Sisson, Winfield Wade, MAJ,
Sittner, Ronald Nicholls, CAPT,
Skarman, Orval Harry, SGT,
Skinner, Owen George, LTC,
Skivington, William E., Jr., SSGT,
Small, Burt Chauncy, Jr., SSGT,
Smith, David Roscoe, CAPT,
Smith, Edward Dewilton, Jr., TSGT,
Smith, Gene Albert, CDR,
Smith, George Craig, CAPT,
Smith, Hallie William, CAPT,
Smith, Harding Eugene, Sr., COL,
Smith, Harold Victor, LTC,
Smith, Harry Winfield, CAPT,
Smith, Herbert Eugene, SMS,
Smith, Homer Leroy, CAPT,
Smith, Howard Horton, LTC,
Smith, Lewis Philip, II, CAPT,
Smith, Richard Dean, MAJ,
Smith, Robert Norman, COL,
Smith, Victor Arlon, CAPT,
Smith, Warren Parker, Jr., LTC,
Smith, William Arthur, Jr., CWO,
Smith, William Mark, SGT,
Smoot, Courtis Richard, SSGT,
Soyland, David Pecor, CWO
Sparks, Donald Lee, SGT,
Suarks, Jon Michael CWO,
Spencer, Warren Richard, CAPT,
Spilman, Dyke Augustus, CAPT,
Spinelli, Domenick Anthony, LCDR,
Sprick, Doyle Robert, MAJ,
Springston, Theodore, Jr., LTC,
St. Pierre, Dean Paul, CAPT,
Stacks, Raymond Clark, CAPT,
Staehli, Bruce Wayne, SGT,
Stamm, Ernest Albert, CDR,
Standerwick, Robert L., Sr., LTC,
Stanley, Charles Irvin, CWO,
Stanton, Ronald, SSGT,
Stark, Willie Ernest, SMAJ,
Steadman, James Eugene, CAPT,
Steen, Martin William, MAJ,
Stegman, Thomas, LCDR,
Stephensen, Mark Lane, LTC,
Stephenson, Howard David, MAJ,
Stevens, Larry James, LT,
Stewart, Jack Thomas, MAJ,
Stewart, Peter Joseph, COL,
Stewart, Robert Allan, LTC,
Stickney, Philip Joseph, MSGT,
Stine, Joseph Millard, LTC,
Stinson, William Sherril, SP5,
Stolz, Lawrence Gene, CAPT,
Stonebraker, Kenneth Arnold, MAJ,
Storz, Ronald Edward, LTC,
Stowers, Aubrey Eugene, Jr., CAPT,
Strait, Douglas, SP5,
Strange, Floyd Wayne, CWO,
Stratton, Charles Wayne, MAJ,
Stringer, John Curtis, II, CAPT,
Strobridge, Rodney Lynn, CAPT,
Strohlein, Madison Alexander, SGT,
Strong, Henry Hooker, Jr., CDR,
Stroven, William Harry, CAPT,
Stuart, John Franklin, MAJ,
Stubberfield, Robert A., LTC,
Stubbs, William W. W., SSGT,
Suber, Randolph Bothwell, SSGT,
Sullivan, Farrell Junior, LTC,
Sullivan, James Edward, LCDR,
Sullivan, John Bernard, III, CAPT,
Sutter, Frederick John, CAPT,
Swanson, John Willard, Jr., MAJ,
Swanson, Roger Wesley, SGT,
Swords, Smith, III, MAJ,
Sykes, Derri, SSGT,
Tapp, Marshall Landis, LTC,
Tatum, Lawrence Byron, COL,
Teague, James Erlan, LT,
Templin, Erwin Bernard, Jr., LCDR,
Teran, Refugio Thomas, SGT,
Terry, Oral Ray, SSGT,
Thomas, Daniel Wayne, CAPT,
Thomas, James Calven, SGT,
Thomas, James Richard, TSGT,
Thomas, Kenneth Deane, Jr., CAPT,
Thomas, Robert James, 1LT,
Thompson, Donald Earl, LCDR,
Thompson, George Winton, CAPT,
Thompson, William James, LTC,
Thornton, Larry C., SMS,
Tiffin, Rainford, MAJ,
Tipping, Henry Albert, COL,
Todd, William Anthony, SSGT,
Tolbert, Clarence Orfield, LCDR,
Toomey, Samuel Kamu, III, MAJ,
Towlf, John Cline, CAPT,
Townsend, Francis Wayne, 1LT,
Trampski, Donald Joseph, SGT,
Treece, James Allen, MAJ,
Trembley, J. Forrest George, LCDR,
Trent, Alan Robert, CAPT,
Tromp, William Leslie, LCDR,
Trujillo, Joseph Felix, SGT,
Trujillo, Robert Steven, SSGT,
Tubbs, Glenn Ernest, SSGT,
Tucci, Robert Leon, CAPT,
Tucker, Edwin Byron, CDR,
Tucker, James Hale, CAPT,
Tucker, Timothy Michael, CAPT,
Tyler, George Edward, COL,
Uhlmansiek, Ralph Edward, SSGT,
Underwood, Paul Gerard, COL,
Utley, Russell Keith, LTC,
Van Bendegom, James Lee, SSGT,
Van Buren, Gerald Gordon, MAJ,
Van Dyke, Richard Haven, CAPT,
Van Renselaar, Larry Jack, LT,
Vanden Eykel, Martin D., II, CWO,
Vescelus, Milton James, Jr., CDR,
Vinson, Bobby Gene, COL,
Visconti, Francis Edward, CAPT,
Wade, Barton Scott, LCDR,
Wald, Gunther Herbert, SSGT,
Walker, Bruce Charles, CAPT,
Walker, Michael Stephen, CAPT,
Walker, Samuel Franklin, Jr., MSGT,
Wallace, Hobart McKinie, Jr., LTC,
Wallace, Michael John, SFC
Waller, Therman Morris, MSGT,
Walling, Charles Milton, MAJ,
Walsh, Francis Anthony, Jr., MAJ,
Walsh, Richard Ambrose, III, COL,
Walters, Donovan Keith, CAPT,
Walton, Lewis Clark, SSGT,
Wanzel, Charles Joseph, III, CAPT,
Ward, Neal Clinton, CAPT,
Ward, Ronald Jack, LTC,
Ware, John Alan, SP5,
Warren, Arthur Leonard, CAPT,
Warren, Ervin, SMS,
Warren, Gray Dawson, CAPT,
Waters, Samuel Edwin, Jr., MAJ
Watson, Jimmy Lee, CWO,
Weisner, Franklin Lee, CAPT,
Weissmueller, Courtney Edw., MAJ,
Welch, Robert John, MAJ,
Welsh, Larry Don, SSGT,
Welshan, John Thomas, Capt,
Wenaas, Gordon James, MAJ,
Werdehoff, Michael Ray, SFC,
West, John Thomas, CAPT,
Westbrook, Donald Elliot, COL,
Wheeler, Eugene Lacey, MAJ,
White, Charles Edward, MSGT,
White, James Blair, MAJ,
Whilford, Lawrence W., Jr., COL,
Whitmire, Warren Taylor, Jr., CWO,
Widdis, James Wesley, Jr., MAJ,
Widner, Danny Lee, SSGT,
Wiggins, Wallace Luttrell, CAPT,
Wilburn, Woodrow Hoover, COL,
Wiles, Marvin Benjamin Chr. LT,
Wilke, Robert Frederick, COL,
Wilkins, George Henry, CDR,
Wilkinson, Dennis Edward, CAPT.
Willett, Robert Vincent, Jr., CAPT.
Williams, Billie Joe, MAJ,
Williams, David Beryl, CAPT,
Williams, David Richard, COL.
Williams, Eddie Lee, MSGT,
Williams, Edward Wayne, SGT,
Williams, Howard Keith, MAJ,
Williams, James Ellis, MSGT,
Williams, James Randall, MSGT,
Williams, Robert John, CAPT,
Williams, Roy Charles, SSGT,
Williamson, Don Ira, LTC,
Williamson, James D., SSGT,
Willing, Edward Arle, SGT,
Wilson, Gordon Scott, MAJ,
Wilson, Mickey Allen, WO,
Wilson, Peter Joe, SFC,
Wilson, Robert Allan, CAPT,
Wilson, Roger Eugene, CAPT,
Wilson, Wayne Vaster, SGT,
Wimbrow, Nutter Jerome, III, MAJ,
Winningham, John Quitman, TSGT,
Winston, Charles, C, III, MAJ
Winters, David Marshall, SSGT,
Wistrand, Robert Carl, LTC,
Wogan, William Michael, SSGT,
Wolfkell, Wayne Benjamin, LTC,
Woloszyk, Donald Joseph, LCDR,
Wong, Edward Puck Kow, Jr., SP5,
Wood, Don Charles, LTC,
Wood, Partrick Hardy, COL.
Wood, William Commodore, Jr., CAPT,
Worcester, John Bowers, LCDR,
Worrell, Paul Laurance, LT,
Worth, James Frederick, CPL,
Wortham, Murray Lamar, CAPT,
Wozniak, Frederick Joseph, CAPT,
Wright, Arthur, SP4,
Wright, Donald Lee, MSGT,
Wright, Gary Gene, COL,
Wright, James Joseph, LCDR,
Wright, Jerdy Albert, Jr., LTC,
Wright, Thomas Thawson, MAJ,
Wrobleski, Walter Francis, CWO,
Wrye, Blair Charlton, COL,
Wynne, Patrick Edward, CAPT,
Yarbrough, William P., Jr., CDR,
Yonan, Kenneth Joseph, CAPT,
Young, Barclay Bingham, CAPT,
Young, Charles Luther, SSGT,
Zich, Larry Alfred, CWO,
Zook, David Hartzler, Jr., COL,
Zook, Harold Jacob, CAPT,
Zubke, Deland Dwight, SP5,
Zukowski, Robert John, CAPT,

Mr. DOLE. Assistance in obtaining information for an accounting was clearly and unambiguously included as a mutual commit-

ment in the January 27 agreement. Such assistance has not been forthcoming. On January 27, the Defense Department listed 1,364 Americans in missing status. Today, 4 months later, some 1,284 or more of our men have not yet been accounted for in any manner and as I said earlier, the remains of some 1,120, who have been declared dead, have not been recovered.

INTERESTS CONTINUE

We are told, Mr. President, that the situation in Southeast Asia has changed. Now that the involvement of American ground troops has been terminated and the prisoners have been returned, some contend we no longer have any proper concern in that area of the world, not even a concern in seeing that the peace agreement is adhered to in respect to our missing men. I cannot accept this contention.

The situation has changed. It has changed immeasurably for the better. But the American stake in securing and solidifying a lasting peace in Southeast Asia has not changed.

If the rights of the South Vietnamese people to peace and self-determination and if the American concern for securing the return of our prisoners and a satisfactory accounting of the missing in action were ever legitimate interests of this country, then they are still legitimate interests.

IMPATIENCE AND WEARINESS

The country has long since grown weary of war. The country has long since tired of hearing news of American military involvement in Indochina, be it the ground combat of an earlier day or the air operations of today. And, of course, the Congress too, has grown weary of the conflict.

FIRM COMMITMENT TO GOALS

But if we allow our weariness of the war and our understandable and quite sincere desire to see an end, for all time, of the American military presence in Southeast Asia to lead us to passage of the Eagleton amendment, we would only open up to the North Vietnamese the possibility for continuing their unfettered aggression in the area. And we would quash any hope whatsoever for securing compliance with the peace agreement with respect to our missing men.

Strong action, courage, and commitment to our principles brought about the successful negotiation of the Paris agreements. The same resolve can now secure compliance with those agreements.

I am not prepared to accept the consequences of a legislated abrogation of the Paris agreements. Of course, I am weary of this fighting. I yield to no Member of this body in desiring a peaceful and just solution to the differences which have divided this region for so long.

But we have a responsibility, an obligation to see our policy successfully through to a lasting peace. And we have an obligation to the nearly 1,300 Americans who are missing throughout Southeast Asia—in North and South Vietnam, Laos, and Cambodia.

LIMITING AMENDMENT

Therefore, I am joining with my colleague from North Carolina (Mr. HELMS) in offering an amendment to limit the effect of the Eagleton amendment to the supplemental appropriations bill as long as the North Vietnamese are not complying with their obligations in regard to our missing men.

There can be no justification or rationalization for defaulting on our obligations to nearly 1,300 Americans and to their families, loved ones, and friends who wait and wonder at their fates.

It is difficult for those of us who are not directly affected to grasp the agony, the nightmare being lived by the parents, wives, and children of these missing men. They are in a terrible state of suspense. Their lives, their business affairs, their legal and financial status is plagued by uncertainty. They desperately want to know the fate of their husbands, sons, and fathers, and any action which delays or hinders North Vietnamese compliance with the Paris agreements on MIA's also prolongs the uncertainty and doubt of their families.

Mr. President, I wonder how these thousands of American wives, fathers, mothers, and children would vote on a measure which remove and weaken the President's leverage for obtaining information on these men?

Success for our policies and an end to the hostilities are near. Dr. Kissinger returns to Paris next month, and he has expressed confidence in the chances for successfully reaching an agreement with North Vietnam. The Congress cannot now—at this crucial time—place these negotiations in jeopardy by enacting a measure which would reduce our leverage to achieve compliance with the Paris agreements. Neither can it further jeopardize the fate of some 1,300 missing Americans. The amendment I offer with my colleague from North Carolina and the other distinguished Senators who have joined in sponsorship, would remove this jeopardy and would maintain this bit of leverage for the President.

We all want an end to hostilities. But, as I have said so many other times on this floor when we were talking about the American prisoners of war, we can say all we want to, but we still have an obligation to the families of those now listed as missing in action. They want to know. They want verification as to whether their son or husband or father is alive or dead.

So what would we do if the Eagleton amendment is agreed to? We would remove the last bit of leverage that the President has. Why should North Vietnam comply at all?

So I suggest, Mr. President, that we are voting today on whether we want North Vietnam to continue to make a sincere effort to account for and verify the status of some 1,300 Americans.

To me, that is an important obligation.

Mr. President, I ask unanimous consent to have printed in the Record the "Agreement Ending the War and Restoring Peace in Vietnam" of January 27, 1973, and the "Protocol to the Agreement Concerning the Return of Captured Military Personnel and Foreign Civilians and Detained Vietnamese Civilian Personnel" ending the war on the same date, and I reserve the remainder of my time.

There being no objection, the agreement and the protocol were ordered to be printed in the Record, as follows:

AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

The Parties participating in the Paris Conference on Vietnam,

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

CHAPTER I

The Vietnamese people's fundamental national rights

Article 1

The United States and all other countries respect the independence, sovereignty, unity, and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements on Vietnam.

CHAPTER II

Cessation of hostilities—withdrawal of troops

Article 2

A cease-fire shall be observed throughout South Vietnam as of 2400 hours G.M.T., on January 27, 1973.

At the same hour, the United States will stop all its military activities against the territory of the Democratic Republic of Vietnam by ground, air and naval forces, wherever they may be based, and end the mining of the territorial waters, ports, harbors, and waterways of the Democratic Republic of Vietnam. The United States will remove, permanently deactivate or destroy all the mines in the territorial waters, ports, harbors, and waterways of North Vietnam as soon as this Agreement goes into effect.

The complete cessation of hostilities mentioned in this Article shall be durable and without limit of time.

Article 3

The parties undertake to maintain the cease-fire and to ensure a lasting and stable peace.

As soon as the cease-fire goes into effect:

(a) The United States forces and those of the other foreign countries allied with the United States and the Republic of Vietnam shall remain in-place pending the implementation of the plan of troop withdrawal. The Four-Party Joint Military Commission described in Article 16 shall determine the modalities.

(b) The armed forces of the two South Vietnamese parties shall remain in-place. The Two-Party Joint Military Commission described in Article 17 shall determine the areas controlled by each party and the modalities of stationing.

(c) The regular forces of all services and arms and the irregular forces of the parties in South Vietnam shall stop all offensive activities against each other and shall strictly abide by the following stipulations:

All acts of force on the ground, in the air, and on the sea shall be prohibited;

All hostile acts, terrorism and reprisals by both sides will be banned.

Article 4

The United States will not continue its military involvement or intervene in the internal affairs of South Vietnam.

Article 5

Within sixty days of the signing of this agreement, there will be a total withdrawal from South Vietnam of troops, military advisers, and military personnel associated with the pacification program, armaments, munitions, and war material of the United States and those of the other foreign countries mentioned in Article 3(a). Advisers from the above-mentioned countries to all paramilitary organizations and the police force will also be withdrawn within the same period of time.

Article 6

The dismantlement of all military bases in South Vietnam of the United States and of the other foreign countries mentioned in article 3(a) shall be completed within sixty days of the signing of this Agreement.

Article 7

From the enforcement of the cease-fire to the formation of the government provided for in Articles 9(b) and 14 of this Agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers, and military personnel including technical military personnel, armaments, munitions, and war material into South Vietnam.

The two South Vietnamese parties shall be permitted to make periodic replacement of armaments, munitions and war material which have been destroyed, damaged, worn out or used up after the cease-fire, on the basis of piece-for-piece, of the same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision.

CHAPTER III

The return of captured military personnel and foreign civilians, and captured and detained Vietnamese civilian personnel

Article 8

(a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed not later than the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the signing of this Agreement.

(b) The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

(c) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21(b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954. The two South Vietnamese parties will do so in a spirit of national reconciliation and concord, with a view to ending hatred and enmity, in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

CHAPTER IV

The exercise of the South Vietnamese people's right to self-determination

Article 9

The Government of the United States of America and the Government of the Democratic Republic of Vietnam undertake to respect the following principles for the exercise of the South Vietnamese people's right to self-determination:

(a) The South Vietnamese people's right to self-determination is sacred, inalienable, and shall be respected by all countries.

(b)The South Vietnamese people shall decide themselves the political future of South Vietnamese through genuinely free and democratic general elections under international supervision.

(c) Foreign countries shall not impose any political tendency or personality on the South Vietnamese people.

Article 10

The two South Vietnamese parties undertake to respect the cease-fire and maintain peace in South Vietnam, settle all matters of contention through negotiations, and avoid all armed conflict.

Article 11

Immediately after the cease-fire, the two South Vietnamese parties will:

achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other;

ensure the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right of property ownership, and right to free enterprise.

Article 12

(a) Immediately after the cease-fire, the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect, and mutual non-elimination to set up a National Council of National Reconciliation and Concord of three equal segments. The Council shall operate on the principle of unanimity. After the National Council of National Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels. The two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnamese as soon as possible and do their utmost to accomplish this within ninety days after the cease-fire comes into effect, in keeping with the South Vietnamese people's aspirations for peace, independence and democracy.

(b) The National Council of National Reconciliation and Concord shall have the task of promoting the two South Vietnamese parties' implementation of this Agreement, achievement of national reconciliation and concord and ensurance of democratic liberties. The National Council of National Reconciliation and Concord will organize the free and democratic general elections provided for in Article 9 (b) and decide the procedures and modalities of these general elections. The institutions for which the general elections are to be held will be agreed upon through consultations between the two South Vietnamese parties. The National Council of National Reconciliation and Concord will also decide the procedures and modalities of such local elections as the two South Vietnamese parties agree upon.

Article 13

The question of Vietnamese armed forces in South Vietnam shall be settled by the two South Vietnamese parties in a spirit of national reconciliation and concord, equality and mutual respect, without foreign interference, in accordance with the postwar situation. Among the questions to be discussed by the two South Vietnamese parties and steps to reduce their military effectives and to demobilize the troops being reduced. The two South Vietnamese parties will accomplish this as soon as possible.

Article 14

South Vietnam will pursue a foreign policy of peace and independence. It will be prepared to establish relations with all countries irrespective of their political and social systems on the basis of mutual respect for independence and sovereignty and accept economic and technical aid from any country with no political conditions attached. The acceptance of military aid by South Vietnam in the future shall come under the authority of the government set up after the general elections in South Vietnam provided for in Article 9(b).

CHAPTER V

The reunification of Vietnam and the relationship between North and South Vietnam

Article 15

The reunification of Vietnam shall be carried out step by step through peaceful means on the basis of discussions and agreements between North and South Vietnam, without coercion or annexation by either party, and without foreign interference. The time for reunification will be agreed upon by North and South Vietnam.

Pending reunification:

(a) The military demarcation line between the two zones at the 17th parallel is only provisional and not a political or territorial boundary, as provided for in paragraph 6 of the Final Declaration of the 1954 Geneva Conference.

(b) North and South Vietnam shall respect the Demilitarized Zone on either side of the Provisional Military Demarcation Line.

(c) North and South Vietnam shall promptly start negotiations with a view to reestablishing normal relations in various fields. Among the questions to be negotiated are the modalities of civilian movement across the Provisional Military Demarcation Line.

(d) North and South Vietnam shall not join any military alliance or military bloc and shall not allow foreign powers to maintain military bases, troops, military advisers, and military personnel on their respective territories, as stipulated in the 1954 Geneva Agreements on Vietnam.

CHAPTER VI

The Joint Military Commissions, the International Commission of Control and Supervision, the International Conference

Article 16

(a) The Parties participating in the Paris Conference on Vietnam shall immediately designate representatives to form a Four-Party Joint Military Commission with the task of ensuring joint action by the parties in implementing the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam;

Article 3(a), regarding the cease-fire by U.S. forces and those of the other foreign countries referred to in that Article;

Article 3(c), regarding the cease-fire between all parties in South Vietnam;

Article 5, regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3(a);

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3(a);

Article 8(a), regarding the return of captured military personnel and foreign civilians of the parties;

Article 8(b), regarding the mutual assistance of the parties in getting information about those military personnel and foreign civilians of the parties missing in action.

(b) The Four-Party Joint Military Commission shall operate in accordance with the principle of consultations and unanimity. Disagreements shall be referred to the International Commissions of Control and Supervision.

(c) The Four-Party Joint Military Commission shall begin operating immediately

after the signing of this Agreement and end its activities in sixty days, after the completion of the withdrawal of U.S. troops and those of the other foreign countries mentioned in Article 3(a) and the completion of the return of captured military personnel and foreign civilians of the parties.

(d) The four parties shall agree immediately on the organization, the working procedure, means of activity, and expenditures of the Four-Party Joint Military Commission.

Article 17

(a) The two South Vietnamese parties shall immediately designate representatives to form a Two-Party Joint Military Commission with the task of ensuring joint action by the two South Vietnamese parties in implementing the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 3(b), regarding the cease-fire between the two South Vietnamese parties;

Article 3(c), regarding the cease-fire between all parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 7, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this article;

Article 8(c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam;

Article 13, regarding the reduction of the military effectives of the two South Vietnamese parties and the demobilization of the troops being reduced.

(b) Disagreements shall be referred to the International Commission of Control and Supervision.

(c) After the signing of this Agreement of the Two-Party Joint Military Commission shall agree immediately on the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

Article 18

(a) After the signing of this Agreement, an International Commission of Control and Supervision shall be established immediately.

