Mr. CHARLES L. CRAGIN,
Chairman, Board of Veterans Appeals, Washington, DC.

DEAR CHAIRMAN CRAGIN: I have recently become aware of the interest of the Board and its Members in the possibility of reclassifying the Associate Member position from the General Schedule of Civil Service positions to that of Administrative Judges, in conformity with the general trend prevalent in the federal government today.

In order to give you some knowledge of my background so that you are in a position to evaluate my comments I offer you the following birds-eye view of my federal service. I served in the federal civil service for 42 years, starting in the Treasury Department. I began as an Assistant Messenger after High School, went to night school, served in the Army for 4 years during WW II, returned to the VA as an Adjudicator and quickly switched to the Board of Veterans Appeals in mid-1946, where I remained until 1972. At that time I was a Chief Associate Member. I left to become an Administrative Law Judge with the Occupational Safety & Health Review Commission, where I was appointed the Commission's first Chief ALJ. I retired from federal service in 1980.

I always felt that the work of the Associate Members was not fully appreciated outside the Board and this thought was reinforced when I become more fully aware of the scope of the work of ALJs.

Some of the comparisons that come quickly to mind are:

Both ALJs and Associate Members make and issue decisions for their Departments, Boards, Commissions, etc., but with one marked difference. The ALJs decisions are subject to review (revision, reversal or confirmation), whereas the BVA decisions issue without review as the final decision of the VA.

Among all federal agencies utilizing ALJs, their decisions are all appealable to United States District Courts with the exception of one agency, the OSHRC, whose decisions are appealable directly to the United States Courts of Appeals. This is true also of your decisions, although, in my day there was no appeal at all.

As ALJs are expected to handle all matters that come before them, both simple and complex, as defined by their agency specialty, so too the Associate Members handle those simple pension issues constituting the bulk of trials before Social Security ALJs as well as the more complex medical, insurance, line-of-duty, education and domestic relations questions.

Whereas the ALJ decision is subject to at least one level of review within the agency, the decisions by the Board are not subject to any result-oriented review, that is no review changes the decision by the Associate Members.

A well-reasoned decision by the Board, as well as by an ALJ, will define the problem; describe the evidence; the process by which the appeal came before the Board; state the applicable law; resolve conflicting testimony through Findings of Fact and Discussion, including evaluating the credibility of testimony, both lay and expert.

Neither the ALJ nor the Associate Member's decisional process is subject to higher authority review or what in the military is termed command influence, although the ALJ may be reversed by his agency.

I am sure that a personnel specialist would be able to more clearly define the similarities of these two positions as well as the few areas where dissimilarities exist. For instance I believe the biggest hurdle is the fact that ALJs act as solo trier of the facts and decision maker, while your Associate Members act as a member of a panel and cannot alone control the results. I have always believed that I would have been a more effective Associate Member if I had functioned alone, even though I always felt fortunate to work with good panels. Thus I would recommend you explore a wholesale revision of the Board's make-up to establish one person decisions. I believe this would result in increased productivity as well as improved quality, since no individual's decisions would be shielded from a court's penetrating review.

I would be happy to visit with you and discuss this matter in greater detail if you should so desire.

Sincerely,

CHARLES K. CHAPLIN.●

By Mr. DOMENICI (for himself, Mr. BOND, and Mr. MOYNIHAN):

S. 2370. A bill to restore obligation authority authorized in the Intermodal Surface Transportation Efficiency Act of 1991; to the Committee on Labor and Human Resources.

RESTORATION OF HIGHWAY OBLIGATION

Mr. DOMENICI. Mr. President, I believe that the debate about the infamous Brooklyn courthouse has gone on long enough. There seems to be uniform consensus that we need to restore this $1 billion which was taken from 1992 highway obligations in order to accommodate the mandatory nature of this courthouse project.

At a time some are advocating supplemental appropriations to increase infrastructure spending, I strongly believe that we must first correct this problem by restoring the full obligation limit provided by the Congress. I am pleased to join my colleagues, Senator BOND, and Senator MOYNIHAN in sponsoring legislation which would subject the courthouse project to the normal appropriations process and restore approximately $1 billion to highway programs in this fiscal year.

I urge my colleagues to accept this bill so that we might restore the money to highways. Adoption of the bill will result in each State receiving an immediate increase of nearly 6 percent in their 1992 apportionments. We have been consistently urged by State officials, as well as the National Governors' Association, to restore this $1 billion, and I am hopeful that we might do that today.

Mr. BOND. Mr. President, I rise in support of the measure that my good friend, the Senator from New Mexico, has just introduced. This measure is extremely important for highways, transportation, and infrastructure throughout this country. It restores the full $1 billion that had been set aside by OMB action as a result to the courthouse included in the highway bill.

Senator MOYNIHAN has graciously agreed to it, and has supported the legislation to make this courthouse subject to appropriations, meaning it is back in line and not in the highway bill.

In addition, the measure offered by Senator DOMENICI provides offsets by removing the statute of limitations for the collection of student loans, and this will allow approximately the full amount of money to be spent on highways as initially proposed.

I express my thanks also to Senator DOMENICI, as well as Senator MOYNIHAN. Restoring this $1 billion will put 50,000 people to work building highways across this Nation. Without this legis-

lation, which I hope this body can consider and pass very quickly, we would see losses in every State in the Nation; $18 million, at least, and three major projects in my State would have to be put on hold.

I believe that this is an appropriate solution to the mixup which occurred in the highway bill. I am pleased that we have been able to come to agreement on how to deal with it.

I hope the body can act expeditiously. Missouri badly needs the $18 million. The rest of the country, I know, needs the highway money. I urge my colleagues to give this measure their full support.

I thank the Chair. I yield the floor.

By Mr. COATS:

S. 2371. A bill to establish a computer education program for certain students; to the Committee on Labor and Human Resources.

BUDDY SYSTEM COMPUTER EDUCATION ACT

• Mr. COATS. Mr. President, Deanna Overton, a former student at Fuqua Elementary School in Terre Haute, IN, says that Buddy turned her life around. Buddy isn't one of her classmates, Buddy is a Macintosh Computer that she keeps at home. Deanna received her computer as a part of a school project called the Buddy System.

Deanna failed fourth-grade a few years ago. She attributes these low marks to her boredom in class. "I hated school. I couldn't stand it," she said, Deanna claims that she hated school so much that she used to put a thermometer on a light bulb to convince her parents she was too sick to go to school. But that was before Buddy.

Today, instead of D's and F's, Deanna receives A's and B's. Rather than avoiding school, Deanna enjoys school work. Her teachers consider her a leader. Deanna's mother, Debbie Sparks, says, "she [Deanna] has grown up in so many ways. She breathes that thing and she's so grown up."

Students and parents aren't the only ones boasting about the Buddy system project, "I would not have believed this was possible for fourth-, fifth-, and sixth-grade pupils to possess the skills that these kids posses," stated Rose Ann Santilli, a sixth-grade teacher at Fuqua Elementary.

These are just a few illustrations of the Buddy system project successes. The Buddy system, the largest project of its kind in the world, originated in Indiana in 1987.

Buddy was conceived by a small private sector group, working with the Indiana Corporation for Science and Technology and the State superintendent of public instruction, H. Dean Evans, as a positive response to issues such as education in the information age, changing, work force skills, and Indiana's challenge to compete in the world economy.

Early funding for Buddy came through grants and in-kind contributions from Lilly Endowment, Indiana Bell, GTE, IBM, Apple, Indiana Corporation for Science and Technology, and the Indiana Department of Education, with additional funding from the Indiana State Legislature.

Just how does the Buddy system work? Teachers assign nightly electronic homework. They communicate with parents by listing homework assignments on the bulletin board by sending individual electronic messages privately to parents. Students eagerly work on assignments, often creatively going beyond the specified requirements. Each Buddy computer is networked to online information sources to provide access to encyclopedia services, news, weather, sports, and educational games. A project file server offers electronic mail, bulletin boards, and chat services to all users.

One of the most important aspects of Buddy has been parental involvement. Buddy students teach their parents and siblings how to use the computer. Parents are then able to communicate with the classroom teacher via bulletin boards and chat systems. Parents are also encouraged to join parent user groups to extend parent training and trade inexpensive shareware with each other.

Buddy's track record is extremely impressive. The project has grown to serve more than 2,000 Hoosier families at 20 sites throughout Indiana. An evaluation, conducted by Dr. William Quinn of Quality Performance Associates, issued phenomenal results. I ask unanimous consent that a list of the Buddy system evaluation findings be included in the RECORD at this point in my statement.

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

THE BUDDY SYSTEM EVALUATION FINDINGS

Students spend an average of 66 minutes a day at home on the computer—and an additional 2¾ hours on the weekend.

About 50% of parents have increased involvement in their child's homework.

Mothers (74%), fathers (49% and other siblings (68%) also use the Buddy computer on a regular basis.

81% of educators agree that students are writing more than they would without computers. In a random survey, Buddy 5th grade student work was over twice as long as comparison students' and scored higher on quality measurements.

98% of students are comfortable working with computers. Some even surpass their teachers in understanding how to use various computer applications--a major educational outcome for the Project.

88% of educators agree students are more willing to do homework if done on the computer.

76% of teachers report that Buddy has resulted in better communication between teachers and parents, often through electronic mail.

Parents praise how Buddy increases their children's interest in learning and indicate that their children's self-confidence is higher as a result of Buddy.

Almost 90% of educators agree that student work on the computer is more creative and of higher quality. 93% see Buddy students doing school work that is more complex and at higher levels than they would do otherwise.

100% of educators say that students demonstrate greater pride in their work, and 93% see greater self-esteem in Buddy students.

Student-developed applications software, simulation database and telecommunications activities all are improving critical thinking skills.

Buddy students substantially outperformed students in traditional computer lab settings on 9 of 10 computer tasks. On a technology skills test, 84% of Buddy students scored higher than the average score achieved by comparison students.

100% of educators indicate that Buddy helped them to grow professionally, with 88% reporting new excitement for teaching.

Mr. COATS. Mr. President, for these reasons, I rise today to introduce a bill which would provide other students with the opportunity to have a Buddy. This bill would authorize a demonstration grant program to promote public-private partnerships which enable 6th-7th- and 8th-grade students to utilize personal computers at home, as well as in the classroom. The Secretary of Education would award grants to implement demonstration programs in three States. Each State receiving a grant would provide a continuous 3-year computer-based education project to two consecutive groups of 6th-, 7th-, and 8th-grade students, beginning with each group's entry into the 6th grade and ending the summer following each group's completion of the 8th grade.

The purposes for this extension of computer access beyond the classroom environment is threefold. First, it would enhance learning by providing students with the technological tools and guidance necessary to develop skills critical to educational growth and success in the workplace. Second, it would encourage parental involvement in education and total family use and understanding of computers and telecommunications through at-home applications. Finally, it would establish foundations for life-long learning through improvement in education skills and student motivation and attitudes.

Congresswoman JILL LONG, of Indiana, has introduced a companion bill in the House. I would like to commend her for her efforts to ensure that the rest our Nation be provided with the opportunity to ensure that the rest of our Nation be provided with the opportunity to experience the benefits of the Buddy System.

I urge my colleagues to join me in supporting the Buddy Program and I ask unanimous consent that this article from the Tribune-Star be inserted in the RECORD in its entirety.

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

[From the Tribune-Star, May 6, 1991]

BUDDY PROGRAM BRINGS CHANGE—COMPUTER HELPS PUPIL TURN SCHOOL LIFE AROUND

(By Sue Loughlin)

Deanna Overton's Buddy helped turn her life around.

But her Buddy would never know it. Overton's Buddy is a MacIntosh computer that she keeps at her home through a Fuqua Elementary school project called the Buddy System.

Pupils in fourth- fifth- and sixth-grades have take-home computers. Fuqua was one of five pilot sites statewide in 1988 when the program first began.

Overton is a sixth-grader at Fuqua, a pretty girl with dark hair and eyes. She is articulate and confident, and enthusiastically demonstrates her computer skills and projects.

That's why it's almost impossible to believe that Overton failed fourth-grade a few years ago. She was getting Ds and Fs in school, and she was very bored with classes and very unhappy.

"I hated school. I couldn't stand it," she said. She confessed she used to take a thermometer and put it on a light bulb to feign sickness.

And then came Buddy.

In some ways, her failing may also have been her saving grace. Had she not failed, she never would have been part of the Buddy program, which started three years ago with fourth-graders at the school.

Overton said in the summer of 1988, she learned that later in the year she'd get to take a computer home—and that was something to look forward to. In the 1988-89 school year, she raised her grades to average. The original Buddy pupils were allowed to keep the computers in fifth- and sixth-grades, although the computers had to be returned during the summer.

Now, Overton gets As and Bs and she talks about how much she loves school work, especially if her Buddy is involved. Teachers describe her as a leader, and not just in use of computers.

She talks knowledgeably about Buddy Net, MicroSoft works and HyperCard stacks, and eagerly demonstrates projects she's put together on weather or fractions, complete with visual effects and audio. "I love doing visual effects," she said. She races through her descriptions of what she's doing leaving the computer illiterate mindboggled.

Overton recently spoke to the Vigo County School Board about her experiences with the Buddy Program and in February she talked to an Area Principals Conference at Turkey Run State Park.

"Computers are the world of tomorrow," Overton says. "The project has given me a head start with my future."

Those who don't soon learn about computers "will be lost."

She's already set her sights on college and wants a career in computers. "The computer has helped me so much," she said from the Fuqua library recently.

Although she'll be going to Sarah Scott next year, she won't be losing the computer. She has two younger brothers who will be participating in the program. By the time her brothers are out of school, she said, she plans to buy one of her own.

Overton's mother, Debbie Sparks, says "she has grown so many ways. She breathes that thing and she's so grown up." She said her daughter has become much more mature.

Overton is a teacher to her brothers and sisters at home, who are also using it.

Sparks is proud of her daughter and she thinks the Buddy program "is wonderful."

Her mother said the program gives all kids, wealthy and low income, the same chance to succeed.

Judy Summers, the Buddy site coordinator at Fuqua, said, "Kids are proud of their work, and they are more motivated to do their work." They do much more creative writing because it is easier to edit. "The longhand method is discouraging to creativity for many of our kids" when they must constantly rewrite.

Teachers in the program include Linda Smith and Duane Miller, fourth grade; Roxanne Bertsch and Harry Brady, fifth grade; and Rose Ann Santilli and Len Mullins, sixth grade.

Santilli, a first-year teacher who began teaching the sixth grade with very little computer experience, inherited a group of pupils who had been totally immersed in computers for two years.

"It was a little intimidating at the beginning," Santilli said. "The kids were so far advanced."

She said the pupils were "wonderful" and helped her learn how the program works. She'll take HyperCard training this summer, and one of the pupils has volunteered to "tutor" her before she begins.

"I would not have believed this was possible for fourth-, fifth- and sixth-grade pupils to possess the skills that these kids possess," Santilli said. "They have no problem with data bases or spreadsheets."

Summers said there is cooperative learning between teacher and pupils, as well as between pupils. Santilli was the facilitator in providing classroom knowledge, and pupils were facilitators in showing how to apply the knowledge to the computer.

About 90 percent of pupils choose to do homework by computer, and many do extra assignments on their own.

Many of Santilli's sixth-graders are concerned about next year, however, when they will no longer have a computer at home unless younger siblings are part of the program.

Summers says that pupils have made about 20 to 25 presentations, and all have taken part in demonstrations. State legislators, the state superintendent for public instruction, the governor and the vice president of education for Apple Computer have all visited Fuqua to see the Buddy Program in action.

The pupils aren't the least bit intimidated, and present their projects with much finesse.

"These kids have a self-confidence with adults I have never seen," Summers said.

Unlike adults, the youths are not afraid to explore new technology; they are willing to make mistakes to learn and go one step further. "I think you could put them on any computer and they will figure it out," Summers said.

The Buddy System has helped pupils improve many skills, including critical thinking, problem solving and cooperative learning. It has also cut down on TV time.

Teacher Linda Smith has witnessed many positive results from Buddy, and says it has dramatically changed the lives of some pupils.

The computer has become an equalizer for some, such as those with a learning disability who cannot write legibly by longhand. "When they produce work, it looks like everyone else's now."

She's seen a change in study habits and learning patterns. She's seen children master new technology. "I've seen many of them become creative thinkers and problem solvers" who are determined to find an answer to a problem. They won't easily give up."

