sibilities of the Freedoms Foundation at Valley Forge; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H. Con. Res. 105. Concurrent resolution calling for a U.S. policy of strengthening and maintaining indefinitely the current International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale, dolphin, and porpoise populations; to the Committee on Foreign Affairs.

By Mr. GLICKMAN:

H. Res. 117. Resolution expressing the sense of the House of Representatives respecting the establishment of a system providing universal access to health care; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. HERTEL:

H. Res. 118. Resolution amending the rules of the House of Representatives to grant floor and speaking privileges to former Presidents of the United States (other than a former President who resigned from office); to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXI,

45. The Speaker presented a memorial of the Senate of the State of West Virginia, relative to the desecration of the U.S. flag; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BILBRAY:

H.R. 1594. A bill for the relief of Peter J. Montagnoli; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 1595. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. DE LUGO and Mr. KLUG.

H.R. 5: Mr. BEVILL, Mr. VOLKMER, Mr. SMITH of New Jersey, and Mr. MCGRATH.

H.R. 14: Mr. SCHAEFER, Mr. KOLTER, Mr. SKAGGS, Mr. DE LUGO, Mr. ABERCROMBIE, Mr. MCGRATH, Mr. BOEHLERT, Mr. DURBIN, Mr. KOPETSKI, Mr. MARTINEZ, and Mr. PARKER.

H.R. 33: Mr. ROWLAND, Mr. WYDEN, Mr. ECKART, Mr. SLATTERY, Mr. SIKORSKI, Mr. BRYANT, Mr. SCHEUER, Mrs. COLLINS of Illinois, Mr. RICHARDSON, Mr. BRUCE, Mr. TOWNS, Mr. KOSTMAYER, Mr. HARRIS, Mr. BERMAN, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mr. DELLUMS, Mr. DE LUGO, Mr. DWYER of New Jersey, Mr. FROST, Mr. FAZIO, Mr. FOGLIETTA, Mr. GALLO, Mr. GILMAN, Mr. GUARINI, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. JEFFERSON, Mr. JONES of Georgia, Ms. KAPTUR, Mr. KLECZKA, Mr. KLUG, Mr. LEVIN of Michigan, Mr. LIPINSKI, Ms. LONG, Mrs. LOWEY of New York, Mr. MACHTLEY, Mr. MARTINEZ, Mr. MCGRATH, Mr. MCDERMOTT, Mr. OLIN, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. ROE, Mr. SANTORUM, Mr. SISISKY, Mr. WALSH, and Mr. WEISS.

H.R. 77: Mr. TAUZIN, Mr. QUILLEN, and Mr. SENSENBRENNER.

H.R. 78: Mr. BOEHNER, Mr. KOLBE, Mr. LEWIS of Florida, Mr. ZELIFF, Mr. QUILLEN, Mr. LENT, and Mr. SPENCE.

H.R. 102: Mr. NEAL of North Carolina, Mr. GALLO, Mrs. LOWEY of New York, Mr. INHOFE, and Mr. RAMSTAD.

H.R. 103: Mr. RINALDO and Mr. AUCOIN.

H.R. 105: Mr. RAMSTAD.

H.R. 107: Mr. MANTON and Mr. FRANK of Massachusetts.

H.R. 118: Mr. KYL, Mr. VANDER JAGT, Mr. ANTHONY, and Mr. FAZIO.

H.R. 127: Mr. BOEHLERT, Mr. AUCOIN, Mr. UPTON, Mr. BRYANT, Mr. TALLON, Mr. DERRICK, Mr. WEISS, Mr. LIPINSKI, Mr. SCHAEFER, Mr. SPRATT, Mr. RAVENEL, and Mr. KILDEE.

H.R. 179: Mr. NEAL of Massachusetts, Mr. SCHIFF, Mr. BARNARD, and Mr. WILSON.

H.R. 341: Mr. LENT, Mr. HUCKABY, and Mr. VOLKMER.

H.R. 394: Ms. NORTON, Mr. YATRON, Mr. RAMSTAD, Mr. FOGLIETTA, Mr. BOUCHER, Mr. GEJDENSON, Mr. JEFFERSON, Mr. KANJORSKI, and Mr. PARKER.

H.R. 413: Mr. HUBBARD, Mr. MOODY, Mr. PARKER, Mr. RAMSTAD, Mr. BONIOR, Ms. SNOWE, Mr. STALLINGS, and Mr. FLAKE.

H.R. 418: Mr. HUTTO.

H.R. 500: Mr. AUCOIN, Mr. CLAY, Mr. COLEMAN of Texas, Mr. COX of Illinois, Mr. COYNE, Mr. FLAKE, Mr. GORDON, Mr. HENRY, Mr. HOAGLAND, Mr. HYDE, Mr. KASICH, Mr. LUKEN, Mr. MOAKLEY, Ms. OAKAR, Mr. SARPALIUS, Mr. SCHAEFER, Mr. SIKORSKI, Mr. SKAGGS, Mr. SLAUGHTER of Virginia, Mr. TORRICELLI, Ms. WATERS, and Mr. ZELIFF.

H.R. 516: Mr. WILSON, Mr. SANDERS, Mr. WILLIAMS, and Mr. TORRICELLI.

H.R. 524: Mr. QUILLEN and Mr. DOOLITTLE.

H.R. 572: Mr. HASTERT.

H.R. 582: Mr. ABERCROMBIE and Mr. LOWERY of California.

H.R. 632: Mr. WEISS.

H.R. 647: Mr. ECKART.

H.R. 670: Mr. NEAL of North Carolina, Mr. DWYER of New Jersey, Mr. VALENTINE and Mr. PARKER.

H.R. 673: Mr. JOHNSON of South Dakota, Mr. GORDON, Mr. PAYNE of Virginia, Mr. BRYANT, Mr. SCHEUER, Mr. LEWIS of Florida, Mr. VALENTINE, Mr. VOLKMER, Mr. FRANK of Massachusetts, Mr. COSTELLO, Ms. NORTON, Mr. KILDEE, and Mr. JEFFERSON.

H.R. 677: Mr. FORD of Michigan Mr. KOLTER, Mrs. UNSOELD, Mr. LENT, Mr. FORD of Tennessee, Mr. WILSON, Mr. SMITH of New Jersey, Mr. PENNY, Mr. OBERSTAR, Mr. HEFNER, Mr. MCCLOSKEY, Mr. QUILLEN, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. CARDIN, Mr. PERKINS, Mr. MACHTLEY, Mr. GUARINI, Mr. KANJORSKI, Mr. ANDERSON, Ms. SLAUGHTER of New York, Mr. SANDERS, and Mr. FIELDS.

H.R. 699: Mr. WEISS.

H.R. 713: Mr. ROE, Mr. MOAKLEY, Mr. CARPER, Mr. HATCHER and Mr. PARKER.

H.R. 741: Mr. HERTEL, Mr. LIPINSKI, and Mr. SOLOMON.

H.R. 747: Mr. SHAW and Mr. RAMSTAD.

H.R. 766: Ms. NORTON.

H.R. 784: Mr. ECKART, Mr. UPTON, Mr. GEKAS, Mr. COSTELLO, Mr. JACOBS, Mr. BRYANT, Mr. DEFAZIO, Mr. MILLER of Ohio, Mr. MAZZOLI, Mr. STEARNS, and Mr. JONES of Georgia.

H.R. 812: Mr. MURPHY, Mr. KOSTMAYER, Mr. ENGLISH, Mr. HALL of Ohio, Mr. FISH, Mrs. UNSOELD, Mr. GILMAN, Mr. SHAYS, Mr. PENNY, Mr. ROE, Mr. BEREUTER, Mr. TOWNS, Mr. MILLER of California, Mr. DICKINSON, Mr. LEHMAN of Florida, Mr. RANGEL, Mr. LIPINSKI, Mrs. SCHROEDER, Mr. HOAGLAND, Mr. MFUME, Mr. FROST, Mr. BEVILL, Mr. GORDON, Mr. TORRES, Mr. RAMSTAD, and Mr. WOLPE.

H.R. 828: Mr. ESPY, Mr. KILDEE, Mr. SANDERS, Mr. SANGMEISTER, and Mr. SPRATT.

H.R. 841: Mrs. BOXER, Mrs. KENNELLY, Mr. PRICE, and Mr. WILLIAMS.

H.R. 842: Mr. JEFFERSON.

H.R. 863: Mr. RINALDO and Mr. QUILLEN.

H.R. 945: Mr. BAKER, Mr. HASTERT, Mr. BRUCE, Mr. ESPY, Mr. LUKEN, Mr. WILSON, and Mr. COX of California.

H.R. 961: Mr. WILSON, Mr. SISISKY, Mr. JACOBS, Mr. FIELDS, Mr. YATRON, and Mr. BERMAN.

H.R. 976: Ms. SLAUGHTER of New York, Mr. ASPIN, Mr. BORSKI, Mr. ROE, Mr. BONIOR, Ms. OAKAR, and Mr. MOAKLEY.

H.R. 1001: Mr. ROHRABACHER.

H.R. 1063: Mr. LANTOS, Mr. DICKS, Mr. BONIOR, Mr. MANTON, Mr. MINETA, and Ms. SLAUGHTER of New York.

H.R. 1066: Mr. MARKEY, Mrs. COLLINS of Illinois, and Mr. WEISS.

H.R. 1093: Mr. OWENS of Utah.

H.R. 1107: Mr. CONYERS, Mr. DAVIS, Mr. DEFAZIO, Mr. DOOLEY, Mr. DOWNEY, Mr. EDWARDS of Texas, Mr. ENGLISH, Mr. FASCELL, Mr. KILDEE, Mr. LEVIN of Michigan, Mr. MCHUGH, Mr. MAVROULES, Mr. NOWAK, Mr. PANETTA, Mr. RUSSO, Mr. SABO, Mr. SANDERS, and Mr. WOLPE.

H.R. 1113: Mr. SANDERS.

H.R. 1114: Mr. SANDERS.

H.R. 1135: Mr. ABERCROMBIE, Mr. LIVINGSTON, Mr. LUKEN, Mr. STALLINGS, and Mr. FAZIO.

H.R. 1144: Mr. RANGEL, Mr. ROGERS, Mr. LAGOMARSINO, and Mr. VALENTINE.

H.R. 1145: Mr. SWIFT, Mr. GORDON, Mr. CHANDLER, Mr. ENGEL, and Mr. MORAN.

H.R. 1181: Mr. AUCOIN, Mr. FROST, Mr. JONTZ, Mr. KENNEDY, Mr. DELLUMS, Mr. LANCASTER, Mr. LAFALCE, Mr. GEJDENSON, Mr. WOLPE, Mr. MFUME, Mr. WHEAT, Mr. MARTINEZ, and Mr. STARK.

H.R. 1184: Mr. DELAY and Mr. PARKER.

H.R. 1188: Mr. KILDEE.

H.R. 1190: Mrs. LOWEY of New York, Mr. OWENS of Utah, Mr. KANJORSKI, and Mr. FLAKE.

H.R. 1200: Mr. KOPETSKI, Mr. DWYER of New Jersey, Mr. SCHIFF, Mr. BOUCHER, and Mr. VALENTINE.

H.R. 1205: Mr. FRANK of Massachusetts, Mr. TALLON, Mr. DOOLEY, Ms. PELOSI, Mr. INHOFE, Mr. FROST, Mr. BILBRAY, and Mr. HORTON.

H.R. 1212: Mrs. MEYERS of Kansas.

H.R. 1213: Mrs. MEYERS of Kansas.

H.R. 1233: Mrs. LLOYD.

H.R. 1234: Mr. DOOLEY and Ms. KAPTUR.

H.R. 1239: Mr. BLAZ, Mr. BEREUTER, Mr. PAYNE of Virginia, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. GREEN of New York, Mr. DE LUGO, Mr. FALEOMAVAEGA, Ms. DELAURO, Mr. GUARINI, Mr. MARTINEZ, Mr. DEFAZIO, Mr. ANDREWS of Maine, and Mr. COSTELLO.

H.R. 1240: Mr. FAZIO.

H.R. 1241: Mr. BURTON of Indiana, Mrs. BYRON, Mr. COBLE, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. EMERSON, Mr. HENRY, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. JOHNSTON of Florida, Mr. KLUG, Mr. LAFALCE, Mr. LIPINSKI, Mr. MCGRATH, Mr. MANTON, Ms. MOLINARI, Mrs. MORELLA, Mr. OLIN, Mr. SANGMEISTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. DWYER of New Jersey, Mr. VALENTINE, Mr. FIELDS, and Mr. PARKER.

H.R. 1244: Mr. PERKINS, Mrs. BOXER, Mr. FRANK of Massachusetts, Mr. RANGEL, Mr. NEAL of North Carolina, Mrs. JOHNSON of Connecticut, Mr. OWENS of Utah, Mr. JEFFERSON, Mr. EVANS, Mr. WEISS, and Ms. PELOSI.

H.R. 1250: Mr. DELLUMS and Mr. FAZIO.

H.R. 1296: Mr. ATKINS, Mr. SOLARZ, Mr. RANGEL, Mr. THOMAS of Georgia, Mrs. VUCANOVICH, Mr. BATEMAN, Mr. TORRES, Mr. ANNUNZIO, Mr. STARK, Mr. RIGGS, Mr. FRANK of Massachusetts, Mr. PACKARD, Mr. BRYANT, Mrs. LLOYD, Mr. CAMP, Mr. ZIMMER, and Mr. ESPY.

H.R. 1308: Mrs. BOXER and Mr. HOCHBRUECKNER.

H.R. 1326: Mr. EVANS and Mr. COSTELLO.

H.R. 1343: Mr. MACHTLEY.

H.R. 1348: Mr. EVANS, Mrs. COLLINS of Illinois, Mr. SARPALIUS, Mr. BRYANT, Mr. DWYER of New Jersey, Mr. COUGHLIN, Mr. ALEXANDER, Mr. STUDDS, Mr. CUNNINGHAM, Mr. HAMMERSCHMIDT, Mr. KANJORSKI, Mr. WYLIE, Mr. SMITH of Florida, Mr. CLAY, Mr. BUNNING, Mr. BUSTAMANTE, Mr. SAWYER, Mr. WILSON, Mrs. MINK, Mr. SMITH of Texas, Mr. KOSTMAYER, Mr. JEFFERSON, Mr. LUKEN, Mr. SUNDQUIST, and Mr. BARTON of Texas.

H.R. 1375: Mr. WYLIE and Mr. DREIER of California.

H.R. 1386: Ms. NORTON, Mr. WEISS, and Mr. ENGEL.

H.R. 1387: Mr. BILBRAY, Mrs. BOXER, Mr. DOOLEY, Mr. FALEOMAVAEGA, Mr. KOPETSKI, Ms. NORTON, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. TOWNS, Mr. WOLPE, and Mr. YATES.

H.R. 1388: Mr. BILBRAY, Mrs. BOXER, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. KOPETSKI, Ms. NORTON, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. WOLPE, and Mr. YATES.

H.R. 1400: Mr. DREIER of California, Mr. VANDER JAGT, Ms. ROS-LEHTINEN, Mr. DICKINSON, Mr. IRELAND, and Mr. BOEHNER.

H.R. 1430: Mr. PANETTA, Mr. ANDREWS of New Jersey, and Mr. KOPETSKI.

H.R. 1443: Ms. NORTON and Mr. FAWELL.

H.R. 1445: Mr. PETERSON of Minnesota.

H.R. 1472: Mr. GRANDY and Mr. THOMAS of California.

H.R. 1494: Mr. SOLOMON, Mrs. BYRON, Mr. JOHNSON of South Dakota, and Mr. FISH.

H.R. 1510: Mrs. KENNELLY.

H.R. 1511: Mrs. KENNELLY.

H.J. Res. 56: Ms. HORN, Mr. LAFALCE, Mr. THOMAS of California, Mr. FAZIO, Mr. COUGHLIN, and Mr. PAYNE of New Jersey.

H.J. Res. 66: Mr. MOORHEAD, Mr. ECKART, Mr. PRICE, Mr. KOPETSKI, Mr. PAXON, Mr. MAVROULES, Mr. SMITH of New Jersey, Mr. ORTON, Mr. NATCHER, Mr. GILCHREST, Mr. CHAPMAN, Mr. BOUCHER, Mr. CARPER, Mr. ANDREWS of New Jersey, Mr. HAYES of Louisiana, Mr. MRAZEK, Mr. OXLEY, Mr. JONES of Georgia, Mr. MFUME, Mr. PAYNE of New Jersey, Mr. HERTEL, Mr. PANETTA, and Mr. COX of California.

H.J. Res. 83: Mr. MORRISON, Mr. BLILEY, Mr. DUNCAN, Mr. DICKINSON, and Mr. LEWIS of Florida.

H.J. Res. 134: Mr. ABERCROMBIE, Mr. BONIOR, Mr. CRAMER, Mr. FAZIO, Mr. FEIGHAN, Mr. GOODLING, Mr. GORDON, Mr. INHOFE, Mr. KENNEDY, Mrs. KENNELLY, Ms. NORTON, Mr. PALLONE, Mr. REED, Mr. SPENCE, Mr. THOMAS of Georgia, Mr. TRAFICANT, Mr. VANDER JAGT, and Mr. WILSON.

H.J. Res. 140: Mr. BENNETT, Ms. SLAUGHTER of New York, Mr. KASICH, Mr. HAMMERSCHMIDT, Mr. GALLO, Mr. DYMALLY, Mr. DANNEMEYER, Mr. SHAW, Mrs. VUCANOVICH, Mr. JONTZ, Mr. CALLAHAN, Mr. CRANE, Mr. BATEMAN, Ms. KAPTUR, Mr. RITTER, Mr. EMERSON, Mr. RAMSTAD, Mr. LANCASTER, Mr. MANTON, and Mr. QUILLEN.

H.J. Res. 164: Mr. APPLEGATE, Mr. BILIRAKIS, Mr. EMERSON, Mr. FROST, Mr. GILCHREST, Mr. HOCHBRUECKNER, Mr. LIPINSKI, Mr. RAMSTAD, Mr. TRAFICANT, and Mr. SCHAEFER.

H.J. Res. 166: Mr. MCNULTY, Mr. CLEMENT, Mr. APPLEGATE, and Mr. LIPINSKI.

H.J. Res. 171: Mr. BENNETT, Mr. MCDERMOTT, Mr. GOODLING, Mr. MILLER of Washington, Mr. HOYER, Mr. REGULA, Mr. SCHEUER, Mr. SPENCE, Mr. COUGHLIN, Mr. TRAFICANT, Mr. MCMILLEN of Maryland, Mr. JONES of Georgia, and Mr. NOWAK.

H.J. Res. 175: Mrs. JOHNSON of Connecticut, Mr. MCDERMOTT, Mr. KENNEDY, Mr. THOMAS of Georgia, Mr. SMITH of Florida, Mr. GORDON, Mr. TANNER, Mr. SOLOMON, Mr. TOWNS, Mr. FUSTER, Mr. SLATTERY, Mr. WOLPE, Mr. SAXTON, Mr. CLEMENT, Ms. LONG, Mr. CARPER, Mr. STEARNS, Mr. BARNARD, Ms. NORTON, Mr. NICHOLS, Mr. GUARINI, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mr. MCGRATH, Mr. LEVIN of Michigan, Mr. ROE, Mr. BROWN, Mr. KOPETSKI, Mr. HORTON, Mr. HARRIS, Mr. WOLF, Mr. GRADISON, Mr. COUGHLIN, Mr. BILBRAY, Mr. WILSON, Mr. ROYBAL, Mr. MCDADE, Mr. MCMILLEN of Maryland, Mr. JONTZ, and Mr. COSTELLO.

H.J. Res. 183: Mr. RAMSTAD, Mr. YATRON, Mr. CHAPMAN, Mr. TRAFICANT, Mr. QUILLEN, Mr. FAZIO, Mr. PANETTA, Mr. BLILEY, and Mr. PORTER.

H. Con. Res. 23: Mr. NEAL of Massachusetts.

H. Con. Res. 50: Mr. JEFFERSON, Mrs. MEYERS of Kansas, Mr. ERDREICH, and Mr. RANGEL.

H. Con. Res. 66: Mr. SANDERS.

H. Con. Res. 88: Mr. RAMSTAD, Ms. HORN, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. CUNNINGHAM, Mr. BERMAN, Mr. BRUCE, Mr. KOSTMAYER, Mr. ZIMMER, Mr. FAWELL, Mr. ANDERSON, Mr. ATKINS, Mr. DWYER of New Jersey, Mr. SCHEUER, Mr. PALLONE, Mr. ABERCROMBIE, Mr. OWENS of Utah, Mr. SISISKY, Mr. LEWIS of Georgia, Mr. MILLER of Washington, Mr. UDALL, Mr. DICKS, Mr. WISE, Mrs. UNSOELD, Mr. CARR, Mr. MATSUI, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. TAUZIN, Mr. MILLER of California, Ms. PELOSI, Mr. INHOFE, Mr. RICHARDSON, and Mr. STALLINGS.

H. Con. Res. 91: Mr. FASCELL, Ms. ROS-LEHTINEN, Mr. LIGHTFOOT, Mr. RAMSTAD, Mr. SCHIFF, Mr. DWYER of New Jersey, Mr. KYL, Mr. DURBIN, Mr. REGULA, Mr. FAZIO, Mr. ENGEL, Mr. GOSS, Mr. GLICKMAN, Mr. SMITH of Florida, Mr. LEVIN of Michigan, and Mr. LOWERY of California.

H. Con. Res. 96. Mr. GALLEGLY and Mr. FAWELL.

H. Con. Res. 102: Mr. IRELAND, Mr. GILMAN, Mr. GUNDERSON, and Mrs. BENTLEY.

H. Res. 99: Mr. MOORHEAD, Mr. BATEMAN, and Mr. QUILLEN.

H. Res. 106: Ms. LONG, Mr. FROST, Mr. KOLTER, Mr. MACHTLEY, Mr. GUARINI, Mr. DE LUGO, Mr. SKAGGS, Mr. SWETT, Ms. KAPTUR, Mr. MCNULTY, Mr. RAVENEL, Mr. HEFNER, Mr. BERMAN, Mr. DONNELLY, Mr. FORD of Tennessee, Mr. BEVILL, Mr. ABERCROMBIE, Mr. ATKINS, Mrs. BOXER, Mr. KENNEDY, Mr. PALLONE, Mr. ANDREWS of Maine, Mr. KOPETSKI, Mr. JONTZ, and Mr. PERKINS.

H. Res. 113: Mr. MILLER of Washington, Mr. SCHEUER, Mr. GUARINI, Mr. HUGHES, Mr. JONES of North Carolina, and Mr. WEISS.

PETITIONS, ETC.

Under clause 1 of rule XXII,

43. The Speaker presented a petition of the Lieutenant Governor, State of Alaska, relative to Operation Desert Storm; to the Committee on Armed Services.

SENATE—*Thursday, March 21, 1991*

(Legislative day of Wednesday, February 6, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN F. KERRY, a Senator from the State of Massachusetts.

PRAYER

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

Let us pray:

** * * For there is no power but of God: the powers that be are ordained of God. * * * For rulers are not a terror to good works, but to the evil. * * * For he is the minister of God. * * * for good. * * *—* Romans 13:1,3,4.

Eternal God, Creator of Heaven and Earth, Lord of history, Ruler of the nations, we thank Thee for government which Thou hast ordained to restrain evil in the world. Grant to Thy servants on Capitol Hill a constant reminder that authority comes from Thee, and that they rule by virtue of divine appointment. Grant to the Senators, their administrative assistants, their chiefs of staff, and the directors of committee staffs a daily awareness that their power is from Thee, and that they are accountable to Thee how they exercise that power.

Gracious God, help us all to conduct ourselves, that our lives are well pleasing to Thee. In His name who is Lord of Lords and Servant of Servants. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 21, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN F. KERRY, a Senator from the State of Massachusetts, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, under the previous order, there will now be a 2-hour period for morning business, running until 11:30 this morning, with the first hour under the control of the Republican leader or his designee, and the second hour under my control or that of my designee.

Last night, a 90-minute time agreement was entered with respect to the Martinez nomination, and it is my intention that the Senate will proceed to that nomination at or about 11:30 a.m. this morning, with a vote to occur when all time is used or yielded back with respect to that nomination.

Senators should be aware that, barring some factor which causes me to alter this proposed schedule, we will take up the Martinez nomination at 11:30 and vote on it at 1 p.m., or sometime prior to 1 p.m., if time is yielded back prior to the vote.

It still is my hope and my expectation that we will complete action on the appropriations bills conference reports, the two measures which we dealt with earlier this week. And I will have a further statement on that matter later in the day.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader. I assume the Senator from Oklahoma has been designated to control time for the Republican leader, and I accordingly yield to him.

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

RECOGNITION OF THE ACTING REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The acting Republican leader is recognized.

Mr. NICKLES. Mr. President, I yield 8 minutes to the Senator from Oregon.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 8 minutes.

FAST-TRACK TRADE NEGOTIATIONS

Mr. PACKWOOD. Mr. President, I would like to speak this morning about the President's request to extend what is commonly called fast-track negotiating authority—although that name is a misnomer. It is certainly not fast. It is often not on track.

What the President is asking for is a 2-year extension of his authority to negotiate multilateral and bilateral trade agreements and have those agreements come back to the Congress and be voted on, up or down, without amendment, in a certain time period.

The fast-track authority does not guarantee that you get a good agreement or bad agreement. That will come in the negotiations, and I think the President full well knows, as does Ambassador Carla Hills, our Trade Representative, that if a bad agreement comes back, Congress will turn it down.

The argument is made, though, that we should not give the President an extension of this fast-track authority. That instead we should just let him go ahead and negotiate an agreement and then have it brought back for our review and we can amend it as we want or treat it as a normal piece of legislation.

There are two who have negotiations that are going on now. One is called the Uruguay round, which is multinational, 107 nations of the world involved in an effort to lower tariffs and trade barriers; the other is the North American Free Trade Agreement that the President wants to negotiate with Canada and Mexico. In those two agreements, we are talking about thousands of issues—not hundreds; thousands of issues—and thousands of compromises that we are asking countries on all sides to make.

Let me give an example of the problem if the United States does not have the authority to bring the agreement back to the Congress and ask for a vote on it up or down. Let us say we are negotiating with Germany. Germany has very protective agricultural practices. We regard ourselves as the most efficient agricultural country in the world, and we are. And we would like freer access to the German market. Germany's highly protected farmers to not like that. They are a potent political bloc. It is a political problem for the German Government to give us market access.

Let us say, also, that we would like freer access on telecommunications.

We are also excellent in the manufacture of telecommunications and the installation of systems.

But in dealing with Germany and most other European countries, most other countries of the world for that matter, they have a State-owned telecommunications system, and the entire bureaucracy of the country does not like to let another country come in and compete with their state-owned system. If Germany gives on that, they have another bloc of voters who are mad.

So we are saying to Germany, you give on agriculture, you give on telecommunications. Let us say Germany says to us, "we will consider it, but we want you to give on cameras and optics and textiles. You have a quota system and highly protect your textiles, and we think we are good at making textiles. We want into the United States, and we maybe will exchange that and let you into telecommunications, and we will let you into agriculture, if you let us into cameras and optics and textile."

The experience in negotiating agreements is as follows. Those industries and sectors whom you help really do not appreciate it. They expect they should have been helped, and they do not give you much credit or much support when you have negotiated an agreement that helps them.

The people who do not like the agreement are very mad. In Germany, it would be the farmers of Germany, if they give on agriculture, and it would be the state telecommunications system if they give on telecommunications. They are livid about this agreement. They will do everything they can to kill it.

What the German Government has to be able to do and what the United States has to be able to do is to come back to our respective legislative bodies and say, "Overall, we know this is a good agreement for the entire country. We have had to give something to get something, but on balance it is a good agreement." And the German Government has to be able to say the same thing.

But, if in negotiating with the United States, another government knows that this agreement is going to come back to Congress and can be amended—we can vote it down if we want—but can be amended, the power of those who want to kill the part of the agreement they do not like is so overwhelming they would probably succeed, because those who benefit would not fight nearly as hard for it as those who think they are hurt by the agreement.

Therefore, no government in its right mind is going to negotiate with us—let us use Germany as an example—and give what we want in agriculture and make their farmers mad; give what we want in telecommunications and make their entire state telecommunications monopoly mad. Because they know that in the next election those people are probably going to vote against them in the election, and then have this come back to the United States and have the entire trade agreement defeated. And all Germany has is a loss and all our President has is a loss and no one wins.

The fast-track negotiating authority simply allows the President to negotiate an agreement and bring it back, and we will vote on it up or down. That is all. Congress maintains the right to turn the agreement down.

There is a genuine case to be made by labor. They are strongly opposed to one fast-track extension, and I sympathize with them and I fully understand their concerns. It does not relate to Germany and Europe and the Uruguay round; it relates to the so-called North American Free-Trade Agreement which brings Mexico into the United States-Canada Free-Trade Agreement.

Labor is afraid that if we have a free-trade agreement with Mexico, a fair portion of American industry will simply move south of the border where the wages are less, and all the manufacturing will be done there and Americans will lose jobs.

I want to say right now so it's perfectly clear, if we get an agreement with Mexico that is going to lead to that, I am not going to support it. I will not support it and will urge my colleagues to do the same.

But I think in the longrun, and in the shortrun, if there is a North American free-trade agreement with the United States, Canada, and Mexico, American labor will benefit.

But labor's concerns are legitimate and have to be taken into account. If any agreement comes back that deprecates and damages American labor in the aggregate, that agreement ought to be defeated. The points they raise are certainly valid. I hope as we are negotiating these agreements, our Trade Representative Carla Hills will take labor's concerns into account. I know she will, but I think I can assure her that if she does not, I, for one, will not support the agreement.

But without the fast-track authority, Mr. President, we need not even have to worry about it. There will be no agreement; no good agreement; no bad agreement; no agreement. And with it we will have lost our one great chance in the remainder of this century for America to break down barriers overseas to our products. I am afraid we will not stay where we are, but will move backwards into an era of protectionism, higher tariffs, and quotas that will serve the world badly, serve America badly, and will especially serve badly American labor and American consumers. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NICKLES. I yield 5 minutes to Senator DANFORTH.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized for 5 minutes.

FAST-TRACK AUTHORITY

Mr. DANFORTH. Mr. President, I am pleased to follow the comments of my friend Senator PACKWOOD. I think he had it exactly right. My analogy would be to riding a bicycle. I think in international trade, you either move forward or you fall off. I do not think you can afford to do nothing and stand pat. I think this is really the issue we are facing with respect to negotiating authority.

I know that the idea of fast-track authority is something that causes concern to people who say, well, this really is not the appropriate method of conducting business in the Senate: to have something proceeding on a fast track reach the floor without amendments. But the fact of the matter is that without the fast-track concept, the fast-track procedure, there really is no possibility of multilateral trade negotiations.

Prior to the 1960s, most of the trade negotiations that our country had were mainly tariff-reduction agreements, one on one with other countries. Those are agreements that are manageable. But beginning in the 1960s, we started to get into multilateral trade agreements involving not tariffs but so-called nontariff barriers. Those agreements became much more complex. They involved a number of countries at the same time. As a matter of fact, the experience that we had in 1967 with the Kennedy Round was that Congress ended up aborting the process because we did not have the fast-track authority at that point. The implementing legislation reached the floor of the House and the floor of the Senate. It was amended so badly that it really ruined the deal.

With that as a background, in 1974, Congress developed the concept of fast-track, and it was at that time a compromise-type of procedure which involved a quid pro quo, a tradeoff with the administration. The administration was to have a formal consultative mechanism with Congress, and with the private sector as well, in exchange for a process by which, when the legislation finally comes to the floor of the House and the Senate, it is not amendable. Because of this new process, first of all, there was, in fact, greater congressional input than in virtually anything else I can imagine that the executive branch does.

Second, it made it possible in 1979 for Congress to approve the Tokyo round even though a lot of people thought at that time it was not possible for us to approve something that is as complex as this. We did it.

Now we are engaged in the Uruguay round of negotiations. These have been

going on since 1986. They have involved 15 different areas. They have involved 107 different countries. They have been very complicated negotiations extending over a very long period of time. It is the testimony of Carla Hills, our U.S. Trade Representative, that if Congress can undo it or unravel the complex negotiations in floor debate, then the negotiations will simply come to an end.

Mr. President, what has happened is that the fast-track authority has effectively expired, and the administration allowed it to expire with respect to the Uruguay round even though we could have agreed to a deal last year. In Brussels last year, the administration was very tough with respect to agriculture, walked away from the table on agriculture, and took the position that we were not going to sign on to just any deal. And now, because of the toughness of the administration, we have the possibility of making real strides in the field of agriculture. It would be an irony, indeed, if Congress would say that our reward to Carla Hills for taking a tough approach in agricultural negotiations for the Uruguay round would be to strip her of her negotiating authority. To me that is no way to have a tough and consistent U.S. trade policy.

I would make only one other point, Mr. President, and it is this. I think that the real issue that is before the Congress with respect to trade is a kind of a follow-on to what we have been talking about over the last few months with respect to America's role in the world in foreign policy issues. There are those who say that America is really a country that is not very competent; we cannot do the job, whether it is involving ourselves in messy things in the Middle East or whether it is involving ourselves in international trade. We are all thumbs; we foul things up and, therefore, let us not do anything at all. Let us bail out of the world around us and bail out of our international responsibilities.

To me, to say that we cannot even negotiate, that we do not even have the power to enter into meaningful negotiations with other countries is to say that we have such a dim view of America's prospects in the world that we do not even want to try to get anything done, we do not even want to try to work things out with other countries in international trade. That kind of pessimism, I think, is not in keeping with the can-do experience of America's past. I believe that we can compete in international markets. I believe that if we are going to be the world leader, we must compete in international markets. The key to that is opening up international markets, and that is what trade agreements are all about. It is possible that we will decide to turn down the fruits of these negotiations, but to say that we are not even going to negotiate in the first place is a degree of pessimism which I think is not really fitting for our country.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NICKLES. Mr. President, I yield the Senator from Washington 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized for 5 minutes.

WISEST ACTION IS NO ACTION AT ALL

Mr. GORTON. Mr. President, "fast track" is a phrase that stands for authority granted by Congress to the President to enter into trade agreements under a set of rules by which Congress will vote on those trade agreements within a fixed period of time, will vote the agreements up or down without amendment, but will have done so only after extensive statutorially required consultation among the President, his representatives, and Congress.

Fast-track authority with respect to present negotiations with Mexico and with most of the rest of the world through the GATT talks would have expired on the 1st of June of this year except for an extension authorized by the President. That extension may be repudiated by a resolution passing either this body or the House of Representatives by June 1.

This is a case, Mr. President, in which the wisest action for the Congress of the United States is no action at all. All trade agreements in recent decades which have liberalized rules relating to foreign trade have taken place under fast-track authority. The Tokyo round of GATT negotiations, a free-trade agreement with Israel, and a highly successful free-trade agreement with Canada are the most striking examples of that success.

Mr. President, we cannot say, of course, that the extension of fast track authority necessarily will result in increased international trade or increased exports for American manufacturers and producers. We simply do not know what agreements may be negotiated in the future under that fast track authority.

As a consequence, we cannot be certain that we will succeed if we take the proper nonaction here in Congress and allow fast track authority to continue.

On the other hand, Mr. President, we do know that this country will suffer if we cancel or restrict the President's fast track authority. No other nation will negotiate with our Trade Representative and reach a final agreement with full knowledge that Congress can amend or change that agreement. We cannot have members of our executive branch negotiating when they do not have the power to reach a deal. Congress cannot engage in those negotiations on a day-by-day basis, though under fast-track authority it can and should and does consistently advise the administration on what is acceptable and what is not.

Growth in the American economy, Mr. President, has been fueled by international trade and by its expansion, especially by expansion of our exports over the last decade. Growth in the decade of the 1990's will result largely from increases in international trade.

As a nation with one of the freest trading systems in the world, we particularly benefit from free international trade and by removing restrictions among our trading partners. That can be done only through bilateral or multilateral negotiations. Those negotiations are possible only when the other parties to those negotiations can act in the belief that when they make a deal with the United States, the United States is likely to keep that agreement. That knowledge will be present only if fast track negotiating authority is extended.

This country will gain by freer trade, Mr. President, and will gain almost certainly by the extension of this fast-track authority. America certainly will lose if we should repudiate it. In this case, as in some others, the best action the Congress of the United States can take is no action at all. We in Congress can and should rely on the President and the Trade Representative to negotiate treaties. We will have every opportunity to examine and to vote either in favor of those agreements, if they are in the interest of the United States, or against them, if we determine that they are not. The time to do that is after agreements are signed, not at this stage when we do not know what we can reach through negotiations.

Mr. President, I thank my colleague, the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield Senator DURENBERGER from Minnesota 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized for 3 minutes.

Mr. DURENBERGER. I thank my colleague.

THE SUFFERING OF SUDAN

Mr. DURENBERGER. Mr. President, I rise to express my deep concern for the dire humanitarian situation in the Sudan. The drought and the ongoing civil war have combined to affect up to 9 million Sudanese, fully one-third of the country's population. It appears that the 1990 drought has been worse even than that of 1984 and 1985.

The scale of human suffering in Sudan should concern and alarm each of us. The United States, United Nations, other governments, and a number of private organizations have made enormous efforts to deliver food aid and other assistance. And more aid will likely be required as this year progresses.

United States humanitarian efforts in the Sudan are long standing and extensive. I want to commend not only the current United States Embassy and AID teams in Khartoum, but also former Assistant Secretary of State McCormick for his great work in the past in Sudan. He has gone far out of his way to try to bring about help to the Sudanese people.

This year alone, Mr. President, the United States has already committed to delivering some 250,000 tons of grain to Sudan. And we could provide as much as $10 to $12 million in other nonfood emergency aid. We continue to cooperate with the U.N.-sponsored Operations Lifeline Sudan Program, which is designed to help feed and care for over 3 million people displaced by Sudan's ongoing civil war. Depending on other countries' contributions, the United States could provide anywhere from one-fourth to one-third of all food aid to the Sudan.

Mr. President, even with this extensive aid response, the desperate suffering of the Sudanese people cannot be alleviated sufficiently without the active cooperation of the Government of Sudan. It was only 2 months ago that the Government even acknowledged that it required assistance and formally requested it from the United Nations.

Even such a basic and fundamental matter as recognizing there is a problem and accepting international assistance has become a major achievement. Mr. President, there is a great deal more that the Government of Sudan must do to alleviate the suffering of its own people. No matter how much aid the international community donates, the people of Sudan require the cooperation of their Government in order to benefit from that aid.

Once the food arrives at Port Sudan, it must be off-loaded from the ships and transported throughout the country. The voluntary organizations who distribute the aid must be given permission to operate in the country. Import duties on the equipment and materiel have to be reduced or eliminated in order to make it possible to bring in the supplies needed to operate.

Even under the best of circumstances, the logistical problems of distributing food aid throughout a desperately poor, remote, and undeveloped country are daunting. Without the host government's cooperation, it becomes impossible.

If the political will exists, a great deal more can be done to alleviate the misery. The Government of Sudan has yet to demonstrate a sustained willingness to address fundamental issues of human suffering.

Let us also recognize, Mr. President, that the hunger and deprivation will persist as long as the civil conflict in Sudan continues. War and peace do not affect the rainfall, but they do affect efforts to overcome natural disasters such as drought. No matter how much aid is provided, no matter how many tons of food are distributed throughout the country, people will continue to suffer more than otherwise as long as the war persists.

Mr. President, drought would exist without war. But famine can be averted if there is peace. There is one consistent thread in famine suffering: Wherever one finds famine, one finds conflict; wars; battles. It is the conflicts that push the drought suffering over the edge to famine.

We must recognize this reality as one of the root causes of famine, particularly in Sudan. We should call on the international community, especially the United Nations, to exert its influence to achieve a peaceful and rapid solution to Sudan's civil war. The drought and crop failures are bad enough, but the war is destroying the country and its people.