(b) Until the International Conference provided for in Article 19 makes definite arrangements, the International Commission of Control and Supervision will report to the four parties on matters concerning the control and supervision of the implication of the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam;

Article 3(a), regarding the cease-fire by U.S. forces and those of the other foreign countries referred to in that Article;

Article 3(c) regarding the cease-fire between all the parties in South Vietnam;

Article 5, regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3(a);

Article 19

The parties agree on the convening of an International Conference within thirty days of the signing of this Agreement to acknowledge the signed agreements; to guarantee the ending of the war, the maintenance of peace in Vietnam, the respect of the Vietnamese people's fundamental national rights, and the South Vietnamese people's right to self-determination; and to contribute to and guarantee peace in Indochina.

The United States and the Democratic Republic of Vietnam, on behalf of the parties participating in the Paris Conference on Vietnam, will propose to the following parties that they participate in this International Conference: the People's Republic of China, the Republic of France, the Union of Soviet Socialist Republics, the United Kingdom, the four countries of the International Commission of Control and Supervision, and the Secretary General of the United Nations, together with the parties participating in the Paris Conference on Vietnam.

CHAPTER VII

Regarding Cambodia and Laos

Article 20

(a) The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Lao peoples' fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

(d) The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs.

CHAPTER VIII

The relationship between the United States and the Democratic Republic of Vietnam

Article 21

The United States anticipates that this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

Article 22

The ending of the war, the restoration of peace in Vietnam, and the strict implementation of this Agreement will create conditions for establishing a new, equal and mutually beneficial relationship between the United States and the Democratic Republic of Vietnam on the basis of respect for each other's independence and sovereignty, and noninterference in each other's internal affairs. At the same time this will ensure stable peace in Vietnam and contribute to the preservation of lasting peace in Indochina and Southeast Asia.

CHAPTER IX

Other provisions

Article 23

This Agreement shall enter into force upon signature by plenipotentiary representatives of the parties participating in the Paris Conference on Vietnam. All the parties concerned shall strictly implement this Agreement and its Protocols.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America:

WILLIAM P. ROGERS,
Secretary of State.

For the Government of the Republic of Vietnam:

TRAN VAN LAM,
Minister for Foreign affairs.

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,
Minister for Foreign affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam:

NGUYEN THI BINH,
Minister for Foreign Affairs.

AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

The Government of the United States of America with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

With a view to ending the war and restoring peace in Vietnam on the basis of respect of the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

[Text of Agreement Chapters I-VIII Same As Above]

CHAPTER IX

Other provisions

Article 23

The Paris Agreement on Ending the War and Restoring Peace in Vietnam shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Agreement and the protocols to it shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:

WILLIAM P. ROGERS,
Secretary of State.

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,
Minister for Foreign Affairs.

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL.

The parties participating in the Paris Conference on Vietnam,

In Implementation of Article 8 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the return of captured military personnel and foreign civilians, and captured and detained Vietnamese civilian personnel,

Have agreed as follows:

THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS

Article 1

The parties signatory to the Agreement shall return the captured military personnel of the parties mentioned in Article 8(a) of the Agreement as follows:

All captured military personnel of the United States and those of the other foreign countries mentioned in Article 3(a) of the Agreement shall be returned to United States authorities;

All captured Vietnamese military personnel, whether belonging to regular or irregular armed forces, shall be returned to the two South Vietnamese parties; they shall be returned to that South Vietnamese party under whose command they served.

Article 2

All captured civilians who are nationals of the United States or of any other foreign countries mentioned in Article 3(a) of the Agreement shall be returned to United States authorities. All other captured foreign civilians shall be returned to the authorities of their country of nationality by any one of the parties willing and able to do so.

Article 3

The parties shall today exchange complete lists of captured persons mentioned in Articles 1 and 2 of this Protocol.

Article 4

(a) The return of all captured persons mentioned in Articles 1 and 2 of this Protocol shall be completed within sixty days of the signing of the Agreement at a rate no slower than the rate of withdrawal from South Vietnam of United States forces and those of the other foreign countries mentioned in Article 5 of the Agreement.

(b) Persons who are seriously ill, wounded of maimed, old persons and women shall be returned first. The remainder shall be returned either by returning all from one detention place after another or in order of their dates of capture, beginning with those who have been held the longest.

Article 5

The return and reception of the persons mentioned in Articles 1 and 2 of this Protocol shall be carried out at places convenient to the concerned parties. Places of return shall be agreed upon by the Four-Party Joint Military Commission. The parties shall ensure the safety of personnel engaged in the return and reception of those persons.

Article 6

Each party shall return all captured persons mentioned in Articles 1 and 2 of this Protocol without delay and shall facilitate their return and reception. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced.

THE RETURN OF CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

Article 7

(a) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21(b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954, which reads as follows:

"The term civilian internees' is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities."

(b) The two South Vietnamese parties will do so in a spirit of national reconciliation and concord with a view to end hatred and enmity in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

(c) Within fifteen days after the cease-fire comes into effect, the two South Vietnamese parties shall exchange lists of the Vietnamese civilian personnel captured and detained by each party and lists of the places at which they are held.

TREATMENT OF CAPTURED PERSONS DURING DETENTION

Article 8

(a) All captured military personnel of the parties and captured foreign civilians of the parties shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages upon personal dignity. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post cards and letters with their families and receive parcels.

(b) All Vietnamese civilian personnel captured and detained in South Vietnam shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages against personal dignity. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post cards and letters with their families and receive parcels.

Article 9

(a) To contribute to improving the living conditions of the captured military personnel of the parties and foreign civilians of the parties, the parties shall, within fifteen days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where captured military personnel and foreign civilians are held.

(b) To contribute to improving the living conditions of the captured and detained Vietnamese civilian personnel, the two South Vietnamese parties shall, within fifteen days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where the captured and detained Vietnamese civilian personnel are held.

WITH REGARD TO DEAD AND MISSING PERSONS

Article 10

(a) The Four-Party Joint Military Commission shall ensure joint action by the parties in implementing Article 8(b) of the Agreement. When the Four-Party Joint Military Commission has ended its activities, a Four-Party Joint Military team shall be maintained to carry on this task.

(b) With regard to Vietnamese civilian personnel dead or missing in South Vietnam, the two South Vietnamese parties shall help each other to obtain information about missing persons, determine the location and take care of the graves of the dead, in a spirit of national reconciliation and concord, in keeping with the people's aspirations.

OTHER PROVISIONS

Article 11

(a) The Four-Party and Two-Party Joint Military Commissions will have the responsibility of determining immediately the modalities of implementing the provisions of this Protocol consistent with their respective responsibilities under Articles 16(a) and 17(a) of the Agreement. In case the Joint Military Commissions, when carrying out their tasks, cannot reach agreement on a matter pertaining to the return of captured personnel they shall refer to the International Commission for its assistance.

(b) The Four-Party Joint Military Commission shall form, in addition to the teams established by the Protocol concerning the cease-fire in South Vietnam and the Joint Military Commissions, a subcommission on captured persons and, as required, joint military teams on captured persons to assist the Commission in its tasks.

(c) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall form a provisional sub-commission and provisional joint military teams to carry out its tasks concerning captured and detained Vietnamese civilian personnel.

(d) The Four-Party Joint Military Commission shall send joint military teams to observe the return of the persons mentioned in Articles 1 and 2 of this Protocol at each place in Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return. The Two-Party Joint Military Commission shall send joint military teams to observe the return of Vietnamese civilian personnel captured and detained at each place in South Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return.

Article 12

In implementation of Articles 18(b) and 18(c) of the Agreement, the International Commission of Control and Supervision shall have the responsibility to control and supervise the observance of Articles 1 through 7 of this Protocol through observation of the return of captured military personnel, foreign civilians and captured and detained Vietnamese civilian personnel at each place in Vietnam where these persons are being returned, and at the last detention places from which these persons will be taken to the

places of return, the examination of lists, and the investigation of violations of the provisions of the above-mentioned Articles.

Article 13

Within five days after signature of this Protocol, each party shall publish the text of the Protocol and communicate it to all the captured persons covered by the protocol and being detained by that party.

Article 14

This protocol shall come into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America:

WILLIAM P. ROGERS,
Secretary of State.

For the Government of the Republic of Vietnam:

TRAN VAN LAM,
Minister for Foreign Affairs.

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,
Minister for Foreign Affairs.

For the Provisional Revolutionary Government of the Republic of South Vietnam:

NGUYEN THI BINH,
Minister for Foreign Affairs.

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam.

In implementation of Article 8 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the return of captured military personnel and foreign civilians, and captured and detained Vietnamese civilian personnel.

Have agreed as follows:

[Text of Protocol Articles 1-13 same as above]

ARTICLE 14

The Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Protocol shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:

WILLIAM P. ROGERS,
Secretary of State.

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,
Minister for Foreign Affairs.

Mr. DOLE. Mr. President, I yield to the Senator from North Carolina (Mr. Helms) such time as he may require.

Mr. HELMS. Mr. President, I thank my distinguished colleague from Kansas.

The agreement which was signed in Paris on January 27, 1973, provides in article 8 that—

(b) The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

In addition, the protocol to the agreement "*Concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel*" states in article 10, "With Regard to Dead and Missing Persons," the—

(a) The Four-Party Joint Military Commission shall ensure joint action by the parties in implementing Article 8(b) of the Agreement. When the Four-Party Joint Military Commission has ended its activities, a Four-Party Joint Military team shall be maintained to carry on this task.

Furthermore, according to article 17 of the agreement, disagreements will be referred to the International Commission on Control and Supervision.

Mr. President, so far, these provisions have been substantively inoperative. The Four-Party Joint Military Commission has met for its allotted 60 days, and has left Vietnam. The Four-Party Joint Military Team remains. Two visits have been made to Hanoi under very strictly supervised circumstances. But, for the most part, the meetings of the parties have been perfunctory. We are still in the process of negotiating with the North Vietnamese for permission to visit crash sites, and possible graveyards. They have not budged 1 inch to help us substantively to identify the missing in action.

On January 27, we had 1,929 military personnel officially listed as missing in action. As of May 26, the number is 1,284 throughout Southeast Asia. This decrease has not come about because of any help from the North Vietnamese Communists; it is because some of the MIA's have been identified as returning prisoners of war. Yet we still have the right under the agreement, to remove the remains of those identified, but we have not been granted that permission.

Mr. President, the U.S. Joint Casualty Resolution Center has been established at Nakhon Phanom, Thailand, and is assigned the mission of resolving the status of U.S. missing personnel. They are ready to locate crash sites or grave sites. Their teams are ready. Their identification laboratory is ready. All they are waiting for is permission to go out into the jungles and into the local inhabited areas to make searches and ask questions of the local inhabitants. Yet the permission to do so has not been forthcoming. The Four-Party Joint Military Team does nothing but talk. Why do not the Communists give us the permission they agreed to give us?

A further complication is that a goodly number of these MIA's may be in Cambodia and Laos, with at least 300 in Laos alone. The Khmer Rouge and the Laotian Communists are not parties to the Paris agreement. They are, however, strongly influenced by the presence of the North Vietnamese troops in that area. The only way that we can ever expect the Cambodian and Laotian Communists to give the requisite permission to visit possible sites in those areas is to continue our military operations in those areas. We must not forget that it was the decisive action of our President that brought the North Vietnamese to enter serious negotiations and forced them to agreement. Similar military activity is the only thing which will force the North Vietnamese to adhere to these agreements to withdraw from Cambodia and force the native Communists to allow us to find our MIA's, dead or alive.

Mr. President, I repeat, the only way to get a satisfactory accounting of our MIA's is to allow the President the discretion to continue air support as necessary, but to continue under the conditions which are specifically stated in our proposed amendment.

I would point out, Mr. President, and emphasize, that this amendment contains a requirement that the President report to Congress.

It is apparent from yesterday's vote that there is sentiment in this body to cut off immediately appropriations for military action in Laos and Cambodia. I disagree with this sentiment. Yet at the same time, I think that my distinguished colleagues will realize the importance of our receiving a full accounting of the MIA's. The amendment which the distinguished Senator from Kansas (Mr. DOLE) and I are offering today seeks a reasonable compromise among reasonable men. It would simply withhold the effect of the amendment offered by the junior Senator from Missouri until such time as we received a satisfactory accounting of our MIA's. I am sure that no one in this body would want to be responsible for prolonging such an accounting of our MIA's.

Under the Paris agreement, the four parties are supposed to cooperate in such an accounting. The Communists have not cooperated. At the very least, the Communists are supposed to allow the United States to take the necessary steps to arrive at an accounting. They have not given us the simple permission to make our own searches. Yet at the very moment when we are poised to begin such searches, there are some who would tie the hands of the President and remove from him the only sanctions we have to force Hanoi to comply with the agreement in respect to accounting for MIA's. If there are those who favor the Eagleton amendment, let them at least consider whether its effect should be delayed until there is a demonstration of good faith on the part of the Communists that they are willing to live up to article 8 of the agreement which they signed.

Surely we owe this to the wives and families and other loved ones of the American men who went out there to do their duty for our country—men who are now missing, men

whose wives and families still live in the agony of uncertainty.

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

Mr. EAGLETON. Mr. President, there is not a Senator in this body who does not want the North Vietnamese to provide a full accounting of our missing in action as is required by the Paris agreement. Many would support diplomatic or economic sanctions against North Vietnam, to force that nation to uphold its obligations under the agreement.

But that is not the issue before us today. The issue is whether the combat activities being conducted in Cambodia by the President of the United States are legal or wise.

As Secretary Richardson has said, a vote to defeat section 305 would be a vote to acquiesce in the air operation. But we are now confronted with an amendment which, if adopted and passed into law along with section 305 would constitute the legal authorization of Congress to continue the bombing until the President decides it should stop. This amendment is dynamite in sheep's clothing, and the Senator from Kansas knows it.

My amendment deals only with Cambodia and Laos, nations whose governments have no obligations under the Paris agreement. North Vietnam, is obliged to carry out that agreement, but to link the failure of that country to abide by the provisions of the Paris agreement to a decision to go to war in a nation only incidentally affected by that agreement would be sheer nonsense. Yet, that is what the Dole amendment is asking us to do—to give our legal sanction to the Cambodian war.

The tactic is clear, of course—obscure the central issue with a totally unrelated matter—a matter of great concern to the Members of this body. But we have come too far to be hoodwinked into authorizing a new war in Indochina through the back door. This amendment would not only undercut section 305, it would, in effect, transform it into a declaration of war.

I urge my colleagues, before we take the drastic step the Senator from Kansas is asking us to take, to look at the effort that has been undertaken to date in pursuit of a full accounting of our MIA's.

Before the dissolution of the Four-Party Joint Military Commission on May 28, a Four-Party Joint Team was established as an ongoing adjunct of the original Four Power Commission. This team meets regularly in Saigon and is specifically designated to carry out the portions of the cease-fire agreement on missing in action.

As a result of the continuing meetings between the Four-Party Team, two recent visits took place to North Vietnam for the purpose of identifying and recovering missing in action. On May 11, the team was taken by the North Vietnamese to an empty cemetery where, according to the North Vietnamese, 12 Americans had been buried. One week later, on May 18, the team was taken to a gravesite outside of Hanoi where they inspected 23 gravesites and verified that each contained the remains of Americans previously listed as MIA's.

The Four-Party Team continues to meet in Saigon 2 or 3 times a week and are now discussing methods to repatriate the remains of the American dead. In addition, the team is discussing with the North Vietnamese an inspection schedule whereby the team could travel to known or suspected crash sites in North Vietnam.

According to investigators from the Foreign Relations Committee, military personnel assigned to our Joint Casualty Resolution Center in Thailand have advised that they have no complaints of noncooperation on the part of the North Vietnamese. They indicated that the procedure may be going along slower than we would like; however, there is no indication that our Government is prepared to protest the current level of activity.

Mr. President, what we are asked to do by the Dole amendment, before we have even filed a formal protest with the ICCS, before we even communicate with the North Vietnamese with respect to the recovery of the MIA's, is to declare war in a third nation—Cambodia.

I would like to read from the testimony that is going to be delivered this afternoon by Mr. Frank A. Sieverts, special assistant to the Deputy Secretary of State for Prisoners of War and Men Missing in Action. This testimony will be delivered—perhaps it is being delivered now—before a subcommittee of the House Committee on Foreign Affairs. This is what Mr. Sieverts says about the cooperation we are receiving with respect to the MIA's. I read from page 12:

We are in direct contact with officials of the communist side. In Saigon, we are proceeding through the Four-Party Joint Military Team, established under the Viet-Nam Agreement. The Team has already made two trips to North Viet-Nam to visit cemeteries where Americans who died in captivity are buried. Communist officials have also acknowledged the existence of additional graves of Americans who died in aircraft crashes or of other causes. Our aim is to arrange the early repatriation of the remains of as many of these persons as possible.

At the same time, we have made clear our urgent interest in receiving information on the missing. Complete lists of our missing personnel have been provided to the Four-Party Team for this purpose.

In Laos, U.S. officials have been in direct contact with representatives of the Lao Patriotic Front (the Pathet Lao) to press for additional information on Americans missing or captured in Laos. We have told the communist side of our concern at the small number of Americans listed as captured in Laos, in view of past hints that a larger number were held by Pathet Lao forces, and in view of evidence that at least two others had been captured in Laos. The communist side has repeatedly told us and has recently stated publicly that there are no more Americans captured or held in Laos. They have also said that further accounting for the missing must await the formation of a coalition government, as specified in the February 21 Laos cease-fire agreement. Our efforts to convince the communist side to proceed with this accounting without waiting for a new government to be formed have thus far been in vain.

* * * * *

We are carrying out our own efforts to search for information on our missing and dead. Specific responsibility for this has been assigned to the Joint Casualty Resolution Center (JCRC), located in Thailand near the Laos and Viet-Nam borders. The JCRC is manned by American military personnel and functions with the close assistance of our embassies and consulates in the area. We have told the communist side about the JCRC, making clear its peaceful, open, and humanitarian purpose. The JCRC already has carried out a number of searches, so far in South Viet-Nam. We plan to work in harmony with local people wherever Americans may be missing or dead, and we hope to have the cooperation of the communist authorities. Our aim is to find the fullest possible information on each missing man. We recognize this is an enormous undertaking, and that we cannot succeed in every case, or even in a majority of cases. But we intend to try.

There are no more tragic victims of war than the families of MIA's. These families are destined to continue their life never fully knowing whether their loved one may still be alive in some far-off corner of the world. The Indochina war is not much different than other wars we have fought in that regard—the tragedy and the sorrow is the same. In World War II the United States had a total of 35,368 missing personnel; 29,151 are now considered dead and 1,754 are still carried in missing status. In the Korean war 5,178 Americans were either missing or captured. A larger percentage of that number were returned by the enemy where they had been held as POW's. But still over 1,000 are listed as missing in action.

So the unfortunate tragedy of the MIA is not unique to our most recent war experience. In every case, the U.S. Government puts forth a maximum effort to obtain a full accounting of its missing in action. But I submit that never in our history have we made the mistake of entering another war before we have exhausted all diplomatic efforts to obtain that full accounting.

Mr. President, I have received letters from the families of our missing in action. It is difficult to give these people even a little hope. Dr. Kissinger and the Defense Department have expressed strong doubts that any are still alive.

I read again from the testimony Mr. Sieverts is submitting this afternoon:

It should be noted that there is no indication from these debriefings of POW's that any American personnel continue to be held in Indochina. All American prisoners known to any of our returned POW's have either been released or been listed by the communist authorities as having died in captivity. Returnees with whom I have talked, including those who appeared before this Subcommittee May 23, are clear in their belief that no U.S. prisoners continue to be held.

It is a tragic irony that the Defense Department carried no MIA in Cambodia prior to the January 27 cease-fire agreement. Since that agreement, however, two Americans have been lost in bombing operations and are now listed as missing in action. Yet, the Senator from Kansas wants this body to give legal sanction to the combat activity which is adding Americans to the list of MIA's.

No one can return life to those who are dead, but what we can do here today, in our own way, is see to it that no more die and that there are no more missing in action. It is because we should now be well aware of the pain suffered by the families of MIA's that we must reject this amendment.

Mr. SYMINGTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Missouri has 9 minutes remaining.

Mr. EAGLETON. I yield 8 minutes to the Senator from Missouri.

BOMBING OF CAMBODIA

Mr. SYMINGTON. Mr. President, in recent days Senators advocating a continuation of the United States bombing of Cambodia have made a series of misstatements of fact in support of their positions.

I feel confident, of course, that none of those involved have made these mistaken

statements deliberately. Indeed, they appear to have been based on similar misstatements persistently made by executive branch officials in recent months.

Fortunately, in this instance the Senator does not have to rely solely on information provided by the executive branch in considering the Cambodian question. Members of the staff of the Subcommittee on U.S. Security Agreements and Commitments Abroad of the Senate Foreign Relations Committee, which subcommittee I have the honor to chair, spent the month of April in Indochina and have brought back a report which, after review by the executive branch, has been made available to the Senate and the public, and which contradicts the basic premises of the administration's argument in support of the Cambodian bombing.

I wish briefly to note some of the principal errors made by the administration and its supporters in this debate.

It has been claimed, for instance, that:

We are bombing North Vietnamese troops.

The fact is that the vast majority of our bombing is directed not at the North Vietnamese, but at the troops of the Cambodian faction opposing Lon Nol. In briefings at the Pentagon, at U.S. 7th Air Force Headquarters in Thailand and at the American Embassy in Phnom Penh, our staff was told that the heavy preponderance of forces opposing the Lon Nol forces are Cambodian insurgents.

It has also been claimed that—

The North Vietnamese are currently maintaining some 40,000 troops in Cambodia. Of this total, some 30,000 are support troops, at least 3,500 are targeted against the Cambodian government forces, and some 30 military advisors per battalion are helping the Cambodian insurgent forces.

As is evident even from the quote itself, it is deceptive to speak of "40,000 North Vietnamese troops in Cambodia" when only a small percentage of these troops are targeted against the forces of the Phnom Penh regime. Furthermore, the number of North Vietnamese engaged against Lon Nol's forces, according to figures given the subcommittee staff as an agreed U.S. intelligence community estimate in early April, was not "at least 3,500" but probably "about 2,000 or at most 3,000." Moreover, the subcommittee staff was told that at most there were three or four advisers attached to some—but not all—insurgent battalions. Cambodian insurgent ralliers with whom our staff was asked to meet by the Cambodian Government said there were no North Vietnamese attached to their former battalions.

One of the most serious misrepresentations is that which involves the alleged North Vietnamese violation of the Vietnamese cease-fire agreement as regards Cambodia. The Administration's supporters have said, for example—

U.S. air operations were a precise response to the North Vietnamese violation of Article 20 (of the Vietnam ceasefire agreement).

The fact is that there has been no North Vietnamese violation of article 20. According to the State Department, the terms of article 20 are not yet operative and do not require withdrawal until or unless there is a cease-fire agreement in Cambodia. Secretary Rogers himself recently acknowledged in a hearing before the Foreign Relations Committee that the North Vietnamese are not in violation of article 20.

Another erroneous assertion is that which states that—

When the (Vietnam) cease-fire was signed, the Cambodian Government declared a cease-fire.

In fact, following the Vietnam cease-fire, Lon Nol announced that his troops would suspend offensive operations so that the North Vietnamese could withdraw and Lon Nol warned that if they did not withdraw, his troops would take action against them. This was not a cease-fire offer; it was an ultimatum. Furthermore, Lon Nol's troops did not all suspend operations whereas for several days most of the Cambodian insurgents apparently did.