Parents are interested and involved, and more are helping children with homework. "Parents are beginning to use the computer themselves," and some have even discovered talents they didn't know they had.

Parents are drawing house plans and doing spread sheets for monthly budgets by computer.

Smith said she's also seen more teamwork and small group participation among pupils.

"You teach them the basics and they're off and running. That's it, they're gone," she said. The first year of the project, "the kids were teaching us, they were so quick to pick up on it."

When the program began, she said she was the least computer literate of the teachers involved. "They put that Mac down in front of me and I literally lost it . . . I was so terrified." She said it took her three weeks and "10 million calls" until it finally began to click.

She recalls the day the first group of fourth-graders saw their computers for the first time and turned them on. "It was like an entire whole new universe opened up to them."

Just a day later, the first pupil yelled, "Come here, Mrs. Smith! Look what we found." they were not afraid to explore.

"It's made a difference in my life, too." Smith said. If anyone would have told her three years ago that she would successfully apply for a Lilly Endowment grant, she'd have told them they were crazy. She recently was awarded a $4,500 Teacher Creativity Fellowship to study petroglyphs (Indian rockwriting) in the Southwest. She'll incorporate what she uses into her teaching and the Buddy program.

"It's been a great three years," she said.●

By Mr. SEYMOUR (for himself, Mr. STEVENS, Mr. SHELBY, Mr. ADAMS, Mr. LAUTENBERG, Mr. COATS, Mr. COCHRAN, Mr. HEFLIN, Mr. DOLE, Mr. D'AMATO, Mr. JOHNSTON, Mr. KASTEN, Mr. CRAIG, Mr. BURNS, Mr. DASCHLE, Mr. MACK, Mr. DECONCINI, Mr. DODD, Mr. MURKOWSKI, Mr. DURENBERGER, Mr. RIEGLE, and Mr. SYMMS):

S.J. Res. 273. Joint resolution to designate the week commencing June 21, 1992, as "National Sheriffs' Week"; to the Committee on the Judiciary.

NATIONAL SHERIFFS' WEEK

● Mr. SEYMOUR. Mr. President, I rise today to introduce legislation to designate the week of June 21, 1992 as "National Sheriffs' Week." This legislation, which already has the support of 21 of my distinguished colleagues, will bring much deserved recognition to the thousands of dedicated men and women who serve our communities as county law enforcement leaders.

From the early days of the Old West, when local sheriffs and their trusted deputies defended small western towns from unruly gunslingers, to contemporary America, where today's officers confront an unprecedented, sophisticated crime wave driven by the lucrative drug trade, our Nation's sheriffs have played a significant role in the criminal justice history of our great Nation.

The role of local sheriffs has been greatly enhanced over the years. Clear-

ly, local law enforcement is an essential pillar in our anti-drug and anti-crime efforts. And while our county officers face increasingly dangerous odds protecting our streets from violent crime, drug trafficking, and illegal gang activity, these heroes continue to perform their duty each day with pride, courage and dedication unmatched by those in any profession.

At a time when our communities are being ripped apart by the forces of crime and drugs, it is essential for citizens, community leaders, and law enforcement to establish harmonious, working relationships to fight head on the criminal elements that have brought death and destruction to America's streets. This legislation will encourage such relationships by bringing to the forefront of public attention the duties, responsibilities, and activities associated with county law enforcement.

Americans are all too familiar with the overall objective of local law enforcement to track down and rub out the criminal elements of our society. But many citizens are unenlightened about the full range of community outreach activities engaged in by county law enforcement. Our Nation's sheriffs' departments sponsor such proactive, preventative programs as defense training for women and drug education programs in our schools. In addition, officers work closely with communities to establish neighborhood watch and drug free zone programs to help citizens take back their streets.

Indeed, the primary duty of our local police officers is to boldly execute the hand of justice in many innovative ways. And our county sheriffs continue to lead the charge in developing community-based programs to combat a scourge that has so severely ravaged our Nation.

Mr. President, I want to encourage my colleagues to join me in supporting this important legislation. By doing so, we can show our unyielding support for those heroes who proudly wear the tin star.●

By Mr. DODD (for himself, Mr. KENNEDY, Mr. ADAMS, Mr. CRANSTON, and Mr. DECONCINI):

S.J. Res 274. A joint resolution to designate April 9, 1992, as "Child Care Worthy Wage Day"; to the Committee on the Judiciary.

CHILD CARE WORTHY WAGE DAY

● Mr. DODD. Mr. President, I rise today to introduce along with Senator KENNEDY, Senator ADAMS, Senator CRANSTON, and Senator DECONCINI, a joint resolution which designates April 9, 1992, as "Child Care Worthy Wage Day."

We all know that good child care is necessary to a child's healthy development and that the care and nurturing a child receives in the earliest years is an important determinant of future health and success. In recent years the need for quality, affordable child care has increased dramatically. Today, approximately 10 million children are in child care for at least part of the day and that number is expected to increase in subsequent years.

Those who are entrusted with the care of our children are responsible for preparing the future leaders, workers, and parents of America. Child care providers, whether they are child care center staff, neighborhood family day care providers, or relatives, know how much goes into the simple word "care." Care encompasses the safety, health, development, and education of children.

Many parents today must sacrifice financially to pay for quality child care. Too often, those who work in the child care profession must also make a financial sacrifice. They provide an invaluable service for which they are paid at near poverty levels, often with few—if any—health benefits.

Mr. President, passage of this resolution will bring well-deserved professional recognition to child care providers and help to improve the quality of child care providers and help to improve the quality of child care throughout the Nation. I urge my colleagues to join me in cosponsoring this joint resolution to designate April 9, 1992, as Child Care Worthy Wage Day. I ask unanimous consent that the text of this resolution be printed in the RECORD.

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

S.J. RES. 274

Whereas approximately 10,000,000 children in the United States are in partial or full-day child care and the number is expected to increase in subsequent years;

Whereas children are one of the most important resources of the United States;

Whereas the safety, health, and education of children should be a national priority;

Whereas good child care services ensure that children are safe, well-nourished, and given developmentally appropriate education;

Whereas the first national education goal states that by the year 2000 every child in America will go to school ready to learn, and insofar as quality, affordable child care is one of the determinants of school readiness;

Whereas individuals who work in the field of child care and early childhood development settings often have specialized and formal training and education in early childhood health, development, education and care;

Whereas continuity of quality staff and low staff turnover rates are significant components of quality child care;

Whereas the turnover rate among child care teaching staff and family day care providers has tripled to over 40 percent annually since the mid 1970s;

Whereas even those child care workers who fulfill State or federally mandated education and training requirements earn between one-third and one-half of what comparably educated workers earn in other fields;

Whereas real wages for child care teachers and providers, when adjusted for inflation, have decreased over 25 percent in the last 15 years;

Whereas the average child care worker is paid $11,000, which is near the poverty level, and often does not receive health or retirement benefits; and

Whereas it is important to recognize the significant contribution of the child care work force to the future academic achievement of children in the United States, the future productivity of the Nation, and the well-being of its children and families: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1992, is designated as "Child Care Worthy Wage Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 177

At the request of Mr. INOUYE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 177, a bill to amend section 1086 of title 10, United States Code, to provide for payment under the CHAMPUS Program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under Medicare, and for other purposes.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 391

At the request of Mr. REID, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 391, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

S. 810

At the request of Mr. HARKIN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 810, a bill to improve counseling services for elementary school children.

S. 914

At the request of Mr. GLENN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 1361

At the request of Ms. MIKULSKI, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of

S. 1361, a bill to remedy the serious injury to the United States shipbuilding and repair industry caused by subsidized foreign ships.

S. 1574

At the request of Mr. RIEGLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1574, a bill to ensure proper and full implementation by the Department of Health and Human Services of medicaid coverage for certain low-income medicare beneficiaries.

S. 1736

At the request of Mr. SASSER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1736, a bill to amend title XVIII of the Social Security Act to provide for improved quality and cost control mechanisms to ensure the proper and prudent purchasing of durable medical equipment and supplies for which payment is made under the medicare program, and for other purposes.

S. 1866

At the request of Mr. KENNEDY, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1866, a bill to promote community based economic development and to provide assistance for community development corporations, and for other purposes.

S. 1966

At the request of Mr. BIDEN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1966, a bill to establish a national background check procedure to ensure that persons working as child care providers do not have a criminal history of child abuse, to initiate the reporting of all State and Federal child abuse crimes, to establish minimum guidelines for States to follow in conducting background checks and provide protection from inaccurate information for persons subjected to background checks, and for other purposes.

S. 2000

At the request of Mr. PRYOR, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2000, a bill to provide for the containment of prescription drug prices by reducing certain nonresearch related tax credits to pharmaceutical manufacturers, by establishing the Prescription Drug Policy Review Commission, by requiring a study of the feasibility of establishing a pharmaceutical products price review board, and by requiring a study of the value of Federal subsidies and tax credits given to pharmaceutical manufacturers, and for other purposes.

S. 2085

At the request of Mr. PRYOR, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 2085, a bill entitled the Federal-State Pesticide Regulation Partnership.

S. 2106

At the request of Mr. CRANSTON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2106, a bill to grant a Federal charter to the Fleet Reserve Association.

S. 2113

At the request of Mr. DOLE, his name was added as a cosponsor of S. 2113, a bill to restore the Second Amendment rights of all Americans.

S. 2232

At the request of Ms. MIKULSKI, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 2232, a bill to make available to consumers certain information regarding automobiles.

S. 2262

At the request of Mr. LEAHY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2262, a bill to make emergency supplemental appropriations to provide a short-term stimulus to promote job creation in rural areas of the United States, and for other purposes.

S. 2288

At the request of Mr. BROWN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2288, a bill to amend part F of title IV of the Social Security Act to allow States to assign participants in work supplementation programs to existing unfilled jobs, and to amend such part and the Food Stamp Act of 1977 to allow States to use the sums that would otherwise be expended on food stamp benefits to subsidize jobs for participants in work supplementation programs, and to provide financial incentives for States and localities to use such programs.

S. 2336

At the request of Mr. ROCKEFELLER, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2336, a bill to establish a loan program at the Department of Commerce to promote the development and commercialization of advanced technologies and products.

S. 2351

At the request of Mr. ADAMS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2351, a bill to provide for research to test the efficacy and cost-effectiveness of nutrition screening and intervention activities in populations of older individuals and to determine the extent of malnutrition in such populations.

S. 2357

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2357, a bill to reduce and control the Federal deficit.

SENATE JOINT RESOLUTION 231

At the request of Mr. THURMOND, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 231, a joint resolution to designate the month of May 1992, as "National Foster Care Month."

SENATE JOINT RESOLUTION 236

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 236, a joint resolution designating the third week in September 1992 as "National Fragrance Week."

SENATE JOINT RESOLUTION 238

At the request of Mr. RIEGLE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 238, a joint resolution designating the week beginning September 21, 1992, as "National Senior Softball Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution to designate April 15, 1992, as "National Recycling Day."

SENATE JOINT RESOLUTION 255

At the request of Mr. D'AMATO, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 255, a joint resolution to designate September 13, 1992 as "Commodore Barry Day."

SENATE JOINT RESOLUTION 261

At the request of Mr. CRANSTON, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Joint Resolution 261, a joint resolution to designate April 9, 1992, as a "Day of Filipino World War II Veterans."

SENATE JOINT RESOLUTION 266

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 266, a joint resolution designating the week of April 26-May 2, 1992, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 270

At the request of Mr. THURMOND, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 270, a joint resolution to designate August 15, 1992, as "82d Airborne Division 50th Anniversary Recognition Day."

SENATE CONCURRENT RESOLUTION 80

At the request of Mr. SIMON, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Oklahoma [Mr. BOREN], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Concurrent Resolution 80, a concurrent resolution concerning democratic changes in Zaire.

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. KERRY, the names of the Senator from Vermont

[Mr. JEFFORDS] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Concurrent Resolution 89, a concurrent resolution to express the sense of the Congress concerning the United Nations Conference on Environment and Development.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 89, supra.

SENATE RESOLUTION 246

At the request of Mr. DOLE, the names of the Senator from Montana [Mr. BURNS] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Resolution 246, a resolution on the recognition of Croatia and Slovenia.

SENATE RESOLUTION 249

At the request of Mr. D'AMATO, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Resolution 249, a resolution expressing the sense of the Senate that the United States should seek a final and conclusive account of the whereabouts and definitive fate of Raoul Wallenberg.

SENATE RESOLUTION 258

At the request of Mr. SIMON, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Resolution 258, a resolution expressing the sense of the Senate regarding needed action to address the continuing state of war and chaos and the emergency humanitarian situation in Somalia.

SENATE RESOLUTION 270

At the request of Mr. DECONCINI, the names of the Senator from Tennessee [Mr. GORE] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Resolution 270, a resolution concerning the conflict of Nagorno-Karabakh in the territory of Azerbaijan.

SENATE RESOLUTION 271

At the request of Mr. SIMON, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Resolution 271, a resolution relative to human rights in Tibet.

SENATE RESOLUTION 272—RELATIVE TO SERVICE ON SENATE COMMITTEES

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 272

Resolved, That paragraph 4(h) of rule XXV is amended to read as follows:

"(h)(1) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(2) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(3) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(4) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(5) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(6)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Labor and Human Resources, who serves as chairman of a committee listed in paragraph 2, may, serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(7) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(8)(A) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on the Judiciary so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(B) A Senator who during the One Hundred Second Congress serves on the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations and the Committee on the Judiciary, and who serves as chairman of a committee listed in paragraph 2, may, serve as chairman of two subcommittees of all committees listed in paragraph 2 of which he is a member.

"(9) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(10) A Senator who on the last day of the One Hundred First Congress was serving on the Committee on Environment and Public Works and the Committee on the Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(11) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance may, during the One Hundred Second Congress, also serves as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(12) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(13) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason

of this subdivision, as a member of more than three committees listed in paragraph 2.

"(14) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(15) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Armed Services and the Committee on Energy and Natural Resources may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(16) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(17) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Veterans' Affairs, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraph 3 (a) and (b).

"(18) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred Second Congress, also serve as a member of the Committee on Veterans Affairs and the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than three committees listed in paragraphs 3 (a) and (b).

"(19) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred Second Congress, also serve as a member of the Joint Economic Committee so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(20) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Veterans Affairs, may, during the One Hundred Second Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(21) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget, may, during the One Hundred Second Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(22) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Small Business, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(23) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Special Committee on Aging, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(24) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget, may, during the One Hundred Second Congress, also serve as a member of the Committee on Intelligence so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(25) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred Second Congress, also serve as a member of the Committee on the Budget so long as his service as a member of each such committee is continuous, but in no event may he serve by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(26) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration, may, during the One Hundred Second Congress, also serve as a member of the Joint Committee on Taxation so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraph 3.

"(27) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget, may, during the One Hundred Second Congress, also serve as a member of the Special Committee on Aging so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(28) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary, and the Committee on Armed Services, may, during the One Hundred Second Congress, serve as a member of the Committee on Labor and Human Resources, so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(29) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Finance and the Committee on the Governmental Affairs may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(30) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations, and the Committee on Energy and Natural Resources, may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(31) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs may, during the One Hundred Second Congress, serve as a member of the Committee on Energy and Natural Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(32) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Labor and Human Resources and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Finance so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(33) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Judiciary and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, serve as a member of the Committee on Foreign Relations so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(34) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Environment and Public Works and the Committee on Finance may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(35) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Foreign Relations and the Committee on Labor and Human Resources may, during the One Hundred Second Congress, serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as her service as a

member of each such committee is continuous, but in no event may she serve, by reason of this subdivision, as a member of more than three communities listed in paragraph 2.

"(36) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations may, during the One Hundred Second Congress, also serve as a member of the Committee on Labor and Human Resources so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(37) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Finance and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Agriculture, Nutrition, and Forestry so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(38) A Senator who was sworn in on January 10, 1991, may serve as a member of the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry, may, during the One Hundred Second Congress, serve as a member of the Committee on Governmental Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(39) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Appropriations and the Committee on the Judiciary may, during the One Hundred Second Congress, also serve as a member of the Committee on Banking, Housing, and Urban Affairs so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than three committees listed in paragraph 2.