Mr. President, in conclusion, I urge my colleagues to remember the suffering of Sudan. To take every opportunity to urge the Government of Sudan to cooperate with international relief efforts. To encourage a peaceful settlement to the civil war. Sudan is a remote and desolate land. But its people are our brothers. They need our efforts. They deserve our compassion.

Mr. President, I yield the floor.

Mr. NICKLES. Mr. President, I yield the Senator from Kansas 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized for 3 minutes.

FAMINE IN SUDAN

Mrs. KASSEBAUM. Mr. President, I rise today to join with my colleague, Senator DURENBERGER, to express my great concern about the emergency famine situation in Sudan. Senator DURENBERGER has laid out, I think, very clearly the tragic situation that exists there.

With the dramatic events taking place in the Persian Gulf and the Soviet Union, the issue of famine in Africa has received scant attention in the United States over the past 6 months.

We all remember the 1984–85 African famine, with the pictures of starving women, and children with bloated bellies. Those tragic images shocked the consciousness of the entire world community.

The famine we face this year is one of much greater proportions than that of 1985. Unless urgent and coordinated action is taken, we will soon look at the same shocking pictures, asking: How could this happen again?

In Sudan alone, the reality of the numbers is difficult to comprehend: 9 million Sudanese are at risk of malnutrition and death, of a total population of 26 million; 1.2 million metric tons of food will be needed to avert this crisis; and several experts predict that at least 200,000 Sudanese will die this year due to hunger—even if relief efforts begin to work effectively from this point onward.

The famine in Sudan has been caused by the deadly combination of a severe drought—worse than that of 1984—and continuing civil conflict between the Government of Sudan and the Sudanese People's Liberation Movement.

Despite the tremendous food shortages in Sudan caused by this combination, the problem of the famine is not primarily one of the quantity of food. The resources from the international community are available to avert this crisis. For example, the United States alone has committed over 331,000 metric tons of food.

The real problem has been distributing the food to those in need. Over the past 6 months, the Sudanese Government has been extremely uncooperative, refusing to recognize the severity of the impending crisis. The regime in Khartoum has repeatedly delayed or canceled relief efforts.

However, the Government of Sudan has made some progress in the past month. In late February, United Nations Undersecretary General James Jonah traveled to Sudan to meet with President Bashir. For the first time, the Sudanese Government recognized that the drought was an urgent matter. President Bashir also agreed that the United Nations should coordinate famine relief operations. These steps should facilitate, and accelerate, relief efforts. However, it is still unclear to what extent these words will be translated into concrete actions.

For example, despite the new agreement, the Government continues to suspend many United Nations-sponsored flights to southern Sudan. These flights are essential for the continuation of relief efforts at this point. All International Committee of the Red Cross flights have been canceled by the Government.

On March 7, United States Ambassador Jim Cheek returned to Khartoum to resume United States diplomatic activity on relief efforts. Because of the gulf crisis, Ambassador Cheek, as well as almost all of the United States Embassy personnel, had been forced to leave Sudan in mid-January. Because of the urgency of this food crisis, Ambassador Cheek was anxious to return and, I believe it was important that he do so.

Over the coming months, I fervently believe that the international community must focus on the crisis in Sudan. Several actions are essential:

First, we must strongly support the United States Embassy in Khartoum and the private voluntary organizations working in Sudan. The efforts of Ambassador Cheek to coordinate and mobilize relief efforts in Sudan are crucially important. Assistant Secretary

Hank Cohen has been very active on this issue. Because of the critical nature of the famine in Sudan—as well as the problems of hunger in the rest of Africa—I urge President Bush and Secretary Baker to become actively involved in this issue.

Second, the United Nations has a key role to play on famine relief, particularly in the Sudan. Fifty colleagues recently joined me in a letter to United Nations Secretary General de Cuellar urging him to personally make famine in Africa an item of the highest priority. The recent, successful visit of United Nations Under Secretary General Jonah to Khartoum is an example of the type of active and energetic action the United Nations should be taking to relieve the food shortages.

Third, all efforts should be made to hold the international donor community together. The intransigence of the Sudanese Government has frustrated and demoralized many of the donor nations and private voluntary organizations over the past year. Yet, because of the magnitude of the crisis, the United States cannot go it alone. We need the active participation of the entire donor community.

Fourth, we should urge the Sudanese Government to be as cooperative as possible. The recent, improved position reached at the meeting with Undersecretary General Jonah is encouraging, but much remains to be done. For example, the critically important U.N. flights remain suspended.

Finally, and perhaps most importantly, we must continue to draw public attention to this crisis. Last November, we held hearings in the Senate African Affairs Subcommittee on the emergency in Sudan, and I call upon the committee to hold hearings in the near future on the problems of famine in Africa.

Mr. President, 4 months from now, the pictures of the starving children will appear on our television screens. We will all be upset, calling for ways to move food as quickly as possible. Yet, because of the logistical problems of moving food, at that time it will be too late to avert the suffering and death of hundreds of thousands of innocent Sudanese civilians.

Mr. NICKLES. Mr. President, I compliment the Senator from Kansas, and also Senator DURENBERGER for their attention to a very critical problem.

I wish to associate myself with their remarks, and I hope to work toward some positive constructive solutions to the very desperate problems.

Mr. President, I yield the Senator from New Hampshire [Mr. SMITH] 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized for 5 minutes.

Mr. SMITH. I thank the Senator from Oklahoma for yielding the time.

CRIME IN THE STREETS OF OUR AMERICAN CITIES

Mr. SMITH. Mr. President, on the night of March 21, 1962, 29 years ago today—convicted rapist Booker Hillery killed 15-year-old Marlene Miller. After attempting to rape the young girl, Hillery stabbed her through the throat with the sewing scissors, monogrammed with her name, that she had been using to sew a dress for her 16th birthday party. Then he dumped her body in an irrigation ditch.

Hillery, who was out on parole from an earlier rape conviction, was arrested, convicted, and sentenced to death. But this sentence was merely the beginning of a 29-year legal struggle which has still not been resolved.

In 1965, having once upheld Hillery's murder conviction, the California Supreme Court ordered a new trial with respect to the sentencing phase. The reason for the reversal is that the jury that sentenced Hillery to death had been erroneously told that, if it gave Hillery a life sentence, he could be released on parole. Although this was correct at the time of Hillery's trial, a subsequent case created a new rule.

Hillery was again tried and sentenced to death. He filed a habeas corpus petition and again the sentence was thrown out. This time the reason was that a potential juror had been excused because she had stated that she thought she could not sentence anyone to death.

So Hillery was tried a third time and, once again, sentenced to death. This time he contended that the death penalty was unconstitutional under the California constitution. His sentence was reduced to life imprisonment.

Later that year, Hillery filed another petition for habeas corpus, demanding to be released on the grounds that blacks had been excluded from the grand jury which indicted him. There was no evidence that there was any discriminatory intent. In fact, the judge responsible for grand jury selection had asked Hillery's lawyer to identify potential black jurors, declining to include a potential black juror only because jury service would have conflicted with the juror's employment.

Nevertheless, after 5 years of litigation, a U.S. district court granted Hillery's petition and ordered him released or retried. That decision was affirmed by the U.S. Court of Appeals and the U.S. Supreme Court.

On December 18, 1986, Hillery was again convicted of murdering Marlene Miller in 1962, and sentenced to life imprisonment. Within hours of the conviction, Hillery filed a notice of appeal, which is still pending. Twenty-nine years after Booker Hillery rammed a pair of scissors through Marlene Miller's throat, the case is not even close to being resolved.

Mr. President, the case of Booker Hillery is only another pathetic example of the ways in which the high level of crime in our Nation's cities are the direct result of the criminal justice—or better stated injustice—policies of our courts and legislatures. While each of these cases is heart-rending in itself, an examination of crime statistics helps us realize that this case is not an isolated instance.

In April 1990, the Department of Justice published a profile of felony defendants in large urban counties for calendar year 1988. That study showed that two-thirds of the felony defendants were known to have been arrested previously. Seventy-nine percent of those with a previous arrest record had at least one prior felony arrest. One quarter of all defendants had four or more prior felony arrests.

The study also found that the average number of prior arrest charges for all defendants was three felony arrest charges and three misdemeanor arrest charges. When including only defendants who were known to have at least one prior arrest, the average number of prior arrests went up to four arrest charges for felonies and five arrest charges for misdemeanors.

The study found that about one-third of the defendants already had some type of status with the criminal justice system at the time of their arrest; 41 percent of these were on probation, 34 percent were on pretrial release for a previous case that was still pending.

Finally, the study found that 59 percent of defendants charged with violent offenses were released before case disposition, and 46 percent of all released defendants were released on the day of their arrest or the following day. Only one-third of those defendants originally arrested on felony assault charges were ultimately convicted of felonies.

Mr. President, it does not take a rocket scientist to figure out what all this means: First, the major part of our violent crime in American cities is the result of a relatively small number of career criminals who commit crimes over and over again; second, these career criminals are in a position to commit violent crimes because our criminal justice system processes them and turns them loose on the streets.

I agree with the President that the key to taming crime in our cities is to take the career criminals off the street. This means curbing frivolous prisoner petitions, insuring that dangerous criminals are not set free on innocent technicalities, and imposing tough mandatory minimum sentences including the death penalty where the crime is particularly hideous.

Mr. President, the American people are far ahead of Congress on this issue. They realize that violent crime is both a serious problem and an avoidable one. Unless Congress begins to take a leadership role in this area, I am convinced that our constituents will find

leaders who will. This Senator intends to work with the American people, not against them, to put violent criminals where they belong—behind bars and away from the innocent people they prey upon.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank the Senator from New Hampshire.

I yield to the Senator from Idaho [Mr. SYMMS].

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS] is recognized for such time as he may use.

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

FAST TRACK MUST BE LOOKED AT CAREFULLY

Mr. SYMMS. Mr. President, there is a lot to be said for negotiating trade agreements that offer the prospect of significantly increasing trade between nations. I believe open borders benefit the countries involved and I have always been supportive of efforts to expand trade.

Let me quote from Winston Churchill:

> We say that every [citizen] shall have the right to buy whatever he wants, wherever he chooses, at his own good pleasure, without restriction or discouragment from the State. That is our plan. * * * In pursuit of this simple plan there came last year into [our country], from every land and people under the sun, millions' worth of merchandise, so marvelously varied in its character that a whole volume could scarcely describe it. Why did it come? Was it to crush us, or to conquer us, or to starve us, or was it to nourish and enrich our country? It is a sober fact that every single item, however inconsiderable, in all that vast catalogue of commodities came to our shores because some [citizen] desired it, paid for it, and meant to turn it to his comfort or profit.

What Winston Churchill said so well, I say simply: free trade in a free society provides the maximum benefit to our citizens.

The question is: How do we get there? How do we get free trade and still have fair trade? Mr. President, I am a supporter of fast track, but a cautious supporter of fast track. We will not get anywhere if our trading partners know that an agreement negotiated by our trade team will be bent and twisted by the Senate. They simply will not negotiate with us. They will not deal with us if, in fact, they think that whatever they agree to, the Senate will change it, and modify it, and make arrangements to suit every parochial interest that any one of us might have.

In fact, our trading partners have made it clear that they will not get involved in a negotiation with the United States without fast track. In other words, no fast track, no new agreements, no new opportunities for us, no new opportunities for the engines of production in the United States. It is that simple.

But problems do come up, and we need to look at them squarely at the outset. I want to cite two or three of these problems that I see that we need to be able to handle. I have confidence that our trade team will look out for and work on these issues. I think it cannot be overlooked.

One of the problems is the recent attempt by the provincial Government of British Columbia to withdraw from the memorandum of understanding for timber products. This is no small matter. This memorandum was central to the support of many Senators for the United States-Canada Free-Trade Agreement, myself included. I have joined with Senator PACKWOOD to urge the USTR to work toward the preservation of that memorandum.

Mr. President, at the time that the United States-Canada Agreement passed the Finance Committee, it was a tie vote, until we were able to extract the agreement, and I happen to be the Senator that did that extracted agreement from former President Reagan, that he personally would set aside the timber issue, so that it would be separately negotiated.

That memorandum of understanding was agreed to, and I think that the Canadians need to understand, and the American trade team needs to understand, that this is not the first time that memorandum has been under attack. Some Canadian firms have failed to pay the full export tax or have misclassified lumber exports as other wood products.

After the agreement was signed in 1986, for example, there was a significant increase in remanufactured wood product exports into the United States. These products are not subject to the 15-percent surtax. I do not think there is much question that much of this increase resulted from misclassification.

There is another good example where we are having problems with the United States-Canada Free-Trade Agreement. The situation that comes to mind is the Saferco fertilizer project in Saskatchewan, which the provincial government is subsidizing by providing significant equity and is guaranteeing the owners' commercial debt.

This is a huge, state-of-the-art nitrogen processing complex. It will cost $435 million to build, and it will increase Canadian production by about 20 percent in a nitrogen market already fully served by existing facilities. The plants now in operation are sufficient to serve the market and industry. Analysts do not foresee any need for any additional supply in the future. It is difficult for domestic fertilizer producers to gauge their markets and profit margins when a massive increase in subsidized product is on the horizon.

Fortunately, there are dispute settlement procedures in place to remedy these problems. How this situation is resolved will be very important to how this Senator will view any future agreement.

Another concern we have in Idaho, of course, is the prospect of dumping a lot of sugar product into the United States. I know a lot of industries are concerned about the antidumping provisions in the GATT. The sugar industry, of course, is very concerned that the USTR is not going to be able to protect the sugar producers from dumping.

Finally, there is the current pork dispute. Currently, there is a Binational Commission to resolve the dispute. However, the Binational Commission and the U.S. International Trade Commission do not see eye to eye on some things. They do not agree.

There are a lot of pork producers, not only in Idaho but across the country, very little of which are the Federal variety. The pork producers that I talk to are very upset about the recent verdict by the binational Commission, implying that there is no injury or threat of injury to domestic production by subsidized—repeat, subsidized—Canadian fresh and chilled pork producers. From what I have seen, the Idaho producers I have talked with make a pretty good case. I know Senator GRASSLEY and others have talked about this in the Finance Committee. They, too, come from other pork producing States.

I was leery about the binational panels when they were debated in the Senate on the United States-Canadian trade agreement. As I say, we cannot win all the disputes, but it is something we have to look at.

A supranational dispute settlement panel can effectively resolve problems only if everything—hearings, notice, analysis, and so forth—is done exactly right. It seems to me that the system may not be working in this case. What we should do is be cautious that we do not catch producers—in this case pork producers—in an interagency struggle for power, which leaves them mired, as some of my friends from Idaho said, "in a pigpen of indecision." I think it is unfair, and I sincerely hope we can resolve this matter quickly, and that we do not face this in the future.

I have asked Ambassador Carla Hills to look into this and to respond to some questions about the binational panel, and I am looking forward to those answers. I do think, as we move forward to a long-term dream of former President Reagan, that North America will become an open trading zone.

I recall that in 1976 he came to Boise, ID, in his, at that time, unsuccessful bid for the Presidency, and I was working on his behalf in my State at that time, and he unveiled his dream and vision of a North American trade zone.

We have taken a big step by getting a Canadian Free-Trade Agreement. I hope we will have another successful step by getting one with Mexico. We must remember that we must have fair trade, and we have to have fair rules that we go by. We need to move on these free trade agreements, both on the North America Free-Trade Agreement and the Uruguay round. Our economy and the American consumer will benefit tremendously if those agreements can be successfully concluded.

WHY WE SHOULD CUT THE PAYROLL TAX AND LEAVE THE WAGE BASE ALONE

Mr. SYMMS. Mr. President, in my opinion, reducing the payroll tax as has been suggested by Senator MOYNIHAN and Senator KASTEN is good tax policy, it is good economics, and it is good politics. That is why I am an original cosponsor of their bill, S. 11, the Social Security Tax Cut Act of 1991.

When the majority leader, Senator MITCHELL, and the rest of the Democratic leadership in the Senate embraced the idea of a payroll tax cut, I had great hopes that we might actually enact some good economic policy without a bruising political fight.

You know, Mr. President, it is hard to be an optimist in this town sometimes. Apparently, my colleagues on the other side of the aisle are going to try to exact a price for supporting good economic policy.

Apparently, they are going to try, once again, to soak the rich by raising the wage cap for Social Security contributions from $53,400 to $125,000 or more.

It was just last year that the wage cap for the hospital insurance part of the FICA tax was raised to $125,000. I predicted at the time that it would not take long before the folks who believe higher taxes produce economic prosperity would be back to raise the rest of the FICA tax base.

Well, it did not take them long. Just 5 months later and my prediction has come true.

Mr. President, there is a lot to be said on this, and I see no need to say it all now. But much of what needs to be said was explained with great clarity by Senator KASTEN in an article published in the Washington Times yesterday. I ask unanimous consent that this article be printed in the RECORD following my remarks.

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

[From the Washington Times, Mar. 20, 1991]

TO THE RESCUE OF PAYROLL TAX CUTS

(By Robert Kasten)

Senate Majority Leader George Mitchell's recent decision to support the Moynihan-Kasten payroll tax cut plan is a significant political development. But his suggestion to increase the amount of income subject to the tax to soak the "rich" in order to make up the revenue loss will kill it—leaving America's workers and retirees in the lurch.

Raising the taxable wage cap from the current $53,400 to $125,000—or eliminating the cap altogether—is bad policy, bad economics and bad politics. Not only would this action perpetuate the charade of using the Social Security surplus funds to pay for other government programs, it would reduce economic growth and convert Social Security into the world's largest welfare program.

The current taxable maximum upon which the 7.65 percent payroll tax rate is levied (6.2 percent for Social Security, 1.45 percent for Medicare) is seven times higher than it was in 1970—and it continues to rise rapidly because it's tied to the growth of average wage rates in the economy. Last year's tax-increase budget plan raised the wage cap for the Medicare tax rate to $125,000. It was only a matter of time before this served as an excuse to raise the wage cap for the Social Security tax.

The bill Sen. Daniel Patrick Moynihan, New York Democrat, and I have proposed would cut the Social Security tax from 6.2 percent to 5.2 percent for both employees and employers over the next six years, saving businesses and workers a whopping $160 billion. Although our legislation proposes a slight increase in the wage cap compared to current law (Mr. Moynihan argues that the percentage of wages in the U.S. economy covered by the taxable maximum has fallen below the traditional 90 percent to 86 percent today), every taxpayer would receive a tax cut.

In addition to boosting take-home pay and reducing labor costs, the Moynihan-Kasten proposal would return the Social Security program to its traditional pay-as-you-go financing. Taxpayers were told that the payroll-tax surpluses would be placed in a "trust fund" to finance future benefits. But these surpluses aren't really saved at all. Rather, they are immediately spent on other federal programs.

Judging from past comments by his fellow Democrats, Mr. Mitchell may find very little support from his own party for eliminating the wage base. During last fall's floor debate on payroll tax cuts, Sen. Ernest Hollings, South Carolina Democrat, referred to use of the surplus to finance other federal spending as "embezzlement." Sen. Brock Adams, Washington Democrat, put it best when he said, "We are masking the federal deficit with Social Security. And, in the eyes of the American public, whom we represent, this is criminal."

This "criminal" practice would continue under the Mitchell proposal, since there would be little or no net tax cut—and the government would continue generating and spending huge Social Security surpluses.

That's not all. Lifting the wage cap would also cause serious harm to the economy. We ought to remember that there are two goals that are important—fairness and economic growth. If we strive for a spurious fairness and fail to consider the need to promote real growth as well, we will be striking a fatal blow at our future prosperity.

The Dallas-based Institute for Policy Innovation calculates that while a combined 2 percentage point cut in the payroll tax would create 650,000 new jobs by the year 2000, even the modest increase in the cap called for in Moynihan-Kasten wipes out half of this job gain. Lifting the cap entirely, or raising it to $125,000, would wipe out all the extra jobs, and maybe even lose jobs.

The reason is clear: Eliminating the cap would increase the marginal tax rates on affected workers by up to 13.3 percent—thus raising the top rate on wages from 31 percent to 44.3 percent. This rise in marginal tax rates powerfully and directly reduces the incentive to work, invest and produce.

Perhaps the greatest danger of eliminating the cap is the threat it poses to the long-term health of Social Security. This irresponsible move would break the link between what workers pay into the Social Security and what they get out in benefits. There are essentially two choices for policymakers: Either give the wealthy massive Social Security checks commensurate with their payroll-tax contributions over the years or explicitly make Social Security an income-redistribution program.

Social Security is not a welfare program; it is a retirement program. Lifting the wage cap is, indeed, "messing" with Social Security. In the process of socking it to the rich, the "pro-envy" crowd will derail our effort to provide tax relief to 132 million workers by imperiling Social Security and economic growth.

Mr. SIMPSON. Mr. President, I thank the Senator from Idaho, and I will yield 5 minutes to the Senator from Oklahoma [Mr. NICKLES].

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized for 5 minutes.

S. 3 WILL COST A BILLION DOLLARS—AND MORE

Mr. NICKLES. Mr. President, yesterday the Rules Committee reported out S. 3, the so-called Campaign Reform Act.

Mr. President, in looking at this bill I think, instead of being called campaign reform, it should be called politicians' pork barrel bill, because that is exactly what it is.

I testified before the Rules Committee and said the estimated public subsidy in S. 3 is about $1 billion over a 6-year cycle, $1 billion on taxpayers and on the general public, to subsidize politicians. I do not think that is campaign reform.

Some people have asked me, where did I get those figures? I am going to put in the RECORD an analysis done by the Republican Policy Committee tabulating the cost. I will go through it very quickly.

In 1994 the cost in Senate elections alone would be about $131 million. Over a 6-year cycle, if we would include all Senators, we would be talking about $358 million.

I will also say if you are going to have public financing for the Senate you are going to have public financing for the House. The House generally spends 1½ times what the Senate does. Over a 6-year election cycle that cost would be about $550 million. Over the 6 years that totals about $908 million for both Senate and House races.

I will tell the Presiding Officer, that does not include third party candidates, it does not include very much for independent expenditures. It is very

conservative on the so-called discount for broadcasting, and it does not include administrative expenses. We found out from FEC they anticipate they will have to hire something like 2,500 auditors just to comply with this bill.

So the subsidies are enormous; up to $1 billion, maybe well over $1 billion for taxpayers and the general public to subsidize politicians for the next 6 years. I do not think that is what taxpayers are asking for. I do not think politicians should be at the public trough to finance their campaigns.

Mr. President, I will submit all of this background work to substantiate these figures. But again, my colleagues and all American people should know what these subsidies are we are talking about.

Automatically an eligible candidate would be given communications vouchers, communications vouchers that are in the hundreds of thousands of dollars, depending on the size of your State. An eligible candidate could buy broadcast time at one-half the rate of anybody else.

Why should politicians be able to buy time cheaper than other organizations, even charitable organizations? And certainly if we are going to mandate that U.S. Senators get broadcast time at one-half the rate, that has to apply not only to House candidates but I would expect to gubernatorial, maybe county commissioners, city commissioners, as well. Why should we get a rate one-half the rate of other politicians?

Then S. 3 goes so far as to say politicians should be able to mail at one-fourth the cost of regular taxpayers. Most taxpayers are paying 29 cents for a first-class stamp. The politicians would be able to get the same stamp for 7.25 cents. That makes no sense. It is not fair. But that is in S. 3.

Mr. President, yesterday the Rules Committee ordered S. 3 favorably reported. S. 3 is the campaign finance reform bill of the Democratic leadership.

I oppose S. 3 for several reasons, mostly because I find its costs staggering and unacceptable. When I testified on S. 3 last week, I estimated that it would cost $1 billion over a 6-year election cycle. These costs, which are conservatively estimated, will be borne by the private sector and the public section, which, of course, gets its money from taxpayers in the private sector.

S. 3 provides politicians with a billion dollars of subsidies over 6 years. It should be opposed for that reason alone—but the sober facts of the Federal budget provide plenty of other reasons. This year the Treasury of the United States will borrow hundreds of billions of dollars to meet the country's financial obligations. I can hardly believe that the Senate of the United States is now bringing to the floor a bill that will set up an entitlement program for our own political campaigns and then take borrowed money to pay for it. S. 3's proponents appear committed to using taxes for political campaigns, however. In this morning's markup, a McConnell amendment to strip out all taxpayer subsidies was defeated on a party line vote.

So that taxpayers may be apprised of the billion dollar tab they are going to get stuck with, I ask unanimous consent that my letter to the chairman of the Rules Committee and a paper prepared by the Republican Policy Committee be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, March 18, 1991.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In my testimony to the Committee last week, I estimated that S. 3 could cost $1 billion over a 6-year election cycle. These costs will be borne by the private sector and the public sector (which, of course, gets its money from taxpayers in the private sector). The basis for my estimate is a study done by the Republican Policy Committee, a copy of which is enclosed.

As the study shows, if S. 3 is enacted and all Senate candidates in 1994 avail themselves of the benefits of the bill, costs for that one Senate election will be about $131 million. Over the six-year Senate election cycle, costs for major party Senate candidates will total about $358 million. If similar subsidies are extended to the House, subsidies for major party House candidates will cost about $550 million. (This assumes that the costs for subsidizing House races will bear the same relationship to Senate costs as 1990 receipts for House candidates bore to 1990 receipts for Senate candidates.) The sum of more than $900 million (which is probably understated because of extremely conservative assumptions for broadcast purchases and independent expenditures) does not include payments to minor party candidates and does not include additional administrative costs. (The Federal Election Commission testified that 2500 auditors would be required to administer S. 3. The Commission now employs 25 auditors.)

The Policy Committee assumed 100 percent participation rates. This assumption may prove to be too high; however, 100 percent participation rates appear justified by the nation's experience with the Presidential Election Campaign Fund (only one candidate has turned down Federal money, and his campaign was a costly failure) and by the intentions of S. 3's sponsors (who intend the benefits of S. 3 to be so valuable that no candidate will turn them down). Additionally, it is possible to halve the estimate of the participation rate and not substantially change the $1 billion estimate: If one candidate (rather than two) will be eligible for S. 3's benefits and if the noneligible opponent raises or spends 134 percent of S. 3's spending limit then the eligible candidate is entitled to an additional taxpayer-subsidized payment equal to 100 percent of the general election expenditure limit. This payment, the "excess expenditure amount," is not available when both candidates are eligible for S. 3's benefits. (The threat of a noneligible candidate triggering payment of the excess expenditure amount to his or her eligible opponent provides another reason for thinking that participation rates under S. 3 will be very high indeed.)

S. 3 provides politicians with a billion dollars of subsidies over six years. It should be opposed for that reason alone—but the sober facts of the Federal budget provide plenty of other reasons. This year the Treasury of the United States will borrow hundreds of billions of dollars to meet the country's financial obligations. I can hardly believe that the Senate of the United States is preparing to vote on a bill that will set up an entitlement program for our own political campaigns and then take borrowed money to pay for it.

I appreciate the hearings you held on S. 3. Those hearings will help explain the bill to the American people. To that purpose, I ask that this letter and the accompanying study prepared by the Republican Policy Committee be placed in the hearing record together with my testimony of March 13.

Sincerely,

DON NICKLES.

Enclosure: U.S. Senate Republican Policy Committee Policy Analysis, "The Five Major Financial Benefits of S. 3: How They Work and Who Will Pay" (March 12, 1991).

THE FIVE MAJOR FINANCIAL BENEFITS OF S. 3: HOW THEY WORK AND WHO WILL PAY

(By Lincoln C. Oliphant, Policy Committee Legislative Counsel)

SYNOPSIS

If S. 3 is enacted, candidates for the United States Senate who agree to limit their campaign spending will be eligible for five financial subsidies. This paper analyzes and explains those subsidies and estimates their costs. Our cost estimates are preliminary and incomplete, but it appears that the subsidies will cost about 180 percent of the spending limit. For example, in a State where the general election expenditure limit would be $1 million, an eligible candidate (running against an ineligible candidate) would be entitled to various subsidies worth about $1.8 million. These subsidies will be paid for by taxpayers, by broadcasters, and by others who the sponsors of S. 3 have yet to identify. There is a substantial likelihood that the unidentified party also is the American taxpayer.

The subsidies will amount to hundreds of millions of dollars. If S. 3 is in force for the 1994 elections, the subsidies will amount to about $105 million if one Senate candidate in each race participates and to about $131 million if both Senate candidates participate. If the House of Representatives gets involved, add another couple of hundred million dollars.

I. INTRODUCTION

S. 3 is the leading campaign finance reform proposal of the 102d Congress because it is sponsored by the Democratic leadership and because it is similar to a bill that passed the Senate last year (S. 137). This month, the Rules Committee is holding three hearings on S. 3 and other campaign reform bills, and a bill can be expected on the Senate floor this spring.

The bill's Democratic sponsors say the key (and nonnegotiable) feature of S. 3 is its spending limits. Under S. 3, candidates for the United States Senate who (1) agree to limit their campaign spending,[1] (2) raise a relatively small amount in contributions of $250 or less,[2] and (3) comply with other requirements of the act[3] will be entitled to five major financial benefits, viz.

Half-price broadcast media rates,

Footnotes at end of article.

Low cost mailing rates,

Funds to respond to independent expenditures (the "independent expenditure amount"),

Funds to match "excessive" spending by an opponent (the "excess expenditure amount"), and

Vouchers to buy broadcast air time ("voter communication vouchers").

This paper considers each of these benefits to "eligible candidates"[4] in the order that the bill bestows them.

II. THE GENERAL ELECTION EXPENDITURE LIMIT AND A HYPOTHETICAL "MILLION DOLLAR STATE"

The general election expenditure limits under S. 3 run from $950,000 (for about 20 States) to $5.5 million for California.[5] These general election limits, which the Appendix lists for each of the fifty States, are used to determine three of the five financial subsidies of S. 3. Still, the value of the subsidies can only be estimated after various assumptions are made.

We have tried in every case to state our assumptions openly. If our assumptions are valid, the subsidies to a major party candidate for a seat in the United States Senate (when his or her opponent is not eligible for the subsidies) will amount to about 180 percent of the general election expenditure limit. If both major party candidates are eligible for subsidies, the benefits to each will be about 112 percent of the expenditure limit (for a total subsidy of 224 percent).

Readers who disagree with our assumption can assign other values and reach their own conclusions—which may be either higher or lower than our own. We are fully aware that our estimates are entirely dependent on our assumptions. Nevertheless, we hope to demonstrate that both the assumptions and the estimates are sound and helpful.

In the Appendix, we estimate the value of the subsidies only for those States that will have Senate races in 1994. With the numbers in the Appendix we do provide a basis for estimating S. 3's total costs for one election. However, this paper's primary purpose is not to "cost out" S. 3 but to explain S. 3's financial benefits in a typical Senate race. To help us achieve that purposse we use one State where the general election expenditure limit is an even $1 million. That spending limit is hypothetical, but it is close to S. 3's actual limits for about one-half of the 50 States.[6] The rules and ratios for our "million dollar State" may be applied to Senate races in every State, however.

III. THE SUBSIDY PROVIDED BY THE PRIVATE SECTOR: HALF-PRICE BROADCAST MEDIA RATES

Under current law, for the 45 days before a primary or run-off election and for the 60 days before a general or special election, a broadcaster may not charge political advertisers more than the "lowest unit charge" for "the same class and amount of time for the same period."[7] S. 3 will amend current law[8] so that an "eligible candidate" who is running for the Senate will be entitled to (1) the "lowest unit charge" during the 45 days preceding the primary or run-off election, and (2) *one-half* of the "lowest unit charge" during the period (of whatever length) beginning the day after the primary or runoff election (whichever is later) and ending on the day of the general election.[9] The half-price rates are available only to an eligible candidate.

Unlike the other benefits of S. 3, this subsidy is provided directly to Senate candidates by the private sector (here, the owners and employees of broadcast stations and their advertisers) without first filtering the money through the Department of the Treasury or some other agency or instrumentality of the United States Government.[10]

The rationale for the broadcast subsidy seems to be that campaigns cost too much and that broadcasters are rich enough to subsidize them. For example, in his introductory remarks on S. 3, the Senate Majority Leader said:

"The cost of campaign advertising on television has skyrocketed in recent years—growing more than 10 fold between 1974 and 1988. In the typical competitive Senate campaign more than 50 percent of the cost is attributed to television advertising. Many candidates spend the last few weeks of the campaign in nonstop fundraising simply to turn the money over to television stations. . . .

"The proposal in this legislation is . . . modest. It attempts to maintain market factors by relating the cost of election advertising to the cost of commercial time so that candidates still must pay based on the viewership of the programming. I expect this proposal will be resisted by many in the broadcast industry but campaign advertising is a very minor part of their overall advertising—less than 1 percent of total television ad revenues."[11]

Even if campaign advertising does constitute less than one percent of total television advertising revenue, political advertising on broadcast television totalled $203.3 million in 1990.[12] Presumably, the industry will indeed resist this subsidy; an industry that is being ordered to sell its product at one-half the going rate is unlikely to be comforted by a claim that "market factors" are being "maintained."[13]

The half-price broadcast rate will constitute a subsidy of at least one-half million dollars to an eligible Senate candidate where the general election expenditure limit is $1 million. This is so because the eligible candidate gets $500,000 in broadcast vouchers (explained below), and that $500,000 plus any other funds the eligible candidate spends on broadcasting will be matched, dollar-for-dollar, by the half-price subsidy that broadcasters are being compelled to provide.

In truth, the eligible candidate will get $1 million in advertising, and he will pay . . . absolutely nothing. In a State with a $1 million general election limit, an eligible candidate will receive $500,000 in vouchers which he or she will then use to buy $1 million in broadcast time (because the time must be sold at one-half the regular rate). Therefore, an eligible candidate gets $1 million in advertising and spends no cash. (Presumably, a good portion of that unspent cash also will be spent on broadcast purchases, and those additional purchases of time will be matched, dollar-for-dollar, by the subsidy required of the broadcast industry.) The noneligible candidate, on the other hand, will find himself or herself in the outdated and curiously capitalistic position of having to pay $500,000 for half-a-million dollars of broadcast time.

There may be a tendency to think that the broadcast subsidy (one-half regular rates) and the broadcast vouchers (equal to one-half the general election limit) combine to give the eligible candidate a fourfold benefit whereby $4 of advertising can be purchased for $1. But the benefits are infinitely more valuable than that: An eligible candidate will receive broadcast benefits equal to the general election expenditure limit without spending a single dollar bill. One-half of those benefits will be paid for by the broadcast industry, and one-half will be paid for from the still-mysterious Senate Election Campaign Fund (see below).

We summarize the value of this subsidy in the following table. (We repeat this table for each of the subsidies that follow.)

Estimated value of subsidies to eligible candidates under S. 3 in State where general election spending limit is $1 million

General election expenditure limit	$1,000,000
Subsidies:	
Half price broadcast rates	500,000
Reduced mail rates	
Independent expenditure amount	
Excess expenditure amount	
Voter communication vouchers	

This subsidy is worth at least 50 percent of the spending limit. We emphasize that this estimate is rock solid because it sits on the rock bottom. Our estimate for the value of this subsidy will be too high if and only if an eligible candidate does not spend all of his or her broadcast vouchers. Since the vouchers are free to the eligible candidate and can only be spent on broadcast time to tout the candidate, we hold firmly to the thought that this estimate is cheap.

IV. THE SUBSIDY PROVIDED BY THE TAXPAYERS: LOW COST MAIL

Under current law, certain diplomats,[14] blind persons and others who "cannot use or read conventionally printed material because of a physical impairment,"[15] persons overseas who are posting ballots for elections in the United States,[16] and nonprofit or political or other qualified organizations,[17] receive substantial mail subsidies. These subsidies are paid for out of the general revenues of the United States[18] unless Congress fails to appropriate the amount authorized.[19] In the case of a failure to appropriate, the rate is to be increased to make up for the amount "that the Congress was to appropriate."[20]

S. 3 will give eligible candidates preferential rates for mail. The preferential rates will be (1) for first-class mail, one-fourth of the regular rate, and (2) for third-class mail, two cents per piece less than the first-class rate. This subsidy comes to an end when the total amount paid for reduced-rate mail (i.e., the sum of first-class postage and third-class postage at the reduced-rate prices) exceeds five percent of the general election expenditure limit for the candidate.[21]

Up to the 5 percent cap, therefore, eligible Senate candidates will be able to mail a first-class letter for 7.25 cents (i.e., one-fourth of the regular rate which is now 29 cents) and a third-class letter for 5.25 cents (i.e., 2 cents less than S. 3's reduced rate for first class mail). Postal rate structures are complicated and it is somewhat difficult to compare rates, but we are informed by the Postal Service that, with respect to first class rates, there is no comparable rate reduction for any other group; with respect to third class rates for non-profit organizations, the average rate per piece is 9.5 cents.

We estimate the value of the mail subsidy at 10 percent of the general election expenditure limit. This subsidy apparently is to be paid for by taxpayers, not stamp buyers per se, because section 104(b) of the bill provides permanent authorizing authority for an appropriation.[22]

The eligible candidate's spending and not the subsidy is capped at 5 percent of the general election limit. In a state where the general election limit is $1 million, an eligible candidate could buy $200,000 of first-class postage before reaching the $50,000 spending

limit because each letter costs only one-fourth of the regular rate. Therefore, if all of the postage were used on first-class mail the subsidy would be $150,000 ($200,000 received minus $50,000 paid). If the $50,000 were spent on third-class postage, our eligible candidate would receive a subsidy of about $50,000 because the third-class subsidy is roughly 100 percent ($100,000 of third-class postage could be purchased for $50,000).[23]

In measuring the cost of this subsidy we assume that an eligible candidate with a $1 million general election limit will divide his or her use of the postal subsidy so that $150,000 of postage will be procured with the candidate's $50,000. Therefore, the subsidy is $100,000 ($150,000 received minus $50,000 paid), or 10 percent of the general election limit.

Estimated value of subsidies to eligible candidates under S. 3 in State where general election spending limit is $1 million

General election expenditure limit	$1,000,000
Subsidies:	
Half price broadcast rates	500,000
Reduced mail rates	100,000
Independent expenditure amount	
Excess expenditure amount	
Voter communication vouchers	

We estimate that this subsidy is worth 10 percent of the spending limit, although it could range from about 5 percent of the spending limit (if only third-class postage is purchased) to 15 percent (if only first-class postage is purchased). We place our estimate at the midpoint. By doing so we knowingly discount the incentive to use more first-class mail (and receive additional subsidies worth tens of thousands of dollars).

V. SUBSIDIES TO CANDIDATES THROUGH THE SENATE ELECTION CAMPAIGN FUND TO BE PROVIDED BY PERSONS AS YET UNIDENTIFIED

A. The Senate Election Campaign Fund

The three subsidies discussed in this section will come out of a Senate Election Campaign Fund. Unfortunately, S. 3 does not say who will put money into the Fund. In part, it is said, that silence is in deference to the House's constitutional prerogatives on taxation. In part, that silence is intended to obscure the prospect that taxpayers are about to be told to pick up the tab for Senators' campaigns. Some of our reasons for thinking that taxpayers will be handed the bill—over the objections of Republican Senators—are given below in subsection E, "Who Will Pay for the Senate Election Campaign Fund?"

There are some things about S. 3 that its sponsors are not revealing (such as the detail of who pays), but there are other things that we do know: We know, for example, that S. 3 establishes "on the books of the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'," and we know that S. 3 appropriates to the Fund for each fiscal year an amount equal to "any contributions by persons which are specifically designated as being made to the Fund."[24] We do not know who will be assigned to make these "specifically designated" "contributions," but we do know that S. 3 will offer the following benefits to be paid out of that phantom fund:

B. The Independent expenditure amount

Under S. 3, an eligible candidate will receive a payment from the Senate Election Campaign Fund to counteract independent expenditures that are made or obligated to be made during the general election period (1) in opposition to the eligible candidate or (2) on behalf of the eligible candidate's opponent.[25] This benefit, the "independent expenditure amount," is not limited to eligible candidates facing noneligible opponents. If an election involved two eligible candidates, each would be entitled to a payment of the independent expenditure amount.[26] Current law does not, of course, provide any comparable benefit.