It has also been said that—

U.S. air strikes are meticulously targeted and controlled to avoid civilian casualties.

Our Air Force, while it undoubtedly does its best to avoid civilian casualties, is unable to do so because our authorities do not have available to them the type of detailed information required to avoid civilian casualties and because the airplanes being used and the manner in which they are employed make it impossible to avoid civilian casualties.

Furthermore, our staff has reported that the procedural safeguards employed in Cambodia are nowhere near as tight as those previously used in Laos where thousands of civilian casualties resulted from our devastation of the Plain of Jars. In fact, local Cambodian commanders are reported to call for air strikes without regard to possible civilian presence and an assistant air attaché in the American Embassy, far from the scene of the fighting, authorizes strikes on behalf of our Ambassador.

Mr. President, these are the facts that these men went out and obtained shortly before this debate started. There are many other misstatements of fact which I could cite that have been made on the floor in an effort to justify this incredible bombing. But those which I have noted should be sufficient to indicate that once again the American people have been given a distorted view of the war in Indo-China. What these misstatements amount to is an erroneous picture of who we are fighting, where we are bombing, and a misrepresentation of the basis for our bombing.

As mentioned previously, the legal rationale for the President's authority to continue the bombing as presented by the executive branch is equally invalid.

Mr. DOLE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Kansas has 9 minutes remaining and the Senator from Missouri has 12 minutes remaining.

Mr. DOLE. Mr. President, I wish to use this time to make as a part of the RECORD a statement delivered today by Dr. Roger E. Shields, Assistant to the Assistant Secretary of Defense—International Security Affairs—before the Subcommittee on National Security Policy and Scientific Development, of the Foreign Affairs Committee on the House. I would like to make one comment with reference to the paragraph on page 8 where Dr. Shields speaks of the efforts to verify the status of our MIA's and discusses those responsible for the verifications. He states:

On two occasions, May 11 and 18, the team, along with representatives of the joint casualty resolution center, journeyed to North Vietnam where burial sites, allegedly of American servicemen, were seen. Identification and recovery of remains were not undertaken on these occasions because of lack of permission from the North Vietnamese.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire statement made by Dr. Roger E. Shields, Assistant to the Assistant Secretary of Defense, to which I have just referred.

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

STATEMENT OF DR. ROGER E. SHIELDS

Mr. Chairman, members of the committee: It is a privilege for me to represent the Department of Defense here today. I particularly welcome the opportunity to talk with you because, unlike the last time we met, part of a great effort in behalf of our missing and captured men and their families has reached a heartwarming and satisfying conclusion. I am referring specifically to the return from captivity of 566 American military personnel and 25 U.S. civilians. Nine foreign nationals were also released. I would like to insert in the record at this point a statistical summary of these 591 returned Americans.

As you know, these Americans were taken prisoner while serving in Southeast Asia. Their period of captivity ranged from only a few months to as long as ten years. During this time they faced deprivations and made sacrifices that very few men ever encounter. Here at home the families of our missing and captured endured years of frustration waiting for some word about the condition or status of their men. These families were joined by countless Americans and virtually every government agency in a great national endeavor to obtain a full and accurate accounting of all the men, and better treatment and the ultimate release of those held captive. As I have indicated, only part of our work is finished. About 1300 men still remain unaccounted for and their families continue the seemingly endless vigil in their behalf. I will discuss our current efforts to resolve the perplexing issue of those who did not return in just a moment.

During the months and years preceding the long awaited return of our men, a major part of our work involved detailed planning for their repatriation. Presentations before this and other committees usually centered around the anticipated problems of reception, processing, rehabilitation, and readjustment of the returned prisoners of war. Much of this planning was done in the face of great uncertainty. For example, we did not know how many men would be released, what condition they would be in, or even where they would be returned to us. These uncertainties necessitated planning for a wide range of possibilities with contingency plans ready at our military hospitals in Europe as well as in the Pacific Theater. I can say with considerable satisfaction that our homecoming plans were well-founded. From the moment the first 116 men were released in North Vietnam on February 12, 1973, until the last one was released by the PRG in South Vietnam on April 1, 1973, the return of our men was handled with efficiency, thoroughness, and sensitivity. The initial reception, aeromedical evacuation, enroute medical treatment, and the ultimate family reunions and processing in the United States are a tribute to the outstanding cooperation and mutual support demonstrated by the four military services. We in the Department of Defense received unparalleled cooperation and assistance from agencies in both the Federal and State Governments; especially from the Department of State, the Congress of the United States, and our President.

Our returned men have now completed the homecoming processing events. Most of them are on convalescent leave and are busy getting acquainted with their families and their country once again. Many have already received future assignments and are preparing to resume active military careers. Some are undergoing scheduled treatment to cor-

rect physical deficiencies noted during the detailed medical evaluation received overseas and here at home. All of the men have been brought up to date in personnel and financial matters and have been debriefed on their experiences in captivity. The 31 military installations that accomplished the processing in the U.S. remain as headquarters for the men while they are free on convalescent leave and until they actively resume military or civilian professions. All agencies in the Department of Defense stand ready to help the men and their families during this transition period.

In the future, we are prepared to provide whatever assistance is required for as long as may be necessary. For example, the Department of Defense has implemented a program through which returned men who leave the military prior to obtaining retirement eligibility will, along with their families, be authorized to obtain health care in any military medical facility for a period of five years from the date of separation. Near the end of the five year period, each situation will be reevaluated. This program will help guarantee that each returned prisoner of war will receive immediate and long-term medical attention from military medical specialists who are familiar with the Southeast Asia captivity environment, and who have access to complete records and documentation in the military medical archives. For those who elect to leave the military, we are also prepared to provide a full range of job counseling and assistance in cooperation with private industry. For those who remain on active duty, the Services have developed special retraining and familiarization programs. One program, for example, involves two weeks of academic updating on military, national, and international matters.

Much of the credit for the success of homecoming must be given to the men themselves and to their families. They handled the repatriation events and the reunion with families and countrymen with great dignity and patriotism. They have been an inspiration to this country. Based on the accounts of their captivity experiences, I would say that their ability to endure so long under such harsh conditions can be largely attributed to their courage and determination and to their faith in God and country.

While we are grateful for the return of these men, our joy and sense of accomplishment are tempered by the fact that others, listed by our government as missing and captured, did not return. A full accounting for these men is not yet available to us. Some fear that in the wake of homecoming, we will forget those who are unaccounted for and ignore the plight of their families. I want to assure you that this will not happen. The Department of Defense will continue to seek the fullest possible accounting for these men and to provide their families with every possible assistance just as we have in the past. In addition, we will seek to recover the remains of the missing who have died and those who are already listed as killed in action but whose remains have not been recovered.

Before discussing the preparations that we have made and the actions we are now taking to achieve our objectives, I would like to place the problem in perspective by inserting in the RECORD a statistical breakdown of some 1300 men who remain unaccounted for in Southeast Asia. In addition to this number, there are about 1100 others who have been declared dead by the Services but whose remains have not been recovered.

As the members of the committee know, every possible avenue was explored prior to the release of our men to gain accurate information about those listed as missing or captured. Even while we planned our repatriation activities, we simultaneously prepared for the time when direct action to account for our missing would be possible through negotiation or systematic search. To date, extensive data has been fathered and stored in automated data handling systems for ease in correlation and analysis. This data includes extensive descriptive information on the individuals concerned, such as carefully plotted locations where they were last seen, and eyewitness accounts from our own forces as well as all accessible indigenous residents who were known to possess information about our prisoners or missing. One computerized program that is particularly unique contains information taken from medical records concerning all individual physical characteristics which would, with the aid of advanced technology, help facilitate the prompt and accurate identification of any remains that are recovered.

In order to update members of Congress on efforts being made to resolve the serious problem of accounting for the missing, the Department of Defense submitted a paper to them on February 2, 1973. Before proceeding further, I would like to submit for the record this paper and its memorandum of transmittal.

There are now two primary agencies upon which we are relying heavily to help resolve the status of our missing: The Four-Party Joint Military Team (FPJMT) and the Joint Casualty Resolution Center (JCRC). In accordance with the agreements signed in Paris, the Four-Party Joint Military Team was established after termination of the Four-Party Joint Military Commission expressly for the purpose of arranging for the recovery of remains and exchange information to help clarify the status of the missing. The Joint Casualty Resolution Center was activated in January of this year in South Vietnam. In February, with approval of the Royal Thai Government, the Joint Nakhon Phanom Royal Thai Air Force Base in northeasternn Thailand. Within the limits imposed upon it, the Joint Casualty Resolution Center supervises and conducts search operations designed to resolve the fate of the missing and recover remains wherever possible. the entire operation is peaceful, open, and humanitarian in nature. In its current location, the Joint Casualty Resolution Center is centrally located with regard to all the areas in which American personnel were lost.

The mission of our delegation to the Four-Party Joint Military Team has three primary aspects: (1) To obtain information from the other side about U.S. military and civilian persons who are missing in action; (2) to obtain information about the location of the graves of those persons who died in captivity or were killed in action; and (3) to negotiate entry rights for U.S. search and inspection operations into areas where there are believed to be unrecovered remains or where those still unaccounted for were last believed to be located.

The chief of our delegation, an Army colonel, is responsible through the defense attache office in Saigon and the U.S. support activity group in Thailand to the U.S. commander in chief, Pacific, Admiral Noel Gayler. Our delegation is also responsive to the policy guidance and instructions of the ambassador in Saigon. Since the first meeting of the team on April 4, over twenty sessions have been held. On two occasions, May 11 and 18, the team, along with representatives of the joint casualty resolution center, journeyed to North Vietnam where burial sites, allegedly of American servicemen, were seen. Identification and recover of remains were not undertaken on these occasions because of lack of permission from the North Vietnamese. We are currently trying to arrange for the exhumation and repatriation of these remains and of any other American dead known to the other side.

Another issue that is of major concern to us is the acquisition of entry rights for our search teams to areas throughout Southeast Asia where our men are missing. The success of the joint casualty resolution center's mission depends heavily on the operating authorities and the cooperation of the countries involved. We believe that our search teams should be given access to all locations where our men are believed to be missing. This is especially true for Laos where only nine Americans were listed for repatriation while over 300 of our men still remain unaccounted for. Our teams possess the great expertise required for this complex and dangerous mission, as well as the motivation to do a complete and thorough job. Nevertheless, we invite and welcome host country participation in the activities of our field teams. Indeed, we feel that host country participation is essential to the safety of our own teams and to the success of the mission.

To give you a better idea of the task facing the joint casualty resolution center and our negotiators, let me turn back to some statistics that I mentioned earlier. As you recall, I said that there are some 1,300 who are unaccounted for in Southeast Asia and some 1,100 others who have been declared officially dead by the services but whose remains have not been recovered. More than 1,900 of the composite 2,400 in these two categories are the result of air crashes. There are more than 1,000 such crash sites involving over 50 different types and models of aircraft. The number varies from nearly 400 in North Vietnam to less than 20 in Cambodia. These crash sites are scattered throughout the rugged terrain in Southeast Asia—on mountains and in dense uninhabited jungles. Approximately 150 of the crashes were at sea. Some 90 percent of the sites are in militarily contested areas or in areas controlled by the other side.

So far, some five crash sites in non-contested areas of South Vietnam have been inspected. The inspection of these sites has allowed refinement of procedures and techniques in preparation for the more complex and hazardous operations to come. Pieces of aircraft wreckage and other materials have been located and are being analyzed for identification purposes. On one of the first search operations, a South Vietnamese soldier was killed by an unexploded booby trap while participating with an advance element that had been sent to clear the area for the main search party. This is a clear indication that the overall effort will be both difficult and dangerous. For the record, I would like to submit a fact sheet on the joint casualty resolution center that explains in greater detail the unit's organizational structure and methods of operation.

I would like to address now the question of the degree of success that we might ultimately achieve and how long this might take. Prior to the repatriation of our prisoners there were high expectations that large numbers of missing in action cases could be resolved from debriefing of the returned men. Unfortunately, this has not been the case. The debriefings have been performed in a professional manner with sensitivity, and the data carefully analyzed and

stored for future reference. Nevertheless, it appears that less than 100 status changes will be made on the basis of this information. We are hopeful that a significant number of additional status changes will result from negotiated arrangements for the exchange of information and the return of remains from locations throughout Indochina. How quickly we will achieve results from these efforts I cannot say. The four-party joint military team has made some progress in this area, and I am hopeful that our patience and persistence will be rewarded by ultimate success.

Even after all information has bee exchanged and all known remains exhumed and repatriated, there will undoubtedly be cases which yet remain to be resolved. Take as an example the case of a missing aircraft which crashed in the sea or uninhabited jungle. It is likely neither side in the recent conflict would know the whereabouts of the wreckage or the fate of the crew. In other cases, even though the locations were once known, it is possible that both wreckage and grave sites may have succumbed to the ravages of time and the havoc of war. It is abundantly clear that the tasks of determining how some of our missing died and the recovery of remains could be prolonged if not impossible.

As for those who are thought to have been captured alive but who have not been returned, let me say that this is perhaps the most agonizing and frustrating issue of all. These are the cases of men who were seen on the ground of whose pictures were released subsequent to capture but who, for one reason or another, have not returned and for who the other side has yet to provide a satisfactory explanation. We do not consider the lists received so far to be complete and accurate accounting for our men. We do have, though, an agreement which provides for all actions necessary to account as completely as possible for all who have not returned or are otherwise unaccounted for. We believe that implementation of this agreement will provide the speediest and most satisfactory answers to our questions.

In summary, we are working now to finalize arrangement which will provide for the speedy return of remains for our known dead from locations throughout Southeast Asia, and for the acquistion of clarify information on any others. On the other hand, the task of inspecting crash sites of locations where the missing were last seen and of finding, exhuming, and identifying remains may be difficult and prolonged, at least over several years, especially if operating limitations remain an obstacle. Some crash sites and graves may never be found.

As for status changes, I want to emphasize that they are not unalterably tied to the inspection of combat sites or to the recovery or remains. We have made changes in status from missing in action or prisoner of war to killed in action throughout the recent conflict. Since March, the services have made about 80 more status changes to killed in action, and we can expect that more will be made on a contining basis in the future.

The recording and changing of status of the missing are governed by sections 551–558, title 37, United States Code. Under public law, the service secretaries are given responsibility for status changes. To assist him, each secretary calls upon professionals within his organization who conduct and exhaustive study, based on all available information of each individual case. Their task is a painful one requiring countless hours of diliberation and calling ultimately for difficult decisions. The subject of status determinations is not a now one for the services. Those involved in this often unhappy part of the prisoner of war/missing in action issue are experienced and skilled and expert in upholding the public law and at the same time protecting, to the best of their ability, the ultimate interests of the missing men and their families.

In making status determinations, two possibilities exist besides the option of remaining the individual in a missing status. In those cases where information is received which conclusively establishes that the member is dead, then a report of death will be issued. A finding of death, commonly known as a "presumptive finding" is made when circumstances are such that the missing individual cannot reasonably be presumed to be living. An individual who was lost over water and who was not among those released or acknowledged by the other side in any way is a good example of a potential "presumptive finding."

The problems surrounding the question of those not yet accounted for are difficult in every respect. We are prepared to do the job through the machinery that we now have in motion, but we are convinced that the issue will not be resolved quickly or easily. I want to assure you again that we will uphold our responsibilities and our obligations in this matter. We will provide the families of our missing men every possible assistance. And for those who must face a final negative determination, we are prepared to offer complete counseling and guidance to help ease the resulting burdens, as well as heartfelt sympathy.

Mr. Chairman, members of this subcommittee, may I again express the appreciation of the Department of Defense for your kind invitation to appear here today and for your steadfast work in behalf of our men and their families. The opportunity to discuss the current status of our returned men and the issue of our missing is truly welcomed.

REPORTED FOR RELEASE AND RETURNED TO U.S. CONTROL—FEB. 12,–APR. 1, 1973

County	USA	USN	USAF	USMC	Civilian	Total
North Vietnam	0	135	312	9	1	457
South Vietnam	77	1	6	17	21	122
Laos	0	1	6	0	2	9
China	0	1	1	0	1	[1]3
Total	77	138	325	26	25	[2]591

[1] Detainees in PRC who were released during the referenced time period and processed through the homecoming system.
[2] Total does not include third country nationals.

RELEASE INCREMENTS AND DATES

Place	Date--1973	Military	Civilian
North Vietnam (DRV)	Feb. 12	116	0
South Vietnam (PRG)	..do..	19	8
North Vietnam (DRV)	Feb 18	20	0
North Vietnam (DRV)	Mar. 4	106	0
North Vietnam (PRG)	Mar. 5	27	3
China (PRC)	Mar. 12	0	1
North Vietnam (DRV)	Mar. 14	107	1
China (PRC)	Mar. 15	2	0
North Vietnam (PRG)	Mar. 16	27	5
North Vietnam (PRG)	Mar. 27	27	5
North Vietnam (Pathet Lao)	Mar. 28	7	2
North Vietnam (DRV)	..do..	40	0
North Vietnam (DRV)	Mar. 29	67	0
South Vietnam (PRG)	Apr. 1	1	0
Total		566	25

PERSONNEL UNACCOUNTED FOR IN SOUTHEAST ASIA (AS OF MAY 26, 1973)

Country	Army	Navy	USMC	USAF	Total
North Vietnam[1]	3	133	25	322	483
South Vietnam[2]	329	5	70	89	493
Laos	16	13	14	265	308
Total	348	151	109	676	1,284

[1] Includes five missing as a result of two aircraft losses in the vicinity of Hainan Island while in transit to the Tonkin Gulf.
[2] Includes 20 missing in Cambodia as a result of U.S. air losses and operations in enemy sanctuary area along SVN/Cambodian border.

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, February 2, 1973.

MEMORANDUM FOR SENATORS AND MEMBERS OF THE HOUSE OF REPRESENTATIVES

I have prepared the attached information to insure that you are informed concerning the very important and serious problem of accounting for our servicemen who are missing in action in Southeast Asia.

I want to assure you personally that we in the Department of Defense will meticulously explore all avenues and exhaust all clues in our quest to account for each individual lost in Southeast Asia. Also, I want to reaffirm that we consider each of our missing equally as important as our prisoners who are returning.

Your interest and support in our endeavor is appreciated.

Sincerely,

ROGER E. SHIELDS,
Assistant for PW/MIA Matters.

OFFICE OF THE SECRETARY OF DEFENSE
Washington, D.C., February 2, 1973.

ACCOUNTING FOR MILITARY PERSONNEL WHO ARE LISTED AS MISSING IN ACTION

The purpose of this memorandum is to provide a description of the efforts being made to acquire as full an accounting of our missing in action personnel as possible.

The United States Government will make every possible effort to acquire an accounting for our servicemen missing in action in Southeast Asia.

In this regard, the Agreement which was signed in Paris on January 27, 1973, provides in Article 8 that:

"* * * (b) the parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action."

In addition, the Protocol to the Agreement "Concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel" states in Article 10, "With Regard to Dead and Missing Persons" that:

"(a) the Four-Party Joint Military Commission shall ensure joint action by the parties in implementing Article 8(b) of the Agreement. When the Four-Party Joint Military Commission has ended its activities, a Four-Party Joint Military team shall be maintained to carry on the task." Disagreements will be referred to the International Commission on Control and Supervision (Article 17 of the Agreement).

It is reemphasized that the U.S. Government will do everything in its power to insure that all parties adhere to the true sense of the Agreement. To this end, Major General Gilbert H. Woodward, United States

Army, has been appointed as the United States Representative on the Four-Party Military Commission which will have representation from the United States, South Vietnam, North Vietnam and the Viet Cong. General Woodward has had extensive experience in negotiations of this type as the Senior Member United Nations Command, Military Armistice Commission, United Nations Command/United States Forces Korea during the period leading up to and at the time of the USS PUEBLO crewmembers' release. The task of the Four-Party Military Commission will be to implement appropriate provisions of the Agreement, including Article 8 quoted above. As the U.S. Representative, General Woodward is responsible for obtaining from other members of the Commission all MIA information held by them, and will coordinate with them the investigations by U.S. teams of incidents surrounding the loss of each of our MIA personnel.

The United States Joint Casualty Resolution Center (JCRC) has been established at Nakhon Phanom (NKP), Thailand and is assigned the mission of resolving the status of U.S. missing personnel. Personnel from the JCRC will locate and investigate crash sites or grave sites throughout Southeast Asia as arranged through the Four-Party Joint Military Commission. The organization of the JCRC will provide the expertise for these investigations, utilizing air search and ground search teams and a central identification laboratory with a pool of specialist to inspect located crash and grave sites and recover remains.

It is expected that endeavors in *remote areas* will normally include air and ground searches for crash sites. U.S.-led teams in conjunction with an air search will thoroughly investigate assigned areas of operation for suspected crash and grave sites. If a crash or grave site is located, personnel from the Central Identification Laboratory (graves registration specialists) and crash site investigators will be utilized for a detailed on-scene investigation.

In the more *inhabited areas*, personal contact with the local people following extensive information programs and coordination will be a primary technique. Grave registration specialists with interpreters, exploiting information gained from all sources and with authority to grant suitable rewards for useful information will conduct the major efforts in those areas where the location of crash or grave sites is more likely to be known and reasonably accessible.

Certain areas require that highly qualified U.S. personnel lead the ground searches because many are in highly remote areas or in the vicinity of roads or trails which are heavily booby trapped and endangered by unexploded ordnance. It is anticipated that recovery detachment teams will include indigenous personnel recruited, trained, and utilized in each country of interest with the cooperation of the host government.

While the Department of Defense will strive to accomplish this massive task of accounting for the missing military personnel in the shortest possible time, it must be realized that it will not be done quickly or easily. For example, in the case of a missing aircraft which crashed in the sea or uninhabited jungle, it is likely neither side in the recent conflict would know the whereabouts of the crash.

The Secretary of Defense and all Defense Department personnel realize and accept the obligation to *do their best* in performing this important task. This we owe to the families of the missing in action personnel. We intend to fulfill that obligation.

FACT SHEET: UNITED STATES JOINT CASUALTY RESOLUTION CENTER

The Joint Casualty Resolution Center (JCRC), commanded by Army Brigadier General Robert Kingston, is a joint task force established by and under the command of the Commander in Chief Pacific. The unit is under the operational control of the Commander, United States Support Activities Group (USSAG). The Joint Casualty Resolution Center operates under Joint Chiefs of Staff approved mission and joint table of distribution.

The Joint Casualty Resolution Center is an outgrowth of United States Government efforts to identify, document, and maintain records of known and suspected missing in action and prisoners of war. These records were initially maintained by the Joint Personnel Recovery Center (JPRC), Saigon beginning in 1966. When the JCRC was established in Saigon on 23 January 19773, the records of the JCRC were turned over to the new organization.

The mission of the JCRC is to assist in resolving the status of those U.S. personnel missing in action (MIA) and those personnel declared dead whose bodies were not recovered (BNR), through the provision of information/coordination and/or conduct of operations to locate and investigate crash and grave sites and recover and identify remains throughout Southeast Asia.