"(40) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(41) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget and the Special Committee on Aging may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(42) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on the Budget and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(43) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Select Committee on Intelligence and the Committee on Veterans' Affairs may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(44) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Veterans' Affairs and the Special Committee on Aging may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(45) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Committee on Rules and Administration and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(46) A Senator who on the last day of the One Hundred First Congress was serving as a member of the Special Committee on Aging and the Committee on Small Business may, during the One Hundred Second Congress, continue his service on these two committees so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(47) A Senator may serve as a member of the Special Committee on Aging and the Committee on Small Business during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(48) A Senator may serve as a member of the Special Committee on Aging and the Committee on Veterans' Affairs during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b).

"(49) A Senator may serve as a member of the Committee on Rules and Administration and the Select Committee on Intelligence during the One Hundred Second Congress so long as his service as a member of each such committee is continuous, but in no event may he serve, by reason of this subdivision, as a member of more than two committees listed in paragraphs 3 (a) and (b)."

AMENDMENTS SUBMITTED

RAIL SAFETY IMPROVEMENT INITIATIVES ACT

EXON AMENDMENT NO. 1736

Mr. PRYOR (for Mr. EXON) proposed an amendment to the bill (S. 1571) to amend the Federal Railroad Safety Act of 1970 to improve railroad safety, and for other purposes, as follows:

Strike all on page 5, line 17, through page 7, line 7, and insert in lieu thereof the following:

LOCOMOTIVE CRASHWORTHINESS AND WORKING CONDITIONS

SEC. 6. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431) is amended by adding at the end the following new subsection:

"(r)(1) The Secretary shall, within 24 months after the date of enactment of this subsection, complete a rulemaking proceeding to consider prescribing regulations to improve the safety of locomotive cabs. Such proceeding shall assess—

"(A) the adequacy of Locomotive Crashworthiness Requirements Standard S-580, adopted by the Association of American Railroads in 1989, in improving the safety of locomotive cabs; and

"(B) the extent to which environmental and other working conditions in locomotive cabs affect productivity and the safe operation of locomotives.

"(2) In support of the proceeding required under paragraph (1)(A), the Secretary shall conduct research and analysis, including computer modeling and full-scale crash testing, as appropriate, to consider the costs and safety benefits associated with equipping locomotives with—

"(A) braced collision posts;
"(B) rollover protection devices;
"(C) deflection plates;
"(D) shatterproof windows;
"(E) readily accessible crash refuges;
"(F) uniform sill heights;
"(G) anti-climbers, or other equipment designed to prevent overrides resulting from head-on locomotive collisions;
"(H) equipment to deter post-collision entry of flammable liquids into locomotive cabs; or
"(I) any other devices intended to provide crash protection for occupants of locomotive cabs.

"(3) If on the basis of the proceeding required by paragraph (1) the Secretary determines not to prescribe regulations, the Secretary shall report to Congress on the reasons for that determination.".

EXON (AND OTHERS) AMENDMENT NO. 1737

Mr. PRYOR (for Mr. EXON, for himself, Mr. BURNS, and Mr. SPECTER) proposed an amendment to the bill S. 1571, supra, as follows:

Strike all on page 14, line 20, through page 15, line 17, and insert in lieu thereof the following:

POWER BRAKE SAFETY

SEC. 12. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(u)(1) The Secretary shall conduct a review of the Department of Transportation's

rules with respect to railroad power brakes, and within 18 months after the date of enactment of this subsection, shall revise such rules based on such safety data as may be presented during that review.

"(2) In carrying out paragraph (1), the Secretary shall, where applicable, prescribe standards regarding dynamic braking equipment.

"(3)(A) In carrying out paragraph (1), based on the data presented, the Secretary shall require two-way end of train devices (or devices able to perform the same function) on road trains other than locals, road switchers, or work trains to enable the initiation of emergency braking from the rear of the train. The Secretary shall promulgate rules as soon as possible, but not later than December 31, 1993, requiring such two-way end of train devices. Such rules shall, at a minimum—

"(i) set standards for such devices based on performance;

"(ii) prohibit any railroad, on or after 12 months after promulgation of such rules, from purchasing or leasing any end of train device for use on trains which is not a two-way device meeting the standards described in clause (i);

"(iii) require that such trains be equipped with a two-way end of train device meeting such standards not later than 48 months after promulgation of such rules; and

"(iv) provide that any two-way end of train device purchased before such promulgation shall be deemed to meet such standards.

"(B) The Secretary may consider petitions to amend the rules promulgated under paragraph (3)(A) to allow the use of alternative technologies which meet the same basic performance requirements established by such rules.

"(4) The Secretary may exclude from rules promulgated under paragraphs (1), (2), and (3) any category of trains or railroad operations if the Secretary determines that such an exclusion is in the public interest and is consistent with railroad safety. The Secretary shall make public the reason for granting any such exclusion. The Secretary shall at a minimum exclude from the requirements of paragraph (3)—

"(A) trains that have manned cabooses;

"(B) passenger trains with emergency brakes;

"(C) trains that operate exclusively on track that is not part of the general railroad system;

"(D) trains that do not exceed 30 miles per hour and do not operate over heavy grades, unless specifically designated by the Secretary; and

"(E) trains that operate in a push mode."

EXON AMENDMENT NO. 1738

Mr. PRYOR (for Mr. EXON) proposed an amendment to the bill S. 1571, supra, as follows:

On page 1, line 5, strike "1991" and insert in lieu thereof "1992".

Strike all on page 9, line 15, through page 10, line 22.

HOLLINGS AMENDMENT NO. 1739

Mr. PRYOR (for Mr. HOLLINGS) proposed an amendment to the bill S. 1571, supra, as follows:

At the end of the bill, add the following new section:

TRACK SAFETY

SEC. 14. Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by this Act, is further amended by adding at the end the following new subsection:

"(v)(1) The General Accounting Office shall conduct a study of—

"(A) the adequacy of the Secretary's rules, regulations, orders, and standards that are related to track safety; and

"(B) the effectiveness of the Secretary's enforcement of such rules, regulations, orders, and standards, with particular attention to recent relevant railroad accident experience and data.

"(2) The General Accounting Office shall, within 18 months after the date of enactment of this subsection, submit to the Secretary and Congress a report on the results of such study, together with recommendations for improving such rules, regulations, orders, and standards, and such enforcement.

"(3) Upon receipt of such report, the Secretary shall initiate a rulemaking proceeding to revise such rules, regulations, orders, and standards, taking into account the report and the recommendations by the General Accounting Office submitted along with the report. Not later than 12 months after the date of submission of the report, the Secretary shall complete such proceeding and submit to Congress a statement explaining the actions the Secretary has taken to implement such recommendations.".

SIMON AMENDMENT NO. 1740

Mr. PRYOR (for Mr. SIMON) proposed an amendment to the bill S. 1571, supra, as follows:

On page 9, line 14, strike the quotation marks and the period at the end.

On page 9, between lines 14 and 15, insert the following:

"(5) Not later than 1 year after the date of enactment of this subsection, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning any action that has been taken by the Secretary and the railroad industry to rectify the problems associated with unsatisfactory workplace environments in certain train dispatching offices identified in the National Train Dispatcher Safety Assessment for 1987–1988, published by the Federal Railroad Administration in July 1990. The report shall include recommendations for legislative or regulatory action to ameliorate any such problems that affect safety in train operations.".

SEYMOUR AMENDMENT NO. 1741

Mr. PRYOR (for Mr. SEYMOUR) proposed an amendment to the bill S. 1571, supra, as follows:

At the end, add the following new section:

REPORT ON ROUTING OF HAZARDOUS MATERIALS SHIPMENTS

SEC. 15. (a) REQUIREMENT FOR REPORT.—Within 18 months after the date of enactment of this Act, the Secretary of Transportation shall report to the appropriate committees of Congress on whether, based on relevant data concerning train accidents within the state of California, there are particular factors that make certain routes in that state inherently less safe than others for the rail transportation of hazardous materials and, if so, what actions can be taken, without unreasonably burdening commerce, to ameliorate those factors or reduce hazardous materials traffic over any inherently unsafe routes. The report shall address—

(1) whether the accident data on train accidents resulting in hazardous materials releases in recent years reveal that any inherent, permanent conditions such as topography or climate have played a causal role in or increased the likelihood of such accidents;

(2) whether the data referred to in paragraph (1) suggest that factors such as railroad track and equipment maintenance practices, railroad operating practices, and train handling procedures have played a causal role in or increased the likelihood of train accidents resulting in the release of hazardous materials; and

(3) what actions Federal agencies may take, are taking, or have taken to address whatever factors are determined to be playing a causal role in, or increasing the likelihood of, train accidents resulting in the release of hazardous materials.

(b) CONSULTATION; PUBLIC COMMENT.—In preparing the report required by subsection (a), the Secretary shall consult with Federal departments and agencies responsible for protecting the environment and public lands in California, and provide an opportunity for written comment by the public on the issues to be addressed in the report.

NOTICE OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, will hold an oversight hearing on the operation of the market promotion program, Wednesday, March 25, 1992, at 9:30 a.m., in SR-332.

For further information please contact Lynnett Wagner of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics, and International Operations of the Foreign Relations Committee be authorized to meet during the session of the Senate on Wednesday, March 18, at 9:30 a.m. and to continue at 2 p.m. with a hearing on the international criminal activity of BCCI.

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

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, March 18, beginning at 10 a.m., to conduct a hearing on the Water Resources Development Act of 1992 and related issues.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Science,

Technology and Space Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 18, 1992, at 9:30 a.m. on the space station and launch issues.

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

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet on Wednesday, March 18, 1992, at 9:30 a.m., in open session, to receive testimony on dual-use critical technology programs being undertaken by the Department of Defense and the Department of Energy.

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

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet on Wednesday, March 18, 1992, at 9 a.m., in closed session, to receive testimony on command, control, communications and intelligence matters in review of the amended Defense authorization request for fiscal year 1993 and the future year defense plan.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on March 18, 1992, beginning at 9:30 a.m., in 216 Hart Senate Office Building, to consider for report to the Senate S. 1602, the Fort Peck Indian Tribes Montana Compact Act of 1991; confirmation on the reappointment of Carl J. Kunasek to be Commissioner on the Navajo-Hopi Relocation, and for other purposes; and to meet on the implementation of the Indian Gaming Regulatory Act.

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

ADDITIONAL STATEMENTS

PIEMONT INTERFILM, INC., RECIPIENT OF AWARD

• Mr. HOLLINGS. Mr. President, I rise today to honor the hard-working men and women of Piedmont Interfilm, Inc., which recently was awarded the "Vendor of the Year Award" from Alcatel, an international telecommunications company based in France.

Interfilm, which also sells internationally, employs 35 people in its Piedmont plant and is now doubling the size of its plant to 63,000 square feet.

Those who doubt the ability and the work ethic of Americans should spend some time with the hard-working people at Piedmont Interfilm. Their receipt of the "Vendor of the Year Award" is still another example of the reason why the American worker is consistently rated the most productive in the world.•

THE DULUTH DOMESTIC ABUSE INTERVENTION PROGRAM

• Mr. DURENBERGER. Mr. President, I often find myself rising on this floor to praise my home State of Minnesota for its creativity and courage in facing up to some of the more vexing social ills facing our country. Today is no exception. Recently, the New York Times Magazine published an article entitled." When Men Hit Women." The article documented a ground-breaking program in Duluth, MN, which treats both women who are abused by men, and the men who abuse them.

Domestic violence is one of the most terrible problems facing our country today. Many towns, cities, and States, either because of ignorance or shame have in the past closed their eyes to this largely hidden blight. Duluth, however, has chosen to confront it straight on.

A Duluth citizen named Ellen Pence has a brave and clear vision about what needs to be done to combat domestic violence. Central to that vision is the idea that a community as a whole must decide simply this: They will not tolerate domestic violence—period. Duluth became the first local jurisdiction in America to adopt a mandatory arrest policy for misdemeanor assaults.

But the people of Duluth recognize that arresting a father, a boyfriend, a husband, or a mother, is not enough. Treatment is a key part to confronting this problem and that is where the city's Domestic Abuse Intervention Program [DAIP's] comes in. The DAIP's is a comprehensive intervention program which treats both the victim and the perpetrator.

Where the norm in the past for most of the country has been for local authorities to ignore reports of domestic violence unless they are witnessed, the program in Minnesota goes the distance.

It is with great pride that I commend the New York Times Magazine article, the program which prompted the story, and the progressive State where the program resides. Mr. President, I ask that the article be placed in the Record.

The article follows:

WHEN MEN HIT WOMEN

(By Jan Hoffman)

This Saturday night shift has been excruciatingly dull for the police in Duluth, Minn., a brawny working-class city of 90,000 on the shoreline of Lake Superior. The complaints trickle into the precinct, the callers almost embarrassed; black bear up a tree; kids throwing stuffed animals into traffic. But it's 1 A.M. now, and the bars are closing. People are heading home.

1:02 A.M.: Couple arguing loudly. Probably just "verbal assault," the dispatcher tells the car patrols.

1:06 A.M.: Two squad cars pull up to the address. A tall blond man opens the door as a naked woman hurriedly slips on a raincoat. The man looks calm. The woman looks anything but.

"We were just having a squabble," he begins.

"He was kicking the [expletive] out of me," she yells.

"Let's go in separate rooms and talk," says one of the officers, following the Duluth Police Department procedure for domestic disputes.

In the living room, George G. tells his side of the story. "We've been trying to work on things. And so we were talking. And wrestling."

How does he explain the blood oozing from the inside of her mouth? "She drinks, you know. She probably cut herself." From inside the bedroom, Jenny M., whose face is puffing up, screams: "Just get him out of here! And then you guys leave, too!"

The police officers probe for details, telling her that something must be done now, or there will probably be a next time, and it will hurt much worse. Jenny M. glares, fearful but furious. "He slapped me and kicked my butt. He picked me up by the hair and threw me against the wall."

"She lies, you know," George G. confides to an officer, who remains stone-faced. Jenny M. starts crying again. "I don't want him hurt. This is my fault. I'm the drinker. He's not a bad guy."

Following protocol, the officers determine that the couple live together. And that she is afraid of him. Next, they snap Polaroids of her bruised face, and of his swollen, cut knuckles. Then the police head toward George G. with handcuffs. He looks at her beseechingly. "Jenny, do you want me to go?"

An officer cuts him short. "George, it's not her choice."

George G. thrusts his chin out and his fists deep into the couch. "But this is just a domestic fight!"

One cop replies: We don't have a choice, either. We have to arrest you." They take him away, handcuffed, leaving Jenny M. with leaflets about the city's Domestic Abuse Intervention Project (D.A.I.P.).

By 1:34 A.M. George G. has been booked at the St. Louis County jail, where he will sit out the weekend until arraignment on Monday morning. Within an hour, a volunteer from the city's shelter will try to contact Jenny M., and in the morning, a man from D.A.I.P. will visit George and explain the consequences in Duluth for getting into "a domestic fight."

It was 10 years ago this summer that Duluth became the first local jurisdiction in America to adopt a mandatory arrest policy for misdemeanor assaults—the criminal charge filed in most domestic violence cases. But the arrest policy alone is not what makes Duluth's perhaps the most imitated intervention program in the country. Its purpose is to make every agent of the justice system—police, prosecutors, probation officers, judges—deliver the same message: domestic violence is a crime that a community will not tolerate. The program's centerpiece is D.A.I.P., which acts as a constant, heckling monitor of all the organizations. The project, which also runs barterers' groups

and supervises custody visits between batterers and their children, chugs along on $162,000 a year. Financing comes from the state's Department of Corrections, foundation grants and fees for D.A.I.P.'s manuals and training seminars.

The Duluth model—pieces of which have been replicated in communities throughout Minnesota, in cities like Los Angeles, Baltimore, San Francisco, Nashville and Seattle, and in countries like Canada, Scotland, New Zealand and Australia—has been admiringly described by Mary Haviland, a New York City domestic abuse expert, as "an organizing miracle."

Typically, a first-time offender is incarcerated overnight. If he pleads guilty, he'll be sentenced to 30 days in jail and put on probation, pending completion of a 26-week batterer's program. If he misses three successive classes, he is often sent to jail. Men who are served with civil orders of protection are routinely sent into the same treatment program. Staff members and volunteers from the shelter maintain contact with victims throughout the process.