Relatively small independent expenditures would not trigger the payment of the independent expenditure amount from the Senate Election Campaign Fund. Under the bill, independent expenditures that are made or obligated to be made during any general, primary, or runoff election period must be reported to the Federal Election Commission if they exceed $10,000.[27] Only reported amounts trigger a payment. Therefore, an independent expenditure of exactly $10,000 would not be reported and would not be matched by a payment of the independent expenditure amount. This is the case even if there are hundreds of separate, truly discrete independent expenditures of $10,000. However, any independent expenditure above $10,000 must be reported and would be matched if it was made during the general election period.[28]

The independent expenditure amount is unlimited, but we value it at 2 percent of the general election expenditure limit. Our estimate is based on F.E.C. numbers showing that in the 1987–88 election cycle independent expenditures equaled about 2 percent of all spending on Senate campaigns.[29] We have not attempted to apportion that spending to the general election period.

Estimated value of subsidies to eligible candidates under S. 3 in State where general election spending limit is $1 million

General election expenditure limit	$1,000,000
Subsidies:	
Half price broadcast rates	500,000
Reduced mail rates	100,000
Independent expenditure amount	20,000
Excess expenditure amount	
Voter communications vouchers	

We estimate this subsidy to be worth 2 percent of the spending limit. Surely we are low. Many observers believe that when direct spending is limited independent expenditures will increase greatly. There is perhaps an indication of this likelihood in the history of the presidential system, which of course has public financing and spending limits. In the 1988 election, presidential candidates received $213.8 million, and independent expenditures totalled $14.1 million or 7 percent.[30]

C. The excess expenditure amount

Under S. 3, an eligible candidate will receive a payment from the Senate Election Campaign Fund to counteract his or her (noneligible) opponent's (1) spending, (2) obligation to spend, or even (3) receipt of contributions, that is in excess of the bill's general election expenditure limit. This payment is the "excess expenditure amount." Unlike the independent expenditure amount, the excess expenditure payment doesn't just equal that spending which the bill's proponents find objectionable, it often exceeds it.[31] Current law does not, of course, provide any comparable benefit.

For a major party candidate,[32] the excess expenditure amount is two-thirds of the general election spending limit payable whenever the noneligible opponent spends or raises more than 100 percent of the general election limit but less than 133.33 percent of that limit. Therefore, in a race for U.S. Senate where the general election expenditure limit is $1 million, as soon as the noneligible candidate raises, spends, or obligates to spend $1,000,000-plus-one-dollar the eligible candidate is entitled to a check drawn on the Senate Election Campaign Fund for $666,667. Once the noneligible candidate in our hypothetical State spends or raises more than $1,333,333 (133.33 percent of the general election spending limit), the eligible candidate is entitled to another check for $333,333. Hence, if the noneligible candidate raises or spends $333,334 above the million dollar limit, he or she triggers a payment of $1 million to his or her eligible opponent. If the noneligible candidate raises or spends more than 133.3 percent of the general election spending limit then all spending limits are removed for the eligible candidate.[33]

In the table, we value the excess expenditure amount at only two-thirds of the maximum allowable amount, i.e., an amount equal to two-thrids of the general election expenditure limit. Remember, this amount becomes available to an eligible candidate when the noneligible candidate raises or spends one dollar above the general election limit.

Estimated value of subsidies to eligible candidates under S. 3 in State where general election spending limit is $1 million

General election expenditure limit	$1,000,000
Subsidies:	
Half price broadcast rates	500,000
Reduced mail rates	100,000
Independent expenditure amount	20,000
Excess expenditure amount	666,667
Voter communication vouchers	

This value is particularly difficult to assess even though we have only three choices 100 percent, 66.6 percent, and zero. We assume that a noneligible candidate will raise, spend, or obligate to spend at least one dollar over the general election limit. That one dollar decision will, of course, trigger a two-thirds of a million dollars windfall to his or her eligible opponent. Our difficulty with the estimate vanishes, however, when we assume that both candidates are eligible. In that case, neither candidate is entitled to an excess expenditure amount and we can safely say that the subsidy disapears. Estimates for Senate races where both candidates are eligible can be found in the Appendix.

D. Voter communication vouchers

An eligible, major party candidate is entitled to "voter communication vouchers" in the amount of 50 percent of the general election expenditure limit. These vouchers may be used only to purchase broadcast time of at least one minute but not more than five minutes during the general election period.[34] After the F.E.C. certifies that a candidate is eligible, the Secretary of the Treasury issues voter communication vouchers. These are in turn used to purchase broadcast time and then turned back to the Secretary by the broadcaster for payment at face value.[35] Funds for the payment are to come from the Senate Election Campaign Fund.[36] Current law does not, of course, provide any comparable benefit.

Estimated value of subsidies to eligible candidates under S. 3 in State where general election spending limit is $1 million

General election expenditure limit	$1,000,000
Subsidies:	
Half price broadcast rates	500,000
Reduced mail rates	100,000
Independent expenditure amount	20,000
Excess expenditure amount	666,667
Voter communication vouchers	500,000

Voter communication vouchers may be valued with precision; they are equal to 50 percent of the general election expenditure limit.

E. Who will pay for the Senate Election Campaign Fund?

In his introductory remarks on S. 3, the Majority Leader said:

"I recognize there will be those who will be concerned that taxpayers could be asked to help pay for cleaner[,] more competitive campaigns. But this isn't a novel idea; we have been doing it in Presidential elections since 1976. The cost of this is quite minor and like the presidential system would be financed by the voluntary checkoff on the tax return."[37]

If a checkoff system is used, as the Majority Leader suggests it will be, all taxpayers are handed the bill, not just those who check a box on their form 1040. Those who check that box determine how much money is transferred from the general fund to the election fund, but they do not themselves pay the bill, and neither do they increase their tax liability nor reduce the size of their refund. (The current Form 1040 reminds taxpayers that, "Checking 'Yes' will not change your tax or reduce your refund.") The same design is in prospect for S. 3.

Senate Republicans oppose using tax funds to pay for the political campaigns of Members of Congress. During last year's debate on a campaign finance reform bill, S. 137, Senate Republicans led a fight to eliminate all taxpayer-financed subsidies from the bill. Republicans lost that battle—but not the war, which rages on—when a McConnell amendment was defeated by only three votes. Not one Republican voted against that amendment. By contrast, 49 of 51 Democrats voted against it.[38]

After defeat of the McConnell amendment, Senator Exon proposed that the bill's benefits be paid by individual taxpayers who would redirect a part of their income tax *refund* to a campaign finance fund. Unlike the current checkoff system, the Exon plan would have reduced a taxpayer's refund. That amendment failed 39-to-60.[39] Senator Boren's sense-of-the-Senate amendment to the same effect as the Exon amendment was then adopted, 55-to-44.[40] Amendments expressing the sense of the Senate do not, of course, bind the Senate or the House or anyone else, and the idea that taxpayers will designate enough of their tax refunds to a Senate Election Campaign Fund so that Senators can finance their re-election campaigns is, to say no more, improbable.

Improbability is indicated by the current plight of the Presidential Election Campaign Fund, which is not funded by payments that reduce refunds but which nevertheless is facing serious financial difficulties. "There will be a shortfall in the [Presidential] Fund," says the Chairman of the F.E.C. "This may occur as early as next year's Presidential election. It will occur in the 1996 elections absent corrective legislative action."[41] As costs have risen, participation has dropped off. In 1989, the percentage of tax returns showing a "check off" fell below 20 percent for the first time.[42]

VI. CONCLUSION

Under our assumptions, an eligible candidate in a State with a $1 million general election expenditure limit is entitled to an estimated $1,787,000 in subsidies if his or her opponent is not an eligible candidate. This ratio of 1 to about 1.80, which may be too high or too low, will hold for every State. If both candidates are eligible major party candidates, the combined subsidy for both campaigns will equal about $2,240,000, or 2.24 times the general election expenditure limit for one candidate. (The subsidy for an election when both candidates are eligible candidates is calculated by omitting the excess expenditure amount and then doubling the result.) Estimates for the 1994 Senate elections can be seen in the Appendix.

Three of the five subsidies will be paid for by persons as yet undisclosed. Taxpayers and broadcasters have already been assigned to pay for the other two subsidies.

This paper does not purport to provide a comprehensive estimate of costs. We make no estimate for administrative costs, for example.[43] Our estimate for the independent expenditure amount is probably far too low; nearly everyone expects independent expenditures to balloon if direct campaign spending is capped. Costs for minor party candidates are sure to climb, perhaps steeply.[44] Our estimate of the subsidy for the half-price broadcast rates may be far too low because it accounts only for the eligible candidate's voter communication vouchers. Our estimate for the cost of the excess expenditure amount is an honest guess. How can it be anything else when the value of that benefit is either 100 percent or 67 percent of the general election expenditure limit or zero? And, of course, all aggregate estimates—ours and everyone else's—are functions of participation rates, which are unknowable. Based on the presidential model, however, we believe that participation rates will be very high. (John B. Connally is the only presidential candidate, among dozens during a generation, who has refused money from the Treasury.)

We look forward to a more comprehensive estimate of the costs of S. 3.

APPENDIX.—SPENDING LIMITS AND ESTIMATED SUBSIDIES UNDER S. 3

State	1990 voting age population	General election expenditure limit	1994 Senate elections	1994 estimated subsidy for one eligible candidate	1994 estimated subsidy for two eligible candidates
Alabama	3,010,000	$1,303,000			
Alaska	362,000	950,000			
Arizona	2,575,000	1,172,500	$1,172,500	$2,110,500	$2,626,400
Arkansas	1,756,000	950,000			
California	21,350,000	5,500,000	5,500,000	9,900,000	12,320,000
Colorado	2,453,000	1,135,900			
Connecticut	2,479,000	1,143,700	1,143,700	2,058,660	2,561,888
Delaware	504,000	950,000	950,000	1,710,000	2,128,000
Florida	9,799,000	3,049,750	3,049,750	5,489,550	6,831,440
Georgia	4,639,999	1,759,750			
Hawaii	825,000	950,000	950,000	1,710,000	2,128,000
Idaho	710,000	950,000			
Illinois	8,678,000	2,769,500			
Indiana	4,133,000	1,633,250	1,633,580	2,940,444	3,659,219
Iowa	2,132,000	1,039,600			
Kansas	1,854,000	956,200			
Kentucky	2,760,000	1,228,000			
Louisiana	3,109,000	1,332,700			
Maine	917,000	950,000	950,000	1,710,000	2,128,000
Maryland	3,533,000	1,459,900	1,459,900	2,627,820	3,270,176
Massachusetts	4,576,000	1,744,000	1,744,000	3,139,200	3,906,560
Michigan	6,829,000	2,307,250	2,307,250	4,153,050	5,168,240
Minnesota	3,224,000	1,367,200	1,367,200	2,460,960	3,062,528
Mississippi	1,852,000	955,600	955,600	1,720,080	2,140,544
Missouri	3,854,000	1,556,200	1,556,200	2,801,160	3,485,888
Montana	588,000	950,000	950,000	1,710,000	2,128,000
Nebraska	1,187,000	950,000	950,000	1,710,000	2,128,000
Nevada	833,000	950,000	950,000	1,710,000	2,128,000
New Hampshire	828,000	950,000			
New Jersey[1]	5,903,000	4,932,100	4,932,100	8,877,780	11,047,904
New Mexico	1,074,000	950,000	950,000	1,710,000	2,128,000
New York	13,600,000	4,000,000	4,000,000	7,200,000	8,960,000
North Carolina	4,929,000	1,832,250			
North Dakota	481,000	950,000	950,000	1,710,000	2,128,000
Ohio	8,090,000	2,622,500	2,622,500	4,720,500	5,874,400
Oklahoma	2,371,000	1,111,300			
Oregon	2,123,000	1,036,900			
Pennsylvania	9,199,000	2,899,750	2,899,750	5,219,550	6,495,440
Rhode Island	767,000	950,000	950,000	1,710,000	2,128,000
South Carolina	2,558,000	1,167,400			
South Dakota	519,000	950,000			
Tennessee	3,685,000	1,505,500	1,505,500	2,709,900	3,372,320
Texas	12,038,000	3,609,500	3,609,500	6,497,100	8,085,280
Utah	1,076,000	950,000	950,000	1,710,000	2,128,000
Vermont	425,000	950,000	950,000	1,710,000	2,128,000
Virginia	4,615,000	1,753,750	1,753,750	3,156,750	3,928,400
Washington	3,545,000	1,463,500	1,463,500	2,634,300	3,278,240
West Virginia	1,394,000	950,000	950,000	1,710,000	2,128,000
Wisconsin	3,612,000	1,483,600	1,483,600	2,670,480	3,323,264
Wyoming	339,000	950,000	950,000	1,710,000	2,128,000

APPENDIX—SPENDING LIMITS AND ESTIMATED SUBSIDIES UNDER S. 3—Continued

State	1990 voting age population	General election expenditure limit	1994 Senate elections	1994 estimated subsidy for one eligible candidate	1994 estimated subsidy for two eligible candidates
Total		79,932,050	58,509,880	105,317,784	131,062,131

[1] A unique formula applies to New Jersey. Sec. 101–"503(b)(2)."

FOOTNOTES

[1]The spending limits for the general election are explained in section II of this paper. Spending limits for a primary election are 67 percent of the general election limit or $2,7[illegible]hever is less. The limit for a runoff election is 20 percent of the general election expenditure limit. Sec. 101–"502(d)". [This form of citation, which is used throughout this paper, signifies a reference to that part of section 101 of S. 3 that proposes to add new subsection 502(d) to the Federal Election Campaign Act of 1971 ("FECA," which is codified at 2 U.S.C. 431

[2]To become eligible, a candidate must raise 10 percent of the general election expenditure limit in contributions of $250 or less from individuals. One-half of those individuals must reside within the candidate's State. The contributions must be made by "written instrument identifying" the contributor and must be made after January 1 of the calendar year preceding the year of the general election. Sec. 101–"502(e)".

[3]For example, the filing requirements of subsecs. 101–"502(b)-(c)", the recordkeeping and audit requirements of sec. 101–"507", and the limitation on the use of personal or family funds of sec. 101–"503".

[4]This is the term to denominate a candidate who has agreed to the requirements of the bill and is therefore eligible for its benefits. See, sec. 101–"501(2)".

[5]S. 3 provides that the general election expenditure limit is, ". . . [T]he aggregate amount of expenditures for a general election by an eligible candidate and the candidate's authorized committees shall not exceed the lesser of— (A) $5,500,000; or (B) the greater of— (i) $950,000; or (ii) $400,000; plus (I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and (II) 25 cents multiplied by the voting age population in excess of 4,000,000." Sec. 101–"503(b)(1)". New Jersey gets its own formula. Sec. 101–"503(b)(2)". Despite the name of the term, an eligible candidate can spend substantially more in the general election than the formula allows. For example, an eligible candidate can spend up to 25 percent above his or her limit if that amount is raised from individuals within his or her State in amounts of $100 or less, sec. 101–"503(b)(4)", and can spend up to 15 percent above the limit (or $300,000 plus an amount the F.E.C. approves, whichever is less) for qualified legal and accounting fees, sec. 101–"503(c)".

[6]The limit likely will be $950,000 for Alaska, Arkansas, Delaware, Hawaii, Idaho, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia, and Wyoming, and about $1 million for Arizona, Colorado, Connecticut, Iowa, Kansas, Mississippi, Oklahoma, Oregon, and South Carolina.

[7]47 U.S.C. 315(b) (1988). In the summer of 1990, the Federal Communications Commission conducted an audit of television and radio stations to measure compliance with the rules requiring the lowest unit charge for political advertisements. Sixteen of 20 television stations and four of eight radio stations were found to be in noncompliance. Broadcasters have complained for years that the F.C.C.'s rules are complex, confusing, and costly. In September, 1990, the Commission issued new guidelines requiring broadcasters to disclose all rates and the availability of package options available to commercial advertisers and prohibiting broadcasters from creating new classes of time that result in higher rates for candidates. "FCC Issues New Lowest Charge Guidelines," 119 *Broadcasting 30 (Sept. 10, 1990).*

[8]Section 315 of the Communications Act of 1934, 47 U.S.C. 315, will get a thorough going over if S. 3 is enacted. Section 103(a) of the bill amends subsection 315(b) to require the 50 percent rates; section 103(b) adds to section 315 two new subsections on preemption and vouchers; and section 202 rewrites subsection 315(a), the equal time requirements.

[9]Sec. 101–"504(a)(1)" & Subsec. 103(a). In each case, the lowest unit charge is "determined at the rate applicable to broadcasts of 30 seconds for the same time of day and day of week." Subsec. 103(a). During any period in which the rules on "lowest unit charge" are in effect (whether for eligible or noneligible candidates), the broadcaster may not preempt the air time that a candidate has purchased unless preemption is "unavoidable." Subsec. 103(b).

[10]The major campaign finance reform bills sponsored by Republicans also would regulate broadcast rates, but generally just by guaranteeing that nonpreemptible time could be purchased at preemptible rates. See, sec. 501 of S. 6 (non-preemptible time must be sold at the lowest unit rate for preemptible time during the final weeks of an election) & title III of S. 143 (same). However, title V of S. 7 requires that non-preemptible time must be sold at the lowest unit rate for preemptible time and also requires broadcasters to provide 5 hours of free time (most of it during the last few weeks before the election) during every 2-year election cycle.

[11]137 Cong. S. 479 (daily ed. Jan. 14, 1991) (remarks of Sen Mitchell).

[12]This number is from the Television Bureau of Advertising (telephone interview). In 1988 the National Association of Broadcasters testified before a Congressional committee that political advertising accounts for one percent of total revenues in large markets and four percent in small markets. "Subcommittee Bashes Broadcasters on Lowest Unit Rate," 115 *Broadcasting* 48 (Sept. 19, 1988).

[13]From the industry's point of view, half-price rates are being piled on lowest unit rates, which apparently they don't like either: "Lowest unit charge is 'a flat-out, politician-ordered, broadcaster subsidy for politicians,' [former F.C.C. Chairman Mark Fowler told a cheering audience [of the National Association of Broadcasters]. He said there's nothing wrong with broadcasters making cheap advertising time available for candidates: 'The difference—indeed the rub—is that government put its big, thick thumb on the scales of justice by ordering all this to occur.' * * * Fowler, who was interrupted repeatedly by applause. * * * received 30-second standing ovations at the beginning and conclusion of his speech. * * *" "Record 40,388 in Dallas," 7 *Communications Daily* 2 (April 1, 1987).

[14]39 U.S.C. 3217 (1988).

[15]39 U.S.C. 3403 (1988).

[16]39 U.S.C. 3406 (1988).

[17]39 U.S.C. 3626 (1988).

[18]39 U.S.C. 2401(c) (1988) (permanent authorization).

[19]39 U.S.C. 3627 (1988).

[20]*Id.*

[21]Sec. 101–"504(a)(2)" & sec. 104(a).

[22]The bill does not appear to amend 39 U.S.C. 3627. Therefore, unlike the other classes of subsidized mail listed in the text, if Congress fails to appropriate funds to cover the costs of the subsidy the shortfall may have to be made up by all stamp buyers and not just by those using the class of mail that is being subsidized, which otherwise is the requirement of section 3627. On the other hand, the failure of the bill to amend section 3627 may mean that the subsidy will end if Congress does not make an annual appropriation. Conversations with members of the Rules Committee staff lead us to the conclusion that there is some unintentional ambiguity in the mail subsidy provisions and that an amendment may be forthcoming.

[23]For third-class mail, we are comparing the subsidized rate under S. 3 with a rate that is already being subsidized. Neither rate reflects the actual cost of delivering a letter. In short, we understate the value of the subsidy.

[24]Sec. 101–"506(a)".

[25]Here, Sec. 101–"506(d)", and elsewhere throughout the bill, if the Senate Election Campaign Fund does not have enough money to provide a full payment, the candidate is given a pro rata share.

[26]Sec. 101–"504(a)(3)" & sec. 101–"504(b)".

[27]Sec. 106–"304A(b)".

[28]Sec. 101–"504(o)(2)". The section-by-section summary of S. 3 says, "Eligible candidates would receive public funds to respond to independent broadcast ads exceeding $10,000 from any source during the general election period." 137 Cong. Rec. S 478 (daily ed. Jan. 14, 1991) (remarks of Sen. Ford). We see no evidence, however, that the independent expenditure amount is available only if the independent expenditure is for "broadcast ads." Any independent expenditure, whether for broadcast ads or not, will trigger the payment of the independent expenditure amount if the expenditure is above $10,000.

[29]Net receipts (not expenditures) for Senate candidates in the 1987–88 cycle were $199.3 million. Independent expenditures in Senate campaigns totalled $4.2 million (84 percent of which were *for* not *against* a candidate). "FEC Final Report on 1988 Congressional Campaigns Shows $459 Million Spent," F.E.C. press release Oct. 31, 1989, pp. 5, 13.

[30]"FEC Releases Final Report on 1988 Presidential Primary Campaign," F.E.C. press release Aug. 25, 1989 at 1.

[31]Sec. 101—"504(a)(3)", sec. 101—"504(b)(1)(B)", & sec. 101—"504(b)(3)".

[32]Here, sec. 101—"504(b)(3)(B)", and elsewhere throughout the bill, different rules apply to minor party candidates.

[33]Sec. 101—"504(d)(2)".

[34]Sec. 101—"504(a)(4)" & sec. 101—"504(c)".

[35]Sec. 101—"506(c)".

[36]*Id.*

[37]137 Cong. Rec. S. 479 (daily ed. Jan. 14, 1991) (remarks of Sen. Mitchell).

[38]136 Cong. Rec. S. 11100 (daily ed. July 30, 1990) (amendment no. 2433). See also, 136 Cong. Rec. S 11229 (daily ed. July 31, 1990) (Kerry amendment no. 2443).

[39]136 Cong. Rec. S. 1187 (daily ed. Aug. 1, 1991) (amendment no. 2448).

[40]136 Cong. Rec. S. 11493 (daily ed. Ang. 1, 1991) (amendment no. 2449).

[41]Statement of John Warren McGarry, Chairman, F.E.C., before the U.S. Senate Comm. on Rules and Administration at 1 (Mar. 6, 1991) (mimeo).

[42]*Id.* See also, "Campaign Fund Faces Shortfall As More Taxpayers Check No," 49 Cong. Q. Weekly Rpt. 558, 559 (Mar. 2, 1991).

[43]Cf., S. Rpt. 101-253 [to accompany S. 137], 101st Cong., 2d Sess. 23 (1990) (C.B.O.'s estimate for additional F.E.C. administrative costs).

[44]In 1988, of the fifteen presidential candidates who received Federal funds there was one minor party candidate (Ms. Fulani) and one other candidate (Mr. LaRouche) who ran as a Democrat but whose bona fides were questioned.

Mr. NICKLES. I thank my colleagues and friend from Wyoming.

Mr. SIMPSON. Mr. President, I thank the Senator from Oklahoma for his powerful explanation of that proposal which indeed will confront us all. I think the American public is demanding we do campaign reform and demanding we do it in a sensible way, and we will not escape that obligation.

I see my friend from Delaware is present and I yield 4 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH] is recognized for 4 minutes.

Mr. ROTH. I thank the Chair.

The remarks of Mr. ROTH pertaining to the introduction of S. 721 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH. Mr. President, I yield back the floor and thank my friend and distinguished colleague from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming has 2 minutes remaining.

EXTENSION OF MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that we be permitted to proceed for an additional 7 minutes.

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

Mr. SIMPSON. Mr. President, therefore in view of that, I yield to my friend from Montana 4 minutes.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS] is recognized.

THE MIDDLE EAST

Mr. BURNS. Mr. President, last weekend about 17 Senators, bipartisan, visited the Middle East. We all came away with different impressions and different thoughts of the Middle East and the activities and the actions that were taken there.

We tend to forget sometimes that Saddam Hussein was the man who made the first move. There was a time when we wrenched with our decisions that had to be made here in the U.S. Senate, and those decisions were made and they were made in the right direction and we proceeded.

But as I visited Kuwait City last weekend, it reminded me of some things we are doing in this Congress I think we ought to be mindful of or be reminded of every now and again.

What Saddam Hussein did to a city in 7 months might be happening to our country and our cities, only spread over a longer time, maybe in 70 years. When you go into a city that you have visited just 4 years ago and see its vitality and its modern conveniences and the amenities that Americans are used to completely trashed and destroyed—it was a ghost city, and we in the West know what ghost cities look like: no people, no utilities, such as water or power, the ability to handle sewage or waste. None of those amenities or necessities to run a city was evident, and with the fires from those oil wells outside and the rain in cities on the buildings that were once white, that were dingy and streaked from the rains of the spring.

I got to thinking, do we invest in this country, in our infrastructure called transportation, called communications, called utilities, such as electricity and water and all these things that it takes, that we have to provide for our society—completely destroyed, a city taken to its knees.

I would remind our colleagues here, not only in the Federal Government, but also in our State and county governments, that the investments that we make in infrastructure, such as bridges, such as roads, such as electricity, such as water and power, how important they are to us in our ability to compete with the rest of the world.

Sometimes we move our priorities, and I have moved mine. We respond to reactions and kneejerk reactions of some social programs that do not work.

I am always reminded of a comic strip I saw a couple of weeks ago. I think it was Shoe. This guy says, "I react to my problems. I throw money at them. And the only thing that disappears is my money. The problem remains."

So as we start to allocate dollars working in this budget—and the American people have told us that this national debt and deficit spending is the No. 1 priority. But they also have another priority, called the maintenance of infrastructure.

All you have to do, Mr. President, is go and look at Kuwait City. What was done in 7 months, we are doing to ourselves, also, over a period of years. It is happening before our eyes, and we are not realizing it.

That is what I brought back from the Middle East, other than a force that was moved in short time, present positions, and an operation that went off without a hitch. Those young men and women of our country should be congratulated for a job well done. What we want to do is bring them home.

But I just want to remind my colleagues that we should take a look at our infrastructure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BURNS. I thank the Chair and I thank my leader, and I yield the floor.

Mr. SIMPSON. I thank the Senator from Montana for his graphic description of his visit to Kuwait.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

SUPPORT OF THE EXTENSION OF THE FAST-TRACK AUTHORITY

Mr. SIMPSON. Mr. President, I want to express my strong support of the President's request to extend the fast-track past the May 31, 1991, deadline set by the Congress in the Omnibus Trade and Competitiveness Act.

We really have before us two great opportunities to improve the slowing of the United States economy—specifically, the Uruguay round of GATT and the North America Free-Trade Agreement. Historically, Congress and the executive branch have recognized that the negotiation of and the implementation of free-trade agreements requires a very special kind of cooperation. This relationship has worked very successfully over the years. The proof of this is the inclusion of the fast-track procedures in the trade legislation in 1974, 1979, and the 1988 Omnibus Trade and Competitiveness Act.

Fast-track provides two essential guarantees for us: A vote on the implementing legislation within a fixed time period; and, two, no amendments to the final agreement. These guarantees are absolutely essential to negotiating any agreement. Without them, the final package will be unraveled by every single special-interest group in the United States, every single one that comes down the pike. More importantly, many countries will not commence trade negotiations without an assurance of the fast-track procedure. We must be able to ensure that the final agreement reached can be voted on intact.

The Uruguay round of GATT and the North American Free-Trade Agreement represents good policy—good trade policy, good economic policy, and good foreign policy.

Over the last decade, we have become increasingly aware of the critical role that international competition and trade play in our economy. From 1982 to 1989, imports increased from $254 billion to $430 billion, while exports increased from $212 billion to $364 billion. This $178 billion expansion accounted for 40 percent of the 4-year growth in the U.S. gross national product. The balance of trade during that same time period increased from $42 billion to $129 billion. Despite our international trade efforts, imports continue to greatly exceed exports. We must realize that domestically, we just are not going to be able to consume a great deal more than we currently are. We cannot. Without actively pursuing all avenues to increase exports, the balance of payments will continue to deteriorate.

The so-called Hollings resolution aiming to derail the executive branch's ability to negotiate trade agreements is not appropriate. The language of the disapproval resolution makes it so very clear that fast-track authority would be eliminated for both multilateral and bilateral agreements. If that passes, we will not have either the NAFTA or the Uruguay round. Essentially, a vote against fast track is a vote against trade.

We cannot fool ourselves by thinking that any final agreement on the proposed trade agreements will be welcomed globally. Yet, if we were to eliminate the fast-track procedure, we will irreparably damage prospects for a favorable conclusion to trade agreements and the international competitiveness of the United States.

We cannot deceive ourselves by diminishing the importance of the fast-track provision. We have before us a decision which will determine the direction, as well as the strength, of U.S. trade policy in the future.

I urge my colleagues to support the President's request to extend the fast track, and commend Carla Hills for her superb work in this effort.

Mr. President, I thank the majority leader for this opportunity of a special order to express some of the views and

observations and feelings of those of us on our side of the aisle. The majority leader is always the most courteous about that, and we appreciate it.

The PRESIDING OFFICER. The Chair thanks the Senator from Wyoming.

The Senate continues in a period of morning business until 11:30 this morning, in which Senators are permitted to speak. The time between now and 11:30 will be under the control of the majority leader or his designee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I also request unanimous consent that Mr. Richard Legatski, a congressional fellow serving on my staff, be granted the privilege of the floor during my remarks this morning and during any future floor consideration of the bills I am about to introduce.

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

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 733 through S. 737 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD. Mr. President, I ask unanimous consent to speak for 10 minutes.

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

THE SUBMARINE INDUSTRIAL BASE

Mr. DODD. Mr. President, I requested time this morning to talk about a serious problem that threatens to endanger the national security of the United States. I am talking about our declining defense industrial base and the long-term consequences of decisions made today about the procurement of weapons systems. More specifically, my subject is the serious threat to one of our most important assets, our submarine construction capability.

It seems to me that our Nation in this century is bound to make the same error after every major war: to disengage, to disarm too much too soon. Our premature pullback from European affairs after World War I doomed the League of Nations system and allowed the rise of Adolf Hitler. After World War II, our fast disarmament was taken as a signal by Stalin that he could complete his seizure of central Europe and disregard the Yalta provisions on free elections.

Compounding the error, the Nation's defense industry was left to decay—forcing us to take extraordinary measures to prepare for the Korean war. It was in fact the lack of military readiness that, 3 months after the beginning of the Korean war, prompted Congress to pass the Defense Production Act. Parts of this act are still in force today.

In an article in the April–June 1953 issue of the Federal Bar Journal, Robert Finley of the Office of Defense Mobilization presented an Army estimate that if $10 million had been made available only for maintenance during each of the 5 years preceding Korea, between $200 and $300 million would have been saved in subsequent rehabilitation costs.

Finley wrote:

> The great expense and delay which could have been avoided in the period of buildup since Korea, had more of the facilities of World War II been retained and maintained, requires no elaboration. In the years following the war * * * large numbers of plants were sold and many of those retained were permitted to deteriorate. It is evident that these mistakes must not be repeated.

One widely cited example is the case of machine tools. In his book "Industrial Mobilization: The Relevant History," Roderick L. Vawter points out that an excess of machine tools after the war caused them to be dumped by the War Assets Administration at 15 cents on the dollar. This drove 34 machine tools companies out of business, leaving the United States in 1951 with one-third the machine tool capacity that had existed at the start of World War II.

My speech here is a warning that something even worse than what happened to the machine tool industry may befall our submarine industry, unless we make wise decisions with respect to the future of that industry.

Let me be more specific. Our principal submarine builder, the Electric Boat Shipyard in Groton, CT, in 1 recent year received construction awards for five new submarines. Now, Congress and the Pentagon face decisions that may result in a few years in Electric Boat having no more than one submarine to build every 2 years, far less then what is necessary to keep this vital national asset in business. If we lose Electric Boat, we will lose a crucial component of our defense industrial base.

When I called Electric Boat our submarine builder I did not mean to slight the other still functioning submarine yard in Newport News, VA. It is also a tremendous asset of our Nation. The fact is, however, that Electric Boat is dedicated exclusively to submarine construction, it has no other business to survive on, and only Electric Boat is qualified to build every class of submarine we have in our inventory. Of the three classes presently in construction, Electric Boat is building all three at the same time, the other shipyard, Newport News, only one.

The question at hand is the impending decision on the procurement strategy of the new Seawolf-class attack submarine. Originally, this program was planned to launch a fleet of 29 Seawolfs. After repeated cutbacks we are now down to 9 ships planned and even this figure is not immune to further reductions; 29 Seawolfs could have kept 2 shipyards working in healthy competition, just as was done with the previous Los Angeles class of attack submarines. A program of merely nine submarines, however, will probably call for a different procurement strategy.

Electric Boat is now constructing the lead ship of the class. It won the award in genuine competition. Instead of continuing with a competitive strategy, though, the Navy is now prepared to direct the award for the second ship to Newport News, presumably to preseve the option for a competitive acquisition strategy.

A little explanation is in order here. Anticipating a directed award to Newport News, last year's Defense Appropriation Act ordered that the contract for the second Seawolf be awarded competitively. The act also provided that the Secretary of the Navy may consider "all applicable factors" in making his award. This language is, of course, so broad that you could pilot a Trident through it and the Secretary now faces the decision whether to make the award based on price or to direct the award to the higher bidder—and justify the decision on the basis of some other applicable factor.

Mr. President, it is my firm belief that if Electric Boat's bid is lower than that of Newport News, it would be a mistake to direct this award to the higher bidder for several reasons. It would be unfair, extremely costly, and would lead to the opposite of its intended effect, the preservation of our submarine industrial base.

It would be unfair, because Electric Boat won the lead ship award in fair competition and is entitled to the advantages that come with that victory. That is the name of the competitive game. To direct the second award to Newport News would negate those advantages fairly won, and would de facto award a second lead ship to Newport News which it did not win in fair competition. With the 1-year pause that was built into the program between SSN–21 and SSN–22, an at least 3-year break between two ships would be forced upon Electric Boat, enough to wipe out most of its fairly gained advantages and its descent on the learning curve.

Such a directed award would be extremely costly on at least two accounts. The first premium we would pay is the price difference the Sec-

retary of the Navy may be willing to overlook. The second premium would be the approximately $230 million in extra cost that would result from the 3-year construction break at Electric Boat.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD those cost differentials.

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

These costs include:

$84 million in unabsorbed overhead, which directly impacts existing construction contracts.

$126 million due to loss of savings, resulting from the inability to efficiently roll over trades from the lead ship to the next follow ship. Key experience developed on the lead ship would be lost due to at least a three-year production gap.

$20 million in increased vendor material costs, resulting from a break in production as well as additional certification.

Mr. DODD. Far from preserving the submarine industrial base, such a directed award would, in its long-term consequences, actually undermine it by driving Electric Boat out of business. It simply cannot survive on less than one submarine per year. That is the real threat, it simply cannot survive on less than one submarine a year. Any realistic student of the business knows that competition with this small number of units—nine ships or fewer—will actually mean alternating directed awards to the two shipyards. This would bring Electric Boat at most five submarines in 10 years, which is simply not enough to carry its overhead, skilled work force and its technological and design superstructure—the best in the world.

It is important to emphasize that all Electric Boat builds is submarines, while Newport News has a huge backlog of noncompetitively awarded contracts for new construction of aircraft carriers and aircraft carrier overhauls and expects further carrier awards in the following years. Mr. President, the Seawolf contract for Newport News means more; for Electric Boat it means survival.

I strongly hope that our future submarine construction will support two capable shipyards. If that will be the case, we can always pay the premium later to bring in Newport News as the second producer who, Electric Boat, will be able to survive on its other business while keeping its submarine skills.

Mr. President, we must now allow the errors of the past to be repeated. The cold war may have eased, but we arm ourselves against the capabilities of our adversaries, not against their declared or putative intentions. At a time when the Soviets have launched 19 submarines in the past 2 years and have double the number of attack submarines we have, and 50 percent more ballistic missile submarines, it is imperative that we safeguard this tremendous asset we have in our submarine industry. I call on all my colleagues, the Secretary of Defense, and the Secretary of the Navy, to unite in an effort to save our submarine industrial base with a well-considered long-term policy.

Mr. President, 2 days ago the Defense Appropriations Subcommittee, under the leadership of Senator INOUYE, held a very constructive hearing, in which it invited both yards, Newport News as well as the Electric Boat Division, to provide testimony as to their thoughts on the present Seawolf award and their future capabilities of providing a long-term consistent industrial base for submarine construction. The Secretary of the Navy, Mr. Garrett, testified as well. A number of Senators attended that hearing. Senator RUDMAN, Senator STEVENS, and Senator SPECTER participated in those hearings.

I strongly urge our colleagues who have any interest at all in this industrial base question to review that testimony and to listen to the questions that were raised.

It was an extremely valuable and worthwhile hearing, to cast light on exactly this problem.

My intention is, over the coming weeks, to discuss the broader issue of industrial base policy. While we all appreciate the tremendous good news over the last several years and the prospects for arms controls with the Soviet Union, I think it is vitally important to recognize that while those talks are going forward, and glasnost and perestroika seem to still be surviving—barely, I point out—they have a tremendous program underway in the Soviet Union.

As I mentioned earlier, they have some 19 new submarines in the last 2 years to our 1 that has been launched. You do not have to have a Ph.D in industrial base policy to understand what is going on here. If we lose the premier submarine contractor in this country, then this Nation will have suffered a major loss.

We are not talking about a sewer contract team. We are talking about something that goes to the very heart of this Nation's ability to provide for its national security with the most defensible leg of our triad.

Mr. President, I hope our Pentagon, and those responsible for reviewing these matters, will consider the seriousness of this issue and what is at hand here. It is not the interest of just one particular State or region of that State. That is hard enough to understand. We can accept that. We understand with base closings and mergers of various labs and so forth that is going on, and some of that is going to be necessary. All I ask is that there be consideration of maintaining the industrial base in this country.

My fear is that we are not giving enough consideration to that policy, and we are shutting down these facilities and consolidating and merging to save dollars because of the budget constraints, but little or no thought is being given to the long-term industrial base needs of this Nation as it applies to its national security.

As I said, Mr. President, this has gone on in every single case. We have paid a dear price in every single instance because we did not pay attention to industrial base policy.

I urge my colleagues to look at the testimony from the hearing conducted by Senator INOUYE the other day. It was a very worthwhile and important hearing on this issue.

STATEMENT ON SEAWOLF

Mr. LIEBERMAN. Mr. President, I agree with my distinguished colleague from Connecticut about the importance of a fair and objective competition for the second Seawolf. The upcoming decision is of enormous importance for a number of reasons. First, this decision will have a major impact on southeastern Connecticut. I have recently met with the workers of Electric Boat [EB] and have felt their anxiety. I realize that thousands of jobs may be on the line in the most economically vulnerable part of our State. And these workers are also located in the part of the country that is suffering the most from the current recession, New England. This is not an abstract decision to be made in a vacuum. People's livelihoods are at stake.

But it is also a vital issue for the U.S. taxpayer. Real cost savings are best achieved in a stable production environment and the most cost-effective way to fund the Seawolf Program is to ensure a steady production rate at EB. If the fiscal year 1991 Seawolf is not awarded to EB, there will be a 3-year production gap at the Connecticut shipyard. EB therefore will have to lay off much of its newly trained Seawolf work force and halt its production line. The Seawolf Program will sacrifice significant production and learning curve improvements.

To be more precise, Electric Boat and the Navy itself have estimated that there would be an immediate loss to the Government of $335 million due to the following negative repercussions:

The lost learning curve would result in a $140 million loss.

Unabsorbed overhead would cost the Government $120 million.

The disruption of vendor supplies would result in a $40 million loss.

Rehiring and training costs would end up costing $35 million.

I repeat, all told, this comes to $335 million.

Nor do these numbers include the price differential between the two competitors' bids for the second Seawolf. Logic supports the belief that Electric Boat has submitted the lowest bid. No

doubt, this is in large part due to its mastery of the new modular system of construction. The modular system, which EB pioneered when constructing Trident submarines, involves building a submarine in intact sections rather than from the keel up. Newport News has yet to implement this new and cheaper method.