In planning for our field operations, we use the following assumption:

a. All parties concerned will meet their obligations with respect to MIA's and dead assumed under the Vietnam and Lao agreements and will mutually assist in the resolution of such cases.

b. Conditions for coordination with personnel in countries concerned will be provided in accordance with terms of the cease-fire agreements.

c. Coordination of in-country activities in Laos and Cambodia will be accomplished through CINCPAC senior military representatives or designated American Embassy officers.

d. Coordination of in-country activities within North and South Vietnam will be accomplished through negotiations within the Four-Party Joint Military Team.

e. Access to all pertinent areas of Southeast Asia will be sought to allow JCRC teams to conduct casualty resolution operations.

In Saigon, an officer assigned to the Office of the Defense Attache, American Embassy has been designated to act as a channel for direct communications between JCRC Headquarters and the U.S. Delegation to the FPJMT.

The JCRC is organized under a dual deputy system: The Deputy Commander for Staff Operations is responsible for the staff planning and coordination; the Deputy Commander for the Field Operations supervises the field units.

Organizationally, the JCRC staff accomplishes the normal staff functions. Additional comments need to be made on three of the staff elements.

The Public Affairs Officer on the staff provides all available information on JCRC activities to the MACTHAI PAO in Bangkok. A JCRC officer is assigned to that office, where he serves as a casualty resolution point of contact and is in constant contact with the JCRC on all casualty resolution matters.

The Casualty Data Division assembles, correlates, and analyzes information on personnel who are missing in the vicinity of crash and burial sites. The function of this division includes data analysis, automated data processing, photo interpretation of aerial photos of crash sites, crash/grave site identification of areas in which JCRC teams will operate, and the maintaining of casualty records or dossiers on those personnel who have been in a missing in action status at one time or another during the conflict.

The Operations Division directs activities in the areas of operations, plans and communications. It also has a Public Communications Branch which provides staff assistance in the development of public information programs in an effort to obtain additional information concerning crash and burial sites.

The major subordinate elements involved in the field operations are two control teams, one oriented toward operations in Vietnam and one toward Laos and Cambodia. These control teams provide command and control of casualty resolution field teams, each comprise of five men, and will have operational command of all special augmentation personnel needed to accomplish the mission. Each control team has the capability of launching, supporting, and extracting the field teams and provides for requisite air, communications, and logistics support.

The field teams which will search for crash or grave sites consist of an officer, a radio operator, a medic, an interviewer, and a general duty assistant to the officer in charge, who are all Special Forces Troops.

Special Forces personnel will be used because they are trained to operate harmoniously with indigenous peoples, familiar with jungle terrain and survival techniques, and are available for this humanitarian effort with minimum additional training. The field teams will be augmented, as required, by Air Force air crash investigators, ordnance demolition technicians provided to disarm unexpended ordnance and booby traps near crash sites, and by indigenous personnel who will assist in the search and on-site operations. The JCRC has 11 organic field teams, with an augmentation capability of 10 more teams from the 1st Special Forces Group on Okinawa and 16 teams from U.S. Special Forces assets in Thailand.

The Central Identification Laboratory, Thailand (CIL), located at Samae San, between U-tapao and Sattahip in Southeastern Thailand, about 80 miles from Bangkok, is under the operational command of the Joint Casualty Resolution Center. The CIL is organized into an identification laboratory and eight five-man recovery teams which will accompany the casualty resolution field teams.

The field teams will be deployed in various ways. They can be utilized as separate entities in the search operations for selected locations, or they can be deployed in a cluster arrangement. This concept visualizes a number of concurrent and consecutive crash/grave site operations located in one general area. This area would be in the vicinity of a forward operating base which ideally would be adjacent to an air strip that could accommodate arrival, resupply, and departure aircraft. The cluster concept provides a single area to concentrate on, allows for maximum advantage to be taken of predicted climatic and weather cycles, maximizes the use of helicopters by short but frequent missions to support several teams in one area, enhances the command, control, and communications support of a number of field teams from the central operating base, facilitates logistics and reduces the insertion problem of the special augmentation personnel (Explosive Ordnance Disposal [EOD], crash investigators, documentary photographers, and CIL recovery teams).

A review of the steps that would be involved in the recovery process follows. First, the Casualty Resolution Staff develops selected areas for search and investigation based on known crash and grave sites. The detailed planning and coordination effort using all available information culminates in an aerial search of the area, if authorized. This combined research will be followed by insertion of the forward operating base and later the field teams and special augmentation personnel. A detailed search and inspection will follow. The results of these missions will be carefully documented. Upon completion of the search and investigation process, the teams and forward operating base will be extracted. Remains that have been located will be flown to the CIL for identification.

After analysis and recording has been completed, a detailed report will be forwarded to the services to assist in final determination on status of the personnel. Identified remains will be returned to the United States for burial as desired by next of kin.

Mr. DOLE. Mr. President, I would hope that the North Vietnamese would carry out the agreement signed on January 27 with respect to the MIA's, even though they are not carrying out the agreement with reference to military operations in Cambodia.

But I would suggest, as I said before, that I am not attempting to restrict, in effect, the Eagleton amendment in regard to strictly military considerations. The amendment offered by me and by the Senator from North Carolina states:

"*Provided, however,* That these restrictions shall be of no force or effect if the President finds and forthwith so reports to the Congress that the Government of North Vietnam is not making an accounting, to the best of its ability, of all missing in action personnel of the United States in Southeast Asia, or is otherwise not complying with the provisions of article 8 of the agreement signed in Paris on January 27, 1973, and article 10 of the protocol to the agreement 'Concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel'."

That is all we suggest by this amendment. That is all we suggest, I might add, in the past 2, 3, or 4 years, with reference to POW's. We had about the same arguments for the same arguments against. No one questions that motives or patriotism of those who had a different view, but I stand here as one who has worked with families of MIA's and POW's. This is the least we can do.

Yes, we can say the North Vietnamese are going to permit us to do this and that, but what assurance do we have? What are the diplomatic sanctions referred to by the Senator from Missouri that we would impose?

I do not want the bombing of Cambodia to continue, either, but I do not want to take away from the President of the United States whether it is the present President or some other President—that leverage if the North Vietnamese turn their backs and say, "There will be no further investigation with reference to MIA's."

Having talked with some of the wives and some of the families of MIA's since January 27 of this year, I think it is fair to say that the great majority of these people, those directly involved, want to know the status of their sons or husbands. Are they dead or alive?

There was once a great hope that once the POW's came back and were debriefed, the status of many MIA's could be determined or changed, but, as I understand it, only 100 changes were made from "missing in action" to "killed in action."

I happen to believe that we owe the families of these Americans—of course they are not many; there are only 1,000—a quick accounting and a quick verification, so their status will be known.

I really cannot see that it does any great damage to the so-called Eagleton amendment to provide the President this leverage. First, the President must make a finding. Then he must make a report. And then, and only then, could he avoid the restrictions of the Eagleton amendment.

The POW's are home now, and the POW's, as I said, have been welcomed, and we all rejoice in their homecoming. We all are concerned about those who were killed in Southeast Asia, those who remain, and those who are hospitalized. And, yes, we are concerned about the MIA's, who have no voice at all, unless it comes from the Congress.

I am under no illusion. I do not expect this amendment to the Eagleton amendment to prevail. But I would hope those who read the RECORD and those who sit down next year or 20 years from now to read the RECORD, in the event the North Vietnamese do not carry out the agreement, will know there were those of us in the Senate who stood and let our views be known. Foreign Relations, entitled "U.S. Air Operations in Cambodia: April 1973."

On page I, subparagraph (b) reads:

During the last two weeks in March, the U.S. Air Force had flown a daily average of 58 B-52 sorties, 30 F-111 sorties, 11 gunship sorties and 140 other tactical air sorties, more than two times the sortie rate before January 29.

In subparagraph (e), it states:

(e) Only 20 percent of the U.S. air strikes being flown were in support of Cambodian forces while 80 percent were directed at the interdiction of North Vietnamese lines of communication into South Vietnam.

Mr. President, I wish to reserve time for my colleague from North Carolina, but I want to conclude my statement by reading from a letter we sent to every Member of this body.

First, I ask unanimous consent that the entire letter be inserted in the RECORD, at this point.

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

U.S. SENATE,
Washington, D.C., May 31, 1973.

DEAR COLLEAGUE: Today, more than four months since the Paris Peace Agreement on Vietnam was signed, some 1,300 Americans are still missing in Southeast Asia. In spite of specific provisions in Article 8 of the Agreement and its protocols for verification and information on missing men, the North Vietnamese have failed to allow inspection operations to be undertaken or to provide any information concerning the status or fate of these men.

We believe that the Senate must go on record for a clear accounting of all MIA's. We must have a full, complete, and detailed resolution of the status of each man insofar as possible. Every means of securing compliance in this respect must be available to the President. Yet the Eagleton Amendment to H.R. 7447, the Supplemental Appropriations bill, would severely limit the President's efforts to secure compliance.

Therefore, today, we intend to offer an amendment to suspend the restrictions of the Eagleton Amendment if the President finds and so reports to Congress that North Vietnam is not making an accounting as required under the Paris Agreement. Congress needs to know if North Vietnam is not living up to the Paris Agreement; our amendment would encourage the President to keep Congress informed in this respect. At the same time, it would give the President the means to continue whatever pressure is necessary to resolve the status of the MIA's.

If you would care to join us as a co-sponsor, please contact us on the Floor, or call John Smith (ext. 6521) or Jim Lucier (ext. 6342).

Sincerely,

BOB DOLE,
U.S. Senate.
JESSE HELMS,
U.S. Senate.

Mr. DOLE. Mr. President, let me read a part of that letter:

We believe that the Senate must go on record for a clear accounting of all MIA's. We must have a full complete, and detailed resolution of the status of each man insofar as possible. Every means of securing compliance in this respect must be available to the President. Yet the Eagleton Amendment to H.R. 7447, the Supplemental Appropriations bill, would severely limit the President's efforts to secure compliance.

Mr. President, that is all we wish to do by offering this amendment. We wish to make certain that we preserve the President's right, the Commander in Chief's right, to make certain that those who are missing in action are properly accounted for.

The PRESIDING OFFICER. All of the Senator's time has expired.

Mr. EAGLETON. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. EAGLETON. I yield 6 minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, if the amendment offered by the distinguished Senator from Kansas (Mr. DOLE) and the distinguished Senator from North Carolina (Mr. HELMS) is adopted, we can kiss the Eagleton-Brooke-McClellan amendment good-bye. The effect will be to nullify what the Senate Committee on Appropriations did without opposition and what the Senate itself, in effect, did by a vote of 55 to 21 on Tuesday last.

Under the amendment now being considered, the bombing in Cambodia could go on indefinitely, because I note from the news ticker this morning that "the United States is still identifying missing in action from World War II, a quarter-century ago, and it could take months—if not years—for the status of remaining Vietnam MIA's to be settled."

There is no person in this Chamber who is not interested—if not more interested—in the missing in action, just as we were interested in the release of the POW's, the return of the POW's, and the return of U.S. personnel in South Vietnam.

I think we ought to face up to the realities and recognize that our Government has created a joint committee which is now stationed, I believe, in Bangkok for the purpose of finding and identifying some 1,400 or 1,500 personnel still listed as missing in action.

As the distinguished senior Senator from Missouri said, it is a tragic irony that the Department of Defense carried no MIA's in Cambodia prior to the January 27 ceasefire agreement. Since that agreement, however, two Americans have been lost in bombing operations and are now listed as missing in action.

If Senators want to create more missing in action, let them vote to continue the bombing. If they want to acquiesce in the present

policy of the administration to continue the bombing, let them vote for this amendment. If they want to get out of Laos and Cambodia, and all of Southeast Asia, on a lock, stock, and barrel basis, they will see to it that the Eagleton-Brooke-McClellan amendment remains intact.

I have received 13 or 14 letters from men stationed at Utapao and Anderson Field in Guam.

Here is the last one:

DEAR MR. MANSFIELD: At long last, Congress is asserting itself in its opposition to American military involvement in Indochina. It is with deep interest that I have been watching the recent developments in the House and now in the Senate. I have a personal interest in such developments because I am a B-52 copilot currently stationed temporarily on Guam.

Of the several significant reasons which would justify an immediate halt to the bombing of Cambodia, the most significant is the questionable legality of the bombing. The reasoning behind the legality has thus far, at least, been flimsy.

In addition, the tremendous amount of fuel consumed by all of the B-52s in their daily missions contributes dramatically to the severe energy crisis being experienced in the United States. Utilization of B-52s alone, operating out of Guam and Thailand on bombing missions, use up approximately 2½ million gallons of fuel every day.

Also, a most serious concern is the possible loss of planes and men over Cambodia, thus resulting in additional prisoners being taken by the enemy.

The flight crews engaged in these operations are truly being utilized as mercenaries. Apparently all that is required for B-52s and the various other aircraft involved in these operations to conduct their missions is a request by a besieged government for such assistance. It is a frightening thought.

Mr. President, the only way to deal with this situation is to face up to our responsibility. The only way to do it effectively is to cut the purse strings. And that is what the Eagleton amendment does, because it locks off funds from any and all directions and any and all acts so that if the Congress speaks on this basis, it will mean that we will at long last—13 years too late—get out of Southeast Asia all the way. And, as far as the MIA's are concerned, this Government is making every effort, and will continue to do so, to attempt to identify them. But if we want more MIA's, we should vote for the pending amendment and we will get them, just as we are getting them now in Cambodia.

If we want quicker action as far as the MIA's are concerned, we should keep the Eagleton amendment intact.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Missouri has 4 minutes remaining.

Mr. EAGLETON. Mr. President, I will be very brief because I could not add to the excellent remarks which the distinguished majority leader has just made on this subject matter.

The Senator from Kansas (Mr. DOLE) said: "This is the least we can do," meaning the Dole-Helms amendment.

Mr. President, I say that this is the worst we could do insofar as this country is concerned. This gives the President the right to continue bombing as long as he sees fit, on and on and on, endlessly in a new area of warfare.

As the Senator from Montana said, this will not recover the MIA's, and, unquestionably, this will add to the MIA list.

I repeat, in summarizing the testimony being given today by the Assistance Secretary, the administration is in contact with the North Vietnamese, and the effort is going forward insofar as recovering and identifying the MIA's.

Insofar as the Dole amendment enhancing the possibility of peace, I point out that all it would do would be to involve us in another war, but this time it would be called the Cambodian War.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr CHILES. Mr. President, I wonder if the Senator from Missouri or perhaps the Senator from Kansas could explain the meaning of the amendment to me. I am trying to understand the amendment.

The amendment says:

These restrictions shall be of no force or effect if the President finds and forthwith so reports to the Congress that the government of North Vietnam is not making an accounting, to the best of its ability, of all missing in action personnel of the United States in Southeast Asia.

That is the language as I read it. What I am trying to understand is, if this amendment is agreed to, would it not be to the advantage of North Vietnam to not make an effort, because if they did not make an effort, the restrictions would not be in effect.

Mr. DOLE. Mr. President, first there must be a finding by the President. Second, there must be a report to the Congress, and after the report is made, we could cut off the action just like that. If we did not cut it off, there would then be the bombing.

Mr. CHILES. Mr. President, would not the North Vietnamese want the restrictions not to be in effect?

Mr. DOLE. They want the Eagleton restrictions to be in effect, because then they could do anything.

All I am saying is that in this one rare instance, in this one small instance, we are talking about American MIA's. Some are from Florida, some from Kansas, and some from Missouri. In that one instance, where there is no effort made for an accounting, if the President so finds and reports to the Congress, we resume the bombing.

Mr. CHILES. Mr. President, it looks to me as this would in no way help the effort. It could confuse the effort, and I would not want to do that.

Mr. DOLE. Mr. President, I want to keep the pressure on.

The PRESIDING OFFICER. Who yields time?

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

Mr. PERCY. Mr. President, I think it is fair to say that my concern for the fate of Americans unaccounted for in Indochina is as great as any man's. I have supported every responsible effort to achieve the release of prisoners of war and a full accounting of those missing in action. I have conferred at length with the Department of Defense officials whose task is to find the missing Americans in Indochina, and I have told them that we will not be satisfied until the job is done.

However, at this time I cannot justify continued American air combat over Cambodia and Laos in an effort to put greater pressure on North Vietnam to release information about the missing in action. Passage of this amendment, I believe, would bring more American deaths, the taking of more American prisoners, and an increase in the number of Americans missing in action, for this would inevitably be the result of continued American participation in combat.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Kansas to the committee amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Connecticut (Mr. Weicker). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Bible), the Senator from Nevada (Mr. Cannon), the Senator from Idaho (Mr. Church), the Senator from North Carolina (Mr. Ervin), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Talmadge), and the Senator from Wyoming (Mr. McGee) are necessarily absent.

I further announce that Senator from Alabama (Mr. Allen), and the Senator from Colorado (Mr. Haskell) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that the Senator from Maine (Mr. Muskie) is absent because of a death in the family.

I further announce that if present and voting, the Senator from Colorado (Mr. Haskell), the Senator from Idaho (Mr. Church), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Nevada (Mr. Bible) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Utah (Mr. Bennett), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is absent by leave of the Senate on official business.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The pair of the Senator from Connecticut (Mr. Weicker) has been previously announced.

The result was announced—yeas 25, nays 56, as follows:

[No. 161 Leg.]

YEAS—25

Bartlett, Beall, Bellmon, Brock, Buckley, Curtis, Dole, Domenici, Eastland, Fannin, Griffin, Gurney.

Hansen, Helms, Hruska, Jackson, Long, McClure, Roth, Scott, Pa., Scott, Va., Sparkman, Taft, Thurmond, Tower.

NAYS—56

Abourezk, Aiken, Bayh, Bentsen, Biden, Brooke, Burdick, Byrd, Harry F., Jr., Byrd, Robert C., Case, Chiles, Clark, Cook, Cranston, Eagleton, Fulbright, Gravel, Hart.

Hartke, Hatfield, Hathaway, Hollings, Huddleston, Hughes, Humphrey, Inouye, Javits, Johnston, Kennedy, Magnuson, Mansfield, Mathias, McClellan, McGovern, McIntyre, Metcalf, Mondale.

Montoya, Moss, Nelson, Nunn, Packwood, Pastore, Pearson, Pell, Percy, Proxmire, Randolph, Saxbe, Schweiker, Stafford, Stevenson, Symington, Tunney, Williams, Young.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Stevens, for.

NOT VOTING—18

Allen, Baker, Bennett, Bible, Cannon, Church, Cotton, Dominick, Ervin.
Fong, Goldwater, Haskell, McGee, Muskie, Ribicoff, Stennis, Talmadge, Weicker.

So Mr. Dole's amendment was rejected.

PROTECTING WOMEN IS NOT A PARTISAN ISSUE

Mr. DOLE. Mr. President, the distinguished chairman of the Senate Judiciary Committee held a news conference last Friday to discuss the tragedy of violence against women.

I commend Senator BIDEN for his interest in this matter. No doubt about it, the statistics are very disturbing. A staggering 2.5 million national violent crimes are committed against women each year. In fact, according to the Senate Judiciary Committee, violent attacks by men are the No. 1 health risk to adult women in America today.

While I do not doubt Senator BIDEN's interest in this matter—or the concern of the media which ran a flurry of stories following the press conference—I would like to ask where have the media been for the past 2 years?

Mr. President, I ask unanimous consent to enter into the RECORD a detailed summary of how the Democrat leadership in Congress has consistently blocked sexual assault and victims rights provisions from becoming law.

I would urge the media to read this important document, and let me briefly summarize a few of the facts it contains.

No. 1. Congresswoman SUSAN MOLINARI and I introduced the Women's Equal Opportunity Act on February 21, 1991. This legislation is more pro-women and more anticriminal than any bill introduced by the democrat leadership. Unfortunately, the Dole-Molinari bill has never received a hearing.

No. 2. The anticrime legislation President Bush proposed in March of 1991 contained many of the same sexual assault and victims rights provisions contained in the Dole-Molinari bill. and many of its provisions are tougher than those in Senator BIDEN's bill.

Unfortunately, the Senate Democrats would not allow the President's proposal to be used as the vehicle for the crime bill.

Not once in the past 2 years have the media come to me asking about my legislation combatting sexual assault, and not once did I see a story detailing the provisions in the President's legislation.

No. 3. Despite the lack of interest from Democrats or the media, Republicans in the House succeeded in attaching many of the sexual assault and victim's rights provisions to the crime bill which was eventually passed in the House.

They only did so, however, after the Democrats forced them to remove an amendment creating a general rule of admissibility in sexual assault and child molestation cases, of evidence that the defendant has committed offenses of the same sort on other occasions.

No. 4. When the Democrat-controlled conference committee got hold of the House and Senate crime bills, they removed nearly every provision which got tough with those who assault women.

Some of the provisions which were removed—at the insistence of the Democrat-controlled committee—included:

A doubling of maximum penalties for recidivist sex offenders;

Authorization of restitution in sex offense cases, whether or not physical injury results; and HIV testing of defendants in sex offense cases with disclosure of test results to victims.

The incomprehensible removal of these provisions is one of the reasons I have opposed the conference report on the crime bill.

No. 5. Congresswoman MOLINARI and I are trying again, and last month, we introduced the Sexual Assault Prevention Act of 1992.

But again, the liberal Democrats in charge tell us they have problems with the bill. They have problems with authorizing the death penalty for murders committed by sex offenders. They still have problems with testing sex offenders for AIDS, and they have problems with letting evidence come in at trials that accused sex offenders or child molesters had committed offenses of the same type before.

In conclusion, Mr. President, let me just say that press releases and news conferences are nice—but they should not obscure the fact that if President Bush and Senate Republicans had their way, many of the proposals advanced by Senator BIDEN and trumpeted by the media—and some much tougher ones—would already have become law.

The summary follows:

OBSTRUCTION OF SEXUAL VIOLENCE AND VICTIMS RIGHTS LEGISLATION BY THE DEMOCRATIC LEADERSHIP IN CONGRESS

The Dole-Molinari "Women's Equal Opportunity" bill (H.R. 1149 and S. 472) and the President's violent crime bill (H.R. 1400 and S. 635) contain a variety of important provisions to combat sexual violence and strengthen the rights of victims. These proposals have created a dilemma for the Democratic leadership in Congress: Supporting these measures would run counter to their usual identification with criminal defense interests. However, opposing them would mean being on the wrong side of anti-rape, pro-women measures.

The leadership's response has been to obstruct these provisions through procedural maneuvering, while avoiding the embarrassment of openly opposing them. The obstruction has taken place in the following stages:

I. OBSTRUCTION IN THE HOUSE OF REPRESENTATIVES

The version of the House crime bill drafted by the Democratic leadership of the Judiciary Committee (the earliest version of H.R. 3371) contained *none* of the sexual violence and victims rights provisions from the Dole-Molinari bill and the President's bill. Representative Sensenbrenner accordingly proposed an amendment to add these measures to the bill. The amendment included:

(1) A general rule of admissibility in sexual assault and child molestation cases for evidence that the defendant has committed offenses of the same sort on other occasions.

(2) Doubling of the maximum penalties for recidivist sex offenders.

(3) Broadened definition of "sexual act" for victims below the age of 16.

(4) Authorization of restitution for victims in all sexual assault and child molestation cases, whether or not physical injury results.

(5) HIV testing of defendants in sex offense cases with disclosure of test results to victims.

(6) Penalty enhancement for HIV positive sex offenders who risk infection of their victims.

(7) Government payment of the cost of HIV testing for victims of sexual assaults.