Many experts regard Duluth as embodying the best of what the almost 20-year-old battered-women's movement has sought to achieve. The movement, inspired by the grass-roots feminist campaign that opened rape-crisis centers in the late 60's, sprang up in the mid-70's as a loose coalition of emergency shelters. Duluth's own shelter, the Women's Coalition, was founded in 1978. Reflecting the national movement's multiple approaches a few years later, Duluth activists then prodded local law-enforcement agencies to take the issue seriously and eventually urged that batterers be offered treatment as well as punishment.

Nowadays in Duluth, women who seek help from the legal system do receive some protection, and their batterers are usually held accountable. After a decade of many trials and many errors, Ellen Pence, one of the project's founders and its national proselytizer, estimates that 1 out of every 19 men in Duluth has been through the program. During that same period, not one Duluth woman died from a domestic homicide. Given the rate of Duluth's domestic homicides in the 70's, says Pence, "there are at least five women alive today that would have otherwise been killed."

The results from Duluth are not, however, wholly triumphant. One study shows that five years after going through the Duluth program and judicial system, fully 40 percent of the treated men end up reoffending (or becoming suspects in assaults), either with the same woman or new partners. Pence thinks the real number may be closer to 60 percent. And the number of new cases each year that come before either criminal or family court judges has remained constant—about 450 a year.

"The changes in the country have been enormous," says Elizabeth M. Schneider, a Brooklyn Law School professor and expert on battered women. "But we seriously underestimated how wedded our culture is to domestic violence." Upward of four million American women are beaten annually by current and former male partners, and between 2,000 to 4,000 women are murdered, according to the National Woman Abuse Prevention Center. C. Everett Koop, the former Surgeon General, has identified domestic violence as the No. 1 health problem for American women, causing more injuries than automobile accidents, muggings and rapes combined. The connection with child abuse in a family has been well documented: between 50 and 70 percent of the men who physically harm their partners also hit their children.

At this point, while intervention may be possible, prevention seems all but unimaginable. Despite the community's exceptional efforts, as Pence flatly admits: "We have no evidence to show that it has had any general deterrent effect. The individual guy you catch may do it less. But in Duluth, men don't say, 'Geo, I shouldn't beat her up because I'll get arrested.' After 10 years, we've had a lot of young men in our program whose dads were in it.

"I have no idea where the next step will come from," she adds. "We're too exhausted just trying to stay on top of things as they are."

Ellen Pence's commitment to ending family violence is hard-earned. An aunt was shot to death by her husband, a sister is a former battered wife and, one night about 20 years ago, a neighbor fleeing an abusive partner left her young boy with Pence, who subsequently helped raise him. In 1981, D.A.I.P. received a $50,000 state grant for a simple but powerful reason: the city's judges and police chief were the only ones in Minnesota willing to take her proposal seriously. A Minnesota native, Pence, now 43, is an exasperating, indefatigable earthshaker, who, by dint of her salty wit and impassioned outbursts, simply will not be denied.

Duluth, she concedes, is not exactly the mayhem capital of the Midwest. In 1990, homicides hit a record high of three. The local scourge is predominantly alcoholism, not drug addiction. The people are mostly Scandinavian and Eastern European, with a modest minority of Ojibwa Indians, blacks and Southeast Asians. With fir-dotted hills that swoop sharply down to the largest freshwater lake in the world, Duluth appears to be a pretty decent place to live—particularly for those with a fondness for ice fishing and months of subfreezing weather. Its incidence of domestic violence is probably no worse than anywhere else in the country, and, a decade ago, was treated just as casually. In 1980, there were just 22 arrests for domestic assault, and only four convictions.

First, Ellen Pence took on the cops.

Traditional practice: If an officer doesn't witness a misdemeanor assault, the officer won't arrest.

New practice: If an officer has probable cause, including a victim's visible injury, to believe a misdemeanor domestic assault occurred within four hours of the arrival of the police, the officer must arrest. In 1990, the Duluth police arrested 176 men and 23 women for misdemeanor domestic assaults—of whom almost all were convicted. (Experts agree that violence by women against men is usually in self-defense or retaliation, and is often less severe.)

Over the years, mandatory arrest has become increasingly popular, having been adopted, though inconsistently enforced, in dozens of municipalities and 15 states—although recent studies have called into question whether police arrests are the best way to protect domestic-abuse victims.

Still, mandatory arrest earns favorable reviews from police and prosecutors, and a D.A.I.P. survey found that 71 percent of the victims approved of the Duluth police's handling of their situations. But some battered-women's advocates remain skeptical, particularly because the policy can be disproportionately tough on poor minority families. Most experts point out that while battering occurs across all races and classes, poor people are more likely to be reported to authorities and punished than men from middle-class households. "For people who are more disadvantaged economically, like Native Americans, blacks and Hispanics, there are higher levels of all kinds of victimization, including family violence," says Angela Browne, the author of "When Battered Women Kill."

Another significant problem with mandatory arrest is that it can backfire: on occasion, when faced with two bloodied people accusing each other of attacking first, police have arrested the woman as well as the man. When this happens, children may be sent into foster care. In Connecticut, which has one of the country's toughest domestic-violence policies, the dual-arrest rate is 14 percent.

Many police are still reluctant to arrest because prosecutors tend to put the cases on the back burner. Prosecutors, in turn, blame their lack of action on the victims, who, they say, often refuse to press charges, fearing a batterer's revenge or believing his promise of reformation. Duluth, however, has what officials call a "flexible no-drop" policy: regardless of the victim's wishes, the prosecutor will almost always pursue the case.

"I assume that victims won't cooperate," says Mary E. Asmus, the chief prosecutor of Duluth's city attorney's office. Asmus has a working procedure for obtaining evidence independent of the victim's cooperation. At trial, she'll offer police photographs, tapes of calls to 911 and medical records. She also subpoenas all victims. If the victim recants on the stand, Asmus, making unusual use of a state rule of evidence, will offer the woman's original statement to police—not to impeach her witness, but to assert the facts of the incident. In her nine years as a Duluth prosecutor, Asmus has lost only three domestic-violence cases in court.

Nationwide, some of the most aggressive domestic-violence prosecutors are in Philadelphia, San Francisco and San Diego, which files at least 200 new cases each month. To pressure women to testify, some prosecutors have gone so far as charging them with filing false police reports and perjury, issuing contempt-of-court citations, and, in rare instances, even jailing them. The no-drop policy has ignited fiery debate. One prosecutor argued in a recent National District Attorneys Association Bulletin that it "smacks of the worst kind of paternalism." In Westchester County, N.Y., Judge Jeanine Ferris Pirro retorts, "Some jurisdictions allow a victim to drop charges, and that's sending a subtle message that they don't take the crime seriously."

Not surprisingly, a no-drop policy often puts prosecutors at odds with the same activists who are demanding that the justice system go after batterers. Susan Schechter, author of "Women and Male Violence," contends that such a policy can erode a battered woman's sense of self-esteem and control, "particularly when she has a good sense of her own danger and what's best for her and the kids." Pence says that in Duluth, D.A.I.P. has managed to cut the dual-arrest rate way down. "We trust our system," she says, "so we're willing to force a woman into it." But Pence doesn't condone mandatory arrest or no-drop prosecutions unilaterally.

While tougher policies have diverted more cases into criminal court, women who just want their abusers out of the house but not sent to jail seek relief through a different route: the civil order of protection, which limits the batterer's contact with the woman and her children. Applying for such an order

can be a labyrinthine undertaking--even on a good day. Every jurisdiction has its own criteria for who qualifies, as well as for the duration of the protection order. Women with mixed feelings about getting the order in the first place can quickly become frustrated.

And judges become frustrated with them. Gender bias studies of various state court systems have sharply criticized judges for penalizing battered women. In Duluth, the D.A.I.P. targeted the judiciary. "We explained why they were seeing what they were seeing," Pence recalls. "They were interpreting a woman's fear as ambivalence and masochism. We showed them what happened in cases when they just gave a guy a lecture or a fine." Now she occasionally trots out one or two Duluth judges on her judicial-training sessions around the country. One grumbles fondly that "Ellen Pence is turning us into feminist tools."

Judge Robert V. Campbell of Duluth's District Court presides over most of its order-of-protection hearings. If a woman fails to appear in court because her abuser may be present, "I'll continue the order for a month or so, on the theory that she's being intimidated," Campbell says. A Duluth woman named Brenda Erickson, whose request for an order against her husband alleged that he'd raped her, had her first brush with the justice system before Judge Campbell. Her husband's attorney argued that his client could not have raped her. "Your honor," Erickson remembers the lawyer protesting, "she's his wife!"

The judge, she says, all but leaped down from the bench, sputtering, "If she'd been raped by a stranger, would you expect her to live with him, too?" "And I thought, Oh God, he understands how I feel," Erickson says.

Six glum faces, 12 crossed arms—nobody thinks they did anything wrong, so why do they have to be here? Ty Schroyer, a D.A.I.P. group leader, assumes an expression of determined cheeriness as he greets this weeks recruits, all ordered by the court to the batterer's program. Some ground rules:

"We don't call women 'the old lady,' 'the wife,' 'that slut,' 'that whore,' 'the bitch,' 'that fat, ugly bitch.' * * *" The list quickly becomes unprintable.

"So what should we call her—'it'?" says a man who calls himself Dave, as the others snicker.

"How about her name?" snaps Schroyer, who himself was arrested nearly a decade ago for pounding his wife's head against a sidewalk.

Trying to change a batterer's behavior toward women makes pushing boulders uphill look easy. Nonetheless, at least 250 different programs around the country, filled with volunteer and court-referred clients, are having a go at it. Among them, no consensus has emerged about philosophy or length of treatment: Phoenix courts send their batterers to 12 weeks or more of counseling sessions; San Diego batterers must attend for a year.

Edward W. Gondolf, a Pittsburg sociologist who has evaluated and developed batterers' programs for 12 years, says, "We're making a dent with garden-variety batterers"—first-time or sporadic offenders—"but there's another cadre, the most lethal, who are still out of our reach." Batterers who go through the legal system should be more carefully screened, he says, and some confined. Men whom he would categorize as antisocial or even sociopathic batterers—about 30 percent—not only resist intervention, but may be further antagonized by it.

He cautions women not to be taken in when their partners enter counseling. "Counseling is the American way to heal a problem," he says. "She'll think, 'If he's trying, I should support him,' while he's thinking, 'I'll go to the program until I get what I want—my wife back.' But his being in counseling may increase the danger for her because she has got her guard down."

In Duluth, when a batterer enters D.A.I.P., officials at the Women's Coalition shelter will stay in close touch with the victim; a women who is reluctant to report another beating to police can confide in a shelter counselor, who will tell a group leader, who may confront the man in the following week's session.

Nearly half of all batterers have problems with substance abuse, especially alcohol, and D.A.I.P. group leaders often have difficulty persuading men not to blame their violence on their addictions. John J., 35, a Duluth man who once beat a marine senseless with a lug wrench, raped the women he dated and kicked the first of four wives when she was pregnant, thought he'd become violence-free after going through the D.A.I.P. batterers' program and Alcoholics Anonymous. One night several years later, though sober, he shoved his third fiancee so hard that she went flying over a coffee table. "Men have more courage when we're drunk," he says, teary-eyed with shame, during an interview. "But the bottle didn't put the violence there in the first place."

Why do men hit women? "Men batter because it works," says Richard J. Gelles, director of the Family Violence Research Program at the University of Rhode Island. "They can not only hurt a women but break down her sense of self-worth and belief that she can do anything about it."

Some programs use a therapeutic approach, exploring family history. Others employ a model inspired by the psychologist Lenore Walker's "cycle of violence" theory of battering: the man goes through a slow buildup of tension, explodes at his partner and begs her forgiveness during a honeymoon period.

But Pence criticizes both approaches for failing to confront a batterer's hatred of women, as well as his desire to dominate them. Duluth's 26-week program is divided in two sections. The first, usually run by a mental-health center, emphasizes more traditional counseling that tries to teach men to walk away from their anger. The second, run by D.A.I.P., provokes men to face up to their abuse and to identify the social and cultural forces underlying it. (In 1990, Duluth sent 350 men through its program. By comparison, Victim Services in New York City sent 300.)

Bill, 30, admits that he once believed "you were allowed to hit a woman if you were married—the license was for possession." A sense of entitlement pervades the men's groups: When Schroyer asked one man why he cut telephone cords in his house, the man shouted, "Why should she talk on something I paid for?"

Duluth batterers don't necessarily have to slap, punch, choke, kick with steel-toed boots or crush empty beer cans against a cheekbone to keep their partners terrified. During arguments, abusers will floor the gas pedal, clean hunting rifles or sharpen knives at the kitchen table, smash dishes and television sets, call her office every two minutes and hang up. One man smeared a peanut butter and jelly sandwich in his wife's hair. One woman's ex-husband wrote her phone number in the men's rooms of Duluth's seediest bars, with an invitation to call for a good time.

Then there are the outright threats. If she leaves him, he'll tell child-welfare services that she's a neglectful mother. Or he'll kill her. Or himself.

Schroyer and the other group leaders stress that when the violence does erupt, contrary to a batterer's favorite excuse, he has not lost control. "You chose the time, the place, the reason, how much force you'd use," Schroyer tells them. "She didn't."

But convincing men that they are better off without that control is perhaps the most challenging impediment to treatment. One night a batterer huffily asked, "Why should men want to change when we got it all already?"

Brenda Erickson, one of the Duluth women who appeared before Judge Campbell, had been thinking about leaving her husband, Mike, for a long time, Mike had always told her that she was fat, ugly and stupid, and besides, no man would want a woman with three children, so she'd better stay with him. Brenda never thought she was a battered woman, because Mike had never punched her.

The social psychologist Julie Blackman points out that a byproduct of the attention given to the Lisa Steinberg tragedy several years ago is that the public now mistakenly associated battered women with the smashed, deformed face of Hedda Nussbaum. Susan Schechter finds that many abused women who are not as bloodied as the character portrayed by Farrah Fawcett in "The Burning Bed" do not believe they deserve aid. "Many battered women see themselves as strong, as keeping together a family, in spite of what's going on," Schechter says.

Mike often assured Brenda that if he went to jail, it wouldn't be for wife-beating—it would be for her murder. When he was angry, he would shatter knickknacks or punch a hole in the wall right next to her head. Brenda is 5 foot 1 and Mike is 6 foot 3. "Imagine an 18-wheeler colliding with a Volkswagen," she says. "So I learned how to say 'yes' to him, to defuse situations."

Over the eight years of their marriage, the family subsisted on welfare and Mike's occasional earnings as a freelance mechanic. In the final years, Brenda cooked in a restaurant, worked as an aide for Head Start and cared for their three sons. According to Brenda, Mike chose not to seek a full-time job in order to keep an eye on her. She couldn't even go to the grocery store alone.

Frequently, he raped her. "He'd rent pornographic films and force me to imitate them." Brenda says. The sex was often rough and humiliating. "He thought that if we had sex a lot I wouldn't leave him." Mike acknowledges that there was "mental abuse" in their marriage, but not what he'd call rape. "I'm oversexed, but there's nothing wrong with that."

A friend at work, sensing Brenda's distress gave her the number of the Women's Coalition shelter. Brenda would call anonymously, trying to figure out if she could possibly escape. Finally, she just picked a date: Feb. 9, 1988.

That morning, she told Mike she was taking the kids to school. Once there, a shelter official picked them up. When Brenda walked into the handsome Victorian house filled with women and children, she felt an overwhelming sense of relief.

Women stay in abusive relationships too long for many reasons. Susan Schechter says it can take years before physical abuse starts, even longer for a woman to learn "not to blame herself or his lousy childhood for his violence." Brenda refused for years to be-

lieve her marriage wasn't working. Another Duluth woman, who endured a decade of stitches and plaster casts, sobbed, "We did have some wonderful times, and he was my entire world."

Some women stay because they may have reasonable expectations that they will die leaving. As many as three-quarters of the domestic assaults reported to authorities take place after the woman has left.

Some women stay because they can't afford to leave—or because, long since alienated from friends and family, they have no place to go. There are about 1,200 shelters scattered across the country, many reporting that they must turn away three out of every four women who ask for help. Duluth's shelter can house up to 30 women and children; the shelter of Las Vegas, Nev. (population: 850,000), has only 27 beds.

But when Brenda finally made the decision to leave, she had more options than most battered women in the country—the full resources of the shelter and D.A.I.P. were available to her. Shelter staff members screened her phone calls, and Pence spoke with Mike on Brenda's behalf; she joined a women's support group, and a counselor led her through the first of what would be many appearances before Judge Campbell in family court. But things did not go smoothly.