Some have asserted that the second Seawolf must go to Newport News to preserve an industrial base of two nuclear submarine yards. However such an award will likely have the opposite effect, leading to the elimination of EB.

EB must have at least one submarine a year in the budget to survive because it has a significantly smaller backlog of work than Newport News and only builds submarines. Newport News is currently building 10 submarines and three carriers through 1997. It was recently awarded the multiyear carrier *Enterprise* nuclear refueling overhaul and expects more such carrier major overhauls later in the decade. It will begin building another carrier in 1995. Thus, Newport News will have a stable work force at least through 1997.

In contrast, EB has a workload 40 percent smaller than Newport News and is currently laying off workers. EB will lose half its work force if it only gets one submarine a year. Its future will be even more tenuous if it is awarded only one submarine every other year. This is the expected outcome if Newport News receives the second Seawolf and awards alternate between yards at the Navy's planned construction rate of one Seawolf a year.

Mr. President, I would like to salute the fine work performed by the Senator from Hawaii, chairman of the Defense Subcommittee of the Appropriations Committee. Last Tuesday, he held an excellent hearing in which Jim Turner, head of Electric Boat, made many of these same arguments.

Senator INOUYE has also directed in last year's appropriations bill a fair and objective competition based on price and quality. He knows that political pressures and bureaucratic inertia should not drive the decision. I want to compliment the senior Senator from Hawaii for insisting on a fair competition. The taxpayers owe him a vote of thanks.

I also intend to remain vigilant in order to assure that a fair competition takes place. I expect that the taxpayers will insist that all of us in Congress be vigilant as well. At a time of declining defense budgets, this is no time to throw away money on poor procurement practices. This is a time to think of the national interest.

ON U.S. SUBMARINE INDUSTRIAL BASE

Mr. DODD. Mr. President, this week your Defense Appropriations Subcommittee took testimony on the acquisition strategy of the new Seawolf-class submarine. Through this hearing, was the chairman of the subcommittee apprised of the status of the industrial mobilization base for submarine construction and does he have any conclusions in this regard?

Mr. INOUYE. The testimonies of the heads of the two shipyards engaged in submarine construction and the Secretary of the Navy leaves me with grave concerns as to our ability to maintain the current industrial mobilization base of two shipyards and the suppliers of critical components within the acquisition levels projected at present. It is my intention to ask the Secretary of Defense for a more detailed review of this matter. The current instability of the international environment and the lack of any reduction in Soviet submarine construction indicate that it may not be in the interest of our national defense to allow a significant degradation of our industrial mobilization base at this time.

Mr. DODD. Following up on that, Mr. President, did the Senator receive testimony on the proposed acquisition strategy for the Seawolf Attack Submarine Program?

Mr. INOUYE. The Secretary of the Navy is presently reviewing proposals in response to a competitive solicitation for the fiscal year 1991 ship. There is a serious question, however, whether the projected acquisition level will be sufficient to maintain a long-term competitive acquisition strategy for the program. The Electric Boat shipyard builds only submarines and has stated that it requires one submarine per year to stay in business. The Newport News shipyard builds both attack submarines as well as carriers and has stated that it would need a half ship per year to maintain its attack submarine construction activity. If one result of competition is potentially losing one of the nuclear capable submarine construction yards entirely and reducing the capability of the other significantly, this is not the time to take that path.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware, [Mr. BIDEN]{S3838}.

Mr. BIDEN. Mr. President, I ask unanimous consent I be able to proceed for 10 minutes as if in morning business.

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

THE CRIMINAL JUSTICE SYSTEM

Mr. BIDEN. Mr. President, I rise for two purposes today.

POLICE BRUTALITY

One is to discuss very briefly the issue that has riveted the attention of the Nation, and that is the subject of police brutality.

I have spent the entirety of my professional life as both a practicing attorney and as a Member of the U.S. Senate over the last 24 years dealing with the criminal justice system. And it falls to me the responsibility as chairman of the Judiciary Committee, and having worked on that committee for years and years, to deal with the issues relating to the criminal justice system, including the issue of police brutality.

Mr. President, I have turned on the television every morning, and on every morning show I watched, since the dreadful incident, we have all observed a home videotape machine replayed 1,000 times, as it should be, in Los Angeles.

I have now listened and heard with equal anger and horror about the prospect of a similar circumstance having occurred in the city of New York—without video—but the allegation that a young man, a car thief, may have been suffocated. We are going to hear more, as we should, about incidents and alleged incidents of outrage that have occurred at the hands of some police.

What I am starting to hear now disturbs me almost as much. Every time I turn on the television, there is a psychologist on talking about the pressures on police, the implication being that all police engage in this kind of activity, that this is somehow a widespread phenomenon throughout the Nation.

Mr. President, I am labeled one of those people on civil rights and civil liberties issues as being on the left. I am labeled as one of those people, and often criticized for being too concerned about civil liberties and too outspoken about civil rights issues.

So I do not come at this from the perspective of someone who is automatically expected to be supportive of the police whenever anything happens. But it does disturb me, and therefore I feel compelled to speak this morning. I have had the opportunity, as I said, for the last two decades, to learn more about the criminal justice system than I ever wanted to know, quite frankly. And the fact of the matter is the overwhelming—the overwhelming—majority of the police in this Nation do not engage in such activity.

Let me put it in perspective for just a moment, and I am not going to take much of the Senate's time this morning. According to the Justice Department's most recent accounts, there are about a half million police officers in America, about 500,000 law enforcement officers in this country. And according to Attorney General Thornburgh, there were about 2,500 incidents of reported police brutality this year.

That is horrible and we should ferret it out; we should go after those who engage in that brutality, and they should be given the strictest measure of the law applied to them. But this is equal to about one reported incident of police brutality for every 200 police officers there are in the Nation, and every re-

ported incident does not necessarily mean it occurred.

But let us assume it did; that every reported incident, I say to the Presiding Officer, who was attorney general of his State, and had probably—each State attorney general has slightly different jurisdictions and authority, but I expect he had jurisdiction over such matters.

And I would also note that there were about 14,300,000 arrests in the year 1989 by these half million police officers. So let us put this in perspective. A half million police officers, over 14 million arrests made by those police officers, and 2,500 reported cases of police brutality. That means that in 99.9 percent of all the arrests made in this country—99.98 percent of all the arrests made in this country—there was no allegation of brutality.

I am not a fan of the man who heads the Los Angeles Police Department. I have said publicly that although that is a local responsibility to determine whether or not he stays, were I the mayor, were I one of the commissioners, I would be pleased to see him hand in his resignation. And I contend that were I there, that would be my position.

We have no authority, the Presiding Officer and I, to determine who is going to be the presiding chief of police in any city or municipality, nor should we.

But the fact remains, notwithstanding what we saw on that video—and it was horrible, inexcusable—it is hard to believe that not only the people who were engaged in, but those who were watching, in authority, are not culpable for that activity. Again, that is for juries to decide, not for me to decide, as a trier. I am no trier of fact, and/or the jury in this case. But they should be prosecuted, and people should be made to pay for what happened.

I can assure you and assure my colleagues that for every citizen who watched that videotape and felt a sense of anger and rage, there were 10 times as many police officers who watched the video and felt a genuine sense of rage, because they knew what would come next; that notwithstanding the fact they put themselves in a circumstance more dangerous than they have ever been placed as a group in the history of this Nation, with 23,000 murders last year, tens of thousands of crimes committed, that notwithstanding that fact, they knew what would happen once that was put on the screen, as it should have been. The people would look at them and say: You wear a blue uniform; are you like that? And they are not, Mr. President.

So I just rise from my seat today to try to put it in perspective; put both the beating in perspective—it is inexcusable, and it should be prosecuted. And we should look to see if any more of it is occurring. We should be forever vigilant, because it does occur and will occur and has occurred and will continue to occur because of the nature of the business and the nature of human nature.

But it is not only not the majority, it is not even close to a representation, in this Senator's view, of how police officers operate in this country.

Again, 500,000 police officers, roughly 14,300,000 arrests, and 2,500 incidents. All of them are bad, the incidents, but 99.9 times out of 100 is without incident.

COMMITTEE REPORT

Mr. BIDEN. A second subject, Mr. President, and very briefly: I am very proud of the Judiciary Committee's staff, and we have been issuing on a fairly regular basis reports that have been greeted by the professional community, by those who know the issues on which we speak, almost uniformly if not uniformly, with praise.

I rise for two purposes today on this matter. A, to praise the staff for the report that we are releasing today: Violence Against Women; the Increase of Rape in America in 1990. Not unlike the report we recently released showing that America had the highest murder rate in its history, and the highest of almost any industrialized country in the world: 23,000 murders on a per capita basis.

If we had the same murder rate that Britain had, we would have had 2,300 murders, not 23,000, in this country.

But today, we are releasing the findings of the majority staff report, which reveals that the extent of the rape epidemic that has spread across this country is real. And here are some of the conclusions. In 1990, more women were raped than in any year in U.S. history. In 1990, the number of rapes in this country reported to authorities exceeded 100,000 for the first time. There was over a 6-percent increase in the number of rapes from last year, an increase of 5,929 attacks, the largest in over a decade; 1990 continued a 3-year trend of increases in the number of rapes, and, further, the 1990 increases grew nearly three times greater than 1989. Last year half of the States, 29, set all-time records in the number and rate of rapes.

What do all these things tell us? Well, the simple but horrible fact is American women are in greater peril now from attack than they have ever been in the history of this Nation. Unfortunately, it has taken these findings to again prove that our society and the laws must change to address the problem.

Mr. President, it is in the spirit of trying to deal with this problem that I have introduced once again this year the Violence Against Women Act in this Congress. I hope my colleagues, in considering the details of that legislation, which I will be speaking to at length at a future date, will consider the report on rape as well as other factual data which will point out that American women are more at risk today than they have been at any time in our history, and we must do something about it.

I thank the Chair and I thank my colleagues.

Mr. CHAFEE. Mr. President, I ask unanimous consent that I might proceed as in morning business for 6 minutes.

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

Mr. CHAFEE. First, Mr. President, I wish to thank the distinguished senior Senator from South Carolina for permitting this. I know that he was prepared to go ahead with another matter.

THE AWARDING OF THE SEAWOLF SUBMARINE CONTRACT

Mr. CHAFEE. Mr. President, I would like to address a matter which is of great importance to the Nation and to my home State. Sometimes we have a juxtaposition where a parochial concern also coincides with a national concern, and that is the situation we have before us today; namely, the awarding of the contract for the second SSN-21 class submarine. This contract to be awarded would be for the second one; namely, SSN-22, the Seawolf attack submarine.

The Secretary of the Navy is currently considering competing bids for the second Seawolf submarine. The bids have come in from General Dynamics' Electric Boat Division, which has its principal facility in New London, CT, and the other facility in Quonset Point, RI, and Newport News Shipbuilding of Virginia.

Originally, it was expected that a significant number of Seawolf-class submarines would be built and that the two yards could compete effectively for the business and, through the competition, there would be savings for the U.S. Government.

The Navy awarded Electric Boat the contract for the first Seawolf. It was a competed contract. Electric Boat won it, and it was anticipated that the second one might go to Newport News. The two yards would then compete thereafter for the subsequent submarines.

There are several factors why this strategy might result in significant losses to the American taxpayer and our national security interests. The first factor relates to the possible loss of a critical industrial base. The second relates to the actual cost of the program itself. Both of these factors argue in favor of a decision to award the second Seawolf to Electric Boat.

Recent cutbacks in defense spending has reduced the number of Seawolfs to be built to as few as five or six vessels over the next 5 years. In other words,

at a rate of one per year. This number is insufficient to allow two yards to produce the ships.

I think we also should be aware of the fact that Newport News produces surface ships—principally aircraft carriers, the only builder of aircraft carriers in our country, and also the only builder of nuclear-powered surface ships. Also, Newport News produces submarines. And that yard has a significant backlog of business, which is expected to keep that yard busy well into the current decade and probably into the next century as well. Electric Boat, on the other hand, produces only submarines and has a much smaller backlog. Newport News is thriving with its present submarine and surface ship contracts, but without the Seawolf contract, Electric Boat most likely would shut its doors in the mid to late 1990's. If the United States is going to retain two nuclear-capable shipyards able to build nuclear-powered submarines, then this contract, in my judgment, should go to Electric Boat.

Another factor, Mr. President, which is paramount is the bottom line cost to the American taxpayer. It is my understanding that the bid for the second Seawolf submitted by Electric Boat is approximately $80 to $100 million less than the bid submitted by Newport News for the second submarine, for the Seawolf SSN-22. It is only logical that this would come about because Newport News never built a Seawolf and would have significant first-time start-up costs.

There are also substantial costs associated with an interruption of production at Electric Boat should this number two submarine go to Newport News. These costs are estimated to amount to about $230 million in additional costs that the Navy would incur if there was an interruption in production at Electric Boat. In other words, by keeping a continuous flow of production at Electric Boat, by making Electric Boat the builder of the Seawolf submarine, there would be not only savings for the second boat, as I have pointed out, but additional savings in the future.

Mr. President, in closing, I will point out that there are great savings achieved even though one yard is the sole source of supply for a particular boat; for example, the Trident program. The Trident submarine has only been built at Electric Boat.

Now, some say the only way to get reduced cost is through competition. That is not necessarily so. I will point out that if you take a basis of 100 man-hours—in the construction of the first Trident submarine we will use the figure of 100 for the total number of man-hours for the construction of that first Trident submarine. As a result of the continuous construction that Electric Boat has had for the Trident submarine, when they built the 12th vessel, they were not spending a factor of 100 man-hours in the construction of the Trident; they were spending 54. In other words, there had been a 46-percent reduction in the number of man-hours for the construction of submarine No. 12, as opposed to the construction of submarine No. 1. Each year, Mr. President, each year, with each successive submarine, there was a decline in the number of man-hours spent in the construction of that submarine. The beneficiary was the taxpayers of the United States of America.

So, Mr. President, I believe it is in the Nation's best interest that that second *Seawolf* be awarded to Electric Boat.

I thank the Chair and I thank the distinguished junior Senator from Delaware, the chairman of the Judiciary Committee and the manager of the bill coming up, for permitting me to proceed.

V-22 WINNER OF THE COLLIER TROPHY

Mr. GLENN. Mr. President, I rise to bring to the attention of the Senate a very significant event involving the Bell Boeing V-22 Osprey tiltrotor development team.

As you know, Mr. President, every year the National Aeronautic Association [NAA] presents an award, the Collier Trophy, for what it views as "the greatest achievement in aeronautics or astronautics in America." The NAA makes its determination based on "demonstrated actual use in the previous year."

I am delighted to report the selection of the V-22 Osprey tiltrotor team as the recipient of this year's Collier Trophy. As I said, Mr. President, this marks a very significant event for the V-22 team as the Collier Trophy is widely considered the most prestigious award of its kind in the United States. Without objection, Mr. President, I ask that the text of the NAA's award announcement be placed in the RECORD.

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

BELL BOEING V-22 OSPREY TILTROTOR TEAM WINS COLLIER TROPHY

The National Aeronautic Association (NAA) has named the Bell Boeing V-22 Osprey Tiltrotor Team winner of the coveted 1990 Collier Trophy.

The V-22 Osprey is a tiltrotor aircraft that can takeoff, hover and land like a conventional helicopter. However, by tilting its engine nacelles forward, the V-22 can fly like a turbo prop aircraft—swiftly, comfortably and efficiently. The V-22 can fly at speeds in excess of 300 knots; or it can hover or it can also fly with its rotors at any angle, from zero degrees through 90 degrees.

The Collier Trophy is awarded by NAA "for the greatest achievement in aeronautics or astronautics in America demonstrated by actual use in the previous year."

The selection committee of more than forty aviation leaders selected the V-22 from among ten nominations submitted by the aviation community. The Collier Trophy is widely considered the most prestigious aviation award made in the United States. It was first awarded in 1911 to Glenn Curtis for his achievements in developing a seaplane.

The citation accompanying the trophy reads:

"To the Bell Boeing Team for the development of the V-22 Osprey Tiltrotor, the world's first large-scale tiltrotor aircraft."

The Committee selected the V-22 because of its belief that tiltrotor technology has long-term significance for meeting objectives of both military and civil aviation. The V-22's combat capabilities include: speeds twice as fast as a helicopter; twice the range of helicopters; increased payload; increased survivability; self-deployability; increased reliability and improved maintainability. The V-22 provides the U.S. military a major advance in vertical lift capability and can fulfill mission requirements for all services including diverse military combat readiness roles; such as, troop assault, long-range search and rescue, anti-submarine warfare and many other highly specialized missions.

The potential inherent in the V-22 also represents a major advance for the nation's civil transport needs and is a key to easing currently congested airports. The ability of tiltrotor to move commuter passenger traffic and freight with only minimal investment in landing site infrastructure can lead to rapid development of civil tiltrotor aircraft and their integration into the national transport infrastructure. The rise of a tiltrotor industry in this country also has major implications for our nation's balance of trade since tiltrotor technology remains as American technology and one with considerable potential.

The V-22 represents a major step forward in use of digital electronic flight controls, advanced composite materials and state-of-the-art transmissions, cross-connecting shafting and associated gear boxes. The aircraft's flight control systems cost less, weight less and are more reliable than conventional mechanical control systems found in helicopters. The system is triply redundant, virtually eliminating the possibility of the controls becoming inoperable. The V-22 is constructed of advanced composite materials, primarily carbon epoxy laminates and fiberglass. Lighter and stronger than metal and less susceptible to corrosion, composities allow the V-22 to carry heavier payloads, improve its survivability in combat, and significantly reduce its maintenance costs. A V-22 can operate on a single engine because its cross-connecting shaft allows one engine to drive both rotor systems.

The V-22 is being developed under the auspices of the U.S. Naval Sir Systems Command by the industry team of Bell Helicopter Textron, Fort Worth, Texas, and Boeing Helicopters, Philadelphia, PA. In additional a nationwide network of over 1,800 suppliers provided the components and systems for this advanced all-composite aircraft.

The National Aeronautic Association is the National Aero Club of the United States. Its primary mission is the advancement of the art, sport, and science of aviation and space flight by fostering opportunites to participate fully in aviation activities and by promoting pubic understanding of the importance of aviation and space flight to the United States.

Mr. GLENN. The V-22 Osprey is a tiltrotor aircraft that can takeoff, hover, and land like a conventional helicopter. However, by tilting its en-

gine nacelles forward, the V–22 can fly like a turboprop aircraft—swiftly, comfortably, and efficiently. The V–22 can fly at speeds in excess of 300 knots; or it can hover or it can also fly with its rotors at any angle, from zero degrees to 90 degrees.

I have long been a proponent of the continued development of the V–22 Tiltrotor Program. Indeed, I believe the V–22's unique technology is not only a ready replacement for the Marine Corps' aging helicopter fleet, more importantly, it also will fill critical vertical lift requirements for all the services.

Mr. President, I am, of course, very happy and gratified to see that an esteemed committee of leaders in aviation share my, as well as many of my Senate colleagues', views and decided to honor the V–22 tiltrotor team. Competing in a field of 40 nominees, the V–22 team rose to the top because the selection committee recognized the tremendous potential embodied by tiltrotor technology.

Mr. President, I have often spoken on this floor about the unprecedented advances the tiltrotor technology offers to both military and civil aviation. Indeed, I have often come to this floor and extolled the V–22's capabilities in a shorthand way which underscores just what the V–22 program offers us: The V–22, as a replacement for conventional helicopter uses and capabilities, goes twice as far, twice as fast, with one-third more payload.

The simplicity of that statement, Mr. President, belies the revolutionary technology the V–22 represents. Militarily, the V–22 is one of the greatest advances we have for conventional warfare enhancement. It meets flexible readiness strategy needs by providing increased mobility, allowing for rapid deployment, with breakthrough or leapfrogging potential.

In terms of increased combat capability, the formula I used before, when translated, means the V–22 will provide roughly twice the range that our best helicopter has to project troops rapidly and converge on target areas. It will accomplish this not only twice as fast, but from twice as far. Obviously, this increases our combat capability tremendously.

With tiltrotor technology, the V–22 can land on ships at sea and in forward landing zones. In addition to the tiltrotor technology, the V–22 has greatly increased survivability, better night flying capability, under the weather capability, and a better navigation system than our current helicopters. It also has the capability to refuel in the air, contributing to its extensive range.

Its construction takes advantage of recent technological developments. The V–22 uses composite materials, making it a lighter structure, which, in turn, reduces the weight penalty of the tiltrotor's wing. The composite materials, when used in building the rotors themselves, produce a greatly increased hover efficiency when compared to current rotors. Its digital electronic flight controls offer the pilot increased reliability, triple redundancy, and fly-by-wire capabilities.

In sum, I agree with the NAA's assessment that the V–22 represents one of our Nation's greatest achievements in aeronautics. However, Mr. President, I feel I need to stress how important it is that the tiltrotor technology remain one of our Nation's highest priorities. The V–22 program, while approved year after year by Congress again requires congressional support, because its existence has again been threatened by the administration.

I believe the Department of Defense should continue the V–22's full scale development. It must also continue support for the program so that we avoid developing this groundbreaking technology only to have it sold back to us by another country with greater foresight.

Moreover, Mr. President, while the need for the V–22's tiltrotor technology is most immediate for military application, it is not difficult to envision its almost unlimited application for civil aviation. I would go so far as to say that it will radically change the face of civil aviation.

Our national transportation system is a key to our Nation's economic development and growth. We have what appear to be insoluble problems with congestion and air traffic flow in virtually every metropolitan area. I believe civilian use of tiltrotor technology would go a long way toward providing a solution.

The tiltrotor can be independent of large airports and long runways. Helicopter-style terminals or vertiports, constructed at a fraction of the cost of airports and requiring significantly less space, appear to offer an efficient short haul national transportation and distribution system for both passengers and cargo.

I would bet there are not too many of us, Mr. President, who did not wish we had a system like that today. Continued recognition of the advancement tiltrotor technology offers us and continued congressional support will go a long way toward having it tomorrow. As I have said before, Mr. President, I strongly believe the V–22 is an excellent investment for our country.

Mr. President, I congratulate the Bell Boeing V–22 Osprey Tiltrotor Team for its great achievement in winning the 1990 Collier Trophy.

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

NAMIBIA'S FIRST YEAR OF INDEPENDENCE

Mr. SYMMS. Mr. President, in today's Wall Street Journal is an article I encourage all my colleagues to read. The article by Margaret Calhoun, titled "Namibia's First Democratic Government May Be Its Last," provides an excellent overview of Namibia's first year of independence under the SWAPO government.

Ms. Calhoun has had great experience working in this area. I know her personally. I highly recommend this for my colleagues to read.

We all remember the extensive negotiations and work done by this Government and others to secure Namibia's independence. A number of Senators, including myself, have paid particularly close attention to this region of the world for several years. We have recognized the importance Namibia, in particular, plays in securing peace and freedom in southern Africa.

As Ms. Calhoun states:

If Namibia's fragile democratic construction begins to unravel, it could have a negative impact on the delicate negotiations toward more democratic government under way in neighboring Angola and South Africa.

Ms. Calhoun also points out the need for the United States to take a more active interest in Namibia's push for democracy. She notes, "After spending $100 million to supervise Namibia's spending $100 million to supervise Namibia's elections, it is surely worthwhile for the United States Government to invest a little more time and resources to give Namibia's neighbors a needed example of what unhappily is a rarity in Africa—a functioning and prosperous democracy.

Again, I commend this article to my colleagues for their edification and I ask unanimous consent that the article be printed in the RECORD.

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

[From the Wall Street Journal, Mar. 21, 1991]

NAMIBIA'S FIRST DEMOCRATIC GOVERNMENT MAY BE ITS LAST

(By Margaret Calhoun)

Namibia, once a hot item on the world agenda, seems to have been forgotten. Today, Namibia celebrates the first anniversary of the adoption of its remarkably democratic constitution, the culmination of its independence from South Africa.

Namibia elected the assembly that wrote its constitution in November 1989, under the supervision of election monitors from the United Nations. The outcome was a government dominated by the Soviet-backed guerilla movement, Swapo (the South West Africa People's Organization). At the end of Swapo leader Sam Nujoma's first year as president, political experts are beginning to question whether democracy will in fact take root in Namibia, or whether Swapo is returning to its Marxist predilections. If Namibia's fragile democractic construction begins to unravel, it could have a negative impact on the delicate negotiations toward

more democratic government under way in neighboring Angola and South Africa.

The appointment of Swapo's former chief of security, the notorious Solomon "Jesus" Hawala, known as the "Butcher of Lubango," to the post of commander of the Namibian Defense Force, was deeply unsettling to many Namibians. Mr. Hawala was implicated in the mass detention, torture, killing and disappearance of thousands of Namibians in camps in Angola and Zambia during the guerrilla war against South African occupation. The Council of Churches in Namibia expressed its alarm at the appointment.

The real test of Swapo's intentions, however, is the economy. Will Swapo succumb to the totalitarian temptation? Namibia, a country of 1.5 million citizens with a land mass almost as large as France and Germany combined, is heavily dependent on mining, which accounts for 40% of its gross domestic product of $2.55 billion. Namibia is Africa's fourth-largest exporter of non-fuel minerals, and the world's fifth-largest uranium producer. The country has substantial coal resources and diamond deposits that rank among the world's richest. Because Namibia is a desert—only 1% of its land is arable—its only hope for development is to maintain a competitive economic environment for its extractive industries, and to foster secondary industries, such as tourism. But Swapo has already begun to set a tone that is dismaying foreign investors, visitors and aid donors.

Namibia has been pressing for direct grants from foreign governments rather than investment—so long as those grants are available for use at Swapo's complete discretion. When the German government proposed a $100 million 30-year loan at 2% interest and with a 10-year grace period last fall, Swapo rejected even those mild conditions. Although Swapo has failed to welcome private investors, it is generating many new jobs in the public sector—jobs that are available only to Swapo party members.

With 40,000 school graduates expected this year, and an estimated 40,000 exiles returning to Namibia to seek gainful occupation, Swapo has been hard-pressed to meet its campaign slogans of employment for everyone. Public sector job creation for the Swapo faithful may be intended to swell Swapo's voter rolls in time for the upper chamber elections next year. A two-thirds majority in the upper chamber, or National Council, combined with its present two-thirds majority in the Assembly would permit Swapo to rewrite the Constitution if it chose to do so. Omninously, in a recent radio interview Moses Garoeb, Swapo's party boss, said the country's first elections were "contrived," and that "the multi-party democracy prevailing in Namibia is not necessarily the true choice of the Namibian people."

Swapo may well secure that two-thirds upper chamber majority, thanks to its control of the electronic media. While the print media remain largely free, the majority of Namibians obtain their news from the state-owned radio network. The government has started to restrict religious broadcasting, an alternative to its programming. Some programs have been canceled, and new editorial guidelines against "evangelism" or "divisiveness" are strictly enforced.

To complicate Namibia's domestic political problems, rumors have begun to circulate in Windhoek of covert collaboration with Angola's Marxist MPLA government. On Oct. 16, the Namibian, the Windhoek paper most sympathetic to Swapo, conceded that units of the Angolan army had crossed into Namibia and abducted 18 men for service in the Angolan military. It is an open secret in Namibia that the MPLA and Swapo signed a security pact in May that permitted the NPLA to use military bases in Namibia's north.

These connections are highly dangerous to Namibia's political stability, because of the tribal sympathies between northern Namibia's Owambo people and the Ovimbundu, the tribal base of the rebel Unita movement. But Swapo appears to be putting its ideology ahead of its domestic political needs. Nor does international pressure seem to make a difference: Swapo has been warned by a U.S. Senate amendment that the $10 million aid package would be jeopardized by any involvement in the Angolan war.

It would be easy to dismiss Namibia as a minor player in Africa. The real significance of the developments in Namibia, however, lies in its strategic placement between Angola and South Africa. Angola's ruling communists, the MPLA, will be more wary of entering into an electoral process that empowers the armed resistance, Unita, if Swapo demonstrates an intolerance for its legal opposition and maneuvers to alter its constitution. Similarly, right-wing parties in South Africa could point to Namibia and argue that democratic elections only serve to empower dictators, who then proceeded to undo the system of multi-party democracy which gave them their power. If Swapo behaves, it could dispel the assertion of South Africa's Conservative Party that "power sharing without domination" does not work in the Third World. If not, it will justify it.

Swapo has claimed that Namibia's "model democratic state" "will make the biggest contribution against apartheid." But if the Swapo government cannot preserve Namibia's fragile political consensus, stimulate economic growth, reassure private investors and establish law and order, it faces the fate of too many decolonized African states, and will stand little chance of competing with Eastern European countries for development aid it is so anxious to procure. Namibia will not have a second chance.

President Bush, upon meeting Mr. Nujoma when he came to Washington in July, praised the Namibian president for his "pragmatic" political and economic politicies. Mr. Nujoma issued an urgent plea that Americans not forget Namibia. After spending $100 million to supervise Namibia's elections, it is surely worthwhile for the U.S. government to invest a little more time and resources to give Namibia's neighbors a needed example of what unhappily is a rarity in Africa—a functioning and prosperous democracy.

PRIVATE PROPERTY RIGHTS ACT

Mr. SYMMS. Mr. President, I would like to note that today in the House, in the other body, a large bipartisan group of Congressmen, Congressmen OLIN, MCEWEN, ESPY, ROBERTS, STENHOLM, and a couple of dozen others, are introducing companion legislation to the Senate bill 50, the Private Property Rights Act.

I would like to take this oppotunity to discuss that legislation and why it is so important to this Nation, and so timely at this time.

Rather than list down all the many reasons why the Private Property Rights Act ought to become law, I would rather list the reasons someone might give for not supporting S. 50, and then tell you why those reasons do not hold water.

Reason No. 1: We do not need the Private Property Rights Act because, when compared with the problems of hunger, housing, crime, unemployment, and other issues, property rights is just not that important.

Mr. President, anyone who makes that argument does not understand that these other issues—hunger, housing, et cetera—cannot be solved without private property. Furthermore, they are probably forgetting some of their American history.

In 1772, the Boston Town Meeting called together a committee. Because they were feeling especially harassed by King George that day, they asked this committee to "state the rights of the Colonists * * * as men, and as subjects; and to communicate the same to the several towns and to the world."

The chairman of that committee was a great American patriot, Samuel Adams. Sam Adams took 2 weeks to write his treatise on the Rights of Man, and he began his task with the declaration that:

> The absolute rights of Englishmen and all freemen, in or out of civil society, are principally personal security, personal liberty, and private property.

Throughout the succeeding revolutionary period, these three rights were time and again recalled—life, liberty, and property. They appeared in article 1 of the Bill of Rights of Virginia, and in that same article in the Bill of Rights of Massachusetts. They eventually were written that way in the fifth amendment of the U.S Constitution.

It was only in drafting the Declaration of Independence that Thomas Jefferson slightly altered the phrase to read, "life, liberty, and the pursuit of happiness."

In later years, he explained why he chose those words. It was not because he felt that the right to pursue happiness was somehow more important than the right to private property. Rather, he explained, "A right to property, is founded in our natural wants, is the means with which we are endowed to satisfy those wants." To Jefferson, the pursuit of happiness, and the right to private property, were inextricably linked. You could not obtain one without the other. I would imagine that, to President Jefferson, Monticello was his ideal of a "pursuit of happiness."

Two centuries later, the institution of private property has lived up to Jefferson's expectations. America's agricultural productivity, leadership in medical and engineering technology, and wealth of entreprenurial opportunity can all be traced to the incentives inherently created by private property rights. It is truly the means through which we pursue happiness.

So, I put it to you, Mr. President, that it would be foolhardy to say that private property rights are just "not as important" as the many other issues pressing in Congress today.

Reason No. 2: We do not need the Private Property Rights Act because no one's private property is really being threatened.

Considering that in 1990 alone the Federal Government issued 63,000 pages of fine print regulation on the use of private property, it is not hard to imagine some of this regulation placing severe limitations on property use. If property owners feel that a regulation has "gone too far," that their property rights have been taken without compensation, they may sue the Government under the fifth amendment.

The U.S. Government is currently facing well over a billion dollars in such outstanding takings claims. Just in 1990, several of the largest takings judgments in the history of the United States were handed down by the U.S. Claims Court, with the single largest judgment of all time, the Whitney Benefits case, totaling near $120 million, being affirmed by the Federal circuit as recently as February 1991.

In California, property owners who can afford legal costs are winning about 50 percent of their takings claims before the intermediate appeals courts. And according to a recently released report by the Congressional Research Service, property owners won regulatory taking cases before the Federal courts in 1990 more often than not—astonishing when you consider that the Federal Government wins 9 out of 10 times in other areas of law.

As you can see, Mr. President, it is simply not accurate to say that "no one's private property is being taken." At least the Federal courts disagree with that statement.

That leads us to:

Reason No. 3: We do not need the Private Property Rights Act, because we already have the fifth amendment.

The CRS report I just mentioned made this finding:

> Plaintiff property owners were vindicated—that is, a taking was found—in just under one-half of the cases. Looking solely at the regulatory taking decisions, however, takings were found somewhat more often.

It has always been the case that, when Americans feel the Government has failed to respect a basic constitutional right, they may sue, demanding that their rights be honored. As a matter of equity, however, we have never held that rights should only be extended to those who can afford to sue the Government for them. The cost of legal action is not small, $40,000 to $50,000 up front. The disturbing fact brought out by the CRS report is this: Those property owners who can afford this cost, win more often than not. Those who cannot afford to sue, currently have no protection.

That is why the Private Property Rights Act is so important. By building property rights considerations into the regulatory process in the first place, the rights of all Americans, not just the wealthy, are protected.

No, Mr. President, it is not enough to say, "but we have the fifth amendment, isn't that enough." The duty of protecting and preserving the constitutional rights of Americans does not fall on the shoulders of the individual, it is a duty of the government.

Reason No. 4: If private property rights are respected, vital protections for public health and the environment will be undermined.

Actually, those who propose this argument do not really understand property rights. No one's property right allows them to jeopardize someone else's life, liberty or property.

As Justice William Henry Moody, a Franklin Roosevelt appointee to the Supreme Court, noted, "Our social system rests largely upon the sanctity of private property; and that state or community which seeks to invade it will soon discover the error in the disaster which follows."

That disaster may well include the destruction of our environment, for, as surprising as it may sound, private property is the world's most powerful force for environmental protection. The current EPA Administrator, Bill Reilly, recently noted upon returning from a trip assessing environmental damage in Eastern Europe, "Many environmental principles are undefendable in the absence of private property."

Administrator Reilly's observation can be easily explained by the proverbial saying:

> Give a man the secure possession of a bleak rock, and he will turn it into a garden; give him a nine years lease of a garden, and he will convert it to a bleak rock.

The principle is true. It is private property ownership that makes an owner care about the quality of his environment, that creates a true sense of stewardship for the land and its resources. The American environmental community, at its grassroots level, is nothing more than a coalition of private property owners who want to defend their private property rights from the pollution and degradation of their neighbors and their Government. Undermining private property rights through excessive regulation will not foster greater environmental protection.

Reason No. 5: Last, Mr. President, there are those who argue that the Private Property Rights Act is just too much hassle for our Federal agencies. That it will force them to spend too much time considering the impact of their regulations on private property, and not enough time on regulating.

First, let me say that the administration has reviewed the text of S. 50, and argues strongly against that statement.

But for me, Mr. President, this just brings us full circle back to the question, "are private property rights important," or in other words, "is the hassle worth it."

I would like to call my colleagues' attention to a poll recently conducted by the Soviet Academy of Sciences, asking young Russians what it is they really want, what rights and freedoms they are most eagerly seeking. Here is what resulted:

WHAT THE NEW GENERATION OF RUSSIANS REALLY WANT

> The Institute of Sociology at the Soviet Academy of Sciences recently conducted a poll of 1050 Russians between the ages of 18 and 25. The poll covered six regions of the Russian Republic, constituting a majority of the population and three-quarters of the territory. The respondents were selected from all basic social and professional categories. Here is what that survey revealed:
>
> Do you want complete freedom of press, radio and TV? yes, 58 percent; no, 36 percent; remainder, undecided.
>
> Do you want Russia to be able to govern itself, and secede from the U.S.S.R.? Yes, 70 percent; no, 19 percent; remainder, undecided.
>
> Do you want a form of government other than socialism? Yes, 74 percent; no, 17 percent; remainder, undecided.
>
> Do you want private ownership of land? Yes, 85 percent; no, 10 percent; remainder, undecided.

As you can tell, Mr. President, the millions of citizens in the Russian Republic want, above all else, to simply own their property, their farm, their car, their apartment, they want something that is theirs, to care for, to prosper, to build.

Even if the administration did not believe that the Private Property Rights Act does not impose too much burden on regulatory agencies, I would say, "So What?" We are sworn to defend the constitutional rights of Americans, not the convenience of the regulatory agencies. If it takes a little more hassle to get respect for constitutional rights, then that hassle is certainly well deserved.

So I hope you can see, Mr. President, why a bipartisan group of Senators and Congressmen, supported by small business, farm and civil rights groups have proposed the Private Property Rights Act. The act requires that Federal agencies adopt administrative procedures to "assess the potential for taking private property in the course of regulatory activity, with the goal of minimizing such where possible." These procedures may be similar to those required by current Executive orders, but must reflect the court's current interpretation of what constitutes a "taking of private property." This assessment enables agencies to draft regulations that impose on property rights as little as possible, while still

achieving their goals. As a result, the public interest is served, individual property rights are protected without costly court battles, and taxpayers need not pay compensation for takings that could have been avoided.

I ask unanimous consent that a letter from the Vice President of the United States encouraging this bipartisan group to move this legislation be printed in the RECORD.

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

THE VICE PRESIDENT,
Washington, March 21, 1991.

Hon. STEVE SYMMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SYMMS: I am writing to assure you that we welcome your important efforts to protect private property rights. The Administration supports your legislative initiative in The Private Property Rights Act to protect private property owners from unintentional government intervention, and to encourge the Federal agencies to avoid unnecessary expenditures.

Proper management of Federal regulatory programs and effective program implementation require thoughtful analysis before action is taken. Executive Order No. 12630 requires a Federal agency to ask itself, before it acts, whether a proposed government regulatory policy or action would "take" individual rights in property and trigger the Constitution's obligation to pay just compensation. The legislation which you, Sen. Boren, and others are sponsoring would strengthen the management of Federal programs to prevent inadvertent Federal encroachment on private property.

Recent judicial decisions finding that the government has taken property have resulted in financial judgment obligations in excess of $120 million for "regulatory takings." As the courts focus increasingly on the consequences of Federal regulation on private property rights, these constitutionally-required Federal payments and the consequent burden on the taxpayer are likely to increase. Financial responsibility argues for evaluating the risks of these costs before, rather than after, the obligation occurs.

Your bill, S. 50, is vitally important both to improve Federal management, and to reduce government liability. The Administration looks forward to working with you to secure prompt passage of this critical legislation.

Sincerely,

DAN QUAYLE.

HONORING JOHN DeGEORGE

Mr. KASTEN. Mr. President, I rise today to recognize a true hero—the late John R. DeGeorge of Milwaukee, WI.

John DeGeorge was a naval chief petty officer. He was a man of noble spirit—a man willing to risk his life to ensure the safety of others.

In 1989, during a canoe training exercise, one of John's shipmates was swept overboard and toward dangerous rapids. With no thought of his own safety, John rescued his fallen friend—but was himself swept to his death.

Last week, the Navy honored John's heroism with the Navy Marine Corps Medal. I can think of no more appropriate tribute to a man who embodies the highest virtues of our country. I ask my colleagues to join me in expressing gratitude for his example—and sincere condolences to his family.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

The Chair recognizes the Senator from Delaware [Mr. BIDEN].

EXECUTIVE SESSION

NOMINATION OF BOB MARTINEZ, OF FLORIDA, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate go to executive session to consider the nomination of Bob Martinez, of Florida, to be Director of National Drug Control Policy.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will move to the nomination. The clerk will report.

The legislative clerk read the nomination of Bob Martinez, of Florida, to be Director of National Drug Control Policy.