(8) Extension of restitution to include child care, transportation, and other expenses resulting to the victim from participation in the investigation or prosecution or attendance at proceedings.

(9) Authority for court to enforce restitution orders by suspending eligibility for federal grants, contracts, loans, and licenses.

(10) Giving victims of sexual assaults and other violent crimes the right to address the court concerning the sentence to be imposed.

(11) Protecting the victim's right to an impartial jury by equalizing at 6 the number of peremptory challenges accorded to the defense and the prosecution in jury selection.

Confronted with the Sensenbrenner amendment, the Democratic leadership of the Judiciary Committee made the following offer to Rep. Sensenbrenner: The amendment would be accepted, but only if he dropped the most important part of it—the prior-crimes evidence rule for sex offense cases (item (1) *supra*). Faced with the alternative of having the Democratic majority vote down the whole amendment, Rep. Sensenbrenner accepted this offer, and the amendment minus the prior-crimes evidence rule was adopted by the Judiciary Committee.

Following the Judiciary Committee leadership's successful move against the prior-crimes evidence rule in the context of the Committee's consideration of the general crime bill (original H.R. 3371), Rep. Sensenbrenner re-introduced the prior crimes evidence rule as a separate bill (H.R. 3463). The Judiciary Committee leadership has never subsequently held hearings or taken any other action on this proposal.

When the general crime bill (original H.R. 3371) moved to the floor following the Committee action, Rep. Molinari proposed an amendment to restore the prior-crimes evidence rule provision. The Rules Committee allowed a large number of amendments to be proposed to the bill on the floor, including many dealing with relatively minor issues. However, it rejected Rep. Molinari's proposed amendment.

The outcome of the initial round in the House was that H.R. 3371 as originally passed included all of the measures in the Sensenbrenner amendment other than the prior-crimes evidence rule for sex offense cases. As a result of the cooperative obstruction by the Democratic leadership of the Judiciary Committee and the Rules Committee, the House of Representatives never had the opportunity to vote on the prior-crimes evidence rule, and the Democratic leaders who succeeded in burying it in the House never had to state their opposition openly.

II. OBSTRUCTION IN THE SENATE

In March of 1991, the President transmitted his violent crime bill to Congress (S. 635 and

H.R. 1400), and challenged Congress to enact it within 100 days. Senator Biden hastened to offer his own "crime bill" in response (S. 618). Following the receipt of a letter from the Justice Department which pointed out gross deficiencies of content and formulation in S. 618—including the lack of anything comparable to the sexual violence and victims rights provisions of the President's bill—Senator Biden introduced a new bill (the original version of S. 1241).

The new Biden bill incorporated major portions of the President's bill, including virtually all of the firearms provisions and large parts of the terrorism title. However, *none* of the sexual violence and victims rights provisions of the President's bill were included.

The initial choice presented to the Senate was whether to use the President's bill (S. 635) or Biden's bill (S. 1241) as the basic vehicle for comprehensive anti-crime legislation. While many moderate and conservative Democrats preferred the provisions of the President's bill to the inadequate and regressive provisions of the Biden proposal, they were unwilling to cross their own leadership by voting for the President's bill as the basic vehicle. Following the Senate's vote to use S. 1241 as the vehicle, a number of important parts of the President's proposal were added or substituted for the corresponding Biden provisions through floor amendments. However, debate in the Senate closed off before amendments containing the sexual violence and victims rights provisions of the President's bill could be offered.

The outcome of the initial round in the Senate was that the Senate-passed bill (S. 1241) contained none of the President's provisions addressing sexual violence and victims rights. Like his counterparts in the House, Senator Biden was able to kill these provisions (at least for the time being) without having to oppose them openly.

III. OBSTRUCTION AT THE CONFERENCE STAGE

Following passage of S. 1241 and H.R. 3371, a conference committee was convened on a Sunday afternoon near the end of the 1991 session. The committee was chaired by Rep. Brooks and Senator Biden.

The Democrats on the committee had unilaterally worked out their own "compromise" bill before the meeting which consistently incorporated measures from either bill that weakened existing law, and largely discarded the important pro-law enforcement measures of the House and Senate bills. This revised "crime bill" (the current version of H.R. 3371) was adopted by the conference through party-line votes. The Republican members of the committee were shut out of any role in the formulation of the bill.

The casualties of the Brooks—Biden conference's attack on the law enforcement provisions of the House and Senate bills included most of the sexual violence and victims rights provisions that the House had passed. Only two provisions were included in the conference bill: the broadened definition of "sexual act" for offenses against victims below the age of 16, and the victim's right to address the court concerning the sentence.

All of the other provisions originating in the Sensonbrenner amendment that the House had passed were excluded from the conference bill by the Brooks-Biden conference. The House-passed provisions in this area that were excluded from the conference bill included specifically: (1) doubled maximum penalties for recidivist sex offenders, (2) authorization of restitution in sex offense cases, whether or not physical injury results, (3) HIV testing of defendants in sex offense cases with disclosure of test results to victims, (4) penalty enhancement for HIV positive sex offenders who risk infection of their victims, (5) government payment of the cost of HIV testing for victims of sexual assaults, (6) extension of restitution to include child care and other expenses of the victim resulting from participation in the case, (7) enforcement of restitution orders by suspension of certain benefits, and (8) protection of the victim's right to an impartial jury by equalizing defense and prosecution peremptory challenges.

The pseudo-crime bill adopted by the conference committee was rammed through the House of Representatives at the close of the 1991 session by the Democratic leadership (by a two vote margin), but failed to attract sufficient votes for cloture in the Senate. In the floor debate on the bill, several Members strongly objected to the deletion of the sexual violence and victims rights provisions of the House bill. *See* Cong. Rec. H11683 (remarks of Rep. Allen), H11683-84 (remarks of Rep. Molinari), H11684 (remarks of Rep. Sensenbrenner), H11746 (remarks of Rep. Hyde), H11750 (remarks of Rep. Harris). The sponsors of the conference bill failed to provide any explanation or justification for their decision to discard these provisions.

IV. THE CURRENT STATE OF OBSTRUCTION

In March of 1992, Senator Thurmond introduced S. 2305 (the Thurmond-Gramm bill). Like the conference bill, S. 2305 is generally constructed from provisions that were passed in the separate House and Senate crime bills. However, the philosophy underlying the formulation of S. 2305 is directly opposite to that of the conference bill: S. 2305 excludes all provisions that weaken existing law, and includes the important pro-law enforcement provisions passed by either House.

In particular, S. 2305 includes (in title VII) *all* of the House-passed provisions of the Sensenbrenner amendment.

There have been several efforts by the sponsors of S. 2305 to secure votes on the bill in the Senate. In each case, the Democratic leadership has blocked a vote on S. 2305 and rejoined by holding a cloture vote on the conference bill.

The outcome of this final state of obstruction is that all avenues for advancing the sexual violence and victims rights proposals of the Dole-Molinari bill and the President's bill have been closed off. The Democratic leaderships of both Judiciary Committees have not held any hearings or taken any other action in relation to the original Dole-Molinari proposal, and they have blocked the President's bill by substituting their own pseudo-crime bills. The conference bill cannot be enacted because it is, in plain terms, pro-criminal, and in any event it was drafted to exclude almost all of the Bush-Dole-Molinari proposals. The Thurmond bill does contain most of these proposals, but it too has been blocked.

V. CONCLUDING REMARKS ON THE DEMOCRATIC VIOLENCE AGAINST WOMEN BILL

The Members who have been responsible for obstructing the sexual violence and victims rights provisions of the Dole-Molinari bill and the President's bill may seek to excuse or justify their actions by claiming that they have their own proposal in this area: the proposed "Violence Against Women Act of 1991" (S. 15 and H.R. 1502), which is sponsored by Senator Biden and Rep. Boxer.

However, this explanation is untenable. The House Judiciary Committee has not reported H.R. 1502, and there has been no action on S. 15 in the Senate since it was reported by the Senate Judiciary Committee in October 1991. More importantly, these bills contain nothing comparable to most aspects of the Bush-Dole-Molinari proposals.

The current Biden-Boxer proposals were formulated well after the introduction of the Bush-Dole-Molinari provisions: The Dole-Molinari bill was introduced as S. 472 on Feb. 21, 1991, and as H.R. 1149 on Feb. 27, 1991. The President's bill was initially introduced as S. 635 on March 13, 1991. In comparison, H.R. 1502 was introduced on March 20, 1991, and the current version of S. 15 was reported by the Senate Judiciary Committee on October 29, 1991.

The House and Senate versions of the Biden-Boxer bill contain provisions which are intended to strengthen certain aspects of restitution for victims of sexual assaults. S. 15 as reported (but not H.R. 1502) also includes the doubling of maximum penalties for recidivist sex offenders (§111) and the victim's right of allocution in sentencing (§164). However, there is nothing in the Biden-Boxer bills corresponding to any other part of the Dole-Molinari and President's provisions.

In particular, the Biden-Boxer proposal does not contain the following provisions: (1) the rule of admissibility in sex offense cases for evidence that the defendant has committed offenses of the same type on other occasions, (2) broadened definition of "sexual act" for victims below the age of 16, (3) HIV testing of sex offenders with disclosure of test result to victim, (4) penalty enhancement for HIV infected sex offenders who risk infection of the victim, (5) government payment of the cost of HIV testing for victims of sexual assaults, (6) explicit extension of restitution to include child care and other expenses to the victim resulting from participation in the case, (7) enforcement of restitution orders by suspension of benefits, and (8) protection of victims's right to impartial jury by equalizing peremptories.

NUCLEAR TESTING

Mr. DURENBERGER. Mr. President, I rise to comment briefly on recent legislative actions regarding nuclear testing. In early August, I joined with all but 26 of my colleagues in supporting a version of the nuclear testing moratorium sponsored by my friend from Oregon, Senator HATFIELD.

Many of us had reservations about some specific aspects of the amendment, which we hoped would be worked out between Senators COHEN, HATFIELD, and MITCHELL before the DOD authorization bill came to the floor.

When the Senate returned to consideration of these issues during the debate on the DOD bill last month, Senator COHEN offered an amendment that, in my view, substantially improved upon the language that passed the Senate 1 month earlier.

Among other things, the Cohen language was more realistic regarding tests for safety and reliability purposes. These are the most compelling reasons for the United States to continue any testing at all—safety and reliability. We clearly don't need to develop new weapons, but safety and reliability are enduring concerns that don't go away just because the Berlin Wall came down.

Mr. President, I also believe that Senator COHEN's proposals more effectively linked a U.S. moratorium to other arms control and nuclear nonproliferation concerns. That's an area of particular concern and interest for this Senator.

I would note for the record, Mr. President, that my support for the Hatfield amendment in August did not stem from my opposition to nuclear testing just because it's nuclear testing. I do not believe that testing is bad per se. I do believe, however, that a testing moratorium can be effective if it's linked to broader objectives. That's exactly where Senator COHEN's version surpassed Senator HATFIELD's.

When the Senate voted in September, the parliamentary situation did not permit a vote explicity on the Cohen proposal. It was clear, however, that the vote on the Hatfield second degree amendment was in essence a referendum on the Cohen version.

It is important to note for the record that Senator COHEN worked diligently to accommodate the concerns of Senators HATFIELD and MITCHELL, but that the differences could not be worked out and still remain within the parameters of nuclear safety that the experts believe to be imperative.

I voted against the Hatfield language not because I oppose a nuclear testing moratorium, but because I believed the Cohen proposal was stronger and more realistic, particularly regarding the need for limited continued testing for safety and reliability. The administration and other experts were particularly persuasive on these matters.

Now, according to recent press reports, we learn that in signing the energy and water appropriations bill, the administration traded off its concerns about nuclear testing in order to secure funding for the superconducting super collider. Having voted against the super collider and been persuaded by the considered judgment of nuclear experts on the safety and reliability arguments, I must admit to a certain disappointment that the administration took this position.

In any event, Mr. President, the Hatfield language is an important step forward, although I continue to believe that Senator COHEN's proposal would be much more effective.

Thank you, I yield the floor.

CARJACKING CRIMES ESCALATE

Mr. PRESSLER. Mr. President, over the past several weeks, I have made statements about the brutality of carjacking. It is a heinous and violent crime that risks the lives of motorists across the country. In efforts to combat this crime, I sponsored S. 2613 last April. This legislation was designed to increase the penalties for carjacking offenses and to offer other provisions aimed at deterring auto theft.

On September 26, I offered, as an amendment to the tax bill, H.R. 11, one provision from S. 2613 that would subject armed carjackers to severe criminal penalties. Unfortunately, during the conference report process, the conferees struck my amendment from the tax bill.

Since carjacking has emerged as a serious and escalating crime, it has generated significant media coverage. I ask unanimous consent to place an article that appeared on the front page of the Sunday, September 27, 1992, Washington Times and several other articles about carjacking in the RECORD immediately following my remarks.

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

[From the Washington Times]

SENATE VOTES LIFE FOR KILLER CARJACKERS

The Senate approved a measure yesterday that would make carjacking a federal crime punishable by up to life in prison if a death occurs.

The measure, approved without objection as an amendment to a pending $34 billion tax bill, would subject carjackers who use firearms to at least 15 years in prison.

Sen. Larry Pressler, South Dakota Republican, who introduced the amendment, cited the recent case of a suburban Maryland woman who died after she became entangled in a seatbelt as her car was being highjacked.

Pam Basu was taking her 22-month-old adopted daughter, Sarina, to preschool Sept. 8 when she was attacked. The child was thrown, unharmed, to the pavement in her car seat. Mrs. Basu was dragged along the street for more than a mile.

Mr. Pressler called the carjacking in Savage, Md., "an act of unparalleled brutality." He said there had been four carjackings at gunpoint in Washington alone in May. The House has not taken up the measure.

His measure would subject carjackers to up to 25 years in prison if "serious bodily injury" occurs and to life in prison if someone is killed.

The measure also would double the sentence, to 10 years, for importing or exporting stolen cars and for trafficking in stolen vehicles.

Senate aides said they expected work on the overall tax bill to be finished yesterday, with a final vote on Tuesday.

The carjacking that led to the death of Pam Basu was the third attack against a female motorist that day by the two men accused in the killing, according to the grand jury indictment.

U.S. Attorney Jay Stevens and law enforcement officials from nine agencies on Sept. 16 pledged a regional effort against car thieves, and elected officials from four area jurisdictions agreed Friday to adopt uniform legislation and penalties to combat the growing number of carjackings.

The District has reported more than 200 carjackings this year, and Montgomery County more than 30.

Maryland Gov. William Donald Schaefer is preparing legislation to establish a minimum sentence of 15 years and make carjacking one of the aggravating factors in a homicide for which the death penalty could be sought.

D.C. Council member Harold Brazil has introduced emergency legislation that would make carjacking punishable by a $10,000 fine and up to 15 years in prison. Attempted carjacking would carry a $1,000 fine and three years' imprisonment.

[From the Washington Post, Sept. 28, 1992]

SENATE APPROVES STIFF PENALTIES FOR CARJACKING

Responding to an apparent increase in carjackings and to the death of a Maryland woman during one earlier this month, the Senate has approved a measure making carjacking a federal crime punishable by up to life in prison if a death occurs.

The measure, approved Saturday without objection as an amendment to a pending $34 billion tax bill, subjects carjackers who use firearms to at least 15 years in prison.

Sen. Larry Pressler (R-S.D.), who introduced the amendment, cited the Sept. 8 death of Pamela Basu, 34, who was dragged along Howard County streets after she became entangled in a seat belt as her car was being stolen. Her toddler daughter was thrown from the car but was uninjured.

Pressler called the killing "an act of unparalleled brutality." He said there had been four carjackings at gunpoint in Washington alone in May. A computer analysis by The Washington Post found in August that at least 245 carjackings occurred in the region in the first seven months of this year—an average of slightly more than one a day.

Pressler's amendment subjects carjackers to up to 25 years in prison if "serious bodily injury" occurs.

[From the Rapid City (SD) Journal, Sept. 29, 1992]

PRESSLER INTRODUCES CARJACKING MEASURE

(By Michelle Bisson)

WASHINGTON.—The federal government would join the hunt for carjackers under legislation introduced by Sen. Larry Pressler, R-S.D. and approved by the Senate Saturday.

The proposal, which was attached to a pending $34 billion tax bill, would subject carjackers who use weapons to at least 15, and as many as 25 years in prison if "serious bodily injury" occurs.

Attention has focused on carjacking since a Maryland woman was dragged to her death earlier this month while her car was being stolen by an assailant who jumped into her car at a filling station. Her infant daughter was thrown from the car but was uninjured.

"Without stricter laws and tougher law enforcement innocent citizens will continue to be harassed by violent auto thieves," Pressler said.

Although there have been no reported carjackings in South Dakota, car theft is a problem everywhere, said Kristi Sommers, Pressler's press secretary. Pressler introduced the amendment, she said, because he is committed to getting violent crime under control. Sommers noted that as the rate of stolen cars goes up, car insurance rates rise nationwide.

The most recent national statistics indicate that a car is stolen somewhere in this country every 19 seconds, or 4,500 cars on a given day, said Nestor Michnyak, spokesman for the Federal Bureau of Investigation.

The FBI announced a national "Safe Streets Initiative" Sept. 15. Sixty-six task forces throughout the country will focus on what can be done to stop violent crime. No task force is slated for South Dakota, Michnyak said.

Car theft rates are relatively small in South Dakota compared to the rest of the United States, said Lt. Jeff Talbot of the South Dakota Highway Patrol.

"Tops, perhaps 120 cars are stolen each year and not recovered," he said.

But, while most of the attention surrounding carjacking has focused on the Washington area, South Dakota has its share of violent crime, said a spokesman for the Bureau of Alcohol, Tobacco, and Firearms.

Car theft and carjacking fall under federal jurisdiction, he said, when a car thief crosses state lines, or when kidnaping is involved, but there are always some gaps that new federal legislation seeks to fill, the spokesman said. Pressler's proposal would address the "most vicious segment" of this crime, he said, adding that the role of the bureau is to support state and local officers in fighting crime.

The tax bill which includes Pressler's amendment is expected to pass in the Senate and go to a joint Senate-House Conference committee later this week, but is likely to be vetoed by President Bush, according to a House press secretary.

[From the Fairfax Journal, Sept. 21, 1992]

COMMITTEE AMENDS CAR THEFT MEASURE

(By Matt Yancey)

WASHINGTON.—Armed carjackings would become a federal crime under a bill that cleared a key congressional hurdle Thursday. But it was bruised in the process, its author said.

At the behest of the auto industry, the House Energy and Commerce Committee amended an anti-car theft bill to exempt most American models from a requirement to carry the vehicle's identification number on all major parts.

Even thieves' most popular models would not have to carry vehicle identification numbers on major parts if they come off the assembly line equipped with anti-theft devices that, ironically, some law enforcement officials blame for the increase in carjackings.

The bill's author, Rep. Charles Schumer, D-N.Y., accused the panel's chairman, Rep. John Dingell, D-Mich., of gutting the major provision to stop trafficking in stolen auto parts because of manufacturers' objections that it would add $5 to $7 to the cost of a car.

"This amendment creates a loophole big enough to drive a stolen Mack truck through," Schumer said, vowing to fight the issue when the bill reaches the House floor later this month. "The Big Three [auto companies] are trying to strip this bill the way chop shops strip stolen cars."

Dingell and other members of the committee said there is no conclusive evidence that stamping the ID numbers on major parts of theft-prone models, called for under a 1984 law, has deterred auto thefts.

But the amended bill does extend the parts identification requirement to light trucks, vans and specialty vehicles, which have swelled in popularity among thieves,

"It does not cover all vehicles because a large number of vehicles are simply not candidates for theft," Dingell said. "There is a real danger to small business in drafting the wrong kind of legislation on this with no significant advantages in terms of law enforcement."

Currently, only about 40 American "high-theft" models are required to carry vehicle identification numbers on 14 major parts, including transmissions, doors, deck lids, front fenders, bumpers, grills and hoods.

Schumer's bill would add windows and require every new car to have the 15 parts marked. Repair shops selling or installing used parts on a car would be required to call a toll-free number and check the identification numbers on the parts against an FBI database of stolen vehicle numbers.

Dingell's committee also amended Schumer's bill to increase his proposed punishment for an armed carjacking to 25 years in prison if it results in a serious injury or death. Schumer's bill set a maximum 15-year penalty for carjacking.

Similar legislation has been introduced in the Senate by Sen. Larry Pressler, R-S.D. A wave of carjackings in the Washington area in the last two weeks resulting in two deaths has added an impetus to get a bill on President Bush's desk before Congress adjourns early next month.

[From the Washington Times, Sept. 30, 1992]

SENATE GETS TOUGH ON CARJACKING

The Senate voted yesterday to make armed hijacking of a car a federal crime punishable by a 15-year prison term. A hijacking involving a firearm and resulting in the death of an innocent person could result in a life sentence. Trafficking in stolen cars would be punishable by five to 10 years in prison.

The legislation was approved as part of a catchall tax bill passed by the Senate. Similar legislation is pending in the House but there is a dispute over details.

Police say the increasing use of sophisticated car security devices has frustrated thieves to the extent that they find it easier to take cars at gunpoint.

AUTO INDUSTRY FEARS FAST-TRACK CARJACKING BILL

(By Caren Bohan)

WASHINGTON.—A bill to crack down on car theft is speeding through Congress in the wake of rising car thefts nationwide and a recent spate of violent "carjackings," particularly in the Washington area.

But auto industry representatives are pleading with lawmakers to put the brakes on the bill, which they say would hurt their livelihood and cost consumers up to $225 million.

The proposed Anti-Car Theft Act of 1992 would toughen penalties for car theft, establish carjacking as a federal crime and set up a national clearinghouse to track used car parts.

After laying dormant for nearly a year, the bill is gaining momentum following a series of Washington-area carjackings last week.

The most notorious of these resulted in the death of a woman who was dragged on the pavement for a mile-and-a-half with her arm stuck in her car door. The thieves allegedly sped off with her infant daughter in the front seat.

Many proponents of the legislation expect Congress to pass the bill before it adjourns in October, and opponents in the auto industry fear it may be too late to make changes they want.

What irks them are provisions to establish the stolen parts clearinghouse.

"These provisions contain record-keeping and reporting requirements which could force the closing of hundreds of small automotive recycling businesses," James Watson, vice president of the Automotive Dismantlers and Recyclers Association, told a congressional committee last week.

The association represents shops that dismantle used cars and sell the parts.

The bill would require carmakers to inscribe an identification number on all major parts. That requirement expands a 1984 law that requires the identification of certain parts only for high-theft cars.

Before selling a used part, dealers would have to register the part via telephone with an FBI service. The service would then check to see if the part belonged to a stolen car and would issue a certificate if it were legitimate.

The automotive dismantlers were joined in their opposition by the Motor Vehicle Manufacturers Association, which object to the parts labeling requirements.

Mike Stanton, a manufacturers lobbyist, estimated the provision would add up to $10 to the cost of a new car. Other estimates have placed the cost at $6 per car.

Stanton said money was not the only issue.

"One question goes more to the issue of whether the money would be wisely spent," said Stanton, who questioned whether the parts provision would deter car thefts. He cited a federal Department of Transportation report that found no conclusive evidence that the 1984 car-labeling provision deterred theft.