Mike did manage to complete the batterers' group program and made several passes through substance-abuse treatment. Yet, even though Brenda had filed for three separate orders of protection, the net effect was negligible: she claims to have suffered harassing phone calls, slashed tires and broken car windows. D.A.I.P. officials pressed police to investigate, but because the officers never caught Mike on the premises, he was never arrested.

After the divorce was granted, they continued to battle over visiting the children. Brenda had ultimately left Mike because of her children—the eldest, then in kindergarten, was already angry and traumatized. Research indicates that children exposed to family violence are 10 times as likely to be abused or abusive in adult relationships.

Two years ago, D.A.I.P. opened a visitation center at the Y.W.C.A. for noncustodial parents whom the court has granted supervised time with their children. The entrances and exits are such that neither parent has to see the other, and, under the watchful gaze of a D.A.I.P. staff member, parent and children have the run of two large living rooms, a small kitchen and a roomful of toys. This is where Brenda's boys have been seeing their father and his new wife.

Brenda Erickson is now an honor student at the University of Minnesota in Duluth, majoring in family life education. "Mike has some good qualities," she allows, "but this sure as hell beats walking around on eggshells. The boys and I are so much more relaxed and able to love each other. And I found a strength I never knew I had."

On a Friday night last fall, Mike Erickson was finally arrested for domestic assault and violently resisting arrest. The victim was not Brenda, however, but his new wife, Deborah, and her teen-age son. In the ensuing brawl, it took four officers and a can of Mace to get him into the squad car, as he howled: "I wasn't domesticating with her. I was drinking!" He pled guilty to all charges and served 36 days on a work farm. Mike is now enrolled in the D.A.I.P. program. "That night I pushed my stepson and backhanded my wife because she pulled the phone out and I got irritated," he says. "It's hard for me to shut up when I get going."

But Deborah Erickson refused to file charges against Mike or even to speak to a volunteer from the Women's Coalition. She has been in abusive relationships before, but she's certain this marriage is different. "I told the cops, 'Hey, it happened, but it's not happening again.'"

Those who are in a position to help battered women tend to deny the gravity of the problem. "Doctors still believe the falling-down-stairs stories, and clergy still tell women to pray and go to a marriage counselor," says Anne Menard of the Connecticut Coalition Against Domestic Violence.

But Congress has begun to act. In 1990, it passed a resolution, adopted by 30 states, urging that domestic violence by a parent be a presumption against child custody. The most dramatic policy reform, however, may be Senator Joseph R. Biden Jr.'s pending Violence Against Women Act, which proposes, among other things, to stiffen penalties for domestic abusers.

But while the use of the criminal-justice system to quash domestic violence has gained currency around the country, Ellen Pence's advice to women in battering relationships is simply this: leave. Leave because even the best of programs, even Duluth's, cannot insure that a violent man will change his ways.•

A HOME RUN FOR LOUISVILLE'S SLUGGERS

• Mr. FORD. Mr. President, while we seem to be continuously barraged with stories on the hardships and difficult economic problems faced by our Nation's cities, it is refreshing to hear that there is a road map to success as shown by the exciting growth of Kentucky's largest city, Louisville.

The hard economic times faced by our country have presented all of America's cities with serious and demanding challenges. Louisville and the surrounding area have met these challenges head on by combining resources and working as a team. Through innovation, accountability, cooperation and just plain hard work, Louisville has become a shining example for the country of how working together as a community can resuscitate our Nation's cities.

There is no doubt that Louisville's movers and shakers have been rewarded for all their efforts and are to be commended. I believe that countless other communities can learn from their example. I hope you all take time to read the well deserved National Journal article, which I would like to be printed in the RECORD in full.

The article follows:

A HOME RUN FOR LOUISVILLE'S SLUGGERS

(By Neal R. Peirce)

LOUISVILLE.—In the midst of a biting national recession, here's one community that's been fixing some of its bad old habits and finding new ways to keep its head above water. And while many of the nation's major urban areas have been stagnating or even shrinking, here's one that's actually been growing.

Reversing a dramatic loss in manufacturing jobs in the early 1980s, the Louisville market area in the past five years has been gaining an average of 10,000 jobs a year. And its residents' real earnings have grown 9 per cent in the past three years.

In the mid-1970s, there was a public uproar over school busing, and in the early 1980s, Louisville was dubbed "Strike City" for its contentious labor relations. But now, the city's schools are being hailed as some of the best in America, and the relations between management and workers are mill-pond quiet.

What happened? How did Louisville turn the tide? Are the city's movers and shakers smart, or just plain lucky?

As it turns out, there was no panacea, no single solution to the problems that ailed this city. Many efforts came together to build a more cohesive and cooperative community—a community, in fact, that's emerged as a thought-provoking model for cities and regions whose leaders feel as if they've slipped their moorings and lost control in this recession.

Leaders here say that they've achieved a kind of restructuring, or *perestroika*, of the area's economy. As Paul Coomes of the University of Louisville put it, "The city is now known more for artificial-heart surgery than for smokestacks, more as a world air hub for United Parcel Service than for barge and rail traffic."

Politics was part of the transformation. In a community that had gone through two rather bitter city-county merger fights, Jerry Abramson, the mayor, and Harvey Sloane, then-Jefferson County judge (the county's top executive post), cut a deal to share their wage taxes under a negotiated formula. The result: Fewer fights over which government would outbid the other for new and relocating companies.

On the industrial front, a broad coalition decided that radical action was necessary to save the area's Ford Motor Co. plant from extinction. A worker retraining program was put together with state and local government aid. And then the governor, mayor, Jefferson County judge, senior managers of the Ford plant and local United Auto Workers leaders all went to Ford's headquarters in Detroit to argue that the Louisville plant (which, ironically, once produced the ill-fated Edsel) could become the Ford system's most competitive facility.

Ford decided to keep its Louisville plant, invested $260 million in it and trained almost the entire work force in sophisticated new manufacturing techniques. Now, a program of continuous retraining—including everything from a plain-vanilla general education degree to the basics of a master's degree—are available at the plant. Workers participate heavily.

The Ford plant manufactures the husky new four-wheel-drive Explorer, the Ranger pickup truck and—amazingly—a vehicle that Japan's Mazda Motor Corp. buys and calls the Navajo.

Sitting at a table next to the assembly line and listening to Ford, union and local government representatives boast about the plant's training and productivity, one gets the feeling of watching the new approach that Americans will need to do business in the future. Here's a glimpse of a cooperative spirit, based on a mutual desire to avoid an industrial rout, that's replaced the old adversary ways.

Not wanting to leave anything to chance, the area also has a major economic promotion campaign that embraces not just Louisville and its Kentucky neighbors but counties across the Ohio River in Indiana.

On education, there's been an almost total flip-flop from the bitterness and mediocrity

that plagued the schools after the court-ordered 1974 merger of the overwhelmingly black schools here and the mostly white schools in Jefferson County.

Much of the credit apparently goes to Don Ingwerson, a soft-spoken, understated school superintendent. He set up model training procedures for teachers, pared the central bureaucracy and middle management and gave individual schools wide latitude to set up "magnet" programs and shape their own curricula.

When the state government enacted the nation's most sweeping education reform law in 1990, it looked to Jefferson County for advice.

Louisville's business community has been solidly behind the school reforms, with 700 school-business partnerships and $40 million in aid since 1980. Corporations in the area helped to buy enough computers so that the school system will graduate, in 1994, the first class trained on computers from kindergarten through high school. The next project is to buy laptop computers for the kids to work on at home.

By adopting a form of the so-called Boston Compact, Louisville sought to cut the dropout rate in return for promises of training and jobs after graduation. The "compact" failed in Boston when the schools failed to improve student performance. But in Louisville, Malcolm Chancey, the president of the Chamber of Commerce, boasts that "the school system upheld its end of the bargain."

No one should believe that Louisville is, as urban America goes, a nirvana. Last year, it had more than 11,000 homeless men, women and children. One in four children in Jefferson County lives below the poverty line.

But mostly, the community seems to be a target—and cares about a shared future. In a firm but polite way, government, industry, unions and the schools all seem to be holding one another mutually accountable. There seems to be an exciting effort here to redefine, and relaunch, the tattered American social contract.

If it can be done in a city and region with a history as adverse as Louisville's, it ought to be possible anywhere.●

AN INSIGHT INTO THE SITUATION IN ISRAEL

● Mr. REID. Mr. President, I ask that five articles by former Governor of Nevada, Mike O'Callaghan, be entered into the RECORD in full. Governor O'Callaghan has traveled to Israel a number of times, and his insight on the situation there is very sharp. I think we can all learn something from his observations.

The material follows:

[From the Las Vegas Sun, Mar. 7, 1992]

ISRAEL A YEAR AFTER IRAQ'S SCUD ATTACKS

(By Mike O'Callaghan)

RAMAT-GAN, ISRAEL.—What a difference a year can make. It was but a year ago that I left Israel, a day after the last Scud from Iraq fell on this country. Upon my return to Las Vegas last year, several of my pictures of the damage done to the cities of Tel Aviv and Ramat-Gan were published in the Sun.

During the period of these attacks, like most writers covering the situation, I was impressed with the calm approach to the entire matter by Ramat-Gan Mayor Zvi Bar. He was a voice of reason and his response to the needs of his citizens was quick and thorough.

His neighbor, Tel Aviv Mayor Shlomo Lahat, also was quick to respond but, in the process, angered many of his own citizens. Lahat called Tel Aviv residents leaving the city during the attacks "deserters." A remark that will certainly haunt him if he again seeks public office in that city.

Just prior to the end of the Gulf War, Lahat remarked that the residents who stayed behind were "beginning to treat missiles the way old soldiers treat bullets." He was proud of their response to the incoming missiles.

Both Ramat-Gan and Tel Aviv impressed me with the continuation of municipal services despite the problems caused by incoming missiles. Until the final Scud arrived, the people and their elected officials anticipated that the next missile would be carrying a chemical warhead. A poison gas-loaded missile never arrived.

Although the international press reports would have you believe that Tel Aviv was the recipient of most Scud damage, it was neighboring Ramat-Gan that was hit with the most impact. Four areas of that city were hit, one by a falling U.S. Patriot antimissile missile.

Ramat-Gan suffered one death and 128 wounded. The city also had to evacuate 780 residents from destroyed homes to nearby hotels in and around Tel Aviv. The attacks on this city made it necessary to raze and rebuild 26 buildings and 102 apartments. Because of extensive damage from the Scuds, it was also necessary to renovate 2,600 apartments in 270 buildings. Most of the renovation has been completed, but new replacement buildings, one year later, are still under construction.

Much unseen Scud damage to buildings has become evident during recent weeks as rains pour down on Israel after six years of drought. Again, as in the past, Ramat-Gan's Zvi Bar is responding to the needs of his residents as the river rises and the city builds dirt banks to hold it within its normal flow channel. As they were when the Scuds arrived in 1991, he and his city are prepared before the flood waters arrive.

The replacement apartments being constructed in this city are being built bigger than those destroyed. Bar asks, "Why should people be crowded back into apartments that were too small for them before the Gulf War?" He doesn't expect an answer nor does he apologize for putting his evacuees in five-star hotels instead of tents last year.

The popular mayor makes special arrangements for the elderly. He arranged for volunteers to aid them last year and now has taken official steps to keep them from paying higher property taxes because their new apartments are bigger than the ones they lost last year. Bar says, "Most of our elderly have suffered enough in the countries they left" before coming to Israel. He was especially concerned about those who had escaped Nazi gas chambers and then had to face Scud attacks wearing gas masks.

Visiting with Mayor Zvi Bar and the people of this city gives me the feeling that Saddam Hussein not only failed to hurt them, he actually made them stronger. The large Iraqi population of Ramat-Gan and their Kurdish mayor only wish that Desert Storm had finished the job before withdrawing from the land they once called home.

[FROM THE LAS VEGAS SUN, MAR. 6, 1992]

THE LOAN GUARANTEE STICK(BY MIKE O

(By Mike O'Callaghan)

The loan guarantee stick that President Bush and Secretary of State James Baker are holding over Israel is slowly but surely withering in their hands. More and more Israelis have reached the point where they would rather not have the loan guarantee than submit to further international political and diplomatic embarrassment.

For several years, the United States and other Western powers have been pressuring the Soviet Union to release the Jews held within its borders. Since the release of these people began a couple of years ago, Israel has been providing them homes.

For this reason, that little country has asked the United States to sign a $10 billion loan guarantee. This would require our country to set aside $300 million in case of an Israeli default. That country has never defaulted and the set-aside dollars are safe. It wouldn't cost us a cent.

Last year, Bush and Baker determined they would block any loan guarantee unless Israel stops building villages in Judea and Samaria. They made it clear they wanted the Jews to stop building to enhance the peace talks with Palestinians in this area of contention.

Not one mention was made about Muslims or Christians being allowed to continue building. The Arabs have been building and continue to build in this area as more than 150,000, including 50,000 from Kuwait, have moved into the area in recent years. The Arab population of Jerusalem has increased at twice the rate of the Jewish population.

Arab settlements in the West Bank area have been built six times more rapidly than the Jewish building programs. In addition to this, although it isn't mentioned in polite company, when Palestinian spokesperson Hanan Ashrawi demands a Palestinian nation, she means the Jews now living there will be shipped out. This is exactly what has happened to more than a million Jews who settled in Israel after being run out of Arab countries.

Almost 800,000 Arabs now live within the pre-1967 borders of a democratic Israel. There is not the same distaste for pluralism in Israel as there is in most Arab nations. The Palestinians expelled last year from Kuwait can attest to this statement.

More and more Israelis, still willing to take military and humanitarian risks for their friends in the United States, are questioning the wisdom of even having asked for the guarantee. This is especially true because Baker has made remarks that place him in the middle of the upcoming election in Israel. His remarks aren't appreciated by any Israeli and might eventually get the Likud Party and hard-liner Prime Minister Yitzhak Shamir re-elected. If left alone, there is a better-than-even chance the Israelis may replace Shamir with a more liberal Yitzhak Rabin and the Labor Party.

A recent article in the Jerusalem Post newspaper titled "Sorry we troubled you, Mr. Bush" hits at the heart of the requested loan guarantee. Shmuel Katz writes, "What is new is the brutal tone of the pressure on Israel, which has increased in decibels since the Gulf war. It is apparent that at that time, in addition to a $7 billion gift to Egypt and a maneuver adding power to Syria in an almost dechristianized Lebanon, promises were made to these allies relating to Israel.

"They were given to understand that Washington would ensure the withdrawal of Israel back to the 'Green Line' of 1949—that is, the first of the Arab dream of dismantling Israel. * * *"

In another article, writer Yohanan Ramati asks "Can the U.S. guarantee anything?"

Going even further is Professor Hertman Branover when writing, "We were naive to

turn to President George Bush for favors, considering his present domestic founderings. Facing a feverish election, an ailing economy and an illusory completion of the Gulf War, he will dictate conditions to us in the hope of regaining popularity at home. Our request for American loan guarantees invited U.S. interference, and Bush will gladly use the opportunity we have given him to force us into compromising positions."

Branover completed his article, titled "America can keep its loan guarantees," by concluding, "Israel has the potential to heal itself from within. It shouldn't let itself be pacified with superficial cures at unreasonable prices. Encouraging the health of the economy through private investment and commercial growth will prove that not getting the loan guarantees is the best remedy of all."

During the past several days in Israel, not one person asked me about the requested loan guarantee. They are concerned that they haven't seen the UNLV Rebels on television, and they go to work every day to make a better place for their children to live and to provide them shelters from the terrorists bombs and rockets.

Yes, and the Israelis will still be our friends in the Middle East and do our dirty work when our own leaders would rather not discuss the hanging and brutal slaying of American hostages or the untimely death of 241 Marines on a peacekeeping mission. The Israelis I know just don't want to be used as diplomatic and political punching bags by Bush and Baker.

[From the Las Vegas Sun, Mar. 4, 1992]

(By Mike O'Callaghan)

NORTHERN ISRAEL.—Secretary of State James Baker may have the job of foreign relations assigned to him, but I've come to believe that in the Middle East, the true friends of the United States have more respect for Secretary of Defense Dick Cheney.

Long before Baker made his first visit to Israel, exactly one year ago, he had already made up his mind about how he could and would handle the Israelis. Baker and his State Department minions had been approving sales of dangerous war-making materials for Iraq's Saddam Hussein right up until a few weeks before his army crushed tiny Kuwait.