Mr. BIDEN. Mr. President, parliamentary inquiry, how much time is available on this nomination?

The PRESIDING OFFICER. Under the previous order there is 90 minutes, equally divided. The Senator from Delaware is recognized.

Mr. BIDEN. Before I begin, I have a slight bit of housekeeping, Mr. President. For the 45 minutes under the control of the Senator from Delaware, I have requests that amount to 43 minutes at this moment. So any Senator who is seeking an opportunity to speak to this nomination, I would respectfully request, come to the floor as soon as possible to let us know of that request so I can reallocate the time, if need be, among Members who have a little more time now.

Mr. President, at the outset of the hearings on the nomination of Gov. Bob Martinez—and I say Bob Martinez as opposed to Robert since that is how he refers to himself, not to be disrespectful—to be Director of the National Drug Control Policy, I stated that before we should confirm him we needed the answers to several questions.

First, did he have the personal and ethical qualifications for the job? Second, did he have the experience and background for this position? And, third, what did he believe were the drug director's responsibilities and what role did he believe the drug director should play? In other words, what did he think his job was? Finally, what was his vision for our Nation's struggle against the drug epidemic?

On the question of the nominee's ethical qualifications which were put into some additional question just before the hearing began by a nationally televised program containing some allegations, I asked him about these allegations that were leveled against him. Governor Martinez flatly denied any wrongdoing relating to these issues.

Based on his answers, the FBI background report, and the committee's independent investigative efforts which began long before the allegation resurfaced just prior to the hearing—all of these issues have been and had been investigated by the majority and minority staff investigators and by the FBI—nothing emerged that is in any way, in my view, sufficient to disqualify the nominee from holding this drug director's post. He is an honest and ethical man and on that basis he should not be denied the post.

Second, regarding the nominee's background and experience, particularly his record as the Governor of the State of Florida and mayor of one of its largest cities prior to that, I believe that his answers and responses were somewhat less reassuring. His antidrug record in Florida in the early days of his administration demonstrated, in my view and in the view of many of the witnesses who appeared before us, a poor understanding about the effectiveness of drug education and treatment efforts in the fight against drug abuse and the drug plague.

As a matter of fact, it was alleged there was an outright hostility toward the notion of education and treatment. However, a thorough review of the Governor's record—which was reinforced by the testimony of outside witnesses, some of whom came to criticize the Governor—painted a picture of an evolution of the Governor's philosophy on these points, in my view. By the time he completed his tenure as Governor, he had begun to conclude that education and treatment were absolutely necessary elements in fighting the drug problem in this country. And, by the end of his tenure, the nominee supported efforts to expand drug abuse education and treatment efforts in the State of Florida.

More important still, he testified that he currently believes—and I personally asked him this question—that education and treatment do work in reducing drug abuse.

You might say why did you have to ask him the question? It was not merely his background, but the former Drug Director at the outset of his tenure indicated he did not think education worked. This Drug Director is on the record, and his record as Governor indicates that he believes that that is the

case. Though I do not believe that Governor Martinez currently places a sufficiently high priority on drug education and treatment, it is clear that he thinks prevention efforts should play a critical role in the national drug strategy. And I am hopeful, quite frankly, that the evolution in his philosophy while Governor will continue during his tenure as Drug Director.

Third, on the question of the nominee's views about the duties and powers of the Drug Director, again here his answers were mixed. Quite frankly, I believe he failed at the outset, at least, to appreciate the extensive powers that Congress has given to the national Drug Director. Still, on balance, the nominee seemed to understand the responsibility of the Drug Director to develop a national drug control strategy and a budget. And I believe he has been further educated to the powers that he has and the desire of the Congress for him to exercise those powers, particularly through the budget process and the mechanisms that he has available at his disposal to, very bluntly, make other Federal agencies from the Treasury Department to the State Department and so on understand that national drug policy is our highest domestic priority.

This brings me to the fourth and most important issue confronting the committee in giving our advice and consent to this nomination. What is Governor Martinez' vision for the national drug strategy? What is his vision for the Nation's struggle against the drug epidemic?

As I stated at the outset of these hearings, I was particularly interested in three critical areas where I believed the administration's strategy is deficient: Hard core cocaine addiction, which fuels the demand side of the drug equation and, I might add, also fuels the brutality and the crime side of the equation where they create more victims, not only of consumption, but of abuse at the hands of the drug abuser stealing your car, your television, your wallet, and anything else that may be in sight.

Second, preventing the cultivation of coca in the Andean nations, the supply route of our drug problem. I believe the administration has been somewhat deficient there as well.

The third deficiency is in providing comprehensive drug education in more than one State in this country. There is only one State in this country—and I might say it is the State of the Presiding Officer, the Senator from Connecticut—where there is comprehensive drug education. Absent that comprehensive drug education, I believe this leaves the door open for this generation of children to become the next generation of addicts.

In each of these areas, the area of drug education, the area of cultivation of the coca leaf in the Andean nations, and in dealing with hard core cocaine addiction, Governor Martinez agreed that we need to do more to make a significant dent in the drug epidemic.

To the extent there were differences between the nominee's testimony and my views on how forcefully we must move in these three areas, our disagreements may stem more from the nominee's need to support the policies of the President than from a fundamental dispute between Governor Martinez and myself on these issues. And, quite frankly, even if there is a root dispute, it is not sufficient reason at this point for me to vote against the Governor, because I am convinced he wishes to attempt to work out, as I sincerely do, a cooperative effort to arrive at a consensus national drug strategy.

I still have some questions about Governor Martinez' understanding of the power of the office he is about to assume and about his ability and willingness to confront powerful Cabinet members and the Office of Management and Budget over policy and funding issues.

This is one of the reasons why I still lament the fact the President has not, as was intended by the Congress, although we cannot demand it, made the national Drug Director a Cabinet member.

But, frankly, the President made the Drug Director's job a great deal harder back in 1989 when he decided to exclude the Director from the Cabinet. That sends a signal to other Cabinet members that the Director's clout with the President and his clout generally, and it is hard to influence Cabinet decisions when you are not at the Cabinet table.

However, Governor Martinez' most important qualification may in fact be his personal relationship with the President of the United States. I hope that he is willing to use this relationship and the authority he has to make a forceful case in what is obviously a number of turf wars that occur within this giant bureaucracy that every administration is compelled to attempt to deal with.

Despite the concerns I have raised, I have pledged that I would work with the President and with Governor Martinez to draft a truly bipartisan national strategy. And I have the clear and distinct impression that Governor Martinez truly, personally feels committed to this war and, further, that he is truly willing and able to understand the need to have cooperative relationships with the Congress in order to come along with a consensus so that we can all rally behind the national drug strategy and funding.

The fact that he was Governor of a State with such a large problem also, I believe, gives him some additional insight into the need for this cooperation.

So, Mr. President, I am going to urge, and I do urge my colleagues to support the nomination of Governor Bob Martinez to assume this important post.

Now I yield the floor, and yield to my colleague, Senator THURMOND.

The PRESIDING OFFICER (Mr. KERREY). The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today to voice my strong support for President Bush's nominee, Governor Robert Martinez, to be the Director of the National Drug Control Policy Board.

President Bush nominated governor Martinez on January 22, 1991. The Judiciary Committee held 2 days of confirmation hearings on February 26 and 27. Governor Martinez testified before the committee, as well as several other witnesses, who appeared to express their views regarding his nomination. On March 7, the Judiciary Committee favorably reported his nomination to the full Senate by a vote of 11 yeas and 3 nays.

Mr. President, upon careful review of Governor Martinez' background and experience, I find that he is well prepared to lead our Nation's antidrug effort. He is a 1957 graduate of the University of Tampa where he earned a bachelor of science degree in social science. Governor Martinez continued his education and obtained a master's degree in labor and industrial relations from the University of Illinois in 1964. Following his studies, he was a school teacher, labor relations consultant, and businessman before entering a life of public service. Governor Martinez has an impressive record of public service in the State of Florida where he was Governor from 1987 to 1991, and mayor of the city of Tampa from 1979 until 1986. During his terms as mayor and Governor, he gained valuable hands-on experience in dealing with the scourge of drugs at the local and State level.

Governor Martinez' record consistently illustrates his commitment and desire to work toward eliminating the problem of illicit drugs in our society. In 1987, President Reagan recognized Governor Martinez' interest in this area and appointed him to the White House Conference on a Drug-Free America. In 1988, Governor Martinez earned the distinction of being the first Governor in our Nation to appoint a State "drug czar" to coordinate State level antidrug activities. Governor Martinez also created a Governor's Drug Policy Task Force in Florida to study drug fighting activities in his State. He unified the efforts of the National Governors Association to combat drugs more effectively by creating a special task force to fight drugs at the national level.

Governor Martinez also proposed and implemented several innovative methods to combat drugs in his home State.

He implemented our Nation's first comprehensive drug-free workplace program for State workers, and he worked with the Florida Chamber of Commerce to discuss ways private business could implement drug free work policies. Governor Martinez proposed and fought for vital initiatives, such as drug-free school zones to keep drug dealers and pushers away from children. He successfully fought for enactment of mandatory prison terms for anyone selling, buying, or delivering drugs within 1,000 feet of a schoolyard. Additionally, he recognized the growing need to help drug addicted women and their cocaine-exposed infants to recovery by launching educational and treatment programs.

Mr. President, several distinguished individuals and organizations have voiced their strong support of Governor Martinez for the position of Director of the National Drug Control Policy Board. It is important to note that he has the bipartisan endorsement of his home State Senators: Senator MACK and Senator GRAHAM. As well, Gov. Lawton Chiles of Florida, formerly a distinguished Member of this body, wrote in support stating:

As Director of the Office of National Drug Control Policy, Governor Martinez can bring a unique perspective. His service as teacher, Mayor and Governor afford him an experience level that will assist in developing a national strategy for dealing with drug policy issues: a policy that recognizes the value of a state-federal partnership and emphasizes education, prevention, treatment and law enforcement strategies. For these reasons, I support Governor Martinez. * * *

Others who recommend his confirmation include, Congressman LAWRENCE COUGHLIN, Congressman CLAY SHAW; Gov. Michael Castle of Delaware and Gov. John Ashcroft, of Missouri; and the Honorable Robert Butterworth, attorney general for the State of Florida. A number of law enforcement groups including the National Troopers Coalition, Fraternal Order of Police, and the Florida Department of Law Enforcement have endorsed his nomination. As well, numerous individuals and organizations who work to treat and prevent substance abuse support Governor Martinez's confirmation. Father Sean O'Sullivan, who has been involved in the treatment and prevention of substance abuse for the past 22 years, testified at Governor Martinez's confirmation hearing and stated:

In my estimation, if Governor Martinez could do nationally what he accomplished in Florida, the people of this Nation would be in his debt. I believe * * * that Governor Martinez has a very balanced approach to understanding the tensions between the demand and the supply side * * * I believe he has come a long way in understanding the value of prevention.

Ms. Shirley Coletti, founder of Operation PAR, an acronym for Parental Awareness and Responsibility, the largest most comprehensive substance abuse program in the southeast specializing in education, prevention, research, treatment and rehabilitation, also testified in strong support of Governor Martinez.

Mr. President, in closing, I believe that Governor Martinez has a proven record that demonstrates he is highly qualified, and that he possesses the hands-on experience and knowledge to serve in an exemplary manner as Director of the National Drug Control Policy Board. He has a reputation as one who is tough, but fair, when it comes to addressing drug problems. I believe that, once confirmed, he will diligently work to insure that our Nation's battle against illicit drugs is effectively waged to rid our society of the scourge of drugs and the harm that they cause.

For these reasons, I strongly support his confirmation and urge my colleagues to vote in favor of this nominee.

Mr. BIDEN. Mr. President, I yield 3 minutes to my friend from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I do not question that Governor Martinez is a fine, decent person. Almost everything that my colleague, Senator THURMOND, just said, I agree with completely.

When Governor Martinez came into my office to visit with me, I said the one thing that I think is essential is an agreement by the drug czar to restrict himself and not participate in partisan politics. We do not permit that for the Director of the FBI or the CIA by tradition, and by tradition we should not do that for the drug czar.

I was one of two who voted in this body against Bill Bennett for drug czar. It turned out to be one of the best votes I ever cast in this body. When Bill Bennett, as drug czar, went around the Nation campaigning at Republican rallies and Republican dinners, and so forth, somehow we just did not convey the message that that is not the proper thing to do.

And so after his position as drug czar, he was designated to become chairman of the Republican National Committee. It turned out to be a very natural transition from being drug czar to being chairman of the Republican National Committee. As it turned out, he has declined that opportunity.

But Governor Martinez has declined to say, "I am not going to participate in partisan politics." Just as we have in the Director of the CIA and Director of the FBI someone who refrains from that kind of participation, the drug czar of this Nation ought to do the same. It seems to me that is basic if we are serious about this drug war.

And so, Mr. President, I am going to vote "no." I am aware it is going to be approved, but it is the same vote I am going to cast if we have a Democratic administration and we do not get that kind of commitment from whoever the Democratic President would designate. I am going to vote against that nominee, too.

We have a good tradition with the FBI and the CIA: you refrain from partisan politics. We ought to have that same kind of tradition for the drug czar. I am going to continue to vote no on any nominees until we get that kind of a commitment from the nominee.

I yield back the remainder of my time.

Mr. KOHL. Mr. President, I rise today to cast my vote in support of Robert Martinez to be Director of National Drug Control Policy. I am hopeful that, as Director, Mr. Martinez will follow through with the assurances he gave to me, and other members of the Judiciary Committee, during his confirmation hearings.

Before receiving his testimony I had concerns regarding the nomination of Governor Martinez. I was concerned that he would over-emphasize the criminal justice side of the antidrug effort. However, during the hearing, in response to questioning from Senator KENNEDY, Senator THURMOND and others, Governor Martinez indicated that he believed a more balanced approach was in order. On one occasion he stated he believes "that everyone who wants treatment ought to have it * * * [E]veryone that wants treatment that is there for the purpose of freeing himself and herself from addiction or staying on a program ought to have treatment." According to the nominee, that will be part of his policy recommendation. (Transcript, February 26, at 86-87.)

In addition to recognizing the need to treat drug abusers, Governor Martinez spoke to the issue of education, and especially education of our youth. When asked about the effectiveness of drug education, Martinez said:

I have a tremendous amount of faith that education will work, it is working, and the proof of it will be when these primary youngsters reach those middle school years. (Transcript, February 26, at 245.)

And when queried about drug education programs in the classroom, Governor Martinez again indicated his support, saying "the earlier, the better." (Transcript, February 26, at 141.) These and other statements on the treatment, education and prevention aspects of the drug war have assisted me in reaching my decision. But I also had concerns in two additional areas.

Prior to hearing testimony on the issue of political campaigning while Director of the Drug Policy Office, I had concerns that the office would be used as a pulpit for partisan politics. Chairman BIDEN and Senator SIMON shared my concerns. But upon specific inquiries on this matter, Governor Martinez assured the committee that he would refrain from political activity, and that he would not partake in partisan activities involving congres-

sional elections. Specifically, he said that he "will never mix politics, with this office." And in support of his remark, expressed hope that he could devote himself full-time to the Office of Director. (Transcript, February 26, at 69.) This promise—Governor Martinez saying that he will not degrade the Director's office by engaging in partisan politics—reduced my concern in this area.

Finally, and perhaps most important, I was greatly disturbed by the short tenure of Governor Martinez' predecessor. During the confirmation of William Bennett, Mr. Bennett indicated to the committee that he was "committed" to the drug war. We now see by his early departure, after less than 2 years as Director, that he was not as committed as he appeared. Therefore, I sought assurance from Governor Martinez that he would not leave as quickly if confirmed.

I believe that true success in the drug war will only result from many years of effort. And, as in the private sector, a long-term commitment from top management is a key to long-term success. I do not believe that the Director of National Drug Policy can combat the drug problem for 2 years, resign the position, and then claim victory. That simply is not enough time for achieving the long-term goals of the national strategy, or simply learning the job. But Governor Martinez gave me a personal commitment to stay in the office of Director until asked to step down by the President, or until there is a change in the White House. Without this long-term commitment by the nominee, I could not have supported his confirmation.

Mr. President, I assure you that I will closely monitor Governor Martinez' progress as we work together on issues involving drug control. But Robert Martinez' experience as Governor of Florida, and especially his statements before the Judiciary Committee, indicate that he has the potential to become an effective Director. I look forward to his confirmation, and wish him much success in his new job.

Thank you, Mr. President.

LEGISLATIVE SESSION

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Martinez nomination be temporarily laid aside, and that the Senate go into legislative session to consider a resolution which I will shortly send to the desk, and that upon disposition of the resolution, the Senate return to executive session to resume consideration of the nomination of Governor Martinez.

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

EXTENDING A WARM WELCOME TO PRESIDENT LECH WALESA

Mr. MITCHELL. Mr. President, on behalf of myself and Senator DOLE, Senators MIKULSKI, MURKOWSKI, SIMON, BIDEN, and THURMOND, I send a resolution to the desk, and I ask that it be stated and immediately considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 90) extending a warm welcome to His Excellency, President Lech Walesa of the Republic of Poland, and for other purposes.

Mr. DOLE. Mr. President, I wonder if the clerk might read the resolution.

Mr. MITCHELL. I ask that the resolution be stated in its entirety.

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

S. RES. 90

Whereas Poland has made an historic transition from communism to democracy;

Whereas Poland has held the first free and direct elections for President in its history;

Whereas Lech Walesa, internationally recognized as a leader of the struggle for democracy and human rights, was elected President of Poland on December 9, 1990;

Whereas, under President Lech Walesa's leadership, Poland is continuing on its courageous course of fundamental economic and political reform; and

Whereas President Lech Walesa is making his first State Visit to the United States since his election: Now, therefore, be it

Resolved, That the Senate hereby—

(1) extends a warm welcome to His Excellency Lech Walesa, President of the Republic of Poland, upon the occasion of his State Visit to the United States;

(2) recalls the special and historic ties between the people of the United States and the people of Poland;

(3) applauds the continued commitment of President Lech Walesa and his government to fundamental economic and political reform;

(4) reaffirms the strong support of the Senate and the people of the United States for the independence and security of Poland;

(5) looks forward to continued close consultation and cooperation with the Government of Poland on issues relating to security and stability in Europe; and

(6) commends the decision of the Bush Administration to reduce substantially the debt owed by Poland to the United States, applauds the decision of the Paris Club to reduce substantially Poland's burden of foreign debt, and urges Poland's private creditors to respond in a similar fashion.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President of the United States with the request that he further transmit such copy to His Excellency Lech Walesa, President of the Republic of Poland.

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

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, will the Senator yield? Will the Senator add me as a cosponsor?

Mr. DOLE. Mr. President, I ask unanimous consent we add all Republicans as cosponsors.

Mr. MITCHELL. I ask unanimous consent that all Members of the Senate be added as cosponsors.

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

Mr. MITCHELL. Mr. President, We are honored to welcome to the Senate the Honorable Lech Walesa, President of Poland. President Walesa has visited us previously in his private capacity. Today he represents the people of Poland as their democratically elected leader.

Through his inspirational leadership and tireless dedication to the causes of freedom and democracy, President Walesa has been a pioneer in the effort to transform the former Communist dictatorships in Central Europe into parliamentary democracies. His willingness to undertake the burdens of the Presidency of Poland during this difficult time of transition and reform is testimony to his recognition that the effort to create democracy does not end with the elimination of one-party rule. Rather, the difficult struggle to build a free and open society, with economic and political opportunities for all, must be pursued with increased energy during the difficult transition period.

In passing this resolution, the Senate expresses its welcome to President Walesa and the strong support of the Senate and of the American people for the courageous and difficult steps being taken in Poland. The Polish example should serve as a model for other countries in Central Europe as they pursue economic reform. The Polish people must know, and we hope they will know, that America is ready and willing to provide assistance and support for their efforts.

Mr. DOLE. Mr. President, I am pleased to join with the distinguished majority leader, Senator MITCHELL; with our colleagues, Senators MIKULSKI and MURKOWSKI, the two Polish-American Members of the Senate, and with many other Senators in cosponsoring this resolution.

We are very honored to have President Walesa with us today in the Senate.

When the history of the past 2 years is written—2 years of momentous change around the world—one of the first chapters will be about Lech Walesa.

I had the very exciting experience of visiting Poland on the very day that the Polish Parliament elected the first non-Communist government in more than a half century. A couple of days later, I went to the city of Gdansk, where Poland's democratic revolution was spawned. I met there with Lech

Walesa, and found out for myself that—in this age when public relations experts fabricate most of our so-called heroes—Lech Walesa was the real thing.

He has been with us before as the leader of the democratic revolution in Poland and a Nobel Prize winner. He is here today as the first democratically elected President in the history of Poland.

So today we greet him with a new title: Mr President. But at the same time we greet him still, and foremost, as a friend of the United States, and a friend of freedom.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Sentaor from Illinois is recognized.

Mr. SIMON. Mr. President, I simply want to very briefly join in saying I think this is an appropriate resolution.

Senator DOLE properly called him the real thing. Poland has made incredibly courageous decisions.

I was particularly pleased that President Walesa is keeping Mr. Balcerowicz on as the Finance Minister there.

I join in praise for President Bush for the steps he has taken. Let me just add my appreciation to the Secretary of the Treasury, Nick Brady, and to the Assistant Secretary of the Treasury Mulford, for their hard work in this whole question of Polish debt.

It is extremely important to the future of Poland and the administration. I do not hesitate to criticize them when I think they are wrong, as I did a few minutes ago on this floor. But on this occasion they have acted responsibly and well. I commend them for what they are doing. I am pleased to be a cosponsor of the resolution.

Mr. BIDEN. Mr. President, back in June of 1990, four of us, Senators BRADLEY and myself, and Congressman LEACH and Congressman ROSTENKOWSKI, sent a very strong letter to the President of the United States strongly urging him to deal with the Polish debt question.

We believed then, and we believe now, that Poland's external debt of something in excess of $38 billion had to be dealt with for Poland to have any chance at all of progressing economically.

I just want to publicly compliment President Bush for two things. We asked him to take two actions when we wrote him last year. One was to ask the Paris Club, a group of industrialized nations, to whom the Poles owed a great deal of money, to relieve a significant portion of that debt.

Quite frankly, at the end of World War II, Mr. President, the Germans owed a great deal of money, and we, the United States and other nations, concluded that we were not going to make the same mistake we made at the end of World War I, when we had helped to create an environment where we seemed to demonstrate to people in Germany that democracy was synonymous with economic failure.

So we concluded that it was critical to forgive the German debt, even though we had just been in a bitter war. We did it for our own safety's sake.

I am delighted to see that the President has moved to convince the other nations to whom the Poles owe a great deal of money to forgive a significant portion of that debt. And now we, the United States, are engaged in a similar operation, the second action we hoped the President would take. Without that taking place, I see little possibility of the bold economic plans that the Poles are making now coming to fruition.

As I have said on many occasions, I do not want my sons, who are soon to graduate from college, to have their sons studying in college what they studied about the period of European governments between the end of the World War I and the beginning of World War II. I do not want my grandchildren learning about a period where there was an opportunity for democracy to survive—and it can only survive where there is economic prosperity—and democracy having failed because there was no economic prosperity.

There can be no prosperity, in my view, in Poland, absent debt forgiveness. That is underway now, and it gives Poland a seriouis chance for success. If Poland makes it, I believe the rest of Eastern Europe also has a real chance.

Mr. KASTEN. Mr. President, I rise today to welcome the freely elected President of Poland, Lech Walesa. This is his first visit to the United States as President of Poland.

It is a historic event that should be marked with an equally historic gesture on our part. That is why I support the resolution introduced by Mr. LIEBERMAN forgiving a major share of Polands' debt.

By reducing Poland's debt, the American people would be helping that country move from communism to a free-market economy. We must encourage this positive movement toward democracy.

The Polish people must be commended for leading the revolution of economic and political change in Central Europe over the last 2 years. The people and the Government of Poland have committed themselves to a dramatic transformation of their economy from a command economy to one based on free market principle. But unfortunately, this change has come at a very high price.

The process of change in Poland has been difficult, causing the Polish people great hardship. The burden of foreign debt has made the process of economic transformation more difficult for the people and the Government of Poland.

Mr. President, it is my belief that the people and the Government of Poland should not have to bear the burden of debt accumulated by the former Communist regime. A reduction in Polish foreign debt would be an important way to help the people and the Government of Poland.

I urge my colleagues to support this resolution. The Polish people have had to cope with 45 years of Communist oppression. Let us not make this historic transformation from tyranny to freedom any harder.

Let us relieve the Polish people of this economic burden and reward them for their courageous fight for liberty.

Mr. BRADLEY. Mr. President, I rise today to join my colleagues in welcoming Lech Walesa, the President of Poland, to the United States. On his last visit here, he was just an electrician, albeit an electrician who had changed his country and the world. Today he is the President of his country.

I would also like to commend the multilateral efforts to reduce Poland's debt. Poland's transition to democracy and free markets is one of the most important historical processes of our era, and debt reduction will play an important role in encouraging that process.

I do not need to remind my colleagues that the process of transition which is underway in Eastern and Central Europe is far from complete. Poland, Czechoslovakia, and Hungary have made the fundamental commitment to change, and are now struggling with the practical realities of the transition. The ultimate success of that transition depends to a great degree on how the governments and people of this region manage to rebuild the economy of their countries.

The boldest and most sweeping reform program has been undertaken in Poland. It includes banking, currency, and tax reform, strict wage control, the reduction and elimination of subsidies, privatization of state enterprises, and dissolution of uneffective ones. The other nations in Central Europe—and perhaps the Soviet Union as well—are watching Poland's progress very closely, and gauging their own reform efforts according to the results there. Therefore, helping Poland means helping all Eastern and Central Europe make the changes necessary to bring democracy and free markets to the region.

One of Poland's most urgent problems is its debt burden. Poland currently owes about $33 billion to foreign governments and about $11 billion to commercial banks. Without a significant reduction, Poland will probably not be able to complete her bold and radical program. The steps taken so far by the Polish Government have shown positive results. The currency is stable, Government spending is restricted, and hyperinflation has been stopped. But as a result of the drastic economic meas-

ures which were necessary to transform an economy ruined by 40 years of communism, new problems have emerged. Recession is severe, unemployment has risen, and a standard of living has fallen.

Negotiators from the major industrial countries recently completed their talks on Polish debt relief. The United States, pursuant to a resolution I introduced in October 1990 calling for greater efforts to provide debt relief, took the lead in calling for meaningful cuts, not just token measures and further rescheduling. The creditor countries should cut Poland's debt burden in half. This is good news and will go far in helping Poland. Individual countries can and should go further than the general agreement. Poland deserves it. Furthermore, I hope that the commercial banks will follow the lead of their governments and take similar measures to reduce Poland's debt.

Poland will not become a free market democracy as long as the debt built up by the Communist government slow its growth. The best investment this country can make is an investment in democracy. Poland has made the commitment to democracy, and I am glad that we are following through with our commitment to help Poland.

Mr. MITCHELL. Mr. President, I believe there is no further debate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order the Senate now returns to executive session to resume consideration of the Martinez nomination.

Mr. MITCHELL. Mr. President, may I inquire of the Chair how much time remains for debate on that nomination?

The PRESIDING OFFICER. There remains 1 hour and 10 mintutes.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that upon the completion of the debate, either through the use of the full 1 hour and 7 minutes or the yielding back of time, that there then be a period for morning business until 2 p.m., and that the vote on the Martinez nomination occur at 2 p.m.

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

Mr. MITCHELL. Mr. President, Senators should be aware then that we are going to complete the debate on the Martinez nomination. Then there will be a period for morning business. Then there will be a vote on the Martinez nomination at 2 p.m. Senators should be aware of that. There will be a rollcall vote on the Martinez nomination at 2 p.m.

I thank the distinguished managers and other Senators for their cooperation enabling us to act on this matter.

Mr. HATCH. Mr. President, I rise in support of the nomination of Robert Martinez to be the National Drug Control Policy Director. After an extensive review of this nominee's background, I believe that the President has made an excellent selection in Governor Martinez. I thought that he handled himself very well at his confirmation hearing. He answered all of our questions in a straight-forward, forthright manner, and I am convinced that he demonstrated a real commitment to the fight against the war on drugs.

As a Senator of a predominantly rural State—a State with a lot of little airstrips, a kind of crossroads of the West—I have a particular concern about what the Federal Government can do to assist in the interdiction of drugs in these areas. I believe that this nominee shares those concerns.

During the Judiciary Committee hearings, we learned that Governor Martinez brings a wealth of experience to this important position. As the Governor of the State of Florida, he has firsthand experience in dealing with drug trafficking and abuse. Drug pushers have used Florida, because of its location, as a main point of entry into the United States for illegal drugs.

Throughout his tenure, Governor Martinez continually fought this scourge through innovative as well as time-tested interdiction techniques.

Let me touch on some of the highlights of his drug fighting efforts. During his tenure, Florida was named by Federal agencies as a role model State in the drug battle. It is listed among the top 10 States for per capita spending on drug treatment. Between 1987 and 1989, Florida increased its spending in support of drug treatment by 33 percent, an increase in spending greater than the increase experienced by many of the other States during the same time period.

Governor Martinez served as the National Governors Association lead Governor on substance abuse and drug trafficking issues. He implemented the Nation's first comprehensive statewide Drug-Free Workplace Program. He has been a leader in developing comprehensive plans and promoting interagency coordination of prevention services at the State and local level. He was also one of the first Governors to employ the services of the National Guard in the interdiction efforts of his State.

And let us not forget that Governor Martinez is a Spanish-speaking public official who has direct experience in dealing with the leaders of Central and South American countries. He has met with many such leaders while promoting Florida business and trade. This experience and familiarity will serve him well in his new role.

I am particularly impressed with his commitment to fight drug trafficking on the demand side of the equation. As a prior school teacher, he knows firsthand the need for strong antidrug education programs. Indeed, while Governor, once or twice a month he would travel around his State to a student's home, accompany the student to school, sometimes on the schoolbus, and teach the student's class. One of the subjects was drug education. I believe that he will truly be a leader in this area of our efforts.

Governor Martinez comes highly recommended by such groups as the National Federation of Parents for Drug-Free Youth and Informed Families of Dade County. They are particularly impressed with his efforts in the area of drug prevention, focusing on the home and the individual.

Mr. President, it is clear that Governor Martinez' experience has prepared him for the challenges of this important national office. I believe that he will fulfill his role in an honorable and highly successful manner. This is an office that should not remain vacant for any length of time. I urge all of my colleagues to vote in favor of this nomination.

Last, I want to pay tribute to the distinguished chairman of this committee, the Judiciary Committee, Senator BIDEN, the Senator from Delaware, and the distinguished ranking minority leader on the committee, Senator THURMOND, from South Carolina. Both of them have been foremost leaders in the fight against drug abuse in this country, not only on the supply side of the equation but on the demand side.

I have to say Senator BIDEN in particular has spent as much time on this issue as any Member in Congress. He has done a terrific job. He has been concerned about all aspects of drug pushing, drug abuse, and drug rehabilitation, all other aspects of the issues involved in the whole panoply of drug issues. I want to say he has been a foremost leader in the Congress in helping us to try to resolve some of these problems.

Naturally the administration, naturally other Members of Congress, naturally myself, want to listen to him and want to work with him in trying to help in any way we possibly can.

Senator THURMOND has himself been an effective and wonderful leader on the Judiciary Committee. These two gentlemen have worked hand in hand together in so many good efforts in the best interests of country. I want to pay special tribute to both of them as one who works rather closely with both of

them and who thinks very highly of both of them.

I would feel bad if I did not at least say a few words about the great efforts both of them have made in this particular battle.

I wish Bob Martinez well. I hope everybody will vote for him. I think a strong, substantial vote will help him in the work he is going to do. I think we are all going to be very proud of him as the ensuing months occur.

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

Mr. LEAHY. Mr. President, I want to emphasize my reservations about Governor Martinez' nomination to be Director of the Office of National Drug Control Policy.

Congress passed legislation to create a Cabinet-level drug czar because we need the best available talent to lead us in our war against drugs. The drug czar coordinates all of the Federal, State, and local agencies with antidrug responsibilities, he oversees international initiatives to decrease drug production at the source, and he makes sure that our criminal justice system keeps pace with the Nation's quickly changing needs.

The drug czar is our voice when it comes to defining goals and leading the charge. An effective drug czar must understand that a "war on drugs" means more than rhetorical tough talk and glitzy political slogans. Ending this Nation's drug crisis will take time and it will take money.

We need a leader who can look the President or his fellow Cabinet members in the eye and say "no," or "that is not good enough," or "we need more funding." We need a creative, open-minded coordinator—someone who can balance punishment for drug pushers with programs to prevent young people from turning to drugs and programs to help those who have already been taken in by the scourge. And we need someone who will fight this battle on a bipartisan front, without politicizing his important office.

The President has the prerogative to nominate competent officials to carry out his policies. Thus far, the administration's drug control policy has been a lot of tough talk without the muscle to back it up. The nominee's record as Governor of Florida reflects the same approach. Governor Martinez focused on punitive measures—at the expense and neglect of treatment and prevention—and after 4 years in the statehouse with drug control as his major goal, Florida's drug problems got worse, not better.

In voting for Governor Martinez' nomination I am granting the President his prerogative. I am only sorry that the administration did not take this opportunity to show a serious commitment to ending this Nation's drug crisis. The office which Governor Martinez will assume has great potential—to mobilize the American people, to mobilize government at every level, and to fight effectively against the drugs that are destroying the very fabric of our society. The office deserves more credit, and more respect, than the administration gives it.

Finally, I impress upon Governor Marinez my hope that he will encourage a more balanced national drug control strategy. At his confirmation hearings, Governor Martinez seemed to embrace the need for increased treatment and prevention programs. In his testimony he stated, "if confirmed, I will continue to request increased appropriations for expanded treatment capacity. This is an area of great importance." I am taking Governor Martinez at his word. I hope he does not let the American people down.

Mr. BIDEN. Mr. President, I have a good deal to say about Governor Martinez. But let me speak for a moment, while we are waiting for some of our colleagues who wish to speak to arrive. Let me speak to the policy that Governor Martinez is going to be saddled with at the outset.

The President's national drug policy, obviously, is well intended. I believe it is seriously deficient. The President has concluded, and its former Director concluded, that we should focus on casual drug users more than any other aspect of the problem, although they do focus on all aspects of the problem.

This is a matter of proportion when, in fact, casual drug use among particularly our young people is going down and down and down, and the administration can and should, and the Congress can and should, claim some credit for that. But the fact of the matter is that in the 4 preceding years prior to there even being an existing drug czar, there was a genuine precipitous and steep decline among the casual users in this Nation.

The picture we are missing, Mr. President, is that there has been an increase in the number of hardcore users, or what we would term in the street: The addict.

Mr. President, I have had an ongoing debate with the administration. They use a statistic that indicates that last year there were 862,000, or thereabouts, hardcore cocaine addicts in America, when in fact, Mr. President, our studies show that there were over 2.3 million hardcore cocaine addicts.

Mr. President, in this year's drug strategy, submitted to us for the consideration of my committee in the Senate, the President said: "We have made gains; we now only have 660,000 hardcore cocaine addicts." It had gone down almost 200,000, according to their reports, based on a household survey, which I think we were able to point out was fatally flawed, as they say. Every expert in the field acknowledges that it is flawed, by the nature of its methodology.

So, Mr. President, the President put in place a drug strategy, calling for certain weapons in that strategy, from treatment, to police, and based on the notion that there were 660,000 hardcore cocaine addicts in America.

During the first hearing that I held on this matter, the administration acknowledged that they were off; that number was not accurate. They said: We knew it was inaccurate all the time, but that survey was the only basis we had on which to make the judgment. So they said, during the course of the hearing: We will now stipulate, Senator BIDEN, that there are at least 1.7 million hardcore cocaine addicts in America.

I believe, and I think our studies show—and it was greeted uniformly by the so-called experts in the community as being accurate—that there are closer to 2.2 to 2.4 million. They said, OK; let us assume that the number is only 1.7.

Now you have just, in a matter of 3 days, from the time you submitted your report to me, which said 660,000 hardcore cocaine addicts, within a week's period, you said, "All right, Biden, there were really not 660,000; there are 1.7 million." I compliment you for the increased recognition of that side of the problem.

I said, "Now that you have told me that, how are you going to amend your drug strategy to accommodate this acknowledged significant change in your thinking?"

They said, "We are not going to."

I said, "I do not understand."

They said, "There is no need for us to change our strategy."

I said, "I am somewhat bewildered. I thought the strategy for attacking the drug problem in America bore some relationship to your assessment of the extent of the problem."

I suspect we would all say, if we thought there were only 100 cocaine so-called crack babies going to be born next year instead of 300,000 going to be born next year, we would have a different strategy relative to dealing with addicted mothers; 100, well, that does not mean we are going to go out and put out 1 billion dollars' worth of resources to deal with 100, as bad as it is. We might decide to put that $1 billion into health care or other things.

But, if we think there are 300,000 then it is a problem requiring a different input.

Well, I said I am confused now. At the outset, you said, here is my strategy and my strategy is at least in part premised on the fact there are 660,000 hardcore addicts. Now you say 1.7 million hardcore addicts, and you do not change your strategy.

Mr. President, we are, by everyone's admission, in a very, very difficult area. We are attempting to deal with a second epidemic—I say second because the first one was at the turn of the cen-

tury—the second drug epidemic in this Nation. The consequences are obvious. Cocaine addiction brings on cocaine-induced psychoses and paranoia. Wherever there is cocaine there is violence. I sometimes say facetiously to make a point, if you have to live in an apartment complex full of cocaine addicts or you have to live in an apartment complex full of heroin addicts, go with the heroin addicts, not because they are better, but because heroin takes you down; it does not cause you to go running around knocking down doors and shooting people.

But cocaine has the exact opposite effect on the brain. Cocaine, to use the phrase of a leading researcher from Yale University, creates a "lightning storm in the brain." That is why so many people die when cocaine is introduced into an area, not just because of the trafficking in cocaine, but because the people who are hooked on it do strange antisocial things, and many times they are violent.

Mr. President, all the crimes we have out there now that are being committed related to drug addiction are not in large part as a consequence of the casual user, who should be stopped because he will become a hardcore user if we do not in many instances; they are the consequence of somebody who is hooked on, to use the vernacular, a drug, and these cocaine addicts are the ones who are going out shooting people and mugging people and, in their domestic quarrels, turning around and hitting people with everything from hammers to whatever is near them, and they are our most important problem now. We do not direct nearly enough attention to that in the President's drug strategy.

That is why, on behalf of myself and the Democrats, I offered an alternative strategy, not to be obstreperous, not to disagree with the President, but because I truly believe that we have to do one of three things with those hardcore addicts.

One, we have to turn around, put them in jail, and while in jail treat them for their problem; otherwise—we put last year, and I have to yield to my staff for a moment here, the estimate that, nationwide, over 3.6 million folks last year were released from jails and prisons who were still drug users, who still had a problem. So we either have to lock them up and treat them or get them into treatment before they are locked up or we are going to shoot them or they are going to shoot us. I mean, you do not have to be a rocket scientist to understand that. So, if you have a couple million people walking around the streets with a serious problem—I am not suggesting we treat them merely because it is the Christian thing to do, the noble thing to do, the human thing to do, but out of our naked self-interest, either lock them up for the rest of their lives, execute them, or treat them, or they will be back.

So, Mr. President, the administration's position is one that has to be altered, in my opinion.

I see one of my good friends and the chief sponsor of our nominee has made it to the floor, the distinguished Senator from Florida. I am delighted to yield the floor to him, if he wishes at this moment to speak on behalf of the nominee, and I ask unanimous consent that his time be yielded from the time controlled by the Senator from South Carolina.

Mr. MACK. Mr. President, I so make that request.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. MACK. Thank you Mr. President. I thank the Senator for yielding the time.

Mr. President, I rise in strong support of the Honorable Bob Martinez, nominee as Director of the National Drug Control Policy Office.