Ann Waltner, an aide to South Dakota Sen. Larry Pressler, who introduced the Senate version of the bill, said the labeling requirements, combined with other provisions, should deter theft.

"The chances of being caught would be greater, and once you are caught, you'll face a higher penalty. It should serve as a deterrent," she said.

Waltner said there were still some issues to be ironed out in a Senate Judiciary Committee hearing expected to be held in the next few weeks.

The National Automobile Dealers Association is concerned about a provision that would require used car dealers to check each car part to make sure it is correctly labeled.

"It's ridiculous. It's going to raise the price of used cars," said association lobbyist Tom Green. "But it's on such a fast track because of the carjackings, people will be very hesitant to make any changes in the bill"

SENATE MAKES ARMED AUTO THEFT FEDERAL CRIME

WASHINGTON.—The armed hijacking of a car would be a federal crime punishable by a 15-year prison term under a bill approved by the Senate.

A hijacking involving a firearm and resulting in the death of an innocent person could result in a life sentence. Trafficking in stolen cars would be punishable by 5 to 10 years in prison.

The legislation was approved Tuesday as part of a catchall tax bill passed by the Senate. Similar legislation is pending in the House but there is a dispute over details.

Sen. Larry Pressler, R-S.D., offered the amendment as a result of a car hijacking that resulted in the death of a woman in a Washington suburb this month. She was dragged to death when an arm became entangled in a seat belt after thieves forced her out of the car carrying her baby.

Police say the increasing use of sophisticated car security devices has frustrated thieves to the extent that they find it easier to take cars at gunpoint.

"Today's criminal can just point a weapon and take a car, without the hassle of breaking the windows or popping the ignition," Pressler said. "Auto theft is a lucrative professional business. The public is sick and tired of paying the high price of criminal activities."

[From the Los Angeles (CA) Times, Oct. 4, 1992]

CARJACKERS FOUND TO BE YOUNG, VIOLENT HAVE-NOTS SEEKING STATUS

(By Sonya Ross)

WASHINGTON.—Anyone willing to steal a car at gunpoint is probably young, urban, violent and hungry for status.

These carjackers also are likely to have been victims themselves of great personal violence, the experts add.

"They kind of treat the victim the way they feel about themselves," said Jerome Miller, president of the National Center on Institutions and Alternatives in Alexandria, VA., which conducts research for groups advocating reform in the criminal justice system.

Amid calls for FBI crackdowns and longer jail terms for carjacking—taking a vehicle by force, while the driver is still in it—sociologists and criminal justice officials are seeking causes for this trend toward deadly car theft.

They say carjacking is a crime of have-nots spawned by a broken-down criminal justice system that can neither contain nor help them.

Most youths who steal cars are seeking status in the criminal subculture, said Andrew Ruotolo, a New Jersey prosecutor who works with the state's anti-car theft task force.

Ruotolo said carjackings are a very small percentage of all auto theft cases the task force handles. Carjackers, he said, are the most extreme car thieves, often repeat offenders who don't want to be spotted driving in a car that appears to have been broken into.

"Carjacking is a crime of violence, certainly no different than armed robbery. By its nature you get the car intact and you get the keys. You get to keep it a little longer before it's obvious it's stolen," he said. "Our experience is cars are stolen by young adults and juveniles to commit other crimes in. So, more often than not, you're dealing with a violent offender when dealing with a car thief."

In the eight months that the task force has operated in two New Jersey counties, officers have arrested more than 250 people for stealing cars, the bulk of them juveniles on joy rides. The task force recovered an estimated $2 million in cars, about 70% of which had little or no damage. Officials could not estimate how many of these cases were carjackings.

About 80% of those arrested had prior criminal records, often involving car theft, Ruotolo said. Sometimes, they boldly crashed stolen cars into police vehicles to taunt officers.

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Sen. Larry Pressler (R-S.D.) offered the amendment as a result of a car hijacking that resulted in the death of a woman in a Washington suburb last month. She was dragged to death when an arm became entangled in a seat belt after thieves forced her out of the car carrying her baby.

According to FBI statistics, more than 1.7 million vehicles were stolen in 1991. That's an average of one theft every 19 seconds.

The FBI also cited a 97% increase in the number of youth under 18 arrested for car theft during the last 10 years, from 32,195 in 1982 to 63,389 last year.

There are no breakdowns on the number of carjackings nationally, although the crime has been a problem in Newark, N.J., New York City, Los Angeles, Miami and Detroit. A computer study by The Washington Post showed at least 245 carjackings in the Washington area between Jan. 1 and Aug. 16.

At least seven people have been killed in carjackings in the Washington area. In the case cited by Pressler, Pamela Basu was dragged to her death when she became entangled in a seat belt after two men took over her car at a stop sign and sped away. Her 2-year-old daughter was deposited unharmed by the roadside.

Police arrested two suspects, Rodney Eugene Solomon, 27, and Bernard Eric Miller, 16, and charged them both with murder, kidnapping and robbery. Miller's mother said her son told her he and Solomon smoked PCP in the hours before their arrest.

Other carjackings in and around the District of Columbia involved two girls, 14 and 15, armed with a semiautomatic pistol, who stole a car from a man and went on a joy ride; and an 18-year-old high school football star was killed while trying to hijack an off-duty FBI agent's car.

The Basu case prompted calls for widespread police crackdowns, longer prison terms and tough new laws against carjackings.

THE ROLE OF THE COOPERATIVE EXTENSION SERVICE

Mr. PRESSLER. Mr. President, the Cooperative Extension Service is one of the Federal Government's most productive programs. Established in 1914 by the Smith-Lever Act, the CES has been serving the needs of Americans for over 75 years. The U.S. Department of Agriculture works closely with each State's land-grant university to provide a variety of educational services to millions of Americans. CES funding comes from Federal, State and local resources.

One of the greatest strengths of the Cooperative Extension Service is its one-on-one assistance. An individual, with almost any problem, can contact a CES office and receive factual information to help resolve the matter. These offices, located in most county seats, provide the latest research information in three general categories: agriculture, home economies, and youth. This information, often in pamphlet form or on video tape, is usually free of charge.

As we all know, Mr. President, not all communities have the same needs. The Cooperative Extension Service recognizes this reality. Therefore, it tailors educational programming to the specific needs of a community. This tailoring, along with the individualized service, has had a significant impact on the lives of many citizens and will continue to do so in the future.

Let me give you an example of this type of targeted programming from my home State of South Dakota. The Cooperative Extensive Service, in conjunction with the Soil Conservation Service, Bureau of Indian Affairs, and South Dakota Adult Farm Management has an educational program known as Bootstraps. This is a management program designed for farmers and ranchers. Twenty-six families in Todd and Mellette Counties participate in Bootstraps.

One couple, Bill and Chris Hutchison, are ranchers from White River, SD. Chris said, "We get something out of every meeting. It lets us clearly see what we need to do and where we need to go. It's better than college for hands-on information."

The South Dakota Cooperative Extension Service has been serving South Dakotans in programs like this for over 76 years. All 66 counties in South Dakota are served under the administrative supervision of South Dakota State University [SDSU].

Many other programs are related to agricultural operations in South Dakota. Professionals, known as Extension Agents, are available in each county to assist individuals with everything from weed control to proper animal nutrition. In addition, seminars on specialized topics are offered throughout the State. Guest speakers include Extension Specialists from SDSU, as well as industry experts.

The beef production seminar is a typical example of this type of programming. Through this program, many cattlemen in my State have an opportunity to learn the latest developments in their industry. Without these seminars, many cattlemen would go without the new cost-cutting or labor-savings procedures that are very essential in operating a profitable business.

In the home economics programming areas, the Cooperative Extension Service concentrates its efforts on improving the lives of American families. CES provides factual information and training in every area affecting the family—from diet and nutrition to clothing purchase and care.

The Expanded Food and Nutrition Education Program [EFNEP] is a program designed to help low-income families. EFNEP teaches family members proper food budgeting, nutritional information, and meal planning in individualized sessions. This program is especially helpful to single parent families living on a fixed income.

Here is a typical EFNEP success story. A few years ago, Cindy, a single parent with three small children, began taking EFNEP classes to improve the nutrition of her family. As a result of this program, Cindy improved her meal planning skills. She learned to divide her monthly food stamp allotment, budgeting her resources more wisely. Throughout the EFNEP program, Cindy gained skills and self-confidence to take control of her life. Just recently, with encouragement from the EFNEP staff, Cindy completed her licensed practical nurse [LPN] degree and is no longer dependent on food stamps to feed her family. Many other South Dakota low-income families

have been assisted through this valuable program.

Another major part of the Cooperative Extension Service is the 4-H program. The 4-H program is an educational program for all youth between the ages of 8-19, and it teaches young people a variety of life skills, often under volunteer leadership. Skills and attitudes learned while participating in the 4-H program help individuals become productive members of society. As a result of international cooperation among many countries, 4-H also is contributing to world understanding.

As a past 4-H member, I know the value of the 4-H program and how much influence it has. Our children need positive role models. These are available in the 4-H program. Eighteen thousand South Dakota youth are enrolled in the 4-H program.

Mr. President, one misconception that people have about 4-H is that it is only for farm youth. Although 50 percent of all farm youth participate in 4-H, farm youth membership only accounts for 12 percent of total 4-H membership nationwide. Every year more programs are being implemented for urban youth.

For instance, Latch Key is an afterschool program intended to fill the time gap between school and home. Participants have a safe, interesting place to go. Latch Key educates children about health after school snacks and provides safety tips to children who go home to an empty house.

Although the professional extension agents are vital to the success of the Cooperative Extension Service programs, volunteers also deserve much of the credit. Across the Nation, 2.9 million volunteers offer their time to 48 million adults and youth every year. Mr. President, the value of services provided by volunteers is 5 times greater than the combined Federal, State, and local contribution.

As more citizens throughout the United States utilize the services of the Cooperative Extension Service, Congress needs to keep funding at adequate levels. In my home State, CES has expanded from serving only one Indian reservation—Cheyenne River Sioux—to serving the Rosebud Sioux and Oglala Sioux as well. Drug abuse, alcoholism, and teenage pregnancy are very serious problems on Indian reservations. The Cooperative Extension Service, through the 4-H program, is working to solve some of these social problems.

In conclusion, Mr. President, I wish to thank the many professionals and volunteers who have had a positive impact on the lives of so many thousands of Americans. This program continues to set an exemplary example of the value of education.

HEALTH CARE REFORM

Mr. COHEN. Mr. President, as we count down the final hours of the 102d Congress, I rise to express my disappointment that presidential politics and partisan gridlock have precluded us from moving forward on comprehensive health care reform in this country.

We knew at the start of the Congress that the task of finding a solution to the Nation's health care problems would be quite difficult. The events of the past 2 years have shown just how difficult. We have taken some small steps toward our goal, but much more remains to be done.

By now, we have all grasped the nature and magnitude of the problems plaguing our Nation's health care system. Hundreds of expert witnesses have given testimony before dozens of congressional committees. We have read the reports of the Pepper Commission and the Steelman Commission, not to mention the countless studies done by the Congressional Budget Office, the General Accounting Office, the Office of Technology Assessment, and any number of private think tanks and special interest groups. We all agree that we are spending too much, that we are not spending wisely, and that too many people do not have access to the health care they need.

The mind-numbing statistics on rising health care costs are all too familiar and have been cited so often in recent months that we are at risk of seeming immune to their impact. Health care spending is expected to top $800 billion this year—a record 14 percent of our Gross National Product. If health care spending continues unchecked, it will climb to $1.6 trillion by the year 2000, or 16 percent of GNP.

Clearly this growth in costs cannot be sustained. As health care spending consumes a larger and larger share of our economy, fewer and fewer dollars will be left for crucial services such as education, transportation, and housing, and for reduction of the national debt.

The problem is not simply that we are spending too much. It is that we are not getting a sufficient return on our investment. Too many dollars are going for procedures of arguable or negligible value. Too few are bring spent on primary and preventive services, such as prenatal care childhood immunizations.

Rising health care costs have also created a dual system of care. The American health care system is the best in the world—but only for those who can afford it. The very factors that make it the best—the scientific, medical and technological advances; the highly trained specialists; the up-to-the-minute facilities and equipment—make it the most expensive. And, as expenditures climb, access declines.

Paradoxically, at a time when health care spending is soaring, more and more Americans are being priced out of the market. As many as 37 million Americans—alarmingly, almost a third of them children—have no health insurance at all. Many more Americans are underinsured. And still more live in constant fear that they will lose their coverage should they become ill or change jobs.

I first introduced comprehensive health care reform legislation over 2 years ago. The legislation built upon our existing public-private health care partnership to make affordable basic health care services available for all Americans. The legislation was comprised of five major components designed to:

First, institute insurance market reforms to eliminate existing barriers to coverage and special tax incentives to make health insurance more accessible, affordable, and predictable for both individuals and small businesses;

Second, make health care services more available for rural Americans;

Third, reduce health care costs;

Fourth, provide for medical liability reform and expanded outcomes research to develop treatment practice guidelines and national standards of care;

And fifth, increase access to coverage for long-term care.

Many elements of my original proposal were later incorporated into S. 1936, the Health Equity and Access Improvement Act, which I introduced with my colleagues on the Republican Health Care Task Force, and into the administration's health care reform proposal.

In fact, more than 20 different health care plans have been introduced in the Senate alone, and there is no shortage of options from which to choose. Some plans call for the adoption of a single-payer health care system, like Canada's. Others mandate that employers either provide coverage directly or pay into a public insurance fund—the so-called play or pay proposals. Some would set national spending limits—or global budgets—for health care. And still others, like my health care bill, the Republican Health Care Task Force bill, and the chairman of the Senate Finance Committee's bill, would build upon our current employer-based system by offering financial incentives to broaden access to care.

While there are obvious differences in opinion on the direction comprehensive health care reform should take, there is much more agreement than is generally acknowledges on the steps we must take to get there.

For instance, of the Nation's 37 million uninsured, 20 million work or are dependents of people who work for companies with fewer than 100 employees. Both Republicans and Democrats agree that the creation of health insurance networks would make it easier for these small businesses to purchase in-

surance, and insurance market reform would make insurance more available, affordable, and predictable for small businesses and their employees.

Ironically, the very people who need care most are the ones who cannot get insurance and are therefore exclude from the system. Insurance companies must stop competing with each other about whom to exclude and start concentrating on how to make affordable coverage available for all Americans.

Further, it is estimated that as many as one-quarter of the uninsured lack coverage because they have been priced out of the market by increases in state-mandated benefit laws. Most of us agree that it is time to preempt the more than 800 specific State-mandated benefits in order to make an affordable, basic benefit package emphasizing primary and preventive care, available to small businesses and individuals.

Most of us also agree that it is time to make insurance more affordable for self-employed individuals and their families by granting them the same tax benefits currently granted to big business.

We all know that insurance coverage alone will not guarantee access to care. Expanding the National Health Service Corps will help to increase the number of providers in medically underserved areas. Increasing funding for community health centers, which provide comprehensive health services to millions of Americans who need care regardless of their ability to pay, will also help to increase access to care in rural and inner-city areas.

We all agree that we could reduce administrative costs by as much as $100 billion a year by replacing the more than 1,100 insurance forms that clog the system, with a simplified, standardized electronic claims processing system.

We also agree that increased funding should be provided for outcomes research to establish which drugs and procedures are most effective under which circumstances to improve quality of care and eliminate the costly practice of defensive medicine.

Most of us also agree that it is time to reform a medical liability system which spends more on legal overhead than on compensating victims and which adds an estimated $21 billion a year to our Nation's health care bill.

Most of us are also concerned about the proliferation of expensive medical gadgetry and high-tech machinery that has contributed to an equally dazzling explosion in health care expenditures. These services can be delivered more efficiently and cost-effectively by encouraging hospitals and other providers to share expensive medical equipment or services.

Finally, we all know that health insurance alone will not insure good health. The best health care system in the world will not protect a smoker from the ravages of lung cancer and emphysema. it will not protect the driver who refuses to wear a seat belt and it can do nothing to improve infant mortality if women persist in smoking, drinking, or abusing drugs during pregnancy. Americans must be encouraged to engage in healthy behavior and to accept more responsibility for their physical well-being.

These are all significant reforms that will take us closer to our goal of ensuring access to affordable health care for all Americans. Furthermore, they should have been achievable this year. They were part of my health care bill, the Republican Task Force bill, the Mitchell-Rockefeller proposal, and the Bentsen bill. They were included in a number of House proposals and have also been endorsed by the administration.

In fact, most have passed the Senate, not once, but twice—most recently, as an amendment to the urban aid/tax bill. Unfortunately, they were dropped in conference.

Opponents argued that they were not comprehensive enough, and that anything short of truly comprehensive reform simply would not do. I would argue that these reforms not only would have taken increased access to affordable health care for millions of Americans, but that their enactment also would have laid a foundation upon which we could build more comprehensive reform in the future.

While I concede that more should be done, particularly in the area of cost control, the problem is that even the proponents of so-called comprehensive reform can't agree on what form that plan should take, whether it should be single-payer, play or pay, employer mandates, global budgets, or managed competition. None of these plans has, as yet, generated sufficient support to pass.

Further, most of these plans have focused only on the problem of access to acute care services. Despite the fact that the long-term care is the major cause of catastrophic expense for our Nation's elderly, we still do not have, either in the public or private sector, satisfactory ways to help people anticipate and pay for long-term care. Any truly comprehensive proposal for health care reform must address our nation's critical need for long-term care.

I also believe that any comprehensive health care reform proposal must address the problem of skyrocketing prescription drug costs. Prescription drug price inflation for the first half of 1991 more than tripled the general inflation rate, and drug prices have risen a full 152 percent in the last decade.

High drug prices are especially devastating for senior citizens, since Medicare does not cover outpatient prescription drugs. In fact, the Congressional Budget Office recently concluded that a full 60 percent of Medicare beneficiaries face potentially devastating out-of-pocket medical expenses, either because they have no Medigap coverage, or because their policies do not cover prescription drugs.

These tremendous price increases and profits of the drug companies are unacceptable in light of the fact that the Federal Government is lining the pockets of the drug companies with $2 billion annually in tax subsidies at the same time the companies are charging these inflated prices. The $2 billion tax subsidy is in addition to the hundreds of millions of dollars in tax credits that the drug companies receive for researching and developing new pharmaceutical products.

Legislation I introduced earlier this year with my colleague, Senator PRYOR, would take a bite out of drug companies' profits by reducing a portion of the companies' nonresearch tax subsidies if they increase their prices beyond the general inflation rate. Some of the savings from the reduced tax credits would be funneled into a new prescription drug trust fund which would finance 15 demonstration projects providing outpatient prescription drugs to Medicare beneficiaries.

Mr. President, the American people say that they want universal coverage for the full range of acute and long-term care services, but they do not necessarily want to pay for it. Similarly, while many Americans say that they want a national health plan, they don't want the Federal Government to run it or to make their health care decision for them. And, while the public wants us to bring down costs, it does not want to sacrifice access to expensive new technology on demand.

While the various interest groups want change, they can't agree on the kind of change they want, even among themselves. The AFL-CIO is split—some unions would prefer national health insurance, while others would prefer some kind of employer mandate. The business community is split, with many large corporations preferring play or pay, while small businesses contend that such a mandate would force them to lay off workers, reduce wages, or close their doors. The medical community is split on the issue of national spending limits, and even the Democratic presidential ticket is split, with the Vice-Presidential candidate speaking out in favor of a single-payer plan and the candidate for President adopting the mantle of employer mandates and managed competition.

Total restructuring of our health care system is doomed to failure without a consensus. That is the one great political lesson that we all should have learned from our experience with the catastrophic health care bill a few years ago. But we still do not have a

consensus on comprehensive health care reform. Not in the House, not in the Senate, not among the Presidential candidates, and not among the American people.

That is the challenge facing whoever is elected President in November. That is the challenge that will face the new Congress. And that is the challenge facing the American people.

DELUGE OF TEXTILE IMPORTS

Mr. HELMS. Mr. President, on May 6, I paid my sincere respects to the Honorable Carol Hallet, U.S. Commissioner of Customs, a remarkable lady who had earlier promised to me that she would investigate the deluge of textile imports flowing into the United States from Communist China.

We had discussed in detail the widely held suspicion that the Chinese were willfully violating the tariff and quota laws that forbid such trade practices.

Commissioner Hallett came to my office last year to discuss my serious concern about the unlawful flood of textiles coming into the United States from Communist China. I recall her concluding remark: "Senator, I give you my word. We are going to get to the bottom of this."

Mr. President, on May 6 she called to report that indictments for fraud were being filed against Chinese companies and their American subsidiaries. At the time, I speculated that the Chinese Government was an apparently willing and knowing accomplice to substantial fraudulent activity, to which various lobbyist and others said, "Oh that couldn't be true; the Chinese Government couldn't be involved in such fraud."

Well, Mr. President, Monday I received another call, informing me that charges were being filed in Federal court in New York against the Chinese Government agency.

The United States attorney explained that a major Chinese governmental entity was indicted for fraud. The Chinese entity in question is called China National Textile Import and Export Corp., which is a quasi-governmental agency that is in charge of all imports and exports of textile and apparel goods.

These latest indictments strongly indicate that the Chinese Government is in fact involved in a scheme to evade United States laws and to avoid paying millions of dollars in duties on textiles and clothing imported into the United States.

Mr. President, this reinforces my long-held conclusion that the Communist Chinese will lie and cheat and use every underhanded trick in the book to defraud the United States. But this time, they got caught.

Mr. President, the Red Chinese activity exposed today defrauded the U.S. Government of tens of millions of dollars. More importantly, it destroyed thousands of American jobs. Industry experts estimate that as many as 500,000 U.S. jobs may have been lost.

The Red Chinese doubling-dealing operated in two parts: One part of the operation involved the misclassification of textile imports so as to evade United States quota laws, thereby allowing more Chinese textile and apparel imports to flood our market.

The second part of the scheme involves a deliberate understating of the value of the textiles, again defrauding the United States of tens of millions of dollars. This is no doubt just the tip of the iceberg.

Mr. President, again I commend the Customs Service and Commissioner Hallet. As I stated at the outset, I have been working with her for quite awhile. It is certainly encouraging that the Customs Service has pursued Chinese perpetrators so relentlessly.

SENATOR TIM WIRTH

Mr. METZENBAUM. Mr. President, our distinguished colleague from Colorado, TIM WIRTH, will be leaving the Senate at the end of this Congress.

We will miss him here in the Senate, and the people of Colorado will certainly miss him.

During his Senate term, TIM has been unafraid of the rough and tumble necessary to make things work here.

At times, we have stood shoulder to shoulder in the fight. And other times we have found ourselves on opposite sides.

Either way, the Senator from Colorado has been fair and willing to work out solutions.

We have worked together extensively to help clean up one of the worst messes in the history of this country—the S&L crisis.

TIM came to the Senate after a long career in the House, and one of his hallmarks has been a passionate commitment to the environmental issues that affect his great State and our Nation.

He is a leader on issues of conservation, global warming, and fuel efficiency.

As many of us committed to preserving the environment know, it is never easy to keep the drills and bulldozers away.

For generations to come, residents and visitors to Colorado will be able to enjoy the State's remarkable wilderness areas. TIM WIRTH was a leader in the fight to preserve them.