Despite warnings from Israel, the only true democracy in the Middle East, Saddam Hussein had friends in the Bush administration, including the boss living in the White House, and Baker, the president's fellow Texan.

Following the Gulf War, the people of Israel, having held their fire at our request, believed there was hope we had learned our lesson about Middle East politics. Certainly, Saddam Hussein had taught us that he, like all dictators who held power with acts of brutality, couldn't be trusted.

However, even during the Gulf War, when Syria gave us lukewarm military support, we set the stage for even more disappointment as we turned our backs and allowed that country to complete its slaughter of Lebanese Christians. We followed the distasteful theory that it's less dangerous to kick a friend than an enemy.

We drove the Iraqi army from Kuwait. This resulted in that newly liberated country driving a least 100,000 Palestinians out of Kuwait and into nearby countries, where they weren't received with open arms. Also, the people of Kuwait held their own bloodbath to even the score with the people they believe had helped the enemy. They knew that many of the Palestinians had cooperated with the invading Iraqis.

Even during the Iraqi Scud attacks the Israelis knew that their most dangerous enemy was on their northern borders. The Syrian and Israeli border of 48 miles was being expanded to include the border of Lebanon. Also, continuing Arab terrorist attacks from within and without set the tone for more Israeli concern.

When the Scud attacks ended, it was Secretary Cheney who recognized the military problems facing Israel. Although Cheney hasn't served in the military, he's a quick study. As one prominent Israeli combat general told me, "He has the ability to understand military threats and can evaluate dangerous political and military situations." What he was telling me was that Dick Cheney is a bright man with a wealth of common sense, probably developed in the open spaces of Wyoming.

The Israelis believe the only reason that Syria hasn't attacked their country in recent years is because of their past invasion failures. Also, they no longer have big brother in Moscow backing them up as they have for the past decades.

But has Syria's hate and hope for the destruction of Israel mellowed? Hardly; in fact, that country has gone on a military spending spree with money given them by the oil states. A spending spree unmatched by any other country in that area of the world.

"Missiles launched from central Syria can now be delivered accurately on 98 percent of our population," an Israeli military officer told me. Then he pulled a map from a roller on the wall that showed Syria and the location of that country's weapons and its regular army and air force units.

Here are the notes I took during the briefing on Syria:

Seven tank divisions;

Three mechanized divisions;

One commando division;

Eight independent commando regiments, made up of 95 percent regular military, as compared to Israel's forces of only 10 percent regulars.

Also listed are 69 Syrian surface-to-surface missile launchers, with 600 missiles, of which 100 have chemical warheads; 302 combat helicopters; 698 combat aircraft, including the latest Soviet MiG 29s; 4,508 tanks, including 1,150 Soviet T-72s; 4,158 armored personnel carriers; 201 self-propelled long-range artillery pieces; plus 1,774 towed guns and 3,750 anti-aircraft guns.

Time and time again, Israel has raised the red flag as Syria's Hafez Assad continues to shop for more offensive weapons. Right now, many of the better military minds in this country believe the only people listening to them are U.S. military people and Secretary Dick Cheney.

"I have only one assignment and that is to defend Israel. We sit here and watch them build up their army," a general told me. Then he added, "Syria is also using Lebanon as an area to harbor terrorists to strike into Israel. That's why it's necessary for us to maintain a security zone of 1½ to six miles."

When landing in Tel Aviv 11 days ago, my civilian airliner had to circle over the area Secretary James Baker wants Israel to abandon to the Palestinians. The same Palestinians who only last year stood on their rooftops and cheered as Iraqi Scuds flew overhead on the way to heavily populated Israeli cities. As we dropped down to land during a thunderstorm, I was happy that these same people weren't beneath me with a small antiaircraft missile.

Some GOP leaders believe that James Baker is needed to aid President Bush in his re-election campaign. Baker is a proven successful political operator who also enjoys traveling in the world of high diplomacy. If he is brought back into the 1992 campaign, it could be a blessing in disguise for both George Bush's political future and our success in foreign affairs in the Middle East.

Right now, Baker is steering us down a highway leading to severe future problems. It's time for someone like Dick Cheney to get us back on the road of common sense, guided without ideas conceived from ignorance.

[From the Las Vegas Sun, Feb. 29, 1992]

FOUND: ISRAEL'S MOST VALUABLE RESOURCE

(By Mike O'Callaghan)

METULLA, ISRAEL.—A year ago this week, following the delivery of Saddam Hussein's 80th and final Scud, I left Tel Aviv for Las Vegas. That ended my ninth trip into this country and, although I had come close, my search for the true spirit of this little nation hadn't been successful.

The quality of a people rises to the top during times of economic pressure and/or physical danger. The response of Israelis during the Scud assaults on Tel Aviv and Ramat Gan last year was superb. Watching them bring their babies and pets into the sealed rooms in the middle of the night was a heartwarming experience. There was even time for a joke or two before the all-clear siren would tell us the Scud had fallen where it would do us no harm.

Last week, this northern section of Israel was rocked by 150 Katyusha rockets fired across the border from Lebanon. The border towns of Kiryat Shmona and Metulla bore the brunt of these attacks.

Heavy snows have covered some of the damage done by 122mm and 240mm Soviet-designed rockets. However, the water from melting snow pours through the hole a rocket made in the Kiryat Shmona bus depot. It hit the concrete roof at high noon as people lined up for their tickets and rides. The explosion wounded 15 people with flying concrete and debris. Despite the interruption, the efficient Israeli bus system was soon back on schedule.

The rocket attacks usually came at night. "They came three times a night with five to nine rockets in a salvo," the city clerk told me. The people of Kiryat Shmona, a city of 20,000 people including 3,000 refugees from Russia and Ethiopia, didn't leave town.

A city security man believes the recent heavy snows have been a greater hindrance than the rocket attacks when considering the city's vital services. The markets remained open and so did the movie theater.

The local schools also remained open. When the one salvo came in at the noon hour, the youngsters went to the shelters. They left for home at the regular dismissal time and were back in school the next day. Many of the youngsters who have been raised in this area have been under fire in past years.

As we drove up the road from Kiryat Shmona to Metulla, the snow became deeper and more trees with branches broken by the wet snow lined the road.

Today, Metulla, buried in three feet of snow, looks like a mountain village about to host the Winter Olympics. Surprising as it may seem, some Russian refugees have built an indoor ice rink here and are teaching Israeli children how to skate and play hockey.

While France was hosting the Winter Olympics, this tiny town was receiving rock-

et fire from an unseen enemy across the barbed wire fence in Lebanon.

Nearby, a little girl, running out to greet her father, was killed by an exploding rocket.

Her death is on the minds of all the local people. In fact, the death of this child is on the mind of every Israeli. Life is most precious to those who live next door to death.

Up the Lebanon road from Metulla, only one lane was cleared of snow, and the snow banks along the road are three and four feet high.

Ahron Davidi, my friend, was telling me that even Israeli vacationers refuse to leave Metulla when the rockets came in last week. Just then, we came around a corner in the road and that's when I saw the true spirit of Israel.

From a large bus, two dozen children were tumbling and running up a nearby hill. Some of the smaller youngsters had to struggle to move through the drifted snow. Everybody was laughing while throwing snowballs and making snowmen.

Davidi immediately identified them as children from a kibbutz in the valley where it was raining and well below the snow line. It was their time to play in the snow, and none of them even noticed or cared that the tangled barbed wire on the other side of the road was all that separated them from the very serious world of war and terrorism.

Last week, those same children had gone to the "safe" room in their homes at night and had probably heard exploding Katyushas. No doubt they knew that one child their age had died from the wounds caused by a rocket. They had heard about past attacks and even wars from their parents and older brothers and sisters.

Like the rest of their friends and family, they know that this is serious business and, unlike small children who only know war from television and movies, they know that exploding rockets and shells can mean pain and even death. It can mean the loss of a family member or a playmate. The pain doesn't go away when the movie theater lights go on or the television set is turned off.

What's next in life for them? They aren't planning to run away or hide. This is but a small part of their very full lives. It's a good life, and they love every minute of it.

Right now, it's time to play in the snow and see just how far a snowball can be thrown. Maybe one can be thrown all the way over to where the teacher is standing.

Yes, I found the spirit of Israel on a hillside near the Lebanon perimeter fence. It's no wonder the people of Israel are so proud of their greatest strength and resource—their children.

[From the Las Vegas Sun, Feb. 22, 1992]

ISRAEL WON'T FORGET TERRORISTS' ACTIONS

(By Mike O'Callaghan)

Pardon me if I'm not upset over the killing of the pro-Iranian Hezbollah (Party of God) leader, Sheik Abbas Mussawi, in South Lebannon. I am sad that his wife and child were with him.

Hezbollah and other Arab terrorist groups have made a practice of being surrounded by women, children and other non-combatants. During the street fighting in Beirut, army and terrorist units would put a hospital on the top floor of a building and their arms and communications systems in the basement.

The same practice was common during the Gulf War in Iraq. That's exactly how insiders tell me the civilians died in a designated military bunker hit by allied bombs. After it was bombed, pictures were developed for propaganda purposes.

Time and again, Israel raiders have gone long distances to take out terrorist leaders and have left other family members alive. This can't be done when the target is in a vehicle convoy which can only be hit from the air.

Mussawi has bragged several times about his men who were martyred when driving high explosives into the U.S. Marine barracks more than eight years ago. The resulting explosion killed 241 peacekeeping Americans. Other Hezbollah drivers pulled the same stunt at a nearby French peacekeeping base, killing 60 paratroopers.

The Hezbollah also have earned credit for the torture and eventual strangling of Marine Lt. Col. William R. Higgins. That took place more than three years ago, but his body was dumped beside a dusty Beirut highway only a few short months ago.

After Higgins was taken hostage, the Israel Defense Forces went into Lebanon and captured the Hezbollah cleric and commander in that area, Sheik Abdul Karim Obeid, who remains in their hands.

The Hezbollah hold Israeli airman Ron Arad captive and have refused to follow through with his release despite the Israeli release of numerous Arab soldiers and terrorists. Also, two wounded Israeli soldiers have died in the hands of Hezbollah members.

The Israelis live in a tough neighborhood where force is the only thing that gets the attention of extremists pledged to drive the Jews into the sea. It's evident that they live and survive by following the advice of Higgins' widow, Marine Major Robbin Higgins, who, following the return of his body, said, "If we forgive, if we forget, if we thank these savages, then we are merely inviting them, at a time and place they will select, to kill again."●

OPENING OF A SUBWAY STORE IN JAPAN

● Mr. LIEBERMAN. Mr. President, I am very pleased to draw my colleagues' attention to an important new partnership between Subway Sandwiches and Salads, a Connecticut-based United States company, and Suntory Ltd., a Japanese company.

Very shortly, Subway will be opening its first store in Japan. Four more are set to open within the next 6 months. Subway is the world's fastest growing franchise, with more than 6,300 stores oporating in 10 different nations.

Subway's Japanese business partner, Suntory, has been very successful in introducing Japanese consumers to a number of well-known American products such as Haagen Dazs Ice Cream, Campbell's V-8 Vegetable Juice, and MacGregor golf equipment.

My service on the Small Business Committee's Subcommittees on Competitiveness and Economic Opportunity and Export Expansion, has made me well aware of the severe toll this recession has taken on American companies, large and small. I am convinced that the long-term stability and vitality of our economy rests squarely on the ability of our producers to develop firm footholds in the foreign marketplace. In this regard, I was particularly pleased to learn of Suntory's plans to import a broad array of U.S. goods—from ovens, cooking utensils and cups and counters, to the baking dough and actual food ingredients—from the United States.

I wish both companies the best in their new undertaking.●

FIRST IN SAFETY WINNERS

● Mr. HOLLINGS. Mr. President, I rise today to extend my congratulations to the 12 companies that were named the winners of the American Textile Manufacturers Institute's national "First in Safety" contest.

Mr. President, the American textile industry is the most competitive, and the most productive, in the world. Billions of dollars in new investment has been poured into research and development, and plant, and equipment. This new investment pays an added dividend, in that it creates a safer workplace for the hard-working men and women who warn a decent wage in my State's textile industry.

I congratulate Alice Manufacturing Co. Inc., in Easley, SC; Arkwright Mills in Spartanburg, SC; Springs Industries in Fort Mill and Tietex Corp. of Spartanburg, recipients of first place awards for outstanding performance in employee safety and health.

I also congratulate Clinton Mills, of Clinton, SC, who received an award for the most improved performance in employee safety and health.

In addition, I congratulate Arkwright Mills and Tietex, for their receipt of awards for zero lost time from accidents and illness.

Mr. President, I only wish that our competitors abroad made the same commitment to worker health and safety. This is a distinguished record and we are very proud of these South Carolina companies and their employees.●

RECYCLED PAPER

● Mr. FORD. Mr. President, 3 years ago when I was chairman of the Joint Committee on Printing we rewrote the specifications of the Government uses to buy printing and writing papers. The conversion of the Federal Government to recycled paper began.

We eliminated the impediments the old specifications created for the purchase of recycled papers.

We adopted and then expanded on the Environmental Protection Agency's requirements for the purchase of recycled paper.

And I am pleased to tell you we have made some measurable progress. Today 95 percent of the printing and writing paper the Government Printing Office buys is recycled.

The recycled paper we are buying today is significantly less expensive than the virgin fiber paper we were

buying before this program went into effect.

In the last few weeks the Government Printing Office has taken its first delivery of recycled newsprint for the CONGRESSIONAL RECORD and Federal Register. I am told this is GPO's biggest single paper buy and this newsprint is 100 percent post consumer waste, this is exclusively out of the waste stream.

It is my judgment that Congress and to a lesser extent the executive branch is making a serious effort to use writing and publishing products that get the job done and at the same time do less to harm our environment while costing the taxpayer less.

But more can be done in Government and should be. For that reason I have asked that the Government's use of recycled paper and its cost be made public on a quarterly basis. Those of you who are concerned can see where progress is and is not being made. And we all have some sort of bench mark so we can move this program through its final phase and maximize the benefits.

I am attaching the first quarterly report on recycled paper prepared by the Public Printer of the United States.

The report follows:

Federal use of recycled paper

Total amount paper and envelopes used by the Federal Government in this quarter (October, November and December 1991):	
Paper (pounds)[1 2 3]	21,740,279
Envelopes (each)[1]	26,163,650
Cartons (each)[1]	367,477
Cost	$9,471,880
Amout of recycled paper and envelopes used by the Federal Government in this quarter (October, November, December 1991):	
Paper (pounds)[1 3]	13,587,549
Envelopes (each)[1]	25,378,741
Cartons (each)[1]	367,477
Cost	$6,560,021

Federal use of recycled paper 1 year ago

Total amount of paper and envelopes used by the Federal Government in this quarter (October, November, December 1990):	
Paper (pounds)[1 2 3]	22,630,444
Envelopes (each)[1]	27,880,435
Cartons (each)[1]	349,981
Cost	$11,299,963
Amount of recycled paper and envelopes used by the Federal Government in this quarter (October, November, December 1990):	
Paper (pounds)[1 3]	14,442,644
Envelopes (each)[1]	27,044,022
Cartons (each)[1]	349,981
Cost	$7,911,898

Quarterly paper inventory (October, November, December 1991)

Amount of paper GPO currently has on hand:	
Paper (pounds)	23,468,357
Envelopes (each)	22,717,013
Cartons (each)	336,441
Cost	$10,874,928
Amount of recycled paper on hand:	
Paper (pounds)[3]	18,074,089
Envelopes (each)	22,035,503
Cartons (each)	336,441
Cost	$8,861,729

[1] Includes direct shipments.
[2] Includes xerographic paper.
[3] Includes recycled xerographic.

NOTE.—The above data does not include figures for printing procurement. The amount of recycled usage does not include virgin xerographic paper or virgin newsprint.●

ST. PATRICK'S DAY

● Mr. SIMON. Mr. President, yesterday, March 17, 1992, we honored St. Patrick, the patron saint of Ireland. St. Patrick was responsible for bringing Christianity to the Emerald Isle. We celebrate St. Patrick's Day to honor the Irish, and to pay tribute to their outstanding contributions to America.