As a fellow Floridian and friend of Governor Martinez, I am well aware of his eminent qualifications for this position. As I indicated to the Senate Judiciary Committee, I am pleased President Bush has chosen an outstanding candidate to serve as this country's next drug czar.

Bob Martinez is a seasoned veteran of the drug war. With Bob's combined background as educator, mayor, businessman, and Governor of the State of Florida, he has initiated and implemented innovative strategies to respond to Florida's drug crisis. Bob's strong record is reflected through his commitment to clean up Florida's cities and streets.

As Governor, Bob appointed this Nation's first State "drug czar" to coordinate antidrug efforts in Florida. He created the first Drug-Free Workplace Program for State government workers and provided for formal training of teachers in substance abuse education. Bob introduced Florida's drug-free zones for our schoolchildren. In addition, he also imposed mandatory minimum sentences for individuals convicted of drug activity near public parks and playgrounds, public housing facilities, colleges and universities, again in an effort to protect our youth. Furthermore, Bob Martinez kept Florida's streets free from career criminals by successfully seeking passage of a tough repeat-offender law.

During Bob's tenure as Governor, Florida was among the top 10 States for per capita spending on drug treatment. In fact, between 1987 and 1989, spending on drug treatment in Florida rose nearly 50 percent faster than the average of all other States.

As a direct result of Bob's strong stand against drugs, Florida was "evaluated by Federal agencies as one of the Nation's role models in the drug battle" in November 1990.

In addition to Bob's accomplishments within our State, he was involved in the National Governors Association, where he served as lead Governor on substance abuse and drug-trafficking issues. In this capacity, he presented President Bush with a plan for antidrug efforts on behalf of the National Governors Association.

Governor Martinez also coordinated drug information exchanges with other State Governors and traveled extensively abroad to promote and secure cooperation of the international community in the war on drugs.

Prior to introducing Bob Martinez to the Senate Judiciary Committee, I asked myself the question what type of person would make an ideal Director of the National Drug Control Policy Office. It seems to me this person should have experience with the drug war at the local and State level, experience working with children in our schools to teach them the evils of drugs and an overall proven record in the area of drug control. With these points in mind, I am confident the ideal person for this job is Gov. Bob Martinez. With Bob's unique experiences, he will be effective in uniting Federal, State, and local governments in shaping an effective and well-balanced antidrug strategy.

I urge my colleagues to follow the lead of the Senate Judiciary Committee and to act favorably on Gov. Bob Martinez' nomination.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

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

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I oppose the nomination of Robert Martinez to be Director of National Drug Control Policy.

A President is entitled to considerable discretion in appointing his top officials. On occasion, however, an executive branch nominee is identified with a policy so contrary to the public interest that the nominee should be rejected.

Governor Martinez favors a fundamentally flawed approach to the Nation's efforts to combat substance abuse. Unless we modify that approach, we will never be able to deal effectively with this worsening national problem.

Surveys indicate that casual drug use has dropped over the past 5 years. But hard core use—the kind that causes

crime and violence—remains a national epidemic. Two years after President Bush held up a bag of crack on national television, our streets are no safer.

The administration continues to believe that if they just increase sentences, build more prisons, and jail more addicts, drug crime will decline. Police, prosecutors, and prisons are indispensable, but we must reinforce efforts with treatment and prevention.

We must treat addicts before they commit crimes, and educate children about drug abuse before they turn to addiction and criminal activity.

Under Governor Martinez, however, Florida became a case study of the imbalance in our Nation's war on drugs.

The State had the highest crime rate in the Nation. It also ranked first in the Nation in its rate of incarceration. But it ranked 21st in the funding of substance abuse treatment programs, and 32d in the funding of prevention programs.

Only one out of every four citizens of Florida who needed treatment received it during the Martinez years. Nothing in his record or his testimony before the Judiciary Committee convinces me that the nominee possesses a genuine commitment to reducing the demand for drugs through treatment and education.

The situation in Florida was especially bleak for women. The State's 10,000 pregnant substance abusers stood a 15-percent chance of finding treatment for their addiction. If they found treatment, it was after an average wait of 61 days.

Otherwise, they were likely to join the list of tens of thousands of Floridians arrested every year for possession of drugs. Once arrested, they joined the army of addicts marching through the revolving doors of the State criminal justice system, only to be put back on the streets as addicts with criminal records.

The State's drug strategy was a public safety failure in another major respect. Because the courts and prisons were flooded with nonviolent addicts, thousands of violent offenders had to be released before their sentences had expired.

During the Martinez years, the average murder sentence actually served in Florida decreased by 40 percent. The average robbery sentence served decreased by 42 percent. Overall, the average sentence served decreased by 38 percent.

At the end of the Martinez administration, Florida inmates served, on average, only a third of their sentences, the lowest rate in the Nation. The bottomline on these drug policies is clear: Law enforcement cannot do the job alone.

The Martinez administration contributed to a worsening cycle of addiction, arrest, and the return of violent criminals to the streets. That cycle might have been broken if the State had made more treatment available to more substance abusers in the first place.

The nominee's law enforcement credentials are also called into question by his views on gun control. Drug-related violence in our cities is escalating. The 102d Congress must take reasonable steps to halt the proliferation of guns in our society. Yet at this confirmation hearing, Governor Martinez expressed his opposition to Federal legislation to deal with this critical aspect of the drug problem.

It is time for the Nation to develop a new and more effective strategy to combat drug abuse and drug crime.

The best way for us to begin is to vote against this nomination, and I urge the Senate to do so.

I hope my colleagues, prior to the vote, will take a look at the report on the nomination prepared by the Judiciary Committee. At the back of the report are various charts which reflect the points that I made earlier in my comments about the number of treatment opportunities for adults in Florida, the number that need treatment and the number that are actually receiving it. The other chart is the treatment opportunities for women in Florida; for all women and then for pregnant women.

Of 10,000 pregnant women who are substance abusers, 1,500 are actually receiving treatment. The State of Florida actually prosecuted a woman in Florida for distributing drugs to her unborn child—in other words for being a pregnant addict. We found that she had actually asked for treatment during her pregnancy, was unable to get treatment, then was subsequently arrested *after* she gave birth.

Included in the report is a chart showing the spending priorities in Florida. It gives a clear reflection of the explosion of spending on prisons and jails; from approximately $500 million in 1987, up to $850 million by the year 1991.

For substance abuse treatment, the chart is virtually flat. I think it went from $35 to $42 million. The point has been made during the debate about the significant increase in Florida's treatment budget. When you go from $37 to $42 million, that might reflect some percentage increase, but in terms of real dollars and purchasing power, it is woefully inadequate.

Then the final chart shows the revolving door in Florida, which I think is enormously interesting. You had 50 percent of a Florida sentence being served in 1987, but in 1988, it is 41 percent of the sentence served.

What is interesting here is the relationship between percent of sentence served and the failure rate, which reflects recidivism. This chart demonstrates that the percent of time actually being served is constantly going down during the Martinez years. It goes from 53 percent of the sentence in 1987 to 41 percent in 1988, to 34 percent in 1989, to 33 percent in 1990. The total amount of time that is spent in jail is gradually going down. Then if you look at the other part of the chart, you see that the recividism rate for those released from jail goes from 30 percent in 1987 to 43 percent in 1990. That is because they are flooding the system with nonviolent addicts and letting out murderers, burglars, rapists, and those that are committing other crimes of violence.

No one is suggesting that this problem is not complex and difficult. There are no easy solutions. But it is clear that we must deal with the demand side as well as the supply side. Going back to 1988, the Congress gave a very clear indication, after a long, very considerable debate and discussion in a bipartisan way, that we ought to have approximately 50-50 expenditures in terms of the demand side and the supply side.

We know we have interdiction, we have prosecution, we have education, we have rehabilitation, and we know that there has to be a balance. The Congress made that clear. But the Reagan administration and the Bush administration have put about 71 in supply side programs, and the demand side gets the 29 percent that remains. And that demand-side percent would have been a lot less if the Congress did not include the Byrd amendment in 1989 which added $800 million to the demand side. This money was added with the reluctance of the administration, quite frankly, and Senator BYRD overcame that reluctance to win support in this body and in the Senate-House conference. So some adjustment was made.

Mr. President, it seems to me that looking back on the Martinez record, there is very, very little in terms of his service as Governor that would indicate a real understanding of the importance of both education and treatment. When we see what the bottom line is of the nominee's push for mandatory sentences and his lack of support for treatment, it seems to me that he has displayed an insufficient understanding of the drug issue.

So for those reasons, and the reasons I have outlined here and in the report, I will vote against the nomination.

The PRESIDING OFFICER. The Senator from Florida is recognized. Who yields time?

Mr. GRAHAM. Mr. President, I ask unanimous consent that my time be equally charged to both sides.

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

Mr. GRAHAM. Mr. President, I rise to speak in favor of the nomination of Gov. Bob Martinez to the position of Director of the National Drug Control Policy. Mr. President, I know Bob Martinez. I have worked with him as a teacher, as a leader of teachers, as a

mayor of a large city, and as Governor of the fourth largest State in America. That background prepares a person to provide the coordination of the variety of programs that have been established by this Congress in order to lead America's efforts against drugs.

As a teacher he has demonstrated his understanding of the importance of education as a strategy in terms of our overall drug policy. As mayor of a large city, he has dealt with the failures of adequate treatment and prevention programs. As Governor he had the responsibility to lead our State in terms of law enforcement. Those are the dimensions of the job of the national drug coordinator. I believe that Bob Martinez is well prepared to carry out this responsibility and I urge the Congress to confirm the nomination of President Bush.

The directorship is one of the most important positions in the Federal Government. He is dealing with an issue that has been identified for over a decade as one of the key concerns of America. It is one of the key challenges to the realization of America's future. We cannot afford to lose the war on drugs. The director will be a key general in assuring that we score a victory.

Bob Martinez is a former teacher, leader of teachers, mayor and Governor of the fourth largest State. Some of my colleagues have reviewed this nomination and have asked what kind of person should we have as our national drug coordinator? Some have suggested what we need is a creator of new programs, an innovator, a person who would add to our arsenal of tactics in the war on drugs. My position is that we have spent the better part of 10 years developing those programs. What we need now is not a person who will have as his primary job the development of new programs, but rather to effectively make the existing programs work.

Some have suggested that what we need is a cheerleader, a promoter, someone who can raise the national consciousness as it relates to our war on drugs. We have had that kind of person for the last 2 years, Mr. President. I do not believe this Nation needs to be convinced that drugs are a serious problem. I do not believe this Nation needs to be convinced it is going to take a multiple set of tactics in order to achieve our strategic goal.

No, I believe that we need a person who can make the existing programs work; one who will have the hands-on background and hands-on commitment to that definition of the job of director.

It has been suggested that Bob Martinez is to be discounted because he has a close relationship with the White House. Many of us would have preferred the office of director of our Nation's war on drugs to have been more like the shorthand characterization of czar that is so frequently used. The fact is we did not pass a czar. We passed a director who depends on the often voluntary compliance of many other people in order to be effective.

In the final analysis that voluntary compliance is going to be tested by the ability of the director to pick up the phone and call the White House and ask for that support from our Commander in Chief in the war on drugs. I believe the very fact that Governor Martinez has a close relationship with President Bush and with the White House will be one of his greatest assets in terms of accomplishing the purpose of the directorship.

Bob Martinez is equipped to carry out this role. He is prepared to provide the style of management that this job requires today.

Bob Martinez taught school at Hillsborough County, FL, and was selected to be the leader of the teachers of that community. As a teacher, Bob Martinez understands the power of education in the war on drugs. He understands the balance between education and enforcement. He is a former mayor of one of the fastest growing cities in our Nation, Tampa FL. As a big city mayor, he understands the impact of cocaine; he understands the effect of crack on the spiraling rate of crime. He knows what the needs of the local police are. And, perhaps more important, he has seen the Federal Government from the perspective of local government.

As Governor of the fourth largest State in the Nation, Bob Martinez understands the vulnerability of our Nation's coastlines. He knows the need for effective local, State, and Federal partnership in cooperation in law enforcement, education, prevention, and treatment.

Bob Martinez is prepared. He is ready to serve our country. He is equipped to do the job. I ask my colleagues to join me in supporting President Bush's nomination of Bob Martinez for Director of the office of national drug control.

The PRESIDING OFFICER (Mr. AKAKA). Who yields time?

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum, and ask the time for the quorum call be equally charged to the two sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

All time on the majority side has expired.

Mr. MOYNIHAN. Then I ask there be an additional 5 minutes permitted the majority.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I will vote for Governor Martinez to be the Director of National Drug Control Policy, but with no enthusiasm; indeed, with a sense of what a failed opportunity, and perhaps what a mistake in judgment we made when we created the position in the first instance. And, in any event, the potential of the position, if it did exist, has certainly not been realized.

It has been a failure and at some levels a disgrace. We have politicized a public health problem, a problem of law enforcement, of societal standards. We have done everything the 1988 legislation intended not be done. Nothing more painfully illustrates this than the fact that the original incumbent of this office was evidently desiring to leave it and become head of a political party, in this case, the President's party.

In 1988, the record will show, I was much involved in the drafting of the legislation. Senator NUNN and I were appointed by the distinguished President pro tempore to deal with the matter. We were cochairs of a task force.

I tried to address the question of treatment. On the House side there had been very powerful legislation directed to law enforcement.

As much as one understands the instinct of lawyers—law enforcement—it was necessary to think of a public health problem also in public health terms. The particular advent of crack, Mr. President, was not reported in law enforcement journals. It was reported in a lead article in the Lancet, the publication of the British Medical Association, published by a Dr. Allen and associates from the Sandilands Rehabilitation Hospital in the Bahamas where, in 1983, a new form of free-base cocaine appeared. It was the most powerful euphoriant the world yet encountered.

Dr. Allen, who has a degree from the Harvard School of Public Health, said it would be the reality. As he described in some of his clinical notes in Comprehensive Psychiatry: One day in 1984, a man appeared who, the previous day, had cut the head off his dog, drank its blood, and then stabbed his cousin to death—a man who had not previously exhibited violent behavior. What Dr. Allen learned was the advent of something called crack cocaine.

As I recall, the paper, which I will print in the RECORD, was called "Epidemic Free-Base Cocaine Abuse: Case Study from the Bahamas." Dr. Allen said it will spread to the United States. We paid no heed. The Centers for Disease Control in Atlanta was deaf to this warning. It failed utterly to see what was coming, and so in the legislation that created the Office of National Drug Control Policy, under the Director we created two deputies, and we

tried to conceptualize between the terms supply and demand.

Supply is what comes into the country; supply is what is available. Demand is when one purchases it for a price. We thought they would be given equal allocations of resources. We made the first deputy for demand a medical position, obviously, and we thought we would get a response out of the epidemiologists of the country, out of the medical profession.

Mr. President, I would like to make a point about which I can only speak with a measure of tentativeness but with a long experience, which is to say that there is very little prestige in science, and specifically in medical science, for dealing with drug addiction and abuse. Why prestige in science comes and goes, I do not know. There is a shelf of Nobel Prizes awaiting those scientists who crack the AIDS virus, virology being one of the most advancing of current fields—full of prestige, full of achievement.

Anyone who finds a blocking agent for crack cocaine might find himself or herself under suspicion.

Dr. Vincent Dole, a distinguished professor at Rockefeller University in New York, and Marie Nyswander producted a blocking agent for heroin and got precious little credit, if that, Mr. President. A Lasker Award was finally given to Dr. Dole, after Dr. Nyswander passed on.

There is a problem here. The medical profession probably does not understand it because they do not investigate things like this and others who do have not bothered.

The fact is that very little attention was paid to our insistence in legislation that said treatment had to be given equal priority. It was not. Even, to be very blunt, having found that there was a good epidemiologist, a doctor at Yale who was working in the field who happened to be a Republican, and having got the job, he said, in effect, what am I supposed to do?

So we went on to our ritual incantation of frying the kingpins, and such like avoidance of a problem which is, in the first case, a public health problem as well as a law enforcement problem. Behavior problem, yes, but behavioral in the context of a new environment, existence of an addictive euphoriant that did not exist before; a mutant, a new strain to which the species was suddenly exposed.

There was very little comment on this. There was no attempt to teach, not much effort to learn. It was baffling. Perhaps we will not, in fact, ever do much about this subject; it will run its own course. Epidemics run their own course. Epidemics crash. They do not go on forever. They sometimes end when everybody susceptible has died, and sometimes not. We know the epidemic curve.

In the meantime, the only event that has happened about treatment in the period since the creation of this job that I am aware of is the very energetic initiative of Gail Wilensky, the head of the Health Care Financing Administration, to make treatment for cocaine addiction eligible for Medicaid reimbursement. It was not under the bureaucratic structure that said, let us see, heroin addiction, we have a treatment called methadone; yes, come in, we will give you the treatment; we will charge you according to the rule book here. But there will be no treatment for cocaine addiction. You could not charge it to anything so, therefore, you were not eligible for reimbursement. Therefore, no research went on, the kind of clinical research we hope to see happening in the urban hospitals around the country.

We brought that to the attention of Dr. Wilensky and she responded very well. We now have Medicaid reimbursement. Pregnant women ferociously addicted to crack cocaine were appearing in New York hospitals and being told there is nothing we can do for you. Even as we know that this particular euphoric, as most will, becomes aversive after a while and you would like to get off it.

In the meantime, Mr. President, having heard almost nothing from the deputy Director, much less the Director of National Drug Control Policy. Neither have we heard anything, Mr. President, from the Director of the National Institute of Drug Abuse that will spend almost $446 million in the coming fiscal year, $416 million this year; nearly half a billion dollars. What they do with it I dare not imagine. They do not teach. They do not teach us.

If it were in order, I would stand here and propose the abolition of the National Institute of Drug Abuse as an example to others; but we are in executive session. They have a real problem on their hands, and what they do with their money or their time no one can say.

They do not try to reach out to those of us who live with this problem, as a New York Senator has to do. Not at all.

Why are we spending this money? Can they offer any explanation? Can they show you anything they have achieved, anything they expect to achieve, anything that will in any way respond to our initiative in creating a Director of National Drug Control Policy?

That word "control" is a suspicious word. It speaks of law enforcement. You are dealing with a health epidemic. That child in utero with a mother using crack cocaine has not broken any laws but will very likely lead a broken life.

We hear nothing from them. What do they do? Where do they go? Where are they?

It is a form of avoidance. It is a reflection of the problem on this subject in medicine. The medical profession has never been easy with this issue. I have never understood fully why. Partly because all these drugs begin as medicines.

Morphine began in the 1840's as a distillate of opium, and it was a painkiller, and God bless. Anyone with Irish teeth such as mine would rue the day that he lived in an age before morphine was available. The hypodermic needle was invented in the same era. It was massively used in the Civil War. Morphine addiction became known as "soldier's disease." It had an aura that you had been at Antietam.

Heroin came along, a further intensification, as a treatment for morphine addiction. Heroin is a trade name. You can see it advertised at the turn of the century. People who made Bayer aspirin tried this out on their employees. A German firm, of course. It made them feel heroic. Thus, heroin.

Cocaine was a distillate of coca leaves. It appeared during the 1880's. Sigmund Freud first wrote on the use of cocaine to treat morphine addiction, as I recall.

But somehow the problems of addiction have never held the attention of the medical profession in any way proportionate to the problem.

If this was a very rare disease, well, perhaps few people would deal with it. The disease model would be undeveloped. But this is a common disease. This is a disease of children in utero.

In the city of New York we are beginning to get the first first-grade class of children who could have been born to mothers who were using or had used crack cocaine, and the journalistic accounts are very disturbing, indeed.

If there are any accounts of the National Institute of Drug Abuse, Mr. President I do not know about them.

What in the hell are they doing with this $416 million? What are they doing? I hope they are watching. I hope they are listening because this Congress consciously sought to give drug treatment equal status, rank and funding, with law enforcement. We need a blocking agent of some kind for the brain, which is one organ we still do not seem to really understand. We got with it heroin in the form of methadone.

Silence since we passed the bill; indifference on the part of the Director.

I do not know whether anybody asked Governor Martinez about his views. I do not hold any brief against Governor Martinez. I wish him well. I hope he might hear some of these remarks. In the meantime, I do ask the National Institute of Drug Abuse, what is their justification for continuing their existence?

The Congress made a very important decision in creating the position of Director of National Drug Control Policy,

known as drug czar. I have never associated the term "czar" with good government particularly. I associated "czar" with Siberia and punishments and revolutions and God knows what. But, in any event, I do think it was a disappointment this position was politicized early.

I trust Governor Martinez will know better than to continue that practice. I hope he will attend to the statute that says treatment is to have equal rank and prestige with law enforcement; not neglecting treatment but attending to it. That is what the statute says. That is what Congress expected. That expectation has not been fulfilled at all at this time.

Mr. President, I ask unanimous consent that the earlier mentioned article by Mr. Allen be printed in the RECORD.

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

[From the Lancet, Mar. 1, 1986]

EPIDEMIC FREE-BASE COCAINE ABUSE

(Case Study from the Bahamas)

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SUMMARY

Beginning in 1983, a sharp increase was noted in the number of new admissions for cocaine abuse to the only psychiatric hospital and to the primary outpatient psychiatric clinic in the Bahamas. For the two facilities combined, new admissions for cocaine abuse increased from none in 1982 to 69 in 1983 and to 523 in 1984. Although there was some evidence for a rise in cocaine use during this time, as the drug became cheaper and more available, a primary cause of this medical epidemic seemed to be a switch by pushers from selling cocaine hydrochloride, which has a low addictive potential, to almost exclusive selling of cocaine free base, which has a very high addictive potential and causes medical and psychological problems. Although the use of free cocaine base is rising around the world, this is the first report of a nationwide medical epidemic due almost exclusively to this form of the drug, although similar problems are reported with smoking coca paste in South America.

INTRODUCTION

The past decade has seen an increase in the use of cocaine in the United States and UK. This drug is not generally perceived as being as harmful as herion.[1 4] However, data are accumulating to suggest that cocaine is, indeed, a very dangerous drug.[5 8]

Data from the US National Institute on Drug Abuse point to a 91 percent increase in cocaine-related deaths between 1980 and 1983.[9] Kleber and Gawin[7] have suggested that certain drugs have a low proclivity for producing compulsive-addictive behaviour, so that, say, less than 15% of people using such drugs become addicted; examples are alcohol and marijuana.

Footnotes at end of article.

At the other extreme are drugs such as heroin and nicotine that lead to a compulsive-additive use pattern in most users. Cocaine may lie at either of these extremes, depending on the methods of use.[7] For example, nasal inhalation of cocaine ("snorting") or chewing coca leaves is unlikely to lead to addiction while smoking ("Freebasing") or injecting ("shooting") the drug is. A switch in the pattern of cocaine use from snorting to freebasing could thus produce a big increase in the number of addicts without a change in the prevalence of cocaine use.

Some are talking now of a cocaine "epidemic" because use of the drug seems to be rising steadily.[2] It would be more accurate to talk of a "long-term secular trend" because "epidemic" suggests a sudden imbalance between the forces that promote and retard a disease. However, a change in cocaine use in the Bahamas does not meet the criteria for an epidemic of cocaine abuse.

Our study was initiated by physicians in the Bahamas who were concerned about an apparent rapid increase in cocaine abuse in clinical settings. Several sources were examined retrospectively to see if this clinical perception of a recent large increase in cocaine-related admissions to psychiatric facilities was accurate.

METHODS

The only psychiatric hospital in the Bahamas is the government-run Sandilands Rehabilitation Hospital (SRH) on New Providence. Patients are referred there from the other islands. In 1980, almost two-thirds of the Bahamian population lived on New Providence, most of them in Nassau. The other three hospitals in the Bahamas (two on New Providence and one on Grand Bahama) seldom accept drug abuse patients and have few psychiatric patients.

The main community mental health clinic in the Bahamas is the Community Psychiatry Clinic (CPC) in Nassau. Most patients who do not go to private psychiatrists or other private physicians use the SRH outpatient services or the CPC. The two small government clinics in Freeport and Eight Mile Rock saw 47 cocaine addicts in 1984, only 14% of the total seen by Bahamian mental health clincs and only 9% of those seen at all government facilities. Drug abuse patients seen in emergency rooms are referred to SRH. Data from the CPC and the SRH on psychiatric cases provide a more complete picture than could be obtained in most areas of the world. Unfortunately, age and sex specific population data from the 1980 census were not yet available so we could not calculate incidence rates. However, because the population was stable over the period of this study, data on trends of new cases are almost as interpretable as rates. An incident case of cocaine abuse was defined as the first admission to the CPC or the SRH for cocaine abuse, even if other diseases were present. If the predominant drug in a polydrug user was cocaine, the case was considered a cocaine abuse admission.

Data sources

The CPC publishes a monthly summary of cases. We focused on new patients. Alcoholism, non-cocaine-related drug abuse, and cocaine-related drug abuse were studied from the beginning of adequate records in 1982 up to June 30, 1985. Monthly admissions to the SRH were available for 1980–84 and these data indicated the number admitted for alcoholism and/or drug dependence (and whether or not cocaine was the primary drug) and distinguished first from repeat admissions. Admissions to CPC and SRH for alcoholism showed a slow, steady increase and will not be discussed further.

Drug abuse patients among the wealthy minority on the Bahamas will usually seek care outside the CPC or SRH (including the United States) and some cases from the family islands are treated by local physicians. However, there is no evidence of a change in the accessibility of care or the referral patterns in the Bahamas so changes in the pattern of new admissions reported here do reflect changes in the scale of cocaine abuse in the community. Some patients may have been admitted to both the CPC and the SRH, there being no central data system to exclude such duplicate entries. However, doctors who work at both places feel that overlap will have been very small. During the study period, only 4 drug patients admitted to the SRH were referred from the CPC. Likewise, in discussion with most of the few private psychiatrists on New Providence, it was clear that few of the Bahamian drug abusers they see are not referred to the CPC or the SRH. We conclude that the combined incidence data on new drug abusers from the CPC and the SRH cover most people in the Bahamas whose use of cocaine or other drugs caused problems severe enough for them to seek medical assistance.

RESULTS

Community Psychiatry Clinic

The CPC opened in 1980 but new and returning patients were not distinguished in the clinic statistics until 1982. Fig. 1 shows how quarterly numbers of new cocaine-related admissions have risen from none in 1982 to 299 in 1984, there being a probable decline in 1985. During the early phases of cocaine appearance in the CPC, some of the cocaine use may have been recorded only as "drug abuse" or "drug dependence", but the number of such cases would have been small. If the patient used several drugs (as most did), the drug that seemed to have precipitated the problems for which they sought help was recorded.

Drug abuse increased from 1% of the clinic's patients in 1982 to 9% in 1983 to 39% in 1984, and was 31% in the first 6 months of 1985. The big increase in 1984 was due almost entirely to cocaine dependence. Cocaine-related new admissions really began in the third quarter of 1983. New cases of depression and/or schizophrenia have been fairly stable over time, suggesting that the increase in drug patients was not primarily due to increased clinic awareness.

Sandilands Rehabilitation Hospital

SRH has a long tradition of treating acutely ill alcoholics and drug addicts from the whole of the Bahamas. 86% of the 1984 drug admissions were from New Providence.

Although there were a few cocaine-related admissions during the first three quarters of 1983, a marked increase began in the last quarter of 1983. The number of first drug admissions for which cocaine was the primary cause increased sharply from 1 in 1980 to 224 in 1984 (fig. 2). The number of first admissions due primarily to other drugs was more stable. So great was the increase in admissions for cocaine abuse that recording of admission numbers became less complete after November, 1984; numbers for the last quarter of 1984 are estimated from those for October and November.

Often a patient would be admitted with drug abuse and symptoms suggestive of underlying psychiatric disease. Usually the paranoia, hallucinations, and so on were due to the drug use, so whenever cocaine or other drug abuse was indicated as being important, the patient was considered a drug admission.

Mode of cocaine use

Smoking (freebasing) accounted for 98 percent of cocaine-related referrals in 1984. Cocaine base (known in the Eastern USA as "crack") is produced when cocaine hydrochloride powder is treated with alkali. It is volatile with modest heating and is easily absorbed through the lungs and rapidly transmitted to the brain. Some experienced addicts made their own freebase cocaine in the early 1980s but most did not know how to do it or did not bother, and the predominant form used to be snorting. By 1984 the pushers were selling only the freebase form, smoked using a home-made pipe ("camoke"). When cocaine is smoked up to 80 percent of it reaches the brain, and the "rush" can begin in 8–12 s, producing a short period of ecstasy. This fleeting sensation is most powerful on the first use of cocaine and though addicts seek to repeat it the same sensation is not experienced again.

The most common pattern of usage varies from a few hours, during which time the user may consume 4–5 g cocaine, to a few days of intermittent use, usually over a weekend, during which time up to 10 g may be consumed. Most patients report using the drug at freebasing parties or "base houses".

Clinical spectrum

Cocaine-dependent individuals usually seek help during or after some crisis, financial, social, medical, or psychological. For example, an addict whose money had gone might seek help on his own initiative or under pressure from family, friends, or employers. Others, who had had to steal to support the habit or whose addiction had made them violent, were referred by the courts.

The most common physical were seizures, severe itching ("the cocaine bug"), loss of consciousness ("tripping out"), cardiac arrhythmia, vertigo, pneumonia, gastro-intestinal symptoms, and avitaminosis associated with severe malnutrition. Several addicts were referred from maternity wards.

The cocaine addicts often presented with severe depression, manifest by unkempt appearance, insomnia, anorexia, withdrawal, and suicidal ideation. There were at least 10 cocaine-associated deaths, 5 of which were suicides. Cocaine psychosis was common; the patient would present with severe agitation, impaired judgment, paranoid ideation, intense denials, violent behaviour, threats of suicide or homicide, and hallucinations. In periods of lucidity they would try to mislead the physician, and a relative or friend was needed to confirm the psychotic state.

Demographic characteristics

For 1984, 81 percent of cocaine admissions to SRH were males and male drug abusers in general were aged 11–56 years (mean 25). Cocaine users tended to be slightly older than other drug users (26 vs 22.5 years). Female drug addicts were aged 15–39 years (mean 24 years). Almost all patients were Bahamian.

Other forms of surveillance

Most patients seen at the Sandilands Hospital drug clinic were referred after discharge from the SRH so data from this clinic were not included. About 60 percent of the patients seen were using both cocaine and cannabis, although it had usually been cocaine that had precipitated the hospital admission. Neither suicide nor drug-related death is usually recorded on death certificates in the Bahamas so we decided not to use vital statistics as a surveillance method. Police statistics showed some increase in street drug arrests in 1984, but not of the magnitude suggested by the clinic and hospital admission data. In 1980–83 drug arrests averaged 1094 a year with no clear trend over time. There were 1501 arrests for 1984, an increase of 37 percent.

DISCUSSION

In the Bahamas, data from public psychiatric services demonstrate an epidemic of cocaine abuse requiring medical care. Cannabis and alcohol were often used to control adverse symptoms from cocaine use. In early 1983 something—a major change in the incidence of new drug users, especially cocaine users, or in the method of use—upset the previous drug-use equilibrium, suddenly forcing hundreds of people to seek treatment for complications of drug abuse.

The most obvious explanation is that cocaine was suddenly introduced to the islands or that its price fell. Former addicts, who were on cocaine in the 1970s, confirm that cocaine powder had been available, if expensive, for years, but that in late 1982 or early 1983 the drug suddenly became much more plentiful as production in South America increased. The street price of cocaine in Nassau fell to one-fifth of its former level.

Ex-addicts also told us that at about the time that cocaine became more plentiful and cheaper drug pushers switched from selling powdered cocaine ("snow") for nasal inhalation or injection to the pure alkaloid form ("Rocks" or "freebase") which is used exclusively for smoking. It suddenly became very difficult to obtain powder in Nassau. By making this change, the drug pushers were forcing all cocaine users to become addicts. Many pushers are themselves addicts and have to sell the drug to feed their own habits. Selling freebase guarantees an eager market for the increasingly available cocaine.

Smith[10] claims that an important reason for the increase in cocaine deaths in the San Francisco area was higher potency cocaine. Siegel[1] reported that the recovery of cocaine free base from pure cocaine hydrochloride, using various street kits, ranged from 41% to 72% and, although the kits removed some of the adulterants, some lignocaine and ephedrine, for example, was often left with the cocaine. Ex-addicts indicated that the street cocaine powder in Nassau had usually been "cut" (diluted) about 50% before sale. Although we have no direct data about cocaine purity, the sources for the cocaine remained similar; nor is the extraction process perfect. Changes in levels of purity seem to be an inadequate explanation for our findings.

We conclude that the medical epidemic of cocaine-related physical and psychiatric problems in the Bahamas was related to the interaction of the availability of cheaper cocaine and a switch from powder to free base.

Monitoring the method of selling may be critical both for Western nations, the targets of the cocaine market, and for developing nations such as the Bahamas via which the drug is shipped and those South American countries that produce it. We found surveillance of medical services to be a quick and effective way of monitoring some aspects of the drug situation in the Bahamas, and it could be in the self-interest of target nations to assist producer and trans-shipment countries not only to control drug abuse but also to maintain an intensive surveillance system. As cocaine freebasing becomes more popular and particularly if the vending pattern switches to the freebase form (as is starting to happen in some US cities), emergency rooms, mental health clinics, and psychiatric hospitals will need to prepare for an unprecedented influx of drug addicts.

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Mr. MOYNIHAN. Mr. President, the hour of 1:30 has appeared. I respectfully yield the floor, my colleague from New Mexico having arisen.

Mr. DOMENICI. Mr. President, is there any time remaining?

The PRESIDING OFFICER. There are 23 minutes on the side of the Senator.

Mr. DOMENICI. Mr. President, I assume there will be others who desire to use some of the time.

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

Mr. DOMENICI. I yield myself 2 minutes.

Mr. President, I rise today to support President George Bush's nominee for National Drug Control Policy Director. That is actually his title. I do not know the former Governor of the State of Florida very well. I have met with him and acquainted myself with him since he was nominated. I knew him from a distance. I have now had an opportunity to look into his background and his efforts both before he was Governor and after he was Governor. I have no doubt he will do a good job for this President and our people.

Many in Congress remain very concerned about the drug problem in this country. We have put a lot of new laws in place, a lot of new funding. We have created this new policy position with Secretary and Cabinet status.

We have seen some statistics which would indicate we are gaining in some respects in this war on drugs. But they

are very, very paradoxical because, on the other hand, we are losing. While we are gaining in terms of fewer participants in illegal drugs overall, and fewer high school students, those who are staying in school, the hard drugs, the crack, and that type of drug, which has such enormous potential for harm, seems to be gaining in use.

So we still have a very big job in front of us. It is a war. This is a big enough one to ruin America's society, if it continues at the pace that is currently in the streets of the United States, in our homes, and in our schools.

So I am very hopeful that this nominee is going to do a good job.

Mr. President, on November 23, 1990, President George Bush announced his intention to nominate Florida Gov. Bob Martinez as the second National Drug Control Policy Director. The President called the appointment, a battlefield promotion for a leader who has earned his stripes on the front lines. As former Governor and mayor, Bob Martinez will be especially effective in joining hands with local leaders. As a teacher who spent 7 years in the classroom, he knows the long-term key to winning this effort to stop drug abuse before it starts.

I rise today in support of the President's nomination of Governor Martinez to this important position. He has a strong record of experience in fighting the plague of drugs. As the southernmost point of the continental United States, Florida has been besieged by illegal drug smuggling and the problems resulting from drug-related crime and use. As Governor, Martinez vigorously responded to the crisis in Florida with some of the Nation's most innovative antidrug policies. His hands-on experience at both the State and local levels make him uniquely qualified to tackle the problem at a national level.

Mr. President, standing on a strong and committed record, Governor Martinez will be a challenging national commander in the fight against drugs, a leader capable of uniting Federal, State, and local governments behind an effective and balanced antidrug policy.

There are many examples of his strong leadership. Bob Martinez was the first Governor to appoint a State drug czar to coordinate antidrug activities and agencies in Florida.

He was appointed by President Reagan to the White House Conference on a Drug-Free America in 1987, where national leaders gathered to discuss the fight against drugs. Among other initiatives proposed by the conference, their recommendations to increase capacity and accountability in the treatment system, drug test in the throughout the criminal justice system, and enforce drug-free schools policy with clear sanctions were subsequently included in President Bush's national drug control strategy.

Governor Martinez led Florida in implementing the Nation's first comprehensive Drug-Free Workplace Program for State government workers. He inaugurated the program by taking the first drug test himself.

Understanding drugs as a security threat, Governor Martinez was one of the first State leaders to bring the resources of the National Guard into the drug fight to assist other agencies in cargo inspections, air reconnaissance, observation, and transportation.

He coordinated drug information exchanges with other Southern State Governors and New York Governor Cuomo, went to Florida to seek guidance because of the extraordinary success of Florida's drug laws.

The Spanish speaking Governor traveled to Colombia, Bolivia, and Panama to meet with their leaders and support their efforts, especially the Colombian crackdown against the drug lords. He encouraged President Bush to lend full United States assistance to the Colombian effort.

Mr. President, he also has a strong record in the area of criminal justice and drug testing. Governor Martinez doubled the State's prison capacity, constructing more beds than the previous 20 years and increasing the prison budget from $417 million to $1 billion.

The Governor encouraged using prisoners to build over 14,000 new prison beds, raze crack houses, and maintain highways and parks. This program saved the Florida taxpayers over $359 million.

The Governor proposed the expansion of the death penalty provision to include major drug traffickers. This penalty, similar to the Bush administration's proposal, permits the use of the death penalty for traffickers of large amounts of cocaine and heroin.

Mr. President, I believe that Gov. Bob Martinez will prove to be a very fine leader as National Drug Control Policy Director. I am very pleased that President Bush has chosen him to fill this position, and I intend to support his nomination.

I thank the Chair. From our side, we are prepared to put in a quorum call unless there is something else.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BIDEN. Mr. President, I ask for the yeas and nays on the Martinez nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. AKAKA. Mr. President, I rise with some reluctance to support the nomination of Robert Martinez to be Director of the Office of National Drug Control Policy. Governor Martinez embodies an approach toward the drug crisis that is nearly 180 degrees counter to my own. Only my respect for the President's traditional right to choose the members of his leadership team and my hope that Governor Martinez is capable of learning from the stark realities of his prospective job compel me to vote to confirm him as the Nation's second drug czar.

Mr. President, I have strong reservations about the nominee. I am fearful that Governor Martinez will continue the Bush administration's misguided overemphasis on enforcement as opposed to rehabilitation, on supply as opposed to demand. This policy is reflected in the fiscal year 1992 drug budget request which, while adding $1 billion to the war on drugs, unwisely continues to provide 70 percent of funds to law enforcement activities and only 30 percent to treatment efforts.

There is little in Martinez' record as Governor of Florida to suggest that he has plans to deviate from this formula. As my distinguished colleagues Senators KENNEDY, METZENBAUM, and SIMON note in their minority opinion in the Judiciary Committee's report on this nomination, during Governor Martinez' tenure in Tallahassee, the State ranked 21st in the Nation in substance abuse treatment funding and 32d in prevention funding. When he took office in 1986, Florida was spending about $35 million in substance abuse treatment; by 1990, that level had risen to only $42 million. In contrast, he boosted spending on corrections from $514 million to $859 million. As a result of Governor Martinez' supply oriented policy, more than 45,000 Floridians in 1987 alone were arrested on drug possession charges, the majority of whom were not hardened criminals and thus could probably have been rehabilitated at much less financial and social cost than it did to arrest, prosecute, and imprison them.

This wild imbalance in priorities may reflect a troubling predisposition on Governor Martinez' part to view drug addicts as criminals beyond redemption, as individuals who warrant no further consideration beyond night arrests and a cold jail cell. If so, this is a shallow and pessimistic view of the human condition, and a shortsighted one as well. By focusing on catching, prosecuting, and incarcerating drug offenders, he ignores the fact that most of the thousands arrested on drug possession charges during his tenure were not violent criminals, but troubled individuals who, if they had access to

drug education and treatment programs, could have been given an opportunity to turn their lives around. Without addressing this possibility, it is far more likely that these individuals will remain addicted, continue to break the law, and cost the taxpayers hundreds of millions of dollars in enforcement costs. Paradoxically, by crowding the prisons with nonviolent offenders, Martinez also forced the early release of violent criminals, a counterproductive policy if ever there was one.