When he was a schoolteacher TIM educated his students. And he learned some valuable lessons. He knows what it takes to run a good school. He understands the tools teachers need to do their jobs. The experience and commitment to education is something he has carried with him to the Senate.

I don't think you can say TIM is actually retiring. I suspect that he and his wife Wren will be as active and busy working on the important issues facing this country as they always have been.

SOME PEOPLE JUST DON'T UNDERSTAND

Mr. ROCKEFELLER. Mr. President, on Wednesday, September 30, with several of my Senate colleagues, I cosponsored an amendment to the foreign operations appropriations bill that prohibits any Government funding of programs which try to induce U.S. Companies to relocate production and employment outside the United States, or which tolerate interference with internationally recognized workers' rights.

Never, in my years of supporting U.S. programs to promote the economic development of countries much poorer than ours, did I think that the Congress would need to be so specific in its direction to any U.S. administration when it came to such a simple, obvious, straightforward concept. It was never my intention and, I feel very safe in saying, never the intention of any of my Senate colleagues that our country's foreign assistance programs should be used to send U.S. jobs overseas or to blacklist union members.

My colleagues and I offered that amendment, Mr. President, because this concept—U.S. foreign assistance programs should not be used to send U.S. jobs overseas or to blacklist union members—unfortunately had to be explained to President Bush and members of his administration. Some people just don't get it.

Like other Americans, I was appalled last week when I heard about the charges aired on "60 Minutes" and on "Nightline" that some U.S. Government funds have been used by the Agency for International Development to export U.S. jobs to countries in Latin America and the Caribbean and to support firms in these countries that blacklist union workers. These allegations are particularly disturbing to me because the "Nightline" report indicated that AID's actions have contributed to the decision I fought in 1990 by Maidenform, Inc., to close its plants in Huntington and Princeton, WV.

In September 1990, when I heard reports that these two plants in Huntington and Princeton might be closed, I wrote to the chairperson of Maidenform, Inc., to express my concern and to indicate to her that I stood ready to assist in any way I could to keep these plants viable. I reminded Maidenform that for years these plants had been among the best and steadiest employers in these two cities and said that any closing would have a devastating impact upon these communities—and above all, on the 200 employees and their families.

Despite my efforts and those of other concerned West Virginians, the two

plants were closed. At the time, we were not able to determine what factors led to that decision. Last week we found out, when "Nightline" aired its report about how AID effectively encouraged Maidenform to invest in a foreign country. The jobs that had for so many years been performed proudly in Huntington and Princeton, WV, were moved out of this country to Honduras.

These actions were never authorized by Congress and, frankly, we naively assumed that no American President needed to be told that he should be working to create jobs in the United States, that no American President needed to be explicitly prohibited from sending U.S. jobs overseas.

This would not have happened if the Bush administration had managed the projects as Congress intended. The amendment we proposed last week will ensure that what happened never takes place again.

When properly managed, programs to stimulate economic growth in neighboring countries can lead to dramatic U.S. export growth and the creation of new U.S. jobs. The Bush administration's efforts to export American jobs are particularly outrageous when one also takes into account their 12-year effort to eliminate the trade adjustment assistance program, which is the program designed to help Americans who lose their jobs due to imports.

I was pleased last week when the Senate approved this amendment. I was pleased when the House of Representatives also gave its strong support to the action we took and joined the Senate in sending the legislation to President Bush. It is my hope that the President can be convinced to sign into law this prohibition on exporting U.S. jobs and restricting labor union activity. I only regret that such a simple, obvious, straightforward concept needed to be explained to an American President.

TRIBUTE FOR SENATOR ALAN DIXON OF ILLINOIS

Mr. DURENBERGER. Mr. President, I will greatly miss my colleague from Illinois, ALAN DIXON, when we return to this Chamber next year.

One of the many things we suffer from around here is a lack of a broader perspective on what we do. ALAN DIXON was an obvious and forceful antidote to that problem. He knew more about people and how they are governed than most of us will ever know.

He earned his place in the Senate. For 40 years he served the people of Illinois as a police magistrate, a secretary of state, and a U.S. Senator. The Federal Government could do a much better job of managing the intergovernmental partnership if more of us had State and local experience before we arrived here.

ALAN DIXON represented the whole State of Illinois and that's a tall order. Just to illustrate, Illinois' upper boundary is north of Boston and its lower border is south of Richmond. In between is some of America's greatest cultural diversity. ALAN DIXON, because of the unique person he is, and the extraordinary experience he has gained, had the capacity to be a Senator for each of those citizens.

ALAN DIXON was good for the Senate. He was knowledgeable and nonpartisan on most issues. And even though he was as forceful as any of the 535 Members of the Congress, he never presented his views in a way that diminished this institution or any of the people in it.

I can remember several times when he gave me both barrels during a floor debate, and could walk over and put an arm around me and share a joke.

I'll miss what he did for the Midwestern States and the national defense of this country. But more than what he did, I'll miss the character of person he was among us here.

TRIBUTE TO SENATOR JAKE GARN

Mr. DURENBERGER. Mr. President, the Senate will suffer a great loss when JAKE GARN walks out of this Chamber for the last time as a Senator from Utah.

Very few of us here in the Senate, despite our responsibility to make policy, would dare to call ourselves experts on anything. JAKE GARN is an expert on two crucial issues of this country: Financial systems reform and the space program. He has filled a void in those two areas which will be painfully obvious when we reconvene next year.

He has been a serious student of issues and a forceful debater. He has been immune to some of the sillier excesses with which Washington infects many of us. He knew what he taught and believed when he arrived here, and he leaves with most of those same thoughts and beliefs.

To me, and many Senators, he has acted as a kind of moral rudder for the Senate. When he announced his retirement from the Senate, he taught us all a valuable lesson. He said the Senator wanted to keep going, but the husband and father knew it was time to go. When we try to leave the person inside behind, we cannot serve our people to the best of our ability.

I thank JAKE for his example, and for the many ways he helped me, substantively and personally, to serve the people of Minnesota.

TRIBUTE TO SENATOR STEVE SYMMS

Mr. DURENBERGER. Mr. President, the Senate was designed to draw strength from the individuality of its members and the diversity of our States. STEVE SYMMS came here a straight-up, honest conservative, and that's the way he leaves.

He has been in the Congress since 1972, and I can guarantee you that he has changed Washington more than Washington has changed him.

Like the President he admires so much, Ronald Reagan, STEVE SYMMS has had an absolutely consistent public philosophy that while the Government may have its heart in the right place, it usually has it's hand in the wrong pockets.

It was on the Environment and Public Works Committee that I observed STEVE SYMMS doing the day to day work of the Government, and there I learned to admire his political skill. The relationship of STEVE SYMMS and Senator PAT MOYNIHAN—two people from very different backgrounds—were responsible for major steps forward in U.S. infrastructure policy.

In an age which seems to value flexibility over other political virtues, STEVE SYMMS was a model of consistency. He made Idaho a better State for his service, and he taught the House and Senate lessons we should remember long after he's gone.

TRIBUTE TO SENATOR WARREN RUDMAN

Mr. DURENBERGER. Mr. President, the license plate for the State of New Hampshire has the following message: "Live free or die."

Our colleague from New Hampshire, WARREN RUDMAN, has brought a measure of that same blunt, tough resolve to this chamber.

In all my 14 years in the Senate, WARREN RUDMAN has been the most thoroughly prepared Senator I have known. He has spent countless hours reading, studying, and mastering the facts of the crucial issues before us.

As the number and complexity of issues have grown exponentially, I admire WARREN RUDMAN's commitment of time to stay ahead of the knowledge curve. He has chosen to specialize in issues of crucial importance to the Nation—the budget and national security—and his contribution to both have been historic.

One of the instances where I was able to see this personally was his work on the Select Committee on Iran-Contra. Immediately after he was selected as vice chair, he came to me as chair of the Intelligence Committee and asked to see all the documents in the committee's possession. He devoted many days and nights to those documents so that by the time the formal part of the inquiry began, he had already mastered the documents involved.

As much as he loved the work of the Senate, WARREN RUDMAN disliked the trappings of Washington. Perhaps that is why he was so effective.

WARREN RUDMAN, like his New Hampshire predecessors who said "Live free or die," determined he wanted to work in an effective Senate or none at all. I

greatly hope his advocacy for fiscal sanity outside this Chamber will help change public attitudes toward the dangers of debt. Perhaps his greatest contribution to our work here, lies ahead.

TRIBUTE TO SENATOR TIM WIRTH

Mr. DURENBERGER. Mr. President, today I want to say a few words of appreciation to a fellow soldier in the effort to protect this planet's environment, Senator TIM WIRTH.

TIM WIRTH's unique contribution was that not only did he have an overriding vision for conservation, but he had a very practical sense of how we can get from here to there. Not content to simply articulate his view to sympathetic audiences, he was a bridge builder, who won people over to his views. That was a very valuable asset in the efforts to pass the Clean Air Act and other major environmental bills of last few years.

He was a strong member of his party, but he always knew when the interests of his State outweighed partisan considerations. He had an excellent relationship with the two conservative Senators he served with, Bill Armstrong and HANK BROWN. Colorado benefited often from their ability to work both sides of the street.

Those of us in the Senate who loved the late John Heinz and his family, owe a great debt of gratitude to TIM WIRTH for the way he has cared for the Heinz family in the aftermath of John's death.

I thank him for his many years of public service, his practical stewardship of the planet and for being the sensible, loving person he was among us here.

TRIBUTE TO SENATOR BROCK ADAMS

Mr. DURENBERGER. Mr. President, I want to express my gratitude and appreciation for the work that Senator BROCK ADAMS has done here in the Senate, and throughout the decades of his service to the National Government.

As a public servant, BROCK ADAMS is like a lot of people we have in Minnesota. He has an unconquerable sense of optimism that we can solve problems if we can just care enough, think clearly enough, and work hard enough to bring everyone together in the solution.

As a new member in the Senate, I respected his work in the Carter Cabinet and knew of his work on the House Budget Committee.

BROCK ADAMS, despite all that government service, came to the Senate as a freshman. He has done a remarkable job making the most of the positions available to him in this body. Over the last year, I have particularly enjoyed working with him on the Labor Committee on an issue which concerns us both deeply: medical research on women's health problems.

As you know Mr. President, when we conduct our rollcall votes, Mr. ADAMS is the first name called. Unlike most of us, who stroll in here during the 15 minutes allotted and discuss and calculate before we vote, he was almost always there to start us off with his clear, loud vote.

I thank him on behalf of the people of Minnesota for his lifetime of public service and spirit of urgency he brought to our work here.

THE RIGHTS OF INDIGENOUS PEOPLES

Mr. CRANSTON. Mr. President, this week we passed the foreign operations appropriations conference bill, which included an amendment proposed by me that will greatly increase the scope of the reporting in the State Department annual human rights report on the status and conditions of indigenous peoples around the world.

The amendment, No. 3345, to the original Senate bill was an expanded version of that which came out of last year's conference report of the foreign aid authorization bill. At that time, the report requirement focused on the plight of the indigenous people of Latin America.

Mr. President, I believe that it is time that we give special attention to the human rights issues confronting the millions of tribal and otherwise underrepresented people around the world.

The amendment which became part of the conference bill is designed to do that. The annual State Department report will now have to describe the extent to which indigenous people are able to participate in decisions affecting their lands, cultures, traditions and the allocation of natural resources, and assess the extent of protection of their civil and political rights.

Later this month, attention will be focused on the plight of the more than 35 million indigenous people of Latin America, as we mark the 500th anniversary of the arrival of Europeans to the American hemisphere.

And next year has been proclaimed by the United Nations the "Year of the Indigenous People."

In some countries, such as Guatemala, Peru, Bolivia, and Ecuador—where huge populations of indigenous people are left virtually outside the realm and reach of government—the issue of their rights remains perhaps the most important roadblock to the consolidation of democracy and civilian rule.

The issue of the rights and roles of indigenous people, in some respects a traditional human rights concern, in others a cornerstone of democratic development in the Third World, are not going to go away. I believe that the amendment we have included in the foreign operations appropriation bill will help to set the future agenda in a positive and proactive way.

Mr. President, there are several people whose advice and counsel has been very valuable to me as we have sought to provide additional protection for indigenous people. Mac Chapin of Cultural Survival; Alfredo Nakatsuma-Vaca of the United States Agency for International Development in Guatemala; Katy Moran of the Smithsonian Office of External Affairs; John Walsh of the Washington Office of Latin America; Steve Schwartzman of the Environmental Defense Fund, and Jack Healy and Carlos Salinas of Amnesty International USA have all been extremely generous with their insights and knowledge about indigenous people.

I also want to express my gratitude to my good friends and colleagues, the distinguished chairman of the Foreign Operations Subcommittee, the Senator from Vermont Mr. LEAHY, for graciously accepting the amendment to their bill.

Finally, I want to single out the efforts of Representative JOHN PORTER, cochairman of the congressional human rights caucus, for his help and support in the House-Senate conference. He too has been a leader in the area of indigenous rights, and I thank him for his bipartisan cooperation in getting this bill accepted.

Mr. President, within a few days the Congressional Research Service will be publishing a report, "Biotechnology, Indigenous Peoples, and Intellectual Property Rights," which will also be an important contribution to the literature on indigneous rights. I urge my colleagues to study it carefully as they consider future development assistance efforts around the world.

Mr. President, I ask unanimous consent that a statement on indigenous people recently released by Amnesty International USA, be included in the RECORD, as well as a letter sent by myself and nearly a score of my colleagues to Colombian President Cesar Gaviria expressing concern about the plight of indigenous people in his country.

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

[News release from Amnesty International USA, Oct. 6, 1992]

THE AMERICAS: AMNESTY INTERNATIONAL CALLS FOR END TO CENTURIES OF ABUSE OF INDIGENOUS HUMAN RIGHTS

The time has come for governments throughout the Americas to stop turning their backs on the human rights of indigenous peoples—and end the hundreds of years of violations they have suffered. For centuries, governments have often treated the rights of indigenous people with contempt, torturing, "disappearing", and killing them in the tens of thousands and doing virtually nothing when others murder them.

Discrimination against indigenous people means they are more likely to have their

rights trampled on in the first place and then let down by the justice system. And those most vulnerable have sometimes been hit hardest—young children have been extrajudicially executed; women have been raped by soldiers during armed conflict; and isolated indian groups that have only recently come into contact with the surrounding society have been killed with impunity by miners and settlers.

In one striking case a one-month old baby "disappeared" with her mother in 1990 when they were among 85 Indian peasants seized by Guatemalan soldiers. Most of the others were returned to their village; Maria Josefa Tiu Tojin and her daughter have not been seen since.

As Governments must urgently tackle some of the key issues on indigenous human rights by carrying out effective investigations into abuses against indigenous peoples, bringing to justice those responsible and justly resolving land disputes that all too often lead to abuses.

For the 1993 International Year for the World's Indigenous People, Amnesty International is pushing for all governments to establish commissions to review their country's record in implementing all international human rights standards for indigenous people. Disputes over land and resources are often at the root of many of the human rights abuses against indigenous people: Thousands have also died, 'disappeared' or been tortured when they've been caught in the middle of the 'war on drugs' or civil conflicts.

Some of the most horrific human rights violations inflicted on indigenous peoples have taken place during the armed conflicts that have racked countries such as Colombia, El Salvador, Guatemala, and Peru. Entire villages were destroyed and thousands of indigenous peasants massacred during the height of the armed conflict in Guatemala in the early 1980s and in Peru thousands of Indians have been tortured and killed by both sides when the loyalties of whole communities have been questioned. In Colombia, three Arhuaco indigenous leaders were abducted, tortured and killed in 1990 on suspicion that they sympathized with an armed opposition group that operated in their territories despite the Indians' protests; the army officers implicated in the killings are still in active service.

Attacks on Indians in many countries including Brazil, Chile, Honduras, and Venezuela have often been stepped up during disputes over land—which is frequently wanted by the state or others for mining, logging, energy or tourism projects. In Brazil alone, scores of Indians have been murdered in land disputes with the apparent acquiescence of the authorities and in Honduras 10 members of the Xicaque tribes have been killed in recent years. In Canada, inquiries into the allegations that several Mohawk Indians were ill-treated by police in 1990 during a prolonged confrontation over plans to develop a golf course near a sacred burial site have still not been completed.

The "war on drugs" has also taken its toll on indigenous lives, especially because many indigenous peoples live in drug growing areas. A Quechua leader in Bolivia, for example, was picked up and tortured by the security police in 1989 because they believed he had protected a drug trafficker, a charge he denied.

Prosecutions for such human rights abuses virtually never happen—whether those responsible are state agents, death squads or hired guns. In Chile, the agents who arrested, "disappeared" and tortured Mapuche Indian leaders following the coup in the early 1970s were never brought to justice and in Brazil most killings of indigenous peoples are never prosecuted.

Indigenous people have at times been confronted by a different side of the law, however, being subjected to arbitrary detention and unfair trials. Last year in Mexico, members of the Ch'ol and Tzeltal indigenous communities peacefully protested against police abuse and discrimination in the courts, with more than 100 of them arrested, kicked, beaten and most of those threatened with death before being released without charge. And in the USA, Amnesty International has expressed concern about the fairness of trials of American Indian Movement leaders, including Leonard Peltier who was convicted of the murder of two Federal Bureau of Investigation (FBI) agents. In his case there is concern that fabricated evidence was used to extradite him from Canada and that FBI misconduct prejudiced the fairness of his trial.

The leaders of indigenous movements have often been singled out for attack when they speak out on environmental issues, land claims or discrimination and are seen as a threat to Government policies. In Ecuador, for example, indigenous leaders involved in land disputes have been particularly singled out as targets of abuse including harassment, torture and killing. Despite that risk, groups defending indigenous rights have been formed in increasing numbers in recent years. A number of major protest marches have been held in countries like Bolivia and Ecuador, relatives of victims have joined together in Guatemala and indigenous peoples are increasingly forming regional or international organizations to press for their rights to be respected.

From the local to the international level, the message is that the centuries of violating the rights of the region's original inhabitants must end once and for all. That's a message to governments not only in the Americas, but also in other regions of the world.

It is time for Americans to recognize and acknowledge that the abuses against indigenous peoples in this hemisphere didn't end in the last century, said John G. Healey, Executive Director, Amnesty International USA. The shocking truth is that for millions of indigenous people the nightmare is not over. If we don't join these communities in fighting to end gross human rights violations, the cruelty of the past will continue to be perpetuated.

U.S. SENATE,
Washington, DC, October 6, 1992.

His Excellency Cesar Gaviria Trujillo,
President, Republic of Colombia, Santa Fe de Bogota, Colombia.

DEAR PRESIDENT GAVIRIA: We are deeply concerned about the recent wave of attacks against human rights workers in Colombia. While we welcome your public commitment to human rights as well as the Colombian government's condemnation of attacks against human rights workers, we ask further that you do everything in your power to protect human rights workers and bring those responsible for threats and attacks against them to justice.

Dr. Jorge Gomez Lizarazo, president of the Regional Human Rights Committee, CREDHOS, which is based in Barrancabermeja, has faced repeated death threats. On June 11, 1992, Dr. Gomez, two other CREDHOS members, and three others escaped injury when their cars came under fire from a number of heavily armed men. However other members of CREDHOS have not been as fortunate: On January 29, 1992, Blanca Valero de Duran, secretary of CREDHOS and Dr. Jorge Gomez Lizarazo's assistant, was killed as she was leaving the office by shots fired at point blank range by armed men in civilian clothes. On June 28, 1992 another member of CREDHOS, Julio Cesar Berrio, was shot dead by two unidentified gunmen. He worked there as a security guard and had also been involved in an investigation undertaken by CREDHOS. And on July 30, 1992, Ligia Patricia Cortez, a philosophy graduate working with CREDHOS, and Parmenio Ruiz Suarez and Rene Tavera were murdered by unknown gunmen.

We are deeply disturbed by these attacks against members of CREDHOS and other human rights defenders. We are concerned about reports that among those harassing Dr. Gomez are persons on motorcycles allegedly owned by state security agencies. We are also concerned about a report that, on July 2, 1992, Dr. Gomez received information warning him that personnel from the intelligence unit of the National Police had arrived in Barrancabermeja with the intent of killing him. We are very disturbed by reports that three policemen witnessed the lethal attack on Blanca Valero yet reportedly did not respond to her cries for help or make any attempt to pursue the assailants. It is simply unacceptable that these murderous acts continue and that those responsible remain at large. We especially urge you to investigate the possible involvement, or as in the case of Ms. Valero, the selective lack of involvement of the local police and security forces in these cases.

Other human rights workers have also been targeted for violence. On May 29, 1992 Oscar Elias Lopez, a lawyer who worked as a legal advisor for the Indigenous Regional Council of the Cauca, CRIC, was killed in Santander de Quilchao by heavily armed men. He had acted as advisor to the indigenous communities of Cauca which suffered a massacre on December 16, 1992, in which at least twenty Paez Indians were killed. Three other men involved in a indopendent investigation also met equally distressing fates: on the night of January 8, 1992, in the city of Cali, lawyers Carlos Edgar Torres and Rodolfo Alvarez were shot dead in their homes while anthropologist Etnio Vidardo was "disappeared."

Official condemnation of violence against human rights workers is an important first step in ending these abuses but as you well know, it is not enough. We urge you to conduct impartial investigations to find those responsible for these murders, attempted murders, and threats. Once identified, these individuals must be brought to justice. In the meantime, those courageous persons working for human rights in Colombia should be protected in a manner they find appropriate.

Sincerely,
Brock Adams,
Albert Gore, Jr.,
Daniel Patrick Moynihan,
Bill Bradley,
Alan Cranston,
Edward M. Kennedy,
Patrick J. Leahy,
Kent Conrad,
Paul Wellstone,
Jeff Bingaman,
Paul Simon,
Mark O. Hatfield,
Jim Sasser,

Tom Harkin,
Paul S. Sarbanes,
Charles E. Grassley,
Donald W. Riegle, Jr.,
James M. Jeffords,
Tim Wirth,
Herbert Kohl.

REGARDING SECTION 907 OF S. 1569

Mr. HEFLIN. Mr. President, on October 7, 1992, the U.S. Senate cleared for the President S. 1569, the Federal Courts Administration Act.

Contained in this measure are various provisions aimed at improving the Federal claims litigation process before the U.S. claims court (hereinafter referred to as the Court of Federal Claims, as provided for in section 902 of S. 1569) and assisting the court in providing better and more efficient service to its litigants. Specifically, section 907 of S. 1569 relates to jurisdiction of the court.

Subsection (a) of section 907 will eliminate the confusion and waste of resources that has resulted from the Contract Disputes Act certification being deemed jurisdictional, while both addressing the Justice Department's concern that contractors have sufficient incentive to properly certify their claims, and ensuring that all claims are properly certified before they are paid.

Paragraph (1)(A) will amend the Contract Disputes Act certification to require that the person certifying the claim also certify that he or she is duly authorized by the contractor to execute the certification on the contractor's behalf. In addition, paragraph (B) will add a new section 6(c)(7), which will clarify that the certification must be signed by a person duly authorized to bind the contractor with respect to the claim. Together, these provisions will ensure that the certification binds the contractor and cannot later be disavowed by management. The individual will be required to have authorization, based either on the company's existing delegations of authority or a special delegation, to act on the contractor's behalf with respect to the claim, and must also have authority to execute the certification on behalf of the contractor. In most instances it is anticipated that the certification will be signed by the same person who signs the claim itself.