The success of Irish-Americans is deeply embedded in the history of our country. Nine men with Irish blood signed the Declaration of Independence and thousands of Irish-Americans have given their lives for the preservation of our country, dating back to the Revolutionary War. Irish-Americans contributed to the expansion of the United States in the 1800's by extending the railroads westward and giving cities like Chicago, New York, Boston, St. Louis, Savannah, and many other rich ethnic communities. Finally, the long tradition of Irish-American dedication to public service in local, State, and Federal government has gotten many young people over the years involved in our political process.

Late last year, I was pleased to introduce a resolution making March 1992, Irish-American Heritage Month. We are now celebrating with month-long events. But this month, and St. Patrick's Day in particular, should not only be a time to reflect on past accomplishments. We should also look to the future and resolve to fix certain problems that loom on the horizon. Needless violence pervades Northern Ireland and continues to keep a people unnaturally divided. I hope all parties involved can search for a peaceful solution to their differences. And we ought to be involved and play a constructive role for peace.

Mr. President, I wish the people of Ireland and all Irish-Americans well on their special day of March 17.●

WING AND LILLY FONG DEDICATION

● Mr. REID. Mr. President, recently the first elementary school in Nevada to be named for Chinese-Americans was dedicated to Wing and Lilly Fong. These two outstanding citizens have contributed greatly to education in Nevada, and it is fitting that a school be named for them.

Mr. President, I ask that a page from the dedication ceremony program and a newspaper article about the dedication be entered into the RECORD in full.

The material follows:

WING AND LILLY FONG ELEMENTARY SCHOOL DEDICATION

As an immigrant from Canton, China, Wing Gay Fong came to the United States at the age of 13. He attended the third grade in Las Vegas at the Fifth Street Elementary School where he worked to catch up. He skipped several grades in order to graduate with his classmates from Las Vegas High School in 1946. Wing attended Woodbury College in California, where he earned a Business Administration degree in three years, and met his future wife, Lilly Ong Hing. Wing and Lilly married in 1950 and have two children, Kenneth and Susan, who are both UNLV graduates.

Returning to Las Vegas Mr. Fong joined the firm of Pioneering Distributing and later the Las Vegas Bottling Company until he opened his own grocery store on South First and Gass Streets. In 1955, he opened the town's first specialty restaurant and shopping center on East Charleston Boulevard. He is currently president of Wing Fong's Enterprises—finance, investment and real estate development. He is a director of Nevada State Bank.

Wing Fong consistently engaged in civic and philanthropic activities, donating time as well as money. One entire day's proceeds from his business was donated to the Optimist Club for youth work and another day's receipts went to Nevada Southern University (now UNLV) library for needed books and reference materials. In 1968, he was chairman of the Grand Founders Fund Drive for the NSU Center of the Performing Arts; he has served as a director of the Greater Las Vegas Chamber of Commerce; Chairman of the National Conference of Christians and Jews; Director of the Las Vegas Rotary International Club; member of the Civilian Military Council; Trustee of the Las Vegas Presbyterian Church; and Chairman of St. Jude's Children's Home in Boulder City.

Hard work and dedication have marked Lilly Fong's involvement in a community service with UNLV for the past 30 years. She served as regent for the University of Nevada system from 1974–1985. She has also served as past state president, American Association of University Women; past vice-chairman, Governor's Commission on the Status of Women; member of U.S. Small Business Advisory Council; member of Opportunity Village Advisory Board; and member of the Los Vegas Symphony Board of Directors.

The Fong's long-standing support of excellence in higher education is marked by philanthropy and leadership. Lilly Fong's fund raising efforts for Judy Bayley Theater, Artemus Ham Concert Hall, and Alta Ham Hall, resulted in fine arts centers which have enriched the cultural lives of many Nevadans. To further the appreciation of Chinese art, Lilly & Wing commissioned the Chinese classical artist, Hau Pei-Jen, for six historical and legendary landscapes in the Ham Hall lobby. In 1985, Mr. and Mrs. Fong donated $250,000 to UNLV and Community College. In that same year, Lilly Fong was honored as a Partner for Progress by the Nevada Society of Professional Engineers.

Is it any wonder we are honoring this couple tonight. Their dedication and support for the City of Las Vegas and their involvement

in the education of our children has made them two of the most respected and accomplished community leaders in Southern Nevada.

[From the Las Vegas Sun, Feb. 19, 1992]

400 ATTEND FONG ELEMENTARY SCHOOL DEDICATION

(By Elizabeth Fott)

Fighting storms and construction chaos, more than 400 friends streamed in out of the night to participate in Wing and Lilly Fong Elementary's dedication ceremonies.

Clark County School Board President Dr. Lois Tarkanian gave formal welcome to guests and fellow speakers, including Nevada's Secretary of State Cheryl Lau, Superintendent Dr. Brian Cram, Congressman Jim Bilbray and the Fong children, Susan and Kenneth, who each gave personal insights into this remarkable couple.

Wing Fong, a longtime resident involved in banking and real estate development, is well matched by his wife Lilly, a university regent (1974-85), current advisor to UNLV's Institute of Real Estate Studies and past president of church and social organizations.

Phil and Patsy Riner, Mildred Gomes, Tony and Rosalee Wirtz and Dr. Anthony Saville were joined by Judge Don Mosley, Marcia and Tola Chin and Dr. Jim and Pilar Lum in extending best wishes.

Wing's former classmates, Al and Helen Storey and Toni and Bill Lawry, enjoyed cake, punch and fond remembrances with Lilly's sister Minnie Fong and cousins Doris Lee, Fred Ong, Teresa Moy, Helen and David Brom and Albert and Linda Lam. Greeting friends nearby were son-in-law Richard Brattain with Oran and Bonnie Gragson, Dr. John and Harriet Batdorf, Ken and Betty Miller and Pat Cardinalli with Susie Sweeney. Slipping in during the reception to join wife Bonnie for personal words of congratulation was Sen. Richard Bryan.●

FIRST RECIPIENTS OF EFF PIONEER AWARDS

● Mr. D'AMATO. Mr. President, I rise today to honor five outstanding individuals who will receive the first annual EFF Pioneer Awards for substantial contributions to the field of computer-based communications.

Douglas Engelbart is one of the original moving forces in the personal computer revolution who is responsible for many ubiquitous features of today's computers such as the mouse, the technique of windowing, display editing, and many other inventions and innovations. He is highly recognized in his field as one of our era's true visionaries.

Robert Kahn was an early advocate and prime mover in the creation of ARPANET which was the precursor of today's Internet. Since the late sixties and early seventies Mr. Kahn has constantly promoted and tirelessly pursued innovation and heightened connectivity in the world's computer networks.

Tom Jennings started the Fidonet international network. Today it is a linked network of amateur electronic bulletin board systems with more than 10,000 nodes worldwide and it is still growing. He is currently editor of FidoNews, the network's electronic newsletter.

Jim Warren has been active in electronic networking for many years. Most recently he has organized the First Computers, Freedom and Privacy Conference, set up the first online public dialog link with the California Legislature, and has been instrumental in assuring that rights common to older mediums and technologies are extended to computer networking.

Andrzej Smereczynski is the administrator of the PLEARN node of the Internet and responsible for the extension of the Internet into Poland and other East European countries. A network guru, Mr. Smereczynski has worked selflessly and tirelessly to extend the technology of networking as well as its implicit freedoms to Poland and neighboring countries.

These gentlemen will be receiving their awards at a ceremony to be held tomorrow at the L'Enfant Plaza Hotel. Mr. President, I ask you to join with me in congratulating these individuals on their outstanding contributions and in wishing them much success in the future.●

RELIGIOUS VALUES AND PUBLIC POLICY

● Mr. HATCH. Mr. President, in one of the most important talks given in Washington during this past year, Elder Dallin H. Oaks of the Quorum of the Twelve Apostles of the Church of the Latter-day Saints, on February 29, 1992, spoke about the interesting roles of the church vis-a-vis the State.

His discussion concerning church participation in public debate on political issues is particularly sensitive and compelling. I believe that many will be very interested in these remarks.

Elder Oaks was a justice of the Utah Supreme Court before his calling as one of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints. These remarks, which will follow my statement, are a melding of his legal and religious background into some excellent answers for the benefit of our society:

RELIGIOUS VALUES AND PUBLIC POLICY

(By Elder Dallin H. Oaks)

Last April my Church duties took me to Albania. Elder Hans B. Ringger and I were some of the first Western visitors to that newly opened country. We conferred with government officials about the reception our Church's missionaries would receive in Albania, which had banned all churches in 1967. They told us the government regretted its actions against religion, and that it now welcomed back churches to Albania. One explained, "We need the help of churches to rebuild the moral base of our country, which was destroyed by communism." During the past 12 months I have heard this same reaction during discussions with government and other leaders in Bulgaria, Romania, Russia, and Ukraine.

In contrast, consider what we hear about religion from some prominent persons in the United States. Some question the legitimacy of religious-based values in public policy debates. Some question the appropriateness of churches or religious leaders taking any public position on political issues.

Provoked by that contrast, I will use this occasion to speak about the role of religious-based values and religious leaders in public policy debates. As you are aware, I have some experience in law, public life, and church leadership. What I say is my personal opinion, and is not a statement in behalf of The Church of Jesus Christ of Latter-day Saints.

I. QUESTIONS OF RIGHT AND WRONG

Fundamental to the role of religion in public policy is this most important question: Are there moral absolutes? Speaking to our BYU students last month, President Rex E. Lee said:

"I cannot think of anything more important than for each of you to build a firm, personal testimony that there are in this life some absolutes, things that never change, regardless of time, place, or circumstances. They are eternal truths, eternal principles and, as Paul tells us, they are and will be the same yesterday, today and forever."

Unfortunately, other educators deny the existence of God or deem God irrelevant to the human condition. Persons who accept this view deny the existence of moral absolutes. They maintain that right and wrong are relative concepts, and morality is merely a matter of personal choice or expediency. For example, a university professor reported that her students lacked what she called "moral common sense." She said they believed that "there was no such thing as right or wrong, just good or bad arguments. In that view, even the most fundamental moral questions have at least two sides, and every assertion of right or wrong is open to debate.

I believe that these contrasting approaches underlie the whole discussion of religious values in public policy. Many differences of opinion over the role of religion in public life simply mirror a difference of opinion over whether there are moral absolutes. But this underlying difference is rarely made explicit. It is as if those who assume that all values are relative have established their assumption by law or tradition and have rendered illegitimate the fundamental belief of those who hold that some values are absolute.

One of the consequences of shifting from moral absolutes to moral relativism in public policy is that this produces a corresponding shift of emphasis from responsibilities to rights. Responsibilities originate in moral absolutes. In contrast, rights find their origin in legal principles, which are easily manipulated by moral relativism. Sooner or later the substance of rights must depend on either the voluntary fulfillment of responsibilities or the legal enforcement of duties. When our laws or our public leaders question the existence of absolute moral values they undercut the basis for the voluntary fulfillment of responsibilities, which is economical, and compel our society to rely more and more on the legal enforcement of rights, which is expensive.

Some moral absolutes or convictions must be at the foundation of any system of law. This does not mean that all laws are so based. Many laws and administrative actions are simply a matter of wisdom or expediency. I suppose the important decisions of the Federal Reserve Bank's Open Market Committee are largely of this character. Many other examples could be cited. If most

of us believe that it is wrong to kill or steal or lie, our laws will include punishment of those acts. If most of us believe that it is right to care for the poor and needy, our laws will accomplish or facilitate those activities. Society continually legislates morality. The only question is whose morality and what legislation.

In the United States, the moral absolutes are the ones derived from what we refer to as the Judeo-Christian tradition, as set forth in the Bible—Old Testament and New Testament. For example, under that tradition adultery is wrong. The continuing force of that moral absolute was affirmed in a recent poll conducted by the National Opinion Research Center. They found that 75% of Americans believe that adultery is always morally wrong. There may be—and are—differences of opinion over the wisdom of using the criminal law or the divorce law to enforce that moral absolute, but there can be no question about what a large majority of our citizens believe on that subject.

Despite ample evidence of majority adherence to moral absolutes, some still question the legitimacy of a moral foundation for our laws and public policy. To avoid any suggestion of adopting or contradicting any particular religious absolute, some secularists argue that our laws must be entirely neutral, with no discernable relation to any particular religious tradition. Such proposed neutrality is unrealistic, unless we are willing to cut away the entire idea that there are moral absolutes.

Of course, not all moral absolutes are based on traditional religion. A substantial segment of society has subscribed to the environmental movement, which Robert Nisbet, a distinguished American sociologist, has characterized as a "national religion," with a "universalized social, economic, and political agenda. So far as I am aware, there has been no responsible public challenge to the legitimacy of laws based on the environmentalists' set of values. I don't think there should be. My point is that religious values are just as legitimate as those based on any other comprehensive set of beliefs.

II. RELIGION AND THE PUBLIC SECTOR

Let us apply these thoughts to the role of religions, churches, and church leaders in the public sector.

Some reject the infusion of religious-based values in public policy by urging that much of the violence and social divisiveness of the modern world is attributable to religious controversies. Our world is not without such examples, as we are reminded by Iran and Ireland. But all should remember that the most horrible moral atrocities of the twentieth century in terms of death and human misery have been committed by regimes that are unambiguously secular, not religious. I challenge anyone to think of any modern religious regime whose moral excesses can compare with Nazi Germany, Stalinist Russia, or Khmer Rouge Cambodia.

Even though we cannot reject religious values in law-making on the basis of their bad record by comparison with other values, there are ample examples of hostility to religious values in the public sector. For example, less than a decade ago, the United States Department of Justice challenged a federal judge's right to sit on a case involving the Equal Rights Amendment on the ground that his religious views would prejudice him. The judge was Marion Callister. The religious views were L.D.S. In that same decade, the American Civil Liberties Union took the position that any pro-life abortion law was illegitimate because it must necessarily be founded on religious belief.

A few years ago some Protestant and Jewish clergymen challenged a federally financed program to promote abstinence from sexual activity among teenage youngsters. The grant recipients included B.Y.U. and some Catholic charities in Virginia and Michigan. The A.C.L.U. attorney who filed this challenge declared that "the 'chastity law' is unconstitutional because it violates the requirement for separation of church and state" because taxpayer dollars "are going to religious institutions, which use the funds to teach religious doctrines opposing teenage sex and abortion." In the meantime, the "value" judgments that permit public schools to distribute birth control devices to teenagers supposedly violate no constitutional prohibition because the doctrine that opposes chastity is secular.

During this same period, Professor Henry Steele Commager criticized the Moral Majority and the Roman Catholic Church for "inject[ing] religion into politics more wantonly than at any time since the Know-Nothing crusade of the 1850's." Writing in a New York Times column, this distinguished scholar asserted that "what the Framers [of our Constitution] had in mind was more than separating church and state: it was separating religion from politics." While conceding that no one could question the right to preach "morality and religion," Commager argued that churchmen of all denominations crossed an impermissible line "when they connect morality with a particular brand of religious faith and this, in turn, with political policies."

Apparently churchmen can preach morality and religion as long as they do not suggest that their particular brand of religion has any connection with morality or that the resulting morality has any connection with political policies. Stated otherwise, religious preaching is okay as long as it has no practical impact on the listeners' day-to-day behavior, especially any behavior that has anything to do with political activity or public policy.

That is such a curious position for a man as respected as Professor Commager, I wonder if I have misunderstood him. Perhaps his point is a deeper one. As we know, the idea that there is an absolute right and wrong comes from religion and the absolute values that have influenced law and public policy are most commonly rooted in religion. In contrast, the values that generally prevail in today's academic community are relative values. Perhaps Commager is not denying the legitimacy of churchmen preaching on political questions as much as he is simply challenging the appropriateness of bringing to public policy debates the kind of absolute values many of them preach.

It is significant that not all challenges to religious values in public policy come from the academic community or from the political left. A few years ago Senator Barry Goldwater rejected what he described as an attempt by "religious factions" to "control" his vote on particular issues. In doing so he declared that these "decent people" should "recognize that religion has no place in public policy." Similarly, the promoters of a nationwide poll a few years ago asserted that 53 percent of Americans feel that "religious leaders should stay out of politics entirely even if they feel strongly about certain political issues."