Mr. President, no one understands better than I the importance of a law enforcement component to any effective drug program. I have authored legislation—included in modified form as part of last year's crime package—to increase criminal penalties for sale and distribution of crystal methamphetamine, or ice as it is known on the streets. I have supported Federal law-enforcement grants for my State to beef up the ability of our police authorities to arrest drug pushers and drug abusers. I have encouraged additional funding for the Coast Guard in their drug interdiction efforts.

But I also recognize that these are essentially stopgap solutions. This Nation must attack the root causes of drug abuse—poverty, alienation, and ignorance. If we are serious about this crisis, we will attack drugs through prevention and education programs in homes, in classrooms, in workplaces, as well as in the streets. We need to refocus antidrug efforts and marshal our national resources to provide greater access to more effective treatment for those seeking it. We particularly need to protect drug-exposed infants and preserve families. Women are bearing drug-addicted children because there are no treatment slots available—much less ones that will allow them to keep their families intact.

Mr. President, these are the types of programs that we need to emphasize. I am not sure that Governor Martinez is up to this challenge, particularly as he is apparently unwilling to forego using the drug policy office as a bully pulpit for political messages. Senators SIMON and METZENBAUM raised this particular concern at the recent Judiciary Committee hearings, in which the nominee could not absolutely assure then that he would refrain from politicizing the office of drug czar of from making campaign speeches. It is ironic, and perhaps tragic, that our first two drug policy directors have been political rather than professional appointments.

Mr. President, these are harsh words. But I say them in the hope that Governor Martinez, a reasonable and honorable man I am sure, will heed them in his new office after he is confirmed. I hope that the Governor understands that addressing an entire Nation's drug problem requires a larger perspective and deeper understanding than he has hitherto demonstrated as a State official. I hope that he finds time to listen to those of us who call for a more balanced approach to a national crisis—one that it is no exaggeration to say threatens our social, economic, and political institutions. It is only this hope, and the respect I hold for the executive branch's traditional prerogatives, that allows to me to set aside my reservations and support Governor Martinez for this important position.

Mr. GRASSLEY. Mr. President, the individual who becomes the next Director of National Drug Control Policy has a unique opportunity to build on recent successes.

Since September 1989, the Federal Government has implemented a multipronged national strategy to attack the use and the trafficking in illegal drugs.

This comprehensive strategy—involving not only governments at all levels but the private sector as well—has helped to change the country's attitude toward illegal drugs and those who use and traffick in them—especially toward those who are casual or recreational drug users.

And, after decades of hoping that the problem would "just go away," the American people—the vast majority of whom are lawabiding citizens—are finally speaking with one voice: drug use is wrong; it will no longer be tolerated; and it must stop.

This unambiguous message—reflected in most reputable national polls—is probably more important than any government initiative. And it is getting through loud and clear.

So, as I view it, we are at a critical juncture in the war against drugs.

And that is where the Office of National Drug Control Policy and its Director come in.

As I have stated before, the one thing that the Director of national drug control policy can do best is to be the tough "voice" of a coordinated campaign against those who—because of their disregard for the rights of lawabiding citizens—are at war with our communities.

Another role is to be an advocate for antidrug education and drug treatment, as well.

But education and treatment-on-demand programs—although appealing—should not be supported blindly, without any accountability and actual reduction in the drug using population.

Because it is utopian to suggest that we know how to educate the whole population against using drugs, or know how to successfully treat every drug addict, and simply lack more money to do so.

No one can say how well Governor Martinez will exercise the bully pulpit as drug czar.

Nor, can anyone say to what extent he will resist the urge to simply spend more money.

But—based on his appearance before our committee and his private meeting with me—I support his nomination to become the next Director of the Office of National Drug Control Policy.

My support is based on my expectation that Governor Martinez will continue the successful strategies that have marked our recent national drug control policy.

Mr. ADAMS. Mr. President, when the Bush administration took office over 2 years ago, this Nation was told that our most urgent national priority would be a war on drugs. In his inaugural address, President Bush promised to rid this Nation of the plague of cocaine, and to commit the resources of his administration to a successful strategy of interdiction, tough criminal sentences for drug offenders, and treatment and education.

The President's first drug czar, William Bennett, came to the position with no background at all in either law enforcement or drug treatment and prevention. The Bennett era was marked by high visibility speech-making, talk show appearances, and one liners that served primarily to make William Bennett a household word, but had little discernable impact on drug use in this country. I well recall Mr. Bennett's promise to make the District of Columbia a litmus test of his national strategy. Despite Mr. Bennett's hectic, campaign-style, public appearance schedule, he could never find the time to testify before the District of Columbia Appropriations Subcommittee, which I chair. Despite his personal promise delivered to the citizens of Yakima County, WA that "help is on the way" he never took the time to revise his "high intensity drug trafficking" strategy to include that beleaguered community in his plan.

Now we are presented with a second drug czar with a demonstrated lack of appreciation for the urgent need for a strategy that will work. Nothing speaks more eloquently of Governor Martinez' failure to grasp the nature of the problem than does his own record as Governor of Florida. During that time, Florida ranked 1st in the Nation in incarcerations, 21st in substance abuse treatment funding, and 32d in prevention funding.

Mr. President, this Nation already leads the entire world in the rate of incarceration of citizens. The entire Federal budget could be devoted to building more prisons, and we would still have a drug problem. I want to see a national drug policy that commits funds to prosecuting and imprisoning. We need early intervention through programs like DARE. I want to see cities and towns, and counties like Yakima, WA, get a fair share of the Federal resources devoted to this war on drugs.

This war is being fought, not just in courtrooms, but in schoolrooms, and in

rehabilitation and treatment programs, and through outreach efforts that keep pregnant women from turning the next generation of children into cocaine-abused infants.

If President Bush is to succeed as our Commander in Chief in the domestic war on drugs, he should find the best expert available for this crucial position. He should be nominating "the Norman Schwarzkopf of Drug Strategies" to this post. With all due respect to Governor Martinez, there is very little evidence that he has the experience, the vision, or the commitment, to be that kind of a leader. Therefore, I withhold my consent on this nominee.

Mr. SANFORD. Mr. President, I would like to make a statement regarding the nomination of Bob Martinez to become the director of the Office on National Drug Control Policy. I am aware of the debate that occurred during his nomination hearing in the Labor Committee and I regret I was not able to participate in the discussions. I share the concern of the Senators who are in opposition to Mr. Martinez' appointment as drug czar because of his strong focus on law enforcement and supply-side policies. The administration needs to recognize the importance of treatment and rehabilitation programs in the drug war efforts and it needs to make funding of those programs a priority.

This country is facing a crisis. The debilitating effects of drug abuse have reached all parts of our society. We desperately need to develop a new and effective national drug strategy.

The administration in the past has been successful in deflecting attention from the persistence of heavy drug use in our inner cities. It was cited that drug use has gone down, but I would argue as would many others that drug addictions have increased. If the administration continues to underestimate the size of the addict population, there will continue to be a lopsided drug war and a lack of balance between supply and demand efforts.

No one disputes the fact that the war on drugs is a multifaceted battle. Substance abuse is a disease which must be treated, just as drug dealers are criminals who must be arrested and jailed. Demand reduction efforts must receive as much attention as supply reduction efforts if drug abuse is truly to be controlled. Education components must work in unison with enforcement measures. Treatment must be a part of our program to stop the proliferation of drugs.

I challenge Mr. Martinez to be sensitive to the various facets of drug abuse control and to promote policies that bring parity to the administration's efforts in controlling the demand and supply of illicit drugs. I also challenge him to craft policies which would allow Federal programs to work with those that are developed in communities to fight drug use. We must encourage communities to fight back, for without the cooperation and coordination of our communities, the drug war is war against the poor, the uneducated, minorities, and rural folks.

I am aware that the State of Florida is believed to be the entry point for over 70 percent of the cocaine smuggled into the United States, thus interdiction programs are essential. However, should Mr. Martinez nomination be confirmed, I challenge him to remember that he is now leading the campaign against drugs in respect to the entire country. I trust that he will reflect considerably on his 7 years as an educator, and teach America the vital role that education must play if we are to win this war. It is through education and improved social conditions that we must show our citizens not to turn to drugs in despair.

In the wake of our successful military campaign in the Persian Gulf, we must now turn our attention to the domestic campaign that needs to be waged at home. I implore Mr. Martinez and the administration to carefully consider all facets of the drug war in crafting their drug policies and have vision enough to recognize the importance in providing adequate treatment, rehabilitation, and education programs in fighting the war on drugs. Our most precious resources, our citizens, must not be forgotten in our efforts to control illicit substances.

Mr. DURENBERGER. Mr. President, I rise today to support the President's nomination of Bob Martinez to be the next Director of the Office of National Drug Control Policy. The Martinez nomination has been endorsed by an impressive array of political and civic leaders, drug treatment and prevention organizations, and law enforcement officials. I am pleased to add my name to that list. Bob Martinez is an excellent choice to lead America's war on drugs.

Henry Ford once remarked, "The question, 'Who ought to be boss?' is like asking 'Who ought to be the tenor in the quartet?' Obviously, the man who can sing tenor." I believe that President Bush has chosen the right "tenor" for the job. Bob Martinez has already proven that he is an innovative, effective leader in the war on drugs.

When he served as the mayor of Tampa, Martinez played a key role in forging the national drug policy recommendations of the U.S. Conference of Mayors. And during his 4 years as Governor of Florida, Martinez made the battle against drug importation and abuse a high priority. He galvanized public support and initiated several successful innovative programs in Florida to combat drugs. In a State that was believed to be the entry point for over 70 percent of the cocaine that is smuggled into the United States, the leadership of Bob Martinez brought about Florida's first drop in drug related crimes in years.

Bob Martinez believes in a holistic strategy to fight drug abuse, through education, enforcement, and treatment. As a former educator, Martinez is especially supportive of programs that educate America's youth to the dangers of drugs. He is committed to the expansion of treatment programs for the victims of drug abuse. He will be a tough, but fair, enforcer of our Nation's drug laws. And as a former mayor and Governor, Bob Martinez will be especially sensitive to the need for a State-Federal partnership in combating drugs.

Mr. President, I hope that my colleagues will join me in confirming Bob Martinez, the President's outstanding choice for the next Director of the Office of National Drug Control Policy.

Mr. DECONCINI. Mr. President, President Bush's nomination of Gov. Bob Martinez for Director of the Office of National Drug Control Policy comes at a crucial point in this Nation's effort to fight drugs. When Congress created this position, it did so in response to a crisis which threatened our country's future. Under the direction of the first Director, William J. Bennett, the Office of National Drug Control Policy took the first step toward developing a coordinated drug strategy, and the War on Drugs began.

Since that time, progress has been made. There are encouraging signs that our efforts are paying off. But the drug crisis is still a reality. In many ways, we have just begun to realize how strong an impact illegal drugs have on all levels of our society. Drug use has had a startling influence on our communities, from the State and local law enforcement officers who hold the line on crime and violence in the streets, to health care professionals who struggle to meet the special needs of drug dependent mothers and their children. The War on Drugs has not been won and it will be up to the next Director of this Nation's drug policy to see that it is fought with all the power and wisdom this Nation can muster.

I supported the nomination of Governor Martinez in committee, and will vote for his confirmation. As Governor of Florida, a State which has experienced its own drug crisis, he is well aware of the problems that illegal drug traffic creates. Miami is one of the five designated high intensity drug trafficking areas, and Governor Martinez knows how important cooperation between the Federal Government and State and local agencies is to implementing an effective drug strategy. His involvement in developing a plan on substance abuse and drug trafficking for the National Governors' Association will be helpful in developing and implementing our Nation's plan to fight drugs.

As I stated earlier, this is a critical time in our country's War on Drugs. Governor Martinez will have to exercise strong leadership to continue the progress achieved thus far. With a critical eye, he will have to define which programs outlined in the drug strategies of the past have yielded the most positive results, and fight for their continuation. He will also have to eliminate those initiatives which have not been successful and determine what can be done in their place. I hope that he will take the time to visit each of the high intensity drug trafficking areas to see first hand how accurately the priorities of our Nation's drug control policy reflects the needs of the communities hardest hit by the War on Drugs.

We place in his hands a tremendous responsibility—to respond to the needs of Federal, State, and local agencies, to ensure the continued vigilance and commitment by the administration to the War on Drugs, and to work with members of the appropriate committees to forge a sound drug policy that adequately addresses the problems of today while anticipating the problems of the future. As a member of the Appropriations Subcommittee which oversees the funding of the Office of National Drug Control Policy, I will be especially interested in the priorities set forth by Governor Martinez as he defines the agenda for drug control efforts in the 1990's.

It will not always be easy. It will require the same thoughtfulness and commitment that our country exhibited in declaring a military victory in the Persian Gulf. If we truly are waging a war on drugs, I hope that Governor Martinez will step forward and demonstrate the leadership necessary for us to win. I wish him the best of luck in this endeavor and look forward to working closely with him upon his confirmation.

Mr. DOLE. Mr. President, few jobs in the Government are more difficult—and more important—than that of Director of the Office of National Drug Control Policy.

And few Americans are more qualified to serve in this position than Bob Martinez.

As a public school teacher, as mayor of Tampa, and as Governor of Florida, Bob Martinez has fought on the front lines against the drug traffickers who poison our communities and our children.

Governor Martinez knows what works and what doesn't. He knows we can't moollycoddle drug dealers and kingpins. He knows the necessity for drug treatment centers. He knows that our children must continue to be educated about the dangers of drugs.

Mr. President, under the leadership of President Bush, we are making progress in the war against drugs. Public attitudes are turning against those who use or sell narcotics. Studies show that drug use seems to be decreasing. Resources for law enforcement and treatment are at record levels. And our Central and South American allies are working with us to put drug cartels out of business.

There is, however, much more work to be done. More criminals to be locked up, more victims to be treated, more cartels to close down, more children to save.

In closing, let me ask my colleagues to give Governor Martinez the time to do his job. Over 70 committees in the House and Senate exercise some authority over narcotics. Sometimes it seemed that former Director Bennett was up here everyday for one hearing or another.

The gulf war was a success because, once the war started, Congress didn't micromanage or second guess our generals.

Let's do the same here. Let's resist the temptation to micromanage the war against drugs. Governor Martinez has the experience, the skills, and the support of the President needed to get the job done. Let's allow him to do just that.

Mr. BROWN. Mr. President, I rise to express my strong support for the confirmation of Bob Martinez as drug czar of the United States.

Governor Martinez will bring to this position a wealth of experience and knowledge. The Governor's testimony before the Judiciary Committee last month was further testament to his dedication to the war against drugs and his ability to lead the Nation in this fight.

As mayor and Governor of a State beseiged by illegal drug smuggling, drug abuse, and drug-related crime, Governor Martinez brings a unique perspective which is invaluable to implementing a nationwide strategy involving all levels of government.

As a junior high and high school teacher for 7 years, he is fully aware of the pressures our young people face during their most vulnerable years, and the support they need to steer clear of drugs. Educating kids about the dangers and real-life consequences of drug use is key to putting drug dealers out of business and winning the drug war.

Governor Martinez has been a leader in the drug war both on the State and national level. He was the National Governor's Association's spokesman on drug issues, traveled to a number of South American drug producing countries to support antidrug efforts, including the Colombian crackdown against the drug lords, and was appointed by President Reagan to the White House Conference on a drug-free America in 1987.

Among his accomplishments as Governor, Governor Martinez led Florida in implementing the Nation's first comprehensive drug-free workplace program for State government workers; expanded the concept of drug-free zones in Florida by imposing mandatory minimum sentences on individuals convicted of drug activity near public parks and playgrounds, public housing facilities, colleges and universities; developed alternative forms of incarceration for nonviolent offenders, including boot camps; doubled the State's prison capacity, constructing more beds than in the previous 20 years; supported a program which saved the Florida taxpayers over $359 million by using prisoners to build prison beds, raze crack houses and maintain highways and parks; and successfully pursued a plan to target career criminals by imposing stiffer penalties for repeat offenders.

Governor Martinez has the knowledge, experience and initiative to lead the Nation in the fight against drugs. Bob is an excellent choice for the job and I hope that the Senate will give its full support for his nomination.

Mr. BAUCUS. Mr. President, I will support this nomination.

Most Americans think of illegal drug use as an almost exclusively urban problem. There is no doubt drugs plague all our big cities; it is a problem of tragic proportions.

Yet some Americans think of rural America, places like Montana, as an oasis—a place free from the scourge of drugs.

I wish this were the case. Unfortunately it is not:

Earlier this year, nine people were charged with conducting a sophisticated scheme to launder Colombian drug money in northwest Montana;

Last year, I joined with Senator PRYOR in requesting a General Accounting Office study of the rural drug problem. GAO found that the prevalence of substance abuse in rural America is roughly the same as that in urban America;

According to testimony by Pete Dunbar, the former U.S. district attorney for Montana, before the Senate Judiciary Committee, Montana is a major center for the production of methamphetamine—a deadly drug sometimes called Crank.

Mr. President, last year, with the leadership of the distinguished chairman of the Judiciary Committee, this body passed a rural drug initiative as part of the crime bill. I am proud to have helped draft this important piece of legislation.

However, as the above examples point out, much work remains to be done. We cannot walk away from this problem; we cannot turn our backs on rural Amercia.

As drug policy czar, Governor Martinez must make eliminating the scourge of rural drugs a top priority.

I have personally brought this matter to the Governor's attention. From

our discussion, I am satisfied he will be responsive to this urgent need of rural America.

For this reason, I am pleased to support his nomination. I look forward to working with Governor Martinez in the years ahead.

Mr. COATS. Mr. President, I am pleased to lend my strong support to Gov. Bob Martinez as Director of the National Drug Control Policy.

As a nation, we have clearly demonstrated our ability to successfully shore our resolve and commit our resources and effectively and decisively wage war. With this same strength of purpose, we must continue to battle the scourge of drugs. One child born addicted to crack, one teenager slain, is a price our society can ill afford to bear.

In my travels throughout my State of Indiana, I have visited neonatal units overwhelmed by drug addicted babies. I have listened to children increasingly fearful of violence in the schools, I have heard mothers anxious about the intrusion of gangs, I have talked to police chiefs and prosecutors about a criminal justice system overwhelmed.

And yet, I have also sensed a new resolve to do the hard work of recapturing our schools and neighborhoods, of cleansing our communities from the plague of drugs. Drug use in any form is no longer tolerable to the socially responsible. We cannot in good conscience divorce the violence we see on our streets from each individual's decision to abuse drugs. Among the heartening successes of our efforts to date—first time drug use among high school students is at its lowest point in over a decade and casual drug use has declined by more than 30 percent.

Former drug czar, William Bennett, thoughtfully has drawn the battle lines. We must consistently apply stiff social sanctions to discourage drug use and we must compassionately help those seeking treatment and assistance. I was pleased to sponsor legislation last session allowing schools to institute random drug testing for those students engaging in extracurricular activities. Our young people must learn that drug abuse has consequences.

Finally, we have a message to the drug terrorists of the world. Do not provoke the wrath of this great Nation. Our military has demonstrated its unparalleled ability to precisely pinpoint targets and to effectively protect our shores. We are serious and we are committed. We are determined to prevail.

Governor Martinez has been on the front lines of the drug battle. The State of Florida has been a testing ground for interdiction efforts and crackdowns on distribution networks. I am confident that he will demonstrate the same commendable leadership as his predecessor, and I commend the President on his nomination.

Mr. CHAFEE. Mr. President, I would like to express my support for the President's nomination of Gov. Bob Martinez to be the National Drug Control Policy Director. This is a vitally important position, and I believe the President has chosen his nominee well.

As we all know so well, the war on drugs calls for a three-pronged approach. First, we must increase our efforts to control drug trafficking so that less drugs will be available. Second, we must ensure that there are enough programs for treatment and rehabilitation of people who currently use drugs. Third, and certainly as important, we must educate your youngsters so that they will not become drug users. Governor Martinez, who is also a former mayor and teacher, understands the need for all three facets of this program. Moreover, he has already responded to the challenge.

Due to its proximity to many of the drug producing countries in Latin America, Florida has been inundated with drug smuggling drug-related crime and drug use. In response, in 1988, Governor Martinez was the first Governor to appoint a State drug czar whose mandate was to oversee and coordinate antidrug activities and agencies in Florida. While Governor, he enlisted the help of the National Guard to assist other agencies with cargo inspections, air reconnaissance, and transportation. During his governorship, Florida was evaluated by Federal agencies as one of the Nation's role models in the drug battle.

During his governorship, Florida ranked among the top 10 States for per capita spending on drug treatment. While other States increased government support for drug treatment by an average of 23 percent, Florida increased such support by 33 percent. As a result, in his last year in office, Florida drug treatment operated at 91.6 percent of capacity, compared to the nationwide rate of 79.4 percent. Governor Martinez created drug free zones in Florida to ensure a safer environment for school children.

Mr. President, these are just a few of the many accomplishments of Gov. Bob Martinez. Governor Martinez has been in city government, he has been a teacher and he has served as Governor of one of the Nation's largest and most populous States. He will bring with him the perspective of each of these positions to his job as Director of the Office of Drug Control Policy. I welcome his leadership in this area and hope that my colleagues will vote in favor of his nomination.

Mr. SIMPSON. Mr. President, I am pleased to voice my support for the President's choice to head the Office of National Drug Control Policy. And once again, I would like to take this opportunity to commend the chairman of the Judiciary Committee for his swift action in scheduling hearings on this nomination and for his leadership in the manner in which the hearings were conducted. As always, he was fair and patient during those hearings. The chairman and our distinguished ranking member were both tireless and thorough during the long hours of testimony.

We have a fine nominee here—as is usual from our President. Governor Martinez has had real hands on experience in fighting the drug war. He has shown us signs of winning the war in Florida. He has at least won quite a few battles—he has some very good "firsts" to his credit, too.

He was the first—as Governor—to appoint a drug czar to lead the fight against drugs at the State and local level and he led Florida into becoming the first State to implement a Drug-Free Workplace Program for State government workers—this included drug testing—and he took the first test himself.

He was appointed by President Reagan to the White House Conference on a Drug-Free America in 1987. There, he led the Nations' Governors in presenting recommendations which were later incorporated into President Bush's drug strategy—increase accountability and capacity in treatment systems, drug testing throughout the criminal justice system, drug free workplaces and drug free schools, to name but a few.

As Governor of Florida, he led the fight for licensing of more effective and reliable drug testing techniques. He is also a strong advocate of alternative forms of incarceration for criminals. His State was one of the first to implement alternative forms of incarceration, such as boot camps, for first time and nonviolent offenders.

Governor Martinez implemented teacher training for substance abuse education and channeling of asset forfeiture funds back into law enforcement activities: He supports the policy of letting the criminals pay the costs of law enforcement. He is also a leader in the effort to involve other countries in the war on drugs and has traveled to Colombia, Bolivia, and Panama and was a leading advocate behind the President's effort to lend full U.S. assistance to the war on drug lords in Colombia. His fluency in Spanish has been of great benefit in dealing with our fine South American neighbors. He has all of the tools for the job. He will do it well.

So indeed, the Governor comes before the Senate with a splendid record. He is certainly highly qualified to assume the post as Director of the Nation's drug control strategy.

I urge his confirmation.

Mr. BINGAMAN. Mr. President, today I will vote against the confirmation of Robert Martinez, to be the new Director of National Drug Control Policy. I regret to cast such a vote, be-

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cause I genuinely respect the President's right to considerable discretion in appointing his advisers. I am convinced, however, that the continuing problem of drug abuse in our country poses far too serious a threat to our future, and our children's future, to vote any other way.

The devastation wrought by drug abuse, to families, communities and our entire society, is tremendous; and although we have made some progress in our effort to combat illicit drug use, much remains to be done. The task at hand demands strong, yet balanced, leadership, both from Congress and from the administration. We simply cannot continue the status quo. We must make a renewed and serious commitment to providing our Nation with the type of leadership we need to get us out of the mess that drug abuse has gotten us into. Unfortunately, I do not believe that Robert Martinez will provide that leadership.

The legislative mandate to the Director of National Drug Control Policy is clear: The Director is to head a comprehensive national campaign against illicit drug use. The Director must resolve the difficulties that necessarily will arise when so many different agencies of the Federal Government—and State governments—are involved in a unified effort of this magnitude. The Director must balance the fiscal demands of interdiction, law enforcement, education, and treatment.

The Director, with duties such as these, must be determined and aggressive. He must be committed to the issue, and he must be experienced. This is where I fear Governor Martinez fails. I believe this for two reasons.

First, as Governor of Florida, Robert Martinez showed very little regard for the value of drug abuse treatment and education. Instead, he focused almost entirely on law enforcement, and on incarceration in particular. During his tenure, Florida led the country in per capita incarceration, and he increased spending on corrections from $514 million to $859 million. At the same time, according to a study by the National Association of State Alcohol and Drug Abuse Directors, Florida ranked 21st in the United States in substance abuse treatment funding and 32d in prevention funding. When he left office, Florida possessed the highest crime rate in the country.

It is painfully apparent that incarceration alone will not solve our Nation's drug problems. An effective drug strategy demands a balanced approach: We simply must make a serious commitment to both supply and demand reduction. Unfortunately, I do not believe that Governor Martinez is committed to supporting and improving our drug abuse education and treatment efforts.

I am also concerned that Governor Martinez, who will be responsible for establishing Federal policy regarding international and domestic drug enforcement, lacks "hands-on" experience in managing law enforcement agencies. Before being elected Florida's Governor in 1986, it is my understanding that Governor Martinez was a teacher, a small business owner, and the mayor of Tampa.

The job of Director of National Drug Control Policy is not conducive to on-the-job-training. The Director must be able to deal effectively with the law enforcement aspects of illicit drug use. There is nothing in the Governor's background to support a conclusion that he has the necessary expertise, and this troubles me.

Mr. President, I will conclude by stating again that I regret having to cast a vote against this nomination. But drug abuse is one of the most serious problems we face. It threatens to destroy an entire generation, and all the talk in the world will not bring us one step closer to arresting that threat.

We need action, and we need it now. We need a leader committed to the entire fight. We need a leader willing to embrace a comprehensive battle strategy. Thank you.

Mr. KERRY. Mr. President, according to public opinion polls the war on drugs is not the priority issue that it used to be with American public. The former National Director of Drug Policy, William Bennett, claims the reason is because we are on the verge of victory. The truth, however, is that other issues, including the Persian Gulf and the domestic economic issues have lately occupied the attention of the American people.

Make no mistake about it: the drug war has not been won. In many ways, it still has not begun. The declaration of war may be 10 years old, but the President still has not laid out a thoughtful, long-term strategy that mobilizes the resources of our Nation against the use of drugs.

The President's nomination of former Gov. Bob Martinez of Florida raises questions about how the administration plans to fight the war on drugs.

I intend to vote for the confirmation of Governor Martinez, but I do so with serious reservations.

Governor Martinez is a decent and capable public servant. However, his approach to the drug war in Florida is proof that he is not a man of vision on this issue.

The Governor spearheaded one of the most aggressive crackdowns on drugs and crime in the United States during the 1980's. He implemented strict prison time for casual drug use, but just listen to what the Washington Post said about the Governor's tough approach:

> Overwhelmed by a seemingly endless number of drug offenders pouring into prisons, Florida's corrections department has been forced to slash the sentences of inmates at ever more rapid rates—and it is releasing them in droves.

As a result this conservative law-and-order State is now the Nation's leader in the early release of convicted felons and punishment for crime is declining precipitously.

This happened despite the fact that the Governor invested more than $350 million in building new prison space. The Governor was so preoccupied with locking people up that he neglected the treatment side of the equation.

While the Governor was slamming the door on casual drug users, less than one out of every four Floridians who needed substance abuse treatment was receiving it. While the prison system in Florida overflowed, only one in six adolescents in Florida who needed substance abuse treatment was receiving it. While Florida was one of the first States to criminally prosecute a woman for maternal substance abuse—a woman who had unsuccessfully sought treatment—substance abuse treatment was only available for 15 percent of all pregnant addicts.

During the Martinez years, Florida ranked 21st in the Nation in terms of funding for treatment and 31st in terms of funding for prevention.

The point is that in fighting the war on drugs, Governor Martinez has proved to be a supply sider. Using that strategy he has not been very successful in fighting the war on drugs in the State of Florida. I have read nothing in Governor Martinez' testimony before the Senate Judiciary Committee that would lead me to believe that he would change his approach on the national level.

We need a new Federal strategy. The current one, which allocates nearly 70 percent of our resources to the supply is simply not working. The inner cities of our Nation are drug invested killing zones. Despite the tough talk coming from the administration on drugs, violent crime, 70 percent of which is drug related, has increased 5 percent across the country.

The trend of violent crime is especially disturbing among the young black male population. The Federal Center for Disease Control has said that homicide was the leading cause of death for black males of ages 15 to 24. Among factors contributing to the rising number of killings, the CDC listed "immediate access to firearms, alcohol and substance abuse and drug trafficking. * * *"

No one is suggesting that we don't want to provide more resources to our law enforcement agencies. I have been a proponent of increased resources for law enforcement since I came to the Senate. I authored legislation last year doubling the amount of funding for State and local law enforcement.

But I also recognize that the only way to actually win the war on drugs is

curb America's drug habit, and the only way to accomplish that is through treatment and education. Currently, we are only treating 20 percent of those who seek and want treatment. We are only educating 55 percent of our kids. We can do much better than that.

We need a National Director of Drug Policy who will make a commitment to treatment on demand and to educating all of our children about the dangers of drugs. I am hopeful that once Governor Martinez fully appreciates the breadth of the problem, that he will make such a commitment.

Mr. HARKIN. Mr. President, I rise today to support the nomination of Bob Martinez to be Director of National Drug Control Policy. In doing so, I also wish to express my deep concerns about the direction taken by our national drug policy and my hope that under the direction of Bob Martinez, we will see a more active as opposed to reactive drug control strategy.

As chairman of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, I strongly believe that there must be more of an emphasis on drug education, treatment and prevention in this country's national drug control strategy. Unfortunately, only 30 percent of current funds allocated to the war on drugs goes for prevention and treatment programs.

We must ensure that our drug control policy contains adequate funds to educate our young people of the dangers of drugs and drug abuse, to take steps to prevent the use of and the addiction to drugs, and to treat those in our society who have fallen at the hands of these dangerous and violent drugs.

The answer is not and will never be to simply build more prisons in order to simply lock these people away without the benefit of drug education and treatment, only to eventually set them free at the end of their sentence, still addicted to and not educated about the dangers of drug use.

There have been reservations surrounding nominee Gov. Bob Martinez's ability to recognize the importance of drug education and treatment programs in the war against drugs. While I believe that this country is in no position to allow on-the-job training to the Director of our National Drug Control Policy, I also think that Governor Martinez will recognize, support, and come to believe in the importance of drug education and treatment programs.

The war on drugs is entering a critical phase. The easy victories have been won. While casual drug use and drug use among the middle class is down, hardcore drug use remains constant. While the Nation's attitude towards drugs has changed, the Nation still needs someone who will be able to communicate and coordinate a national drug strategy. It is my hope that Mr. Martinez will be that person this country so desperately needs. I am optimistic that Mr. Martinez' experiences as an educator and a leader in Florida's fight against drugs will permit him to identify the current deficiencies in our national drug control strategy and take immediate and swift actions to correct them.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Bob Martinez to be Director of National Drug Control Policy? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 88, nays 12, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—88

Akaka	Fowler	McConnell
Baucus	Garn	Mikulski
Bentsen	Glenn	Mitchell
Biden	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Gramm	Nickles
Bradley	Grassley	Nunn
Breaux	Harkin	Packwood
Brown	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Reid
Burdick	Heinz	Riegle
Burns	Helms	Robb
Byrd	Hollings	Rockefeller
Chafee	Inouye	Roth
Coats	Jeffords	Rudman
Cochran	Johnston	Sanford
Cohen	Kassebaum	Seymour
Conrad	Kasten	Shelby
Craig	Kerrey	Simpson
Cranston	Kerry	Smith
D'Amato	Kohl	Specter
Danforth	Lautenberg	Stevens
DeConcini	Leahy	Symms
Dixon	Levin	Thurmond
Dodd	Lieberman	Wallop
Dole	Lott	Warner
Domenici	Lugar	Wirth
Durenberger	Mack	
Exon	McCain	

NAYS—12

Adams	Gore	Sarbanes
Bingaman	Kennedy	Sasser
Daschle	Metzenbaum	Simon
Ford	Pryor	Wellstone

So, the nomination was confirmed.

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. BIDEN. Mr. President, I suggest the absence of a quourm.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

The PRESIDING OFFICER. The Senator from Tennessee [Mr. GORE] is recognized.

Mr. GORE. I thank the Chair.

(The remarks of Mr. GORE pertaining to the introduction of Senate Joint Resolution 101 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is presently in morning business.

UNITED STATES-JAPANESE RELATIONS

Mr. BUMPERS. Mr. President, I will only take 60 seconds.

I want to add my voice to the chorus of outrage that has been expressed, especially in the agriculture community of this country, about what happened in Japan last Sunday when rice, and I think it was Arkansas rice, displayed in a trade show in Japan was ordered removed.

When there was some hesitancy by the displayers who were exhibiting these rice packages, it is my understanding the police were brought in, and they said: Either you remove this rice from display or we are taking you to the slammer.

I wish I had been there. I have never spent any time in a Japanese jail, and I do not have any such desire. But I promise you, if I had been there, I would have allowed them to escort me to their jail. It is one of the most insulting, outrageous things that has ever happened in American-Japanese relations.

It is not just because it is rice. It is that we have a $50 billion trade deficit against the Japanese annually, every year; that we open our markets, automobiles, everything else, to the Japanese, and some of us from rice-producing States have fought for years to get our rice sent there.

They subsidize their rice farmers to the tune of about $900 a ton, and we will sell them all the rice they want for about $200 a ton. Think about the disparity in the price, with the kind of subsidies they are providing for their rice farmers. Then tell us: We do not

even want the Japanese people to see your rice and demand it be removed.

I hope the President will get involved in this, Mr. President, and say to the Japanese people, to the Japanese Government, and especially those in charge of their trade relations with the United States, we are offended to the core about this unseemly event.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Senator from Michigan.

UNFAIR JAPANESE TRADE BARRIERS

Mr. LEVIN. Mr. President, on that same subject, let me say that when I read those reports, I shared the same outrage as my good friend from Arkansas. We have seen evidence of unfair trade practices against American products across the board. Very few of us represent States which have not been negatively impacted by unfair barriers in Japan to our products.

In Michigan, it is agricultural products; it is automobile parts; it is telecommunications equipment; on and on. We have been talking about this now for a decade. We go back in quotations all the way to President Nixon saying that we are turning the corner on trade with Japan; they are opening up their markets.

Mr. President, we have had rhetoric now for about two decades, and this recent incident is nothing short of an outrage. For Japan to threaten to put in jail an American who simply wants to display an American product, in this case rice, is something which is so offensive that our President ought to get on the telephone to the Prime Minister of Japan and tell him to modify that law or somebody is going to go to prison, and make a point of it. We cannot tolerate a one-way street in trade any longer. It is intolerable.

Mr. President, a lot of folks get upset at Japan, and I am one of them. But I am more upset at our own Government. If Japan wants to keep our products out, that is their decision. If they want to put quotas and tariffs and barriers on American goods, that is their decision. If we tolerate it, that is our decision. But we should not tolerate it. We have had a weak trade policy for too long. This recent incident in Japan over rice is only the most dramatic evidence of a very weak trade policy which has resulted in a one-way street. We are not perfect. People say, well, gee, we have quotas and we have tariffs, too. We are not perfect. But compared to Japan and other countries, we are very much better than they are.

Mr. President, I am glad that my friend from Arkansas raised this subject. It is our current plan in the subcommittee that I chair on Governmental Affairs to hold a hearing into what happened in Japan last Sunday. We are not going to let this one rest.

This did not end with that threat to put an American in jail because he or she wanted to display Arkansas rice. This incident did not end in Japan last Sunday. We are going to drive home to our trade representatives and our administration that American policy is weak, and the product of that weakness is what happened in Tokyo. We have to change our policies here to respond to what they are doing to us over there.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

DESERT STORM SUPPLEMENTAL AUTHORIZATION AND MILITARY PERSONNEL BENEFITS ACT

Mr. NUNN. Mr. President, in a moment, I would like to lay before the Senate the Persian Gulf Supplemental Authorization and Personnel Benefits Act of 1991. This bill, when it is introduced, will represent the agreement between the House and the Senate on the Desert Storm Supplemental Authorization and Military Personnel Benefits Act for fiscal year 1991, which we passed in the Senate last week, and which the House also passed last week.

We worked very hard this week with a number of committees in the Senate and the House to complete work on this bill. The Veterans' Affairs Committees, the Governmental Affairs Committees, the Agriculture Committees, the Labor Committees, as well as the Armed Services Committees, have all been involved in working out this compromise. The Senate leadership has also been very involved.

Mr. President, I express my thanks to all of these committees for the spirit of cooperation which has allowed us to complete work on this important bill in such a brief and timely fashion. I particularly want to thank the leadership and their very competent staff, because without their leadership in this matter, we could not have done it in this timeframe.

With the need to complete the bill this week, we have worked out this compromise bill without a formal conference. When it is adopted by the Senate, it will go to the House for final action later today. And then, if passed by the House, to the President for his signature.

Mr. President, I ask unanimous consent that a joint explanatory statement in the nature of a conference report statement of the managers explaining this compromise bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. NUNN. Mr. President, this bill provides additional funds during fiscal year 1991 to pay for the costs of the Persian Gulf war. It gives the Defense Department increased flexibility to manage military personnel levels in the aftermath of the war. It authorizes certain benefits for the military men and women involved in the war. It establishes certain reporting requirements of Department of Defense to keep Congress informed on the cost of the war, and to provide Congress with an after-action report on the conduct of the war; and it authorizes additional funds during fiscal year 1991 for the Department of Energy.

AUTHORIZATION OF FUNDS FOR THE COSTS OF THE PERSIAN GULF WAR

There was very little difference between the House and Senate bills in the authorization of funds to pay the costs of the Persian Gulf war. Like the version adopted by the Senate, this compromise bill establishes a mechanism to ensure that foreign contributions in the defense cooperation account are used to pay for the costs of the war to the maximum extent possible. The $15 billion in U.S. taxpayer funds authorized for the new Persian Gulf conflict working capital account may be used to pay for the costs of the Persian Gulf conflict only to the extent that foreign contributions are not available to pay these costs.

The bill includes important safeguards to maintain appropriate congressional oversight over the transfer of funds in the defense cooperation account and the Persian Gulf conflict working capital account to pay for the cost of the Persian Gulf conflict. The transfer authority in the bill can be used only after the Secretary of Defense provides the Congress with a notification and a period of 7 days elapses.

The notification must include: First, a certification that the amounts proposed to be transferred will be used only to fund the incremental costs of Operation Desert Shield/Storm; second, a list of the amounts to be transferred and the accounts to which the transfer will be made; and third, a description of the programs, projects, and activities to which the funds are proposed to be transferred. If the transfer is from the working capital account, the notification must also explain why foreign contributions have not provided sufficient funds to permit transfers from the defense cooperation account.

On a monthly basis, the Secretary of Defense will provide an accounting of transfers in a report to the Congress and the General Accounting Office.

These notification, certification and reporting requirements ensure that Congress will continue to oversee the expenditure of funds to pay for the costs of the Persian Gulf war in the months ahead.

WAIVER OF PERSONNEL CEILINGS

The committee bill also includes important authority requested by the Defense Department to waive certain military personnel end strength and grade ceilings for fiscal year 1991 because of requirements resulting from Operation Desert Shield and Operation Desert Storm. These waivers are necessary to minimize personnel turbulence and involuntary separations as the military services draw down their strength as projected in their budgets in the aftermath of the Persian Gulf war.

PERSONNEL BENEFITS

Mr. President, we had a very good discussion during the Senate floor debate on the personnel benefits in this bill for the military members serving in Operation Desert Shield and Desert Storm and their families. Senator MITCHELL and Senator DOLE appointed a task force under the capable leadership of Senator GLENN and Senator MCCAIN, and this task force developed a consensus package of benefits that was included in the Senate-passed bill.

I am pleased to report to my colleagues that almost all of the benefits in the Senate bill are in this compromise bill. These include:

An increase in imminent danger pay from $110 per month to $150 per month;

An increase in the servicemen's group life insurance benefit from $50,000 to $100,000;

Medical special pay for activated reservists;

An increase from $3,000 to $6,000 in the death gratuity;

Family assistance and child care enhancements;

Transitional health care for reservists;

A delay in the reduction of CHAMPUS mental health benefits;

Assistance for reservists who are farmers and ranchers and who were activated for the Persian Gulf war; and

Authority to waive certain requirements for Government student loans.

In addition to these Senate provisions, this bill includes several provisions from the House-passed bill. These include:

An increase from $60 to $75 in the family separation allowance;

Authority to pay basic allowance for quarters to certain activated single reservists; and

A delay in the proposed increase in the deductible for military families under the CHAMPUS program.

In addition to these benefits for military members and their families, this bill contains increases in certain veterans' benefits. The bill provides wartime veterans' benefits to military members who served on active duty during the Persian Gulf war. The monthly benefits under the Montgomery GI bill for active and reserve military personnel are also increased.

In developing the Senate package of benefits, Mr. President, the bill reported by the Senate Armed Services Committee contained $358 in benefits to which $142 was added by the Senate leadership package. In our negotiations with the House, we agreed on a total package of $655 million, of which $255 million would be for veterans' benefits and $400 million for benefits for Active and Reserve military members and their families.

Mr. President, this is a good benefit package that recognizes the sacrifices of our dedicated men and women in uniform and their families. I want to again acknowledge the hard work of Senator GLENN and Senator MCCAIN, the chairman and ranking minority member of the Manpower and Personnel Subcommittee, for their extraordinary efforts in this area over the last 3 months.

DEFENSE DEPARTMENT REPORTING REQUIREMENTS

This compromise bill also contains the two important reporting requirements related to the Persian Gulf war that were adopted in the original Senate bill.

The first reporting requirement includes procedures for ensuring that there will be a complete accounting of all expenditures and sources of funding related to Operation Desert Shield and Desert Storm. This provision is similar to H.R. 586 which was recently passed by the House of Representatives.

The second reporting requirement calls for a comprehensive assessment of the conduct of the war by the Defense Department.

The lessons learned from the strategy, tactics, logistics, personnel policies, and other aspects of the Persian Gulf conflict will have a major impact on the decisions in this and future years about our national defense posture. This bill includes the Senate provision that requires the Department of Defense to make an assessment, after the cessation of hostilities, on the conduct and "lessons learned" of Operation Desert Shield and Desert Storm.

SUPPLEMENTAL AUTHORIZATION FOR THE DEPARTMENT OF ENERGY

Finally, Mr. President, this bill includes a supplemental authorization of $623 million for the Department of Energy in fiscal year 1991. $283 million of this amount is for operating expenses at the Rocky Flats plant at Golden, CO. The remaining $340 million is for high-priority environmental compliance and cleanup activities in the Department of Energy.

CONCLUSION

Mr. President, I am hopeful that the Congress will be able to complete action on this important legislation this week. This bill authorizes funds to pay for the costs of Operation Desert Shield and Operation Desert Storm, and recognizes the sacrifices of the military members and their families who served in this conflict.

In closing I want to express my appreciation to the leaders, Senator MITCHELL and Senator DOLE, and their staffs for their help on this legislation; to the Members of the other Senate and House committees who cooperated in getting a compromise bill; and of course to Senator WARNER and the other members of the Armed Services Committee and to Chairman ASPIN, Congressman DICKINSON, and the members of the House Armed Services Committee for their help and cooperation. This is a good bill, Mr. President. I urge my colleagues to support it.

Mr. President, there is one provision in this bill which the House still does not completely agree with, although I hope they will accept it. This issue involves one that Senator WARNER from Virginia, my colleague and ranking Republican on the Armed Services Committee, has worked on very hard, along with a number of other members of the committee. It involves the Servicemen's Group Life Insurance Program, known as SGLI.

The Senate bill increased the maximum amount of coverage under the SGLI Program from the current $50,000 to $100,000. Beyond the war period itself, this increase will not cost the Federal taxpayers anything, because the SGLI Program is financially self-sustaining with premiums in peacetime. Military members currently pay 8 cents per $1,000 of coverage.

The Senate bill also provides a retroactive gratuity to the survivors of military members who died since the start of the Persian Gulf conflict, that is, since August 2, 1990, equal to the amount of the military member's SGLI coverage at the time of death. This retroactive gratuity would be paid to survivors of military members whose death was in conjunction with or in support of Operation Desert Storm, or attributable to hostile actions in regions other than the Persian Gulf, as prescribed by the Secretary of Defense.

If a military member died during Operation Desert Shield or Desert Storm, for example, and had $50,000 coverage under the SGLI Program, his or her survivor would get an additional $50,000, for a total benefit of $100,000. The cost of this retroactive benefit would be approximately $25 million, and would be paid for by Department of Defense funds.

Mr. President, the House has agreed to the retroactive increase in the SGLI program, but they are reluctant at this time to agree to the prospective increase in the SGLI benefit to $100,000 that is in this bill.

Mr. President, I hope the House will agree to this increase.

In the first place, increasing future SGLI benefits will not cost the Government any more money in peacetime. This is life insurance for the troops,

and the troops pay the premiums. The average term life insurance policy in the United States today is over $100,000, and the maximum SGLI benefit should be raised to $100,000 also.

More importantly, Mr. President, the House readily agreed to the retroactive gratuity which in effect doubles the SGLI benefit to $100,000 for some military members, so it is important that the future maximum benefit be $100,000. We do not want to create a situation where the widow of a military member killed in hostile action before this bill is enacted gets $100,000 in SGLI benefits, but the widow of a military member killed after this bill is enacted gets a lesser amount.

Mr. President, the retroactive and prospective increases in SGLI coverage to $100,000 in this bill are important benefits for military members and their families particularly those who have been hit so hard with grief during this conflict. I hope these increases will be agreed to by the House.

I hope this will be agreed to by the House.

EXHIBIT 1

JOINT EXPLANATORY STATEMENT—PERSIAN GULF CONFLICT SUPPLEMENTAL AUTHORIZATION AND PERSONNEL BENEFITS ACT OF 1991

This statement explains the provisions of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991.

On February 22, 1991, the General Counsel of the Department of Defense forwarded to the Congress a proposed supplemental authorization bill for fiscal year 1991. On March 13, 1991, the House of Representatives approved H.R. 1175, the National Defense Supplemental Authorization Act for Fiscal Year 1991. On March 14, 1991, the Senate passed S. 578, the Department of Defense Desert Storm Supplemental Authorization and Military Personnel Benefits Act for Fiscal Year 1991. On March 19, 1991, the Senate received H.R. 1175, amended it with the text of S. 578, passed it, and returned it to the House.

The following joint explanatory statement explains the compromise agreement that has been reached by the Senate and House Armed Services Committees and other committees on the differences between the texts of H.R. 1175 and S. 578.

In this joint explanatory statement, the phrase "the House bill" refers to H.R. 1175, as passed by the House on March 13. The phrase "the Senate amendment" refers to H.R. 1175, as passed and amended by the Senate with the text of S. 578 on March 19. The phrase "the final bill" refers to the compromise agreement.

TITLE I—AUTHORIZATION OF FISCAL YEAR 1991 SUPPLEMENTAL APPROPRIATIONS FOR OPERATION DESERT STORM

The House bill contained a series of provisions (secs. 101–107) that would authorize supplemental appropriations for Operation Desert Storm for fiscal year 1991. Section 101 would authorize, during fiscal year 1991, the appropriation of the balances contributed to the Defense Cooperation Account to pay for the incremental costs associated with Operation Desert Storm or the replenishment of the working capital account established in section 102. Section 102 would establish the Persian Gulf Working Capital Account and would authorize $15 billion to be appropriated to the account during fiscal year 1991. This section would specifically limit the availability of appropriations for transfer to pay for the incremental costs of Operation Desert Storm to the extent that funds are not available for transfer from the Defense Cooperation Account. Section 103 would authorize the transfer of amounts appropriated from the Defense Cooperation Account and appropriated to the Persian Gulf Working Capital Account to appropriation accounts as necessary to meet the costs of Operation Desert Storm. Section 104 would authorize the transfer authority necessary to make adjustments in the military personnel and operation and maintenance accounts to pay for the incremental costs associated with the military operations in the Persian Gulf. Section 105 would establish certain notification and reporting requirements to be followed by the Secretary of Defense before implementing any transfer of funds from the Defense Cooperation Account, the Persian Gulf Working Capital Account, or between the military personnel and operation and maintenance accounts. Section 106 would require the Secretary of Defense to provide monthly reports of transfers made pursuant to the authority in this title to the congressional defense committees.

The Senate amendment contained similar provisions (secs. 101–102).

The final bill contains the House provisions with technical amendments.

The authorization of transfers provided in the final bill is based on the understanding that the Secretary of Defense will develop a process for the resolution of any concerns that may be raised by the congressional defense committees with respect to transfers authorized by this title. This process should involve the four congressional defense committees, but should be more streamlined than the process currently used with respect to approval of transfer. It is expected that the four congressional defense committees will expedite consideration of all transfer requests and will register any concerns with DoD over any proposed transfer within seven days. The traditional paperwork used by DoD to report transfers to the Congress is not necessary in the case of transfers for the incremental costs of Operation Desert Storm. This approach will preserve the congressional oversight role over the expenditure of funds to pay the incremental costs of Operation Desert Storm.

TITLE II—WAIVER OF PERSONNEL CEILINGS AFFECTED BY OPERATION DESERT STORM

The House bill contained provisions (sec. 211 and sec. 212) that would: (1) authorize the Secretary of Defense to waive the active duty, selected reserve, and reserve active duty end strengths prescribed for fiscal year 1991 in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510); and (2) authorize the President to waive the strength ceilings applicable to senior enlisted grades for the duration of the Persian Gulf conflict.

The Senate amendment contained a similar provision (sec. 201), except the authority to waive the end strengths and grade ceilings would be vested in the Secretaries of the Military Departments, and the grade ceiling waivers would include not only the senior enlisted grades, but the active duty and full-time reserve officers field grades, and the general and flag officer grades as well.

The final bill contains the Senate provision.

TITLE III—BENEFITS FOR PERSONS SERVING IN ARMED FORCES DURING THE PERSIAN GULF CONFLICT

Part A—Military Compensation and Benefits

Increase in imminent danger pay (sec. 301)

The House bill contained a provision (sec. 222) that would pemanently increase the rate of imminent danger pay from $110 per month to $150 per month, effective January 16, 1991.

The Senate amendment contained a similar provision (sec. 301), except the authority for the increase would be temporary and the effective date would be retroactive to August 1, 1990.

The final bill contains the Senate provision.

Family separation pay (sec. 302)

The House bill contained a provision (sec. 223) that would: (1) increase family separation pay from $60 to $75 per month, effective January 16, 1991; and (2) authorize family separation pay to dual military couples without dependents, effective January 16, 1991.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to delete the portion on dual military couples without dependents.

Use of home of record for determination of variable housing allowance for reservists (sec. 303)

The House bill contained a provision (sec. 225) that would require that the variable housing allowance being paid to members of reserve components called to active duty in connection with the Persian Gulf conflict be calculated using the rates to which the members are entitled in the areas of the members' home of record in lieu of permanent duty location.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to substitute the principal place of residence for home of record.

Medical, dental, and non-physician special pays for reserve, recalled, or retained health care officers (sec. 304)

The House bill contained a provision (sec. 226) that would provide authority for payment of active duty special pays to reserve optometrists, veterinarians, nurse anesthetists, and other non-physician health care providers called or ordered to active duty in connection with the Persian Gulf conflict. In addition, section 226 would authorize payment of those special pays to physicians, dentists, optometrists, veterinarians, nurse anesthetists and other non-physician health care providers who (1) are involuntarily retained on active duty under section 673(c) of title 10, United States Code, (2) are recalled to active duty under section 688 of title 10, United States Code, or (3) voluntarily agree to remain on active duty for a period of less than one year in connection with the Persian Gulf conflict.

The Senate amendment contained a similar provision (sec. 302).

The final bill contains the House provision.

Waiver of board certification requirements (sec. 305)

The House bill contained a provision (sec. 227) that would authorize continued payment of board certification pay to physicians, dentists, and other health care providers who have completed residency training and were scheduled for board certification, or recertificationu, but were unable to complete the certification process due to a duty assignment in connection with the Persian Gulf conflict.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to condition the payment of these pays on the completion of certification requirements by affected personnel within 180 days of their release from their duty assignments in connection with the Persian Gulf conflict or such additional time after that period as determined to be necessary by the Secretary of Defense.

Foreign language proficiency pay (sec. 306)

The House bill contained a provision (sec. 228) that would require that foreign language proficiency pay be paid to members of the armed forces assigned to duty in connection with the Persian Gulf conflict who meet all eligibility criteria for such pay except that they have not been certified by the Secretary concerned to be proficient in a foreign language necessary for national defense purposes.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to condition the payment of these pays on the completion of certification requirements by affected personnel within 180 days of their release from their duty assignments in connection with the Persian Gulf conflict.

Increase in the amount of death gratuity (sec. 307)

The House bill contained a provision (sec. 231) that would amend section 1478(a) of title 10, United States Code, to establish a standard death gratuity rate of $6,000 for all grades, effective August 2, 1990.

The Senate amendment contained a similar provision (sec. 306), except the authority for the $6,000 death gratuity rate would be temporary and effective January 16, 1991.

The final bill contains the House provision amended to make the provision temporary.

Servicemen's Group Life Insurance gratuity (sec. 308)

The Senate amendment contained a provision (sec. 332) that would authorize the payment of a gratuity to the survivors of service members who died after August 1, 1990 and the effective date of the SGLI increase equal to twice the amount of SGLI coverage of the deceased at the time of death. The gratuity would apply only to service members whose deaths were in conjunction with or in support of Operation Desert Storm, or attributable to hostile action in regions other than the Persian Gulf designated by the Secretary of Defense.

The House bill contained no similar provision.

The final bill contains the Senate provision.

Payment for accrued leave (sec. 309)

The Senate amendment contained a provision (sec. 303) that would ensure that survivors of military members are entitled to the payment for the unused accrued leave of a member who dies while on active duty on the same basis as provided for members in section 1115 of the National Defense Authorization Act for Fiscal Year 1991.

The House bill contained no similar provision.

The final bill contains the Senate provision.

Removal of limitation on the accrual of savings of members in a missing status (sec. 310)

The House bill contained a provision (sec. 232) that would amend section 1035(b) of title 10, United States Code, to remove the ceiling on savings deposits for service members carried in a missing status as defined in section 551(2) of title 37, United States Code, during the period of the Persian Gulf conflict.

The Senate amendment contained a similar provision (sec. 304).

The final bill contains the House provision.

Basic allowances for quarters for certain members of the reserve components without dependents (sec. 310A)

The House bill contained a provision (sec. 224) that would require payment of basic allowance for quarters to reserve component members without dependents called to active duty in connection with the Persian Gulf conflict who are unable to occupy their primary residence that is owned by the member, or for which the member is responsible for rent.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to clarify the intent of the House provision.

Legislative Provisions Not Adopted

Repeal wartime and national emergency prohibitions on the payment of certain pay and allowances

The House bill contained a provision (sec. 221) that would repeal the prohibition on the payment of imminent danger pay and family separation allowance during times of war or national emergency declared by the Congress.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

Foreign duty pay

The House bill contained a provision (sec. 229) that would increase the current foreign duty pay for enlisted personnel to a flat rate of $25 per month.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

Transitional commissary and exchange benefits

The House bill contained a provision (sec. 245) that would require the Secretary of Defense to prescribe regulations allowing a member of a reserve component called or ordered to active duty in connection with the Persian Gulf conflict to use commissary and exchange stores during the 180-day period beginning on the date of the release of the member from active duty. Use of these stores would be authorized in the same manner and to the same extent as authorized for service members on active duty.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

Benefits explanation for reserve members upon demobilization

The House bill contained a provision (sec. 246) that would require the Secretaries of the Military Departments to provide individual pre-separation counseling on a variety of subjects to service members upon their discharge or release from active duty. The Secretary of Defense would be required to ensure that the Service Secretaries, in carrying out section 1142 of title 10, United States Code, provide particular attention to the needs of members of the reserve components who were called or ordered to active duty for service in connection with the Persian Gulf conflict. The Secretary of Veterans Affairs would be required to detail personnel of the Department of Veterans Affairs for service at each principal site at which such service members will be released from active duty.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision. However, the Secretary of Defense is expected to carry out the intent of the House provision.

Part B—Military Personnel Policies and Programs

Legislative Provisions Adopted

Grade in which retired officers are recalled to active duty (sec. 311)

The House bill contained a provision (sec. 242) that would authorize the Secretaries of the Military Departments to recall retired military officers to active duty in the highest grade they held while on previous active duty.

The Senate amendment contained a similar provision (sec. 305).

The final bill contains the Senate provision amended to clarify the intent of the Senate provision.

Temporary CHAMPUS provisions regarding deductibles and copayment requirements (sec. 312)

The House bill contained a provision (sec. 243) that would delay the implementation of the increase in the CHAMPUS deductible mandated by section 712 of the National Defense Authorization Act for Fiscal Year 1991 from April 1, 1991 to October 1, 1991, in the case of dependents of active duty personnel who are serving or have served in the Persian Gulf theater in connection with the Persian Gulf conflict.

The Senate amendment contained no similar provision.

The final bill contains the House provision.

The Senate amendment contained a provision (sec. 331) that would allow CHAMPUS health care providers to waive any requirement for payment by the patient of copayment charges during the Persian Gulf War period, provided that CHAMPUS health care providers who grant such waivers do not increase the amount charged to the federal government for the service for which the waiver is granted.

The House bill contained no similar provision.

The final bill contains the Senate provision amended to specify that this provision would apply to dependents of military personnel serving in the Persian Gulf and require certification by the health care provider on cost.

Transitional health care (sec. 313)

The House bill contained a provision (sec. 244) that would extend transitional health benefits to reservists called or ordered to active duty in connection with the Persian Gulf conflict and to active duty personnel involuntarily retained on active duty under section 673c of title 10, United States Code. Section 244 would authorize eligibility for two months of medical care in military medical treatment facilities or under CHAMPUS unless the former service members and dependents are covered by an employer-sponsored health insurance plan.

The Senate amendment contained a similar provision (sec. 307), except that the transitional health coverage would be for 30 days and would not include involuntarily retained personnel.

The final contains the Senate provision amended to include involuntarily retained personnel under the transitional health coverage being authorized.

Extension of certain Persian Gulf conflict provisions (sec. 314)

The House bill contained a provision (sec. 247) that would remove fiscal year constraints on spending in support of the Persian Gulf conflict established in title XI of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1634 et seq.).

The Senate amendment contained no similar provision.

The final bill contains the House provision.

Study of Department of Defense policies relating to deployment of military service members with dependents or service members from families with more than one service member (sec. 315)

The House bill contained a provision (sec. 248) that would require the Secretary of Defense to carry out a study of departmental policies relating to the family interests and responsibilities of reserve component members called or ordered to active duty and of active and reserve component service members deployed overseas. The study would examine the responsiveness of such policies to the needs of service members and the consistency of existing policies among the Military Departments. The Secretary of Defense would be required to submit a report to Congress on the findings of the study no later than March 31, 1992.

The Senate amendment contained no similar provision.

The final bill contains the House provision.

Adjustment in the effective date of changes in mental health benefits as a result of Operation Desert Storm (sec. 316)

The Senate amendment contained in provision (sec. 308) that would delay the effective date of certain changes in CHAMPUS mental health benefits required by section 703 of the National Defense Authorization Act for Fiscal Year 1991, and the companion provision of the Department of Defense Appropriations Act, 1991, from February 15, 1991 to February 15, 1992.

The House bill contained no similar provision.

The final bill contains the Senate provision amended to change the effective date of the changes in CHAMPUS mental health benefits from February 15, 1991 to October 1, 1991. The Office of CHAMPUS is directed to not absorb any of the costs associated with the change in benefits made by this section which exceed the $36 million budgeted for these benefits by this Act.

Sense of House on the separation of certain members from their infant children (sec. 317)

The House bill contained a provision (sec. 241) that would amend chapter 41 of title 10, United States Code, by inserting a new section that would preclude female members with a child under six months of age from being (1) called to active duty, if a member of a reserve component, or (2) assigned to a duty location or circumstance that requires the child to live at a different location, if a member of the armed forces on active duty. Section 241 would provide the same exemptions to male service members who have sole custody of a child under the age of six months.

The Senate amendment contained no similar provision.

The final bill contains the House provision amended to express the sense of the House on this issue.

Legislative Provisions Not Adopted

Sense of Congress regarding the provision of medical care by Germany to dependents of members living in Germany

The House bill contained a provision (sec. 249) that would express the sense of Congress that the President should request the Government of Germany to provide without reimbursement medical care to military dependents living in Germany in order to replace military medical personnel and equipment deployed to the Persian Gulf region to treat casualties resulting from the Persian Gulf conflict.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

Morale telephone calls

The House bill contained a provision (sec. 250) that would express the sense of Congress that the Secretary of Defense should contract with private telephone companies, or establish alternative telephone arrangements, to provide at least ten minutes of free telephone calls a month for each member of the armed forces serving in the combat zone designated in connection with the Persian Gulf conflict.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision. However, the Secretary of Defense is expected to carry out the intent of the House provision.

Sense of Congress regarding the need for increased participation of civilian health care providers in CHAMPUS

The Senate amendment contained a provision (sec. 332) that would express the sense of Congress urging civilian health care providers in the United States to participate or increase their participation in the CHAMPUS health delivery system.

The House bill contained no similar provision.

The final bill does not contain the Senate provision. However, the Secretary of Defense is expected to take initiatives to encourage civilian health care providers to participate or increase their participation in the CHAMPUS health delivery systems consistent with the Senate provision.

Part C—Veterans Programs and Benefits

Legislative Provisions Adopted

Definition of period of war (sec. 332)

Section 101(11) of title 38, United States Code, defines the term "period of war" as including the Spanish American War, the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of Congress.

The House bill contained a provision (sec. 301(a)) that would add to the definition of periods of war the "Persian Gulf War", the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

The Senate amendment contained a similar provision (sec. 362).

The final bill contains this provision.

Pension eligibility (sec. 333)

Section 501(4) of title 38 defines certain periods of war for purposes of eligibility for the VA need-based pension programs for non-service disabled, wartime veterans, and the surviving spouses and dependent children of deceased wartime veterans. Under section 541(f) of title 38, for a surviving spouse to be eligible for a pension, he or she must have married the veteran by a specified date, i.e., not later than 10 years after the termination of the period of war in the cases of veterans of periods of war after World War I.

The House bill contained a provision (section 301(b) that would (1) add the "Persian Gulf War" to the definition of periods of war for pension eligibility purposes, and (2) provide for pension eligibility for a surviving spouse of a Persian Gulf War veteran if the spouse marries the veteran before January 1, 2001.

The Senate amendment contained a similar provision (sec. 363) which would provide pension eligibility for a surviving spouse if the marriage occurred not later than 10 years after the termination of the Persian Gulf War.

The final bill contains the substance of the House provision.

Period of services for dental benefits (sec. 334(a))

Section 612(b)(1) of title 38 requires VA to furnish outpatient dental services for a dental condition or disability which is service-connected but not compensable in degree if (1) the condition or disability is shown to have been in existence at the time of the veteran's discharge from active duty service, (2) the veteran had served on active duty for a period of not less than 180 days immediately prior to discharge or release, (3) the veteran applied for treatment within 90 days after discharge or release; and (4) the veteran was not provided, within the 90-day period immediately before the date of discharge or release, a complete dental examination and all appropriate dental services indicated by the examination as needed. Under section 621(b)(2), the Service Secretary concerned is required to furnish each individual, at the time of discharge or release from active duty, written notice of this benefit and record the member's receipt of the notice.

The House bill contained a provision (sec. 303(c)) that would reduce from 180 days to 90 days the minimum active-duty service requirement for eligibility for this benefit (as well as for the notice provision) for veterans of the Persian Gulf War.

The Senate amendment contained no similar provision.

The final bill contains the House provision.

Presumption relating to psychosis (sec. 334(b))

Under section 602 of title 38, an active psyshosis developed by any veteran of World War II, the Korean conflict, or the Vietnam era within two years after discharge is deemed to be a service-connected condition for the purposes of entitlement to VA health care if the psychosis was developed before July 26, 1949, in the case of a World War II veteran, before February 1, 1957, in the case of a veteran of the Korean conflict, or before May 8, 1977, in the case of a Vietnam-era veteran.

The House bill contained a provision (sec. 303(d)) that would make this presumption applicable to a veteran of the Persian Gulf War who developed a psychosis within two years after the veteran's discharge and the end date of the Persian Gulf War.

The Senate amendment contained a similar provision (sec. 364(a).

The final bill contains this provision.

Eligibility for medicines for veterans who are housebound or in need of aid and attendance (sec. 334(c))

Under section 612(h) of title 38, veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the

Vietnam era who receive additional VA service connected disability compensation, or increased VA non-service connected disability pension, by reason of being permanently housebound or in need of regular aid and attendance, are entitled to be furnished such drugs and medicines as may by prescribed for the treatment of any illnesses or injuries from which they may suffer. VA is also required to continue furnishing drugs and medicines to any such veteran whose pension payments have been discontinued solely because the veteran's annual income exceeds the applicable maximum for pension payments, if the veteran's annual income does not exceed that maximum by more than $1,000.

The House bill contained a provision (sec. 303(e)) that would extend this entitlement to drugs and medicines to veterans of any "period of war", rather than veterans of the periods specified in present section 612(h) of title 38, who meet the requirements of section 612(h). In conjunction with the amendment proposed to be made in the definition of "period war" by section 301(a) of the bill, this provision would provide eligibility to Persian Guld War veterans, and veterans of subsequent war periods, who meet those requirements.

The Senate amendment contained a provision (sec. 364(b)) that would add service during the Persian Gulf War to the war service periods on which eligibility under section 612(h) may be based.

The final bill contains the House provision.

Expansion of readjustment counseling eligibility (sec. 334(d))

Section 612A of title 38 provides that, upon the request of any veteran who served on active duty during the Vietnam era, the Secretary of Veterans Affairs shall furnish counseling to assist the veteran in readjusting to civilian life. The counseling must include a mental and physical assessment. A veteran who is furnished readjustment counseling under this section is also entitled to receive follow-up mental-health services to complete treatment indicated by the assessment. Immediate family members are also eligible for consultation, professional counseling, training, and mental health services if such services are determined to be essential to the effective treatment and readjustment of the veteran. In addition, VA has authority to provide the counseling and related mental health services by contract.

Section 612B of title 38 authorizes the Secretary to establish a program to furnish VA counseling to veterans who are former prisoners of war to assist such veterans in overcoming the psychological effects of detention or internment as a prisoner of war.

The House bill contained a provision (sec. 303(b)) that would amend section 612B to authorize the Secretary to furnish counseling services in any VA facility to any veteran who (a) is a former prisoner of war, or (b) served on active duty in a theater of combat (as defined by the Secretary of Defense) after August 2, 1990, to assist the veteran in overcoming any psychological problems of the veteran associated with such service.

The Senate amendment contained a provision (sec. 364(c)) that would amend section 612A to expand entitlement and eligibility for readjustment counseling and other services under that section to include veterans who served on active duty after May 7, 1975, in areas in which United States personnel were subjected to danger from armed conflict comparable to that occurring in battle with an enemy during a period of war (as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Defense).

The final bill contains the Senate provision.

Reports by Secretary of Defense and Secretary of Veterans Affairs concerning services to treat post-traumatic stress disorder (sec. 335)

The House bill contained a provision (sec. 303(g)) that would require the Secretary of Defense and the Secretary of Veterans Affairs each to submit to the Congress two reports providing (1) an assessment of the need for rehabilitative services for members of the armed forces who participated in the Persian Gulf conflict who experience post-traumatic stress disorder (PTSD); (2) a description of the available programs and resources to meet those needs; (3) the specific plans of each Secretary for treatment of PTSD, particularly with respect to any specific needs of members of reserve components; (4) an assessment of needs for additional resources in order to carry our such plans; and (5) a description of plans to coordinate treatment services for PTSD with the other department. The first reports would be due not later than 90 days after enactment of this measure and the second, a year later.

The Senate amendment contained no provision.

The final bill contains the House provision.

Increase in Servicemen's Group Life Insurance and Veteran's Group Life Insurance maximums (sec. 336)

Subchapter III of chapter 19 of title 38 sets forth the Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs. Under that subchapter, the Secretary of Veterans Affairs is authorized to purchase from commercial life insurance companies a policy or policies of group life insurance to insure against death any active-duty service member and certain members of the Ready Reserve and Retired Reserve. Eligible service members and reservists are automatically covered in the amount of $50,000 but may elect coverage of less than $50,000 or to not participate in the program at all. Premium payments for SGLI are deducted each month from the basic pay of service members and are calculated without regard to the extra hazards of active duty service. SGLI coverage is provided free of charge for 120 days following separation from active duty. After separation from active duty, veterans who participated in the SGLI program may participate in the Veterans' Group Life Insurance (VGLI) program.

VGLI provides five-year term group life insurance in amounts ranging from $5,000 to $50,000. A veteran may not obtain more insurance under VGLI than the veteran had under the SGLI program. At the end of the five-year term, the veteran has the right to obtain an individual life insurance policy at a standard rate from any company participating in the SGLI program.

The Senate amendment contained a provision (sec. 336) that would increase from $50,000 to $100,000 the maximum amount of Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) and provide that, effective on the date of enactment, the amount of SGLI be increased to the amount equal to twice the amount provided for on the day before the enactment. The Secretary of Veterans Affairs, in consultation with the Service Secretaries, would be required to take such action as is necessary to ensure that each person affected by the increase in SGLI is notified of the increased insurance coverage and is afforded the opportunity to make an election, within 120 days after the date of enactment, not to be insured in the increased amount.

The House bill contained no similar provision.

The final bill contained the Senate provision.

Amounts of benefit payments under the chapter 30 program for active-duty servicemembers (sec. 337(a))

Section 1415 of title 38 establishes the amounts of monthly educational assistance under the chapter 30 Montgomery GI Bill (MGIB) program for active-duty service members as follows: (1) $300 for full-time study for those serving on active duty for three years or more, (2) $250 for full-time study for those serving two years on active duty, and (3) in both cases, appropriately reduced rates determined by VA for part-time study.

The House bill contained a provision (sec. 304(a)) that would increase the monthly chapter 30 payments for full-time study to (1) $400 for those serving on active duty for three years or more, and (2) $300 for those serving two years on active duty.

The Senate amendment contained a provision (sec. 366(a)) that would increase the monthly chapter 30 payments for full-time study to (1) $310 for those serving on active duty for three years or more, and (2) $259 for those serving two years on active duty.

The final bill contains a provision that would increase, in fiscal years 1992 and 1993, the monthly chapter 30 payments for full-time study to (1) $350 for those serving on active duty for three years or more, and (2) $275 for those serving two years on active duty. After fiscal year 1993, the Secretary of Veterans Affairs would have authority to continue the increased rates and to increase the rates to reflect increases in the cost of living.

Amounts of benefit payments under the chapter 106 program for reservists (sec. 337(b))

Section 2131 of title 10 establishes the amounts of monthly educational assistance under the chapter 106 MGIB program for individuals serving at least 6 years in the Selected Reserve as follows: (1) $140 for full-time study, (2) $105 for three-quarter-time study, and (3) $70 for half-time study.

The House bill contained a provision (sec. 304(b)) that would increase the amount of monthly chapter 106 payments to (1) $200 for full-time study, (2) $150 for three-quarter-time study, and (3) $100 for half-time study.

The Senate amendment contained a provision (sec. 366(b)) that would increase the amount of monthly chapter 106 payments, but only for reservists who are ordered to active duty during the Persian Gulf War, to (1) $145 for full-time study, (2) $108.75 for three-quarter-time study, and (3) $72.50 for half-time study.

The final bill contains a provision that would increase, in fiscal years 1992 and 1993, the amount of monthly chapter 106 payments to (1) $170 for full-time study, (2) $128 for three-quarter-time study, and (3) $85 for half-time study. After fiscal year 1993, the Secretary of Defense would have authority to continue the increased rates and to increase the rates to reflect increases in the cost of living.

Membership on educational benefits advisory committee (sec. 338)

Section 1792 of title 38 requires membership on the Veterans' Advisory Committtee on Education (VACE) to include veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, the Vietnam era, and the post-Vietnam era.

The Senate amendment contained a provision (sec. 370) that would add veterans of the Persian Gulf War to those who must be represented in the membership of the VACE.

The House bill contined no similar provision.

The final bill contains the Senate provision.

Reasonable accommodations for disabled veterans (sec. 339)

Section 2021 of title 38 provides that, in the case of a person who is eligible for reemployment rights under chapter 43 of title 38, who has applied for reemployment under the provisions of that chapter, and who is no longer qualified to perform the duties of his or her previous position by reason of a disability sustained during reserve training or active-duty service, he or she shall be offered any other position in the employ of the employer for which he or she is qualified and which will provide like seniority, status, and pay, or the nearest approximation, of the previous position.

The Senate amendment contained a provision (sec. 373) that would require an employer to make reasonable accommodations to requalify an individual to perform the duties of his or her previous position. For the purposes of this provision, the term "reasonable accommodation" would have the meaning provided in section 101(9) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(9)).

The House bill contained no similar provision.

The final bill contains the Senate provision amended to clarify that (1) an employer would not be required to make accommodations if the employer can demonstrate that the accommodation would impose an undue hardship on the operation of the employer's business, and (2) exclude certain small employers from this requirement. Until July 26, 1994, the requirement would apply to employers who have 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year. After that date, the requirement would apply to those who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

Retraining of former employees (sec. 340)

Section 2021 of title 38 (in conjunction with section 2024) generally requires an employer to restore to employment a person who leaves employment for active-duty service, active duty for training, or inactive-duty training, and who applies for reemployment within a prescribed period after release from service if that person is still qualified to perform the duties of the position.

The Senate amendment contained a provision (sec. 372) that would require that an employer make reasonable efforts to requalify the individual to perform the duties of his or her previous position.

The House bill contained no similar provision.

The final bill contains the Senate provision.

Entitlement for VA-guaranteed loans (sec. 341)

Under section 1802(a) of title 38, basic entitlement for VA home loan benefits is authorized for (a) veterans who served on active duty at any time during World War II, the Korean conflict, or the Vietnam era and whose total service was for 90 days or more, and (b) veterans of only peacetime service who served at least 181 days on active duty. Generally with respect to those who enter active duty service after September 7, 1980, section 3103A of title 38 imposes a minimum service requirement under which title 38 benefits are available only to those who serve at least two years on active duty, or the full period for which they were ordered to active duty, or who were discharged early by reason of hardship or service-connected disability or in certain other circumstances.

The House bill contained a provision (sec. 308) that would extend eligibility for home loan benefits to Persian Gulf War veterans whose total service is for 90 days or more.

The Senate amendment contained a provision (sec. 371) that would extend home loan eligibility to Persian Gulf War veterans whose total service is for 90 days or more and who also meet the minimum service requirements of section 3103A of title 38 (primarily reservists whose period of activation is between 89 and 180 days).

The final bill contains the Senate provision.

Legislative Provisions Not Adopted

Dependency and indemnity compensation

Under chapter 13 of title 38, dependency and indemnity compensation (DIG) is paid to the surviving spouse and children of a veteran who dies of service-connected causes. The rate of DIG, set forth in section 411 of title 38, is based on the decreased veteran's rank when the veteran was in the military.

The House bill contained a provision (sec. 302) that would (1) revise the basis on which DIG is paid so as to base the rates on the age of the veteran at the time of the veteran's death, with the amount paid decreasing with the veteran's age, and (2) in three increments, on October 1 of 1992, 1993, and 1994, increase from $68 to $200 the amount paid to a surviving spouse or each dependent child.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

Authority to contract for inpatient care unavailable at VA facilities because of emergency care requirement

During a period in which the Secretary of Veterans Affairs is furnishing medical care and services to members of the armed forces to meet emergency requirements, section 5011A(b)(2)(B) of title 38 authorizes the Secretary to contract with private facilities for the provision of hospital care for a veteran who is receiving VA hospital care, or is eligible for VA hospital care and requires care in a medical emergency posing a serious threat to the veteran's life and health, if VA facilities are not capable of furnishing the care the veteran requires because they are furnishing care to members of the armed forces.

The House bill contained a provision (sec. 303(a)) that would authorize the Secretary to contract with private facilities for hospital care for all veterans entitled to hospital care under section 610(a)(1) of title 38 (known as "Category A" veterans).

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

Improved educational assistance for members of the Selected Reserve who serve on active duty during the Persian Gulf War

Section 2131 of title 10 establishes the amounts of monthly educational assistance under the chapter 106 MGIB program as follows: (1) $140 for full-time study, (2) $105 for three-quarter-time study, and (3) $70 for half-time study.

The House bill contained a provision (sec. 304(b)) that would increase the amount of monthly chapter 106 payments to (1) $200 for full-time study, (2) $150 for three-quarter-time study, and (3) $100 for half-time study. This provision would apply to all reservists training under the chapter 106 program.

The Senate amendment contained a provision (sec. 367) that would provide for payment to each member of the Selected Reserve who serves on active duty during the Persian Gulf War and who is entitled to chapter 106 benefits a monthly educational assistance allowance in the amount of (1) $270 for each month of active-duty service for full-time study, (2) $202.50 for each month of service for three-quarter-time study, (3) and $135 for each month of service for half-time study.

The final bill does not contain the House or Senate provision.

Eligibility of requirements for MGIB benefits for members of the selected reserve

Section 2132(a) of title 10 provides eligibility for chapter 106 educational assistance benefits to those (1) who enlist, reenlist, or extend an enlistment in the Selected Reserve for at least six years; and (2) who, before completing initial active duty for training, have completed the requirements of a secondary school diploma.

The House bill contained a provision (sec. 305(a)) that would extend chapter 106 eligibility to members of the Selected Reserve, without regard to the length of their enlistments, if they were called or ordered to active duty in connection with the Persian Gulf War and released from active duty upon completion of the period of service required by their call or order to active duty.

The Senate amendment contained no similar provision.

The final bill does not contain the House provision.

Chapter 30 program for active-duty service members

Under section 1413 of title 38, active-duty MGIB participants who complete the basic service requirements are entitled to 36 months of full-time educational assistance (or the equivalent in part-time assistance). Section 1795 limits to 48 months the aggregate period for which any person may receive assistance under two or more VA-administered programs.

The House bill contained a provision (sec. 306(a)) that would provide that, in the case of a reservist or service member who, as a result of having to discontinue the pursuit of a course because of orders issued for duty in connection with the Persian Gulf War, failed to receive credit or training time toward completion of an approved educational, professional, or vocational objective, the payment of chapter 30 benefits for the interrupted semester or other term would not be charged against the entitlement of the individual or counted toward the aggregate period for which the individual may receive assistance.

The Senate amendment contained a similar provision (sec. 369(a)).

The final bill does not contain the House or Senate provision.

Chapter 32 educational assistance program

Section 1631 of title 38 provides that individuals who are eligible for the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) under chapter 32 are entitled to 36 months of full-time educational assistance (or the equivalent in part-time assistance). Section 1795 limits to 48 months the aggregate period for which any person may receive assistance under two or more VA-administered programs.