I have read serious academic arguments to the effect that religious people can participate in public debate only if they conceal the religious origin of their values by translating them into secular dialect. In a nation committed to pluralism, this kind of hostility to religion should be legally illegitimate and morally unacceptable. It is also irrational and unworkable, for reasons explained by BYU law professor Frederick Mark Gedicks:

"[S]ecularism has not solved the problem posed by religion in public life so much as it has buried it. By placing religion on the far side of the boundary marking the limit of the real world, secularism prevents public life from taking religion seriously. Secularism does not reach us to live with those who are religious; rather, it demands that we ignore them and their views. Such a 'solution' can remain stable only so long as those who are ignored acquiesce in their social situation. The last two decades suggest that [religious] acquiescence in a secularized public life . . . is vanishing, if it has not already disappeared."

Fortunately, the Supreme Court has never held that citizens could not join together to translate their moral beliefs into laws or public policies even when those beliefs are derived from religious doctrine. Indeed, there are many sophisticated and articulate spokesmen for the proposition that the separation of church and state never intended to exclude religiously grounded values form the public square. For example, I offer the words of Richard John Neuhaus:

"In a democracy that is free and robust, an opinion is no more disqualified for being 'religious' than for being atheistic, or psychoanalytic, or Marxist, or just plain dumb. There is no legal or constitutional question about the admission of religion to the public square; there is only a question about the free and equal participation of citizens in our public business. Religion is not a reified 'thing' that threatens to intrude upon our common life. Religion in public is but the public opinion of those citizens who are religious.

"As with individual citizens, so also with the associations that citizens form to advance their opinions. Religious institutions may understand themselves to be brought into being by God, but for the purposes of this democratic polity they are free associations of citizens. As such, they are guaranteed the same access to the public square as are the citizens who comprise them.

No person with values based on religious beliefs should apologize for taking those values into the public square. Religious persons need to be skillful in how they do so, but they need not yield to an adversary's assumption that the whole effort is illegitimate. We should remind others of the important instances in which the efforts of churches and clergy in the political arena have influenced American public policies in great historical controversies whose outcome in virtually unquestioned today. The slavery controversy was seen as a great moral issue and became the major political issue of the nineteenth century because of the preaching of clergy and the political action of churches. A century later, churches played an indispensable role in the Civil Rights movement, and, a decade later, clergymen and churches of various denominations were an influential part of the anti-war movement that contributed to the end of the war in Vietnam.

Many sincere religious people believe there should be no limitations on religious arguments on political issues so long as the speaker genuinely believes those issues can be resolved as a matter of right or wrong. That is the position Abraham Lincoln applied in his debates with Senator Stephen A.

Douglas. While Douglas claimed that he regarded slavery as wrong, he said the national government should allow a majority of territorial voters to decide whether slavery would be allowed in a particular territory. Lincoln rejected that argument because slavery was a matter of right or wrong. He declared:

"When Judge Douglas says that whoever, or whatever community, wants slaves, they have a right to have them, he is perfectly logical if there is nothing wrong in the institution; but if you admit that it is wrong, he cannot logically say that anybody has a right to do a wrong."

Like Lincoln, I believe that questions of right and wrong, whether based on religious principles or any other source of values, are legitimate in any debate over laws or public policy. Is there anything more important to debate than what is right or wrong? And those arguments should be open across the entire political spectrum. There is no logical way to contend that religious arguments or lobbying are legitimate on the question of abstinence from nuclear war by nations but not on the question of abstinence from sexual relations by teenagers.

III. CHURCH PARTICIPATION IN POLITICAL DEBATE

What limitations should church and their leaders observe when they choose to participate in public debate on political issues?

This subject was widely discussed about 8 years ago because of the convergence of several extraordinary events. A committee of the National Conference of Catholic Bishops released its pastoral letter, "Catholic Social Teaching and the U.S. Economy." New York Governor Mario Cuomo, moved by the issue of abortion, made a celebrated statement about the significance of Catholic teaching for a public official who is a Roman Catholic. And Senator Edward M. Kennedy made his celebrated address to the students of Liberty Baptist College. The pot boiled vigorously then, but the heat was not translated into much light, at least not the kind that illuminates a consensus. I propose to revisit this subject with a few comments of my own.

I emphasize at the outset that I am discussing limits to guide all churches across a broad spectrum of circumstances. I am not seeking to define or defend a Mormon position. As a matter of prudence, our Church has confined its own political participation within a far smaller range than is required by the law or the constitution. Other churches have chosen to assert the full latitude of their constitutional privileges and, in the opinion of some, have even exceeded them.

Where should we draw the line between what is and is not permissible for church and church-leader participation in public policy making?

At one extreme, we hear shrill complaints about political participation by any persons whose political views are attributable to religious beliefs or the teachings of their church. The words "blind obedience" are usually included in such complaints. Complaints there are, but I am not aware of any serious and rational position that would ban religious believers from participation in the political process. The serious challenges concern the participation of churches and church leaders.

Perhaps the root fear of those who object to official church participation in political debates is power: They fear that believers will choose to follow the directions or counsel of their religious leaders. Those who have this fear should remember the celebrated maxim of Jefferson "error of opinion may be tolerated where reason is left free to combat it." Some may believe that reason is not free when religious leaders have spoken, but I doubt that any religious leader in twentieth century America has such a grip on followers that they cannot make a reasoned choice in the privacy of the voting booth. In fact, I have a hard time believing that the teachings of religions or churches deprive their adherents of any more autonomy in exerting the rights of citizenship than the teachings and practices of labor unions, civil rights groups, environmental organizations, political parties, or any other membership group in our society.

In his celebrated address to the students of Liberty Baptist College, Edward Kennedy maintained that churches have a right to speak out on "questions that are inherently public in nature," like the issue of nuclear war and racial segregation. However, he argued, churches should not try to persuade government to "tell citizens how to live uniquely personal parts of their lives." "In such cases—cases like prohibition and abortion—" the Senator declared, "the proper role of religion is to appeal to the conscience of the individual not the coercive power of the state." This proposed distinction between issues that are "inherently public" and those that are "uniquely personal" is very convenient, especially for one side of the political spectrum. As Senator Kennedy explained it, his distinction apparently justifies churches in making their influence felt on nuclear freeze and the Vietnam War, but it excludes them from the debate on abortion or decriminalization of drug laws.

In my view, the Senator's distinction is unsound and unworkable. At root, every action is "uniquely personal," and in its manifestation every act is at least potentially "public." For example, I suppose that Southern slave owners believed that their ownership of slaves was uniquely personal, and some eighteen-year-olds probably believed the same thing about their decisions not to register for the draft during the Vietnam War. Yet, it is clear that each of these so-called uniquely personal decisions had an inherently public effect.

If a distinction between personal issues and public issues is not a sensible guide to when a church or its leaders can participate in public debate, what is? Surely it is not religious (or moral) issues versus political issues, since those labels describe a conclusion rather than assisting us to reach it.

I submit that religious leaders should have at least as many privileges as any other leaders, and that churches should stand on at least as strong a footing as any other corporation when they enter the public square to participate in public policy debates. The precious constitutional right of petition does not exclude any individual or any group. The same is true of freedom of speech and the press. When religion has a special constitutional right to its free exercise, religious leaders and churches should have more freedom than other persons and organizations, not less.

If churches and church leaders should have full rights to participate in public policy debates, should there be any limits on such participation?

Of course there are limits that apply specially to churches and church officials, as manifest in the United States Constitution's prohibition against Congress making any law respecting an establishment of religion. Some linkages between churches and governments are obviously illegitimate. It would clearly violate this prohibition if a church or church official were to exercise government power or dictate government policies or direct the action of government officials independent of legal procedures or political processes.

Upon this same basis—the principle of anti-establishment—I believe it would be inappropriate for a church to discipline one of its members who holds public office for declining to follow church direction or failing to adhere to a church position on a decision made in the exercise of public responsibilities. This fairly obvious point had to be established by the Catholic church in order for John F. Kennedy to be elected President of the United States.

We have applied that limit in our Church. In a celebrated talk given in 1989, Governor Calvin L. Rampton of Utah said:

"I am not aware of any time that the Church has taken any official sanction against a Mormon holding public office for things done in such officer's official capacity. This is true even though the Church may have taken a position on the issue on the moral issue theory. For example, when part way through my tenure of office I vetoed a Sunday closing bill which had been favored by the Church, while my judgement was roundly criticized by the editorial writers of the Deseret News, no question was raised that by such act I had impaired my Church membership nor did it impair my cordial relationship with Church leaders on other subjects."

Governor Cuomo voiced that principle in his celebrated talk at Notre Dame University. "Roman Catholics in public office are bound by the church's moral dogma," he declared, "but are free to decide the applicability of these teachings to civil law." He elaborated in these words:

"While we always owe our bishops' words respectful attention and careful consideration, the question whether to engage the political system in a struggle to have it adopt certain articles of our belief as part of public morality, is not a matter of doctrine: it is a matter of prudential political judgment."

I would say it this way. If churches or church officials believe that one of their members has violated church doctrine or policy by acts committed in his or her public office, the remedy should be at the next election, not in a church court. Unfortunately, churches are barred from this election remedy. Under federal law they lose their tax exemption if they "participate in or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office." In contrast to lobbying for particular legislation, which is permissible so long as it is not a "substantial part" of the activities of the church, any political activity involving a candidate can invoke the dreaded loss of tax exemption.

I have grave doubts about the constitutionality or wisdom of this law, which effectively denies to churches a privilege that is available to other organizations that participate in public policy debates. If a labor union or an environmental organization can urge its members to vote against a candidate who has violated the principles of the organization, I submit that a church should be able to do the same, if it chooses to do so. A church should not apply church discipline for political behavior, but it should be free to participate in the imposition of political discipline.

In his Notre Dame Talk Governor Cuomo suggested another limitation on churches' participation in the public sector, which is

tied to a supposed distinction between religious doctrine and political implementation. I quote:

"The parallel I want to draw here is not between or among what we Catholics believe to be moral wrongs. It is in the Catholic response to those wrongs. Church teaching on slavery and abortion is clear. But in the application of those teachings—the exact way we translate them into action, the specific laws we propose, the exact legal sanctions we seek—there was and is no one, clear, absolute route that the church says, as a matter of doctrine, we must follow."

In other words, Governor Cuomo contends that when churches and church leaders enter the public arena, they should concentrate on moral principles and stay away from legislative implementation.

If Governor Cuomo was advocating what is *prudent* for churches as a general rule, I agree with his statement, which describes the general practice of our Church. We teach general principles that should motivate government action, but we rarely take a position on a specific legislative proposal.

If Governor Cuomo's statement was intended to describe the limits of what is legitimate for church participation in public policy debates, I disagree. As a technical matter, the distinction between a moral "principle" and its legislative "implementation" is often impossible to apply. For example, if a church is against gambling as a moral evil—as our Church is—that church cannot avoid being against a bill that would legalize a particular form of gambling. In that instance, moral principle and legislative implementation are indistinguishable.

More fundamentally, I submit that there is no persuasive objection in law or principle to a church or a church leader taking a position on any legislative matter, if it or he or she chooses to do so.

And now, my final suggestion on church participation in public debate. When churches or church leaders choose to enter the public sector to engage in debate on a matter of public policy they should be admitted to the debate and they should expect to participate in it on the same basis as all other participants. In other words, if churches or church leaders choose to oppose or favor a particular piece of legislation, their opinions should be received on the same basis as the opinions offered by other knowledgeable organizations or persons, and they should be considered on their merits.

By the same token, churches and church leaders should expect the same broad latitude of discussion of their views that conveniently applies to everyone else's participation in public policy debates. A church can claim access to higher authority on moral questions, but its opinions on the application of those moral questions to specific legislation will inevitably be challenged by and measured against secular-based legislative or political judgments. As James E. Wood observed, "While denunciations of injustice, racism, sexism, and nationalism may be clearly rooted in one's religious faith, their political applications to legislative remedy and public policy are by no means always clear."

Finally, if church leaders were also to exhibit openness and tolerance of opposing views, they would help to overcome the suspicion and resentment sometimes directed toward church or church-leader participation in public debate.

In summary, I have pointed out that many laws are based on the absolute moral values most Americans affirm, and I have suggested that it cannot be otherwise. I have contended that religious-based values are just as legitimate a basis for political action as any other values. And I have argued that churches and church leaders should be able to participate in public policy debates on the same basis as other persons and organizations, favoring or opposing specific legislative proposals or candidates if they choose to do so. I have suggested that it would be inappropriate for churches to impose church discipline on their members for failing to follow church doctrine or direction in the exercise of their public responsibilities.

I will conclude this discussion of Church participation in the political process by stressing the obvious. Politics and religion have different goals and different methods. Each can be corrupted by too much association with the other.

Governments or their leaders can be corrupted by surrendering to a church, and churches or their leaders can be corrupted by excessive involvement with politics or the state. Some lesser manifestations of such corruption are sometimes seen in our day.

Politicians sometimes seek to use religion for political purposes, and they sometimes even seek to manipulate churches or church leaders. Ultimately this is always self-defeating. Whenever a church or a church leader becomes a pawn or servant of government or a political leader, it loses its status and the credibility it needs to perform its religious mission.

Churches or their leaders can also be the aggressors in the pursuit of intimacy with government. The probable results of this excess has been ably described as "the seduction of the churches to political arrogance and political innocence or even the politicizing of moral absolutes".

The relationship between church and state and between church leaders and politicians should be respectful and distant, as befits two parties who need one another but share the realization that a relationship too close can deprive a pluralistic government of its legitimacy and a divine Church of its spiritual mission.

Despite that desirable distance, government need not be hostile to religion or pretend to ignore God. In contrast to the vocal minority who demand that governments ignore the God most of their citizens worship, I long for a return to the dignified religiosity embodied in this proclamation by a President of the United States:

"We have forgotten God. We have forgotten the gracious hand that preserved us in peace, and multiplied and enriched and strengthened us. And we have vainly imagined in the deceitfulness of our hearts that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us."

That was Abraham Lincoln, 1863. His words remain appropriate for our day. I pray that we and our fellow citizens will take them to heart.

ADULT LITERACY IN THE STATE OF NEW YORK

• Mr. SIMON. Mr. President, I would like to make my colleagues aware of the marvelous work of my longtime friend, Dr. Richard C. Wade, who teaches at the graduate school and University Center at the City University of New York.

Dr. Wade has been a practicing scholar for over 40 years, and has served as chairman of the New York Governor's Commission on Libraries for the past 2 years. He has actively sought better ways to reduce adult illiteracy and has good ideas, particularly in terms of helping prisoners learn to read and write.

Recently I received a copy of his testimony on adult illiteracy in the State of New York. His insightful comments and innovative ideas merit the attention of my colleagues in the Senate.

I ask to insert his comments in the RECORD at this point.

The comments follow:

HEARING ON ADULT LITERACY IN NEW YORK STATE

(Testimony presented by Richard C. Wade, Chairman, Governor's Commission on Libraries)

THE CASE FOR "LATE START"

Thank you, Mr. Chairman, for this opportunity to testify before this committee on the growing and dangerous problem of adult illiteracy. The testimony I give today I could not have provided two years ago when the Governor named me chairman of his Governor's Commission on Libraries. At the time I though I knew a great deal about libraries. I had been, after all, a practicing scholar for forty years. My specialty, urban history, had led me to research in every kind of library—university, public, archival, and specialized. For decades I had fought university administrations for more funding; I had supported my own public libraries; I had helped cities set up their archives, and I was a guardian of the papers of important public figures. In short, I thought I understood libraries and their problems as well as almost anyone else.

I could not have been more mistaken. What I discovered was a library enterprise that is not only in deep trouble but suffering such neglect that only an aroused public and its elected officials can preserve it. That sentence is not meant merely to catch your attention. It is a conclusion that comes from almost two years of work by the Governor's Commission, which included six public hearings around the state, countless meetings, research by expert staff, and the proceedings from two conferences: The Governor's and the White House Conference on Library and Information Services.

The broad results of that work and that experience are summarized in the published report to the Governor which has been sent to members of this committee. The report has the unanimous endorsement of the distinguished Commission comprised of elected officials, librarians, and the general public.

The report is comprehensive and covers the crucial questions of the creeping catastrophe that is slowly engulfing our entire library enterprise. Today, however, I want to talk of only one, adult illiteracy, which if not vigorously addressed right now, will make many of the other problems seem somewhat academic. The central fact ought to be, in Thomas Jefferson's phrase "a fire bell in the night" for all of us. One in every five American adults is functionally illiterate. By that I do not mean that he or she does not read very much or has trouble with difficult material, I mean people who cannot read a want ad, cannot fill out a job application, cannot do elementary banking, cannot even read their children's report cards. And the figure