Paragraph (1)(B) will add a new section 6(c)(6), which will permit the contracting officer to notify a contractor within 60 days of receiving a claim that the certification is defective. If a timely notification is provided, the 60-day period for issuing a final decision will not begin to run until the defect is cured and a proper certification submitted, and the claim will not be deemed denied. This will create a strong incentive for contractors to carefully certify their claims because until a proper certification is filed, the contractor will not be able to appeal to the Court of Federal Claims or agency board. If the contracting officer issues a final decision on a claim that is not properly certified, the contractor may appeal that decision and the Court of Federal Claims or agency board will have jurisdiction but must require that the contractor provide a valid certification before a decision is rendered or the contractor is paid.

Paragraph (a)(3) will decouple interest and certification. Interest will be paid only prospectively from the date of enactment on pending claims for which the current certification is hereafter found to be defective. In all other respects, payment of interest on existing claims will not be affected by paragraph (a)(3). In the future, any interest will always be paid from the date the contracting officer initially received the claim, regardless of any defect in certification of the claim. In order to eliminate continued litigation over certification technicalities, paragraph (a)(2) provides that new paragraph 6(c)(6) would become effective immediately with respect to all claims except those which prior to the effective date of this act are the subject of a suit filed in the claims court or an appeal filed in an agency board. If such a pending suit is dismissed for lack of jurisdiction because of a defect in certification and a new claim is thereafter filed, the new claim and certification would be governed by the Contract Disputes Act as amended by this act. Paragraph (a)(4) provides that the changes to the proposed certification would become effective 60 days after the Federal Acquisition Regulation is amended to reflect the new required phrase in the certification. The required certification is currently defined at section 33.207 of the FAR, and it would be unfair to implement the new certification until that regulation is amended to reflect the new requirement.

Subsection (b)(1) of section 907 will amend the Tucker Act to clarify the power of the Court of Federal Claims to hear appeals of all contracting officers' final decisions, regardless of whether the dispute involves a claim for money currently due. The amendment will restore the option of appealing any final decisions to either the Court of Federal Claims or agency board of contract appeals at was intended in the Contract Disputes Act. The amendment does not authorize contractors to seek declaratory judgments from the Court of Federal Claims in advance of a dispute and final decision, and will not permit contractors to seek injunctions or declaratory judgments that would interfere with the contracting officer's right to direct the manner of performance under the changes clause. A contracting officer's final decision under the Contract Disputes Act will remain a jurisdictional prerequisite to review by the Court of Federal Claims. This amendment would be effective immediately with respect to all pending and future cases.

As amended, the final sentence of 28 U.S.C. §1491(a)(2) will read as follows (new provision in italic):

The *Court of Federal Claims* shall have jurisdiction to render judgment upon any claim by or against, or dispute with, a contractor arising under section 10(a)(1) of the Contract Disputes Act of 1978, *including a dispute concerning termination of a contract, rights in tangible or intangible property, compliance with cost accounting standards, or other non-monetary dispute on which a decision of the contracting officer has been issued under section 6 of that Act.*

TAX ENTERPRISE ZONES ACT

Mr. WELLSTONE. Mr. President, I would like the RECORD to reflect that had there been a rollcall vote on final passage of the conference report accompanying H.R. 776 I would have voted in favor of final passage.

While I supported my colleagues from Nevada in voting against invoking cloture, the bill as reported from the committee on conference has been greatly improved. Despite the onerous provisions of the bill regarding nuclear power, there are many provisions which merit the Senate's support—the proposed programs for energy efficiency, renewable energy, and restoring health benefits for retired coal miners are particularly notable.

Most of the criticisms which I have raised about this bill have been addressed during the course of congressional action on it. Notably, the conferees greatly improved the provisions regarding the Public Utility Holding Company Act and addressed some of the taxpayer issues surrounding the bills provisions on uranium enrichment. The conferees also removed natural gas provisions which threatened farmers and ranchers with eminent domain abuses by energy companies.

In conclusion, I wish to express my support for the work of the distinguished chairman of the Senate Energy Committee and all of the conferees. While the bill we have sent to the President today is not perfect, it is on the whole a good bill which begins to respond to our Nation's need for a sound energy policy.

COMMENDING DR. LOUIS SULLIVAN

Mr. HATCH. Mr. President, as the 102d Congress comes to an end, I feel it appropriate to take this opportunity to recognize that our distinguished Secretary of Health and Human Services, Dr. Louis Sullivan, now exceeds all previous longevity records for stewardship of HHS. Dr. Sullivan's record of service—3 years, 6 months, 8 days, and counting—surpasses even that of his

eminent predecessor, the only other physician-Secretary of HHS, Dr. Otis Bowen.

I hope my colleagues will join with me in commending Dr. Sullivan on his outstanding record of service, and in wishing him well as he continues in what I hope will be at least another 4 years at HHS.

THE SITUATION IN BOSNIA

Mr. WARNER. Mr. President, over the past several months, the Senate has struggled with the tragedy in the states of the former Yugoslavia and the appropriate United States response to this civil war and humanitarian nightmare. Americans grieve as they witness the suffering, and are moved by a desire to help. But the question is, how can we help? In the closing hours of the 102d Congress, I believe it necessary to outline my concerns with the possible use of United States military force in Bosnia. I am absolutely opposed to any unilateral U.S. military involvement; but U.S. action as part of an international coalition, particularly pursuant to U.N. resolutions, should be objectively considered.

As my colleagues know, I have been in the forefront of a minority in the United States Senate urging extreme caution regarding military commitments in Bosnia. I opposed the resolution which the Senate adopted on August 11, regarding the use of force in Bosnia because the Senate resolution went well beyond what the United Nations was then considering and eventually passed.

Following that debate and vote, I felt strongly an obligation to learn more about the tragic suffering and potential use of military forces, so I traveled to Zagreb and Sarajevo at the beginning of September. I witnessed firsthand the wanton destruction and unimaginable suffering in Sarajevo. Unfortunately, this trip confirmed my belief that there is a measure of guilt on all sides in this conflict.

People throughout the territory of Bosnia, irrespective of why they are there, including those members of the international community—foreign military and civilian—who are involved in humanitarian relief operations, are subjected to great risks because of the mindless attacks from all directions. On September 3, an Italian transport plane was shot out of the sky by one of the warring factions—it remains an open case who bears responsibility. That plane was carrying blankets—an item that will be desperately needed in the winter months ahead. The plane that took me to Sarajevo was just an hour ahead and following the same fixed flight plan into the Sarajevo airport as that Italian plane. And just days thereafter, two French soldiers assigned to the U.N. peacekeeping forces at the airport were shot and killed—ambushed—while traveling in a U.N. convoy, bringing to eight the number of members of the international community who have given their lives while trying to bring some humanitarian relief to the suffering people throughout Bosnia.

Mr. President, what we are witnessing in Sarajevo and elsewhere in Bosnia is a nation helplessly entrapped in a bloody civil war, with the roots of hatred and ethnic and religious strife dating back centuries. This tragic situation is an example of the rise of nationalism and ethnic conflict which we are experiencing—worldwide—in the post-cold-war world. One of the most difficult and complicated challenges the United States and its friends and allies will face in the years ahead is the multiplication of nationalist, ethnic and tribal conflicts around the globe—with grave consequences for regional stability and human suffering. The horrifying events in the former Yugoslavia are perhaps the most vivid demonstration of the intractability of such conflicts, as well as international pressures for American and other international involvement. And, worst of all, because so many of these conflicts are rooted in history, they are unusually resistant to diplomatic mediation or compromise, as we have seen in the former Yugoslavia. Further, given that the United States is composed of many cultures, religious and ethnic backgrounds, there is likely to be a division of opinion among our people as to whether we should become involved in helping to resolve such conflicts, and which side to back. There are strong such divisions within the United States between our citizens with ties to the former Yugoslavia.

While I share the concern of my colleagues with the daily news reports of the killings in Bosnia and the atrocities in the detention camps, both under Serb control and Bosnian Moslem control, I am concerned that U.S. military intervention—other than on a clear peacekeeping mission—will not bring peace to Bosnia but rather compound the chances for more death and destruction. The simple fact is that the United States and the international community cannot, in my opinion, impose a peace, through the use of nonpeacekeeping military force, on a warring and divided people. Even if such actions brought a reduced level of civil war, that conflict would continue to boil beneath the surface and erupt anew as the foreign intervention was lifted.

We must continue efforts, therefore, with other nations, to provide humanitarian relief, utilizing foreign military forces in limited peacekeeping roles. But military forces, of any foreign nation, should not transition from a peacekeeping role to a status of peacemaking—that is, be perceived as an aggressor force. Once the foreign military transitions, the efforts flowing from the London conference, under Secretary Vance and Lord Owen, will be undermined.

How can a situation be sustained where some foreign troops are performing peacekeeping missions, and some, perhaps U.S. air forces, are performing peacemaking activities. There is a high risk that the distinction between the two types of forces, which are exceedingly difficult to maintain, will be lost and peacekeeping forces will be unable to continue, because of increased risk to themselves, their mission of protecting the flow of humanitarian relief supplies just as winter is approaching. Winter without assistance will result in as many or more casualties than the fighting to date.

Over the course of the past week, I have had the opportunity to consult with Chairman of the Joint Chiefs Powell and Ambassador Zimmerman, our Ambassador to Yugoslavia, and to receive a Senate intelligence briefing on the situation in Bosnia. I spoke with Chairman Powell during last week's Senate consideration of a Biden amendment to the foreign operations appropriations bill which, calls for the United States to supply weapons to Bosnia, following the passage of certain additional United States resolutions. During the course of our conversation, General Powell elaborated on a September 28 New York Times article which expressed his concerns with using limited military force in Bosnia. Here is the straightforward, nonpolitical opinion of one of the most respected military professionals in the world. Unfortunately, I am restricted from inserting the entire text of his interview with the New York Times in the RECORD. However, I ask unanimous consent to have the article which was drawn from this interview as well as a follow-on op-ed by General Powell—appear in the RECORD following these remarks.

I have asked time and again during Senate debate on this issue, What is the mission for the U.S. troops that many in this Chamber would like to send to Bosnia? I have yet to receive a satisfactory answer to that question. I ask, would they be used for the limited peacekeeping objective of protecting the delivery of relief supplies? Based on events in Bosnia over the past few months, is there anyone who really believes that our military personnel would not become targets of the fighting factions and be drawn into the Bosnian civil war? Some have advocated that the international community should intervene to impose peach on the warring factions. We have a World War II history of Germany's failure to impose its will as our guide to just how successful such a suppression mission would be among the former Yugoslav people.

Mr. President, while I remain opposed to a nonpeacekeeping U.S. mili-

tary involvement in Bosnia to enforce a no-fly-zone at this time, I believe that there are things the United States and the international community should do first, before resorting to the use of force. During a luncheon meeting last week on Capitol Hill, Ambassador Zimmerman spoke of tightening the U.N. trade embargo on Serbia and Montenegro. I wonder if my colleagues are aware of the fact that while there is a U.N. Security Council resolution imposing a trade embargo on Serbia and Montenegro, there is no U.N. enforcement resolution for this embargo. Although United States ships are involved in a NATO/WEU monitoring regime in the Adriatic, which has proven helpful in curtailing trade with Serbia and Montenegro, the military forces involved in this effort are not empowered to take action to enforce the embargo—merely to monitor it.

In a step in the right direction, the international community if now in the process of stationing sanctions monitors in neighboring nations. According to the briefings that I have received, the main problem with violating the embargo comes from a proliferation of private entrepreneurs, not from governments. A way must be found to block the illegal trade and allow sanctions a chance to have an impact. The United Nations should move to specifically authorize steps to further tighten or enforce the U.N. sanctions. Such actions may encourage the parties to be more willing to come to the negotiating table to find a peaceful solution to the conflict.

I would hope that such options are fully explored and exhausted before we decide on aggressive peacemaking military involvement. Last week, President Bush called for a no-fly-zone over Bosnia. It is unclear at this point how such a restriction would be enforced, if at all. It is my understanding that discussions on the establishment of a no-fly-zone are now under way at the United Nations. I am fearful that such a step, if it included enforcement provisions, risks greater casualties among members of the international community, both in the skies over Bosnia and in reprisal attacks against U.N. peacekeeping forces on the ground struggling to keep up the flow of humanitarian supplies. In addition, such a step would risk destroying the fragile U.N. coalition regarding the former Yugoslavia and may cause Secretary Vance and Lord Owen to lose their status as honest brokers.

[From the New York Times, Sept. 28, 1992]

POWELL DELIVERS A RESOUNDING NO ON USING LIMITED FORCE IN BOSNIA

(By Michael R. Gordon)

Reflecting a debate about the use of United States forces in regional conflicts, the Chairman of the Joint Chiefs of Staff is questioning even the most limited forms of military intervention to protect the Muslims in Bosnia and Herzegovina or to try to stop the fighting.

In a lengthy and sometimes emotional interview with The New York Times, the Chairman, Gen. Colin L. Powell, offered a strong defense of his philosophy that military force is best used to achieve a decisive victory and for the first time publicly explained his reluctance to intervene in Bosnia.

The remarks are the most recent and vivid example of a behind-the-scenes debate in the Bush Administration over the use of force. The debate is being joined by lawmakers and former Bush Administration officials who contend that the Pentagon has an "all or nothing" doctrine for using force that is increasingly irrelevant to a world in which violent nationalism and ethnic conflict have supplanted superpower hostilities.

BALKANS THE THORNIEST CASE

Explaining how his doctrine applies to the Balkans, which have become the most pressing and thorniest test case because of the mounting evidence of atrocities, General Powell assailed the proponents of limited military intervention to protect the Bosnians.

The general questioned the need to establish an air-exclusion zone over Bosnia like those the United States has imposed over parts of Iraq, where the Pentagon sees less risk. The United States and its allies are discussing setting up such a zone.

General Powell also angrily rejected suggestions by former Prime Minister Margaret Thatcher of Britain and others that the West undertake limited air strikes to deter the Serbs from shelling Sarajevo and continuing their attacks.

General Powell said: "As soon as they tell me it is limited, it means they do not care whether you achieve a result or not. As soon as they tell me 'surgical,' I head for the bunker."

Though it has largely been fought out of public view, the debate over the use of force has affected American diplomacy toward the Balkans. When Administration officials prepared a diplomatic protest to the Serbs asking them to stop shadowing relief flights with their combat planes, military and civilian officials at the Pentagon softened the language to remove any implicit threat to take military action to stop the practice.

Pentagon officials say that General Powell was the first to suggest that a protest be made and that the episode shows that the State Department was too quick to threaten force because of frustrations with the diplomatic process. But some Administration officials say that the Pentagon is too reluctant to develop military options that would add teeth to the West's diplomacy.

Though General Powell's philosophy on using force is widely shared by senior officers, who recall the Vietnam quagmire, he is the most prominent and articulate proponent. Defining the conditions when the use of force is appropriate, the general said: "It is not so much a doctrine as an approach to any crisis or situation that comes along. It does not say you have to apply overwhelming force in every situation. What it says is that you must begin with a clear understanding of what political objective is being achieved."

Once the political objective is clear, General Powell said, the next step is to determine the proper military means, whether the objective "is to win or do something else."

"Preferably, it is to win because it shows you have made a commitment to decisive results," he said. "The key is to get decisive results to accomplish the mission."

TWO ACTIONS ARE CITED

Most military analysts say that General Powell's approach served the United States well in the invasion of Panama and the Persian Gulf war, where overwhelming military force was used to achieve a quick victory with minimal American casualties. But critics say that the Pentagon's doctrine seems designed to fight the last war, a no-holds-barred air and land war, rather than the next war, where force might be used selectively, not to vanquish an enemy, but to slow aggression stemming from ethnic conflicts and bolster diplomacy to end the fighting.

Les Aspin, the Wisconsin Democrat who heads the House Armed Services Committee, said "If we say it is all or nothing and then walk away from the use of force in the Balkans, we are sending a signal to other places that there is no downside to ethnic cleansing. We are not deterring anybody." Serbian forces in Bosnia have been accused of widespread "ethnic cleansing"—killing or expelling members of other groups to create "ethnically pure" areas.

And Richard Schifter, the senior State Department official for human rights in the Reagan Administration and the early part of the Bush Administration, asserted that the American military was haunted by a "Vietnam syndrome" that had paralyzed its response to the killing in Bosnia.

"It is the Vietnam syndrome—the idea that you don't get involved in any application of military force unless it is overwhelming and the purpose is to win a 'victory,'" Mr. Schifter said. "In order to get the Serbs to negotiate seriously, we and our allies have to be prepared to use force, such as establishing a no-fly zone or engaging in air strikes against military targets."

Normally calm and collected, the general spoke angrily as he complained about the impetuousness of civilians, who he said had been too quick to place American forces in jeopardy unwisely for ill-defined missions.

"These are the same folks who have stuck us into problems before that we * * * sion was. They did not know really what they were doing there. It was * * * have lived to regret." General Powell said. "I have some memories of us being put into situations like that which did not turn out quite the way that the people who put us in thought—i.e., Lebanon, if you want a more recent real experience, where a bunch of marines were put in there as a symbol, as a sign. Except those poor young folks did not know exactly what their mis * * * very confusing. Two hundred and forty-one of them died as a result."

In the debate over using military force in the Balkans, the most pressing issue is an air-exclusion zone in Bosnia. The United States and its allies have already said that they are prepared to use force to insure the delivery of relief supplies. But threatening force to clear the skies of Serbian planes would cross a new threshold.

Proponents of an air-exclusion zone say it would insure that Serbian planes do not resume shadowing relief flights and would also be the first commitment of Western combat power to protect the Bosnians from Serbian air attack. Only the Serbian side has combat aircraft, and it is using them to attack Muslim and Croatian areas beyond the reach of artillery.

White House and State Department officials have been supportive of the concept, but the Pentagon has been wary, Administration officials say, fearing that it could be the first step toward deeper involvement and could lead to Serbian retaliation against the United Nations relief effort.

'SERIOUS THREAT' TO FLIGHTS

In the interview, General Powell questioned the immediate need to threaten force

to impose a ban on the flight of Serbian aircraft. He said that the Serbian practice of shadowing relief flights with their planes rarely put the relief flights in danger. In contrast, the State Department spokesman, Richard A. Boucher, has said that the Serbian shadowing has been a "serious threat to the safety of United Nations flights."

General Powell also noted that he pressed for the diplomatic protest, or démarche, which was delivered this month, asking the Serbs to stop the shadowing. "Before we start shooting up everybody just so everybody can have something to write about, let's see if the démarche works," he said.

He played down the significance of stopping Serbian combat attacks from the air. "With respect to dropping cluster bombs, that is reprehensible," he said. "But so is killing French soldiers with an AK-47. The question is: Are you intervening for the purpose of achieving a result or are you intervening because you do not like a particular weapon system that is being used? I think that is a legitimate question to ask before you apply the armed forces of the United States to the situation."

General Powell also rejected suggestions for limited bombing attacks against Serbian artillery and other military targets. "I do not know how limited bombing will stop the Serbs from doing what they are doing," he said.

THREE ARGUMENTS AGAINST

The general argued that it would be difficult to locate and destroy all of the Serbian artillery, that intervention would mean that Washington was taking sides in the conflict, and that the warring parties might respond by retaliating against the United Nations relief effort.

[From the New York Times, October 8, 1992]

WHY GENERALS GET NERVOUS

(By Colin L. Powell)

There has been a spate of commentary recently over the use of American Military force to deal with the vexing problems of an untidy post-cold war world. The military has been criticized for being too reluctant to use force. In a recent editorial, for example, the New York Times suggested that the military has a "no can do" attitude and asked whether America is getting a fair return on its defense investment.

The editorial even reached back to the famous exchange between President Lincoln and General McClellan during the Civil War. Lincoln, frustrated with McClellan's slowness in engaging the enemy, told him, "If you don't want to use the Army, I should like to borrow it for a while."

Let me respond by reviewing a little more recent history. During the last three years U.S. armed forces have been used repeatedly to defend our interests and achieve our political objectives. In December 1989, a dictator was removed from power in Panama. In that same month, when a coup threatened to topple democracy in the Philippines, a limited use of force helped prevent it.

In January 1991, a daring night raid rescued our embassy in Somalia. That same month, we rescued stranded foreigners and protected our embassy in Liberia. We waged a major war in the Persian Gulf to liberate Kuwait. Moreover, we have used our forces for humanitarian relief operations in Iraq, Somalia, Bangladesh, Russia and Bosnia. American C-130 aircraft are part of the relief effort in Sarajevo.

All of these operations had one thing in common: they were successful. There have been no Bay of Pigs, failed desert raids, Beirut bombings and no Vietnam. Today, American troops around the world are protecting the peace in Europe, the Persian Gulf, Korea, Cambodia, the Sinai and the western Sahara.

Unwilling to use the armed forces? Tell that to our troops who are constantly being deployed to accomplish these missions. Americans know they are getting a hell of a return on their defense investment, even as the critics shout for imprudent reductions that would gut the armed forces.

The reason for our success is that in every instance we have carefully matched the use of military force to our political objectives. President Bush, more than any other recent President, understands the proper use of military force. In every instance, he has made sure that the objective was clear and that we knew what we were getting into. We owe it to the men and women who go in harm's way to make sure that their lives are not squandered for unclear purposes.

Military men and women recognize more than most people that not every situation will be crystal clear. We can and do operate in murky, unpredictable circumstances. We offer a range of options. But we also recognize that military force is not always the right answer. If force is used imprecisely or out of frustration rather than clear analysis, the situation can be made worse.

Decisive means and results are always to be preferred, even if they are not always possible. So you bet I get nervous when so-called experts suggest that all we need is a little surgical bombing or a limited attack. When the desired result isn't obtained, a new set of experts then comes forward with talk of a little escalation. History has not been kind to this approach.

The crisis in Bosnia is especially complex. Our policy and the policy of the international community have been to assist in providing humanitarian relief to the victims of that terrible conflict, one with deep ethnic and religious roots that go back a thousand years. The solution must ultimately be a political one. Deeper military involvement beyond humanitarian purposes requires great care and a full examination of possible outcomes. That is what we have been doing.

Whatever is decided on this or the other challenges that will come along, Americans can be sure that their armed forces will be ready, willing and able to accomplish the mission.

Finally, allow me to set the record straight on President Lincoln's frustration with General McClellan. Lincoln's problem with McClellan was that McClellan would not use the overwhelming force available to him to achieve a decisive result. Lincoln had set out clear political objectives. McClellan acted in a limited, inconclusive way.

I THANK YOU ALL

Mr. SYMMS. Mr. President, I wish to thank my constituents in Idaho for allowing me to represent them for the past 20 years. It has truly been an honor and a privilege.

I also wish to thank all of my staff, both here in Washington, DC, and in Idaho. The people of Idaho can be proud of their hard work and dedicated service.

I would be remiss, Mr. President, if I did not take a moment to thank all of my colleagues for their friendship throughout the years. I will not soon forget the friends I have made, the people I have met, or the memories I take with me.

Lastly, let me thank the people who actually keep the Senate running on a daily basis—the floor staff, the Cloakroom, the pages, all of the clerks and reporters, the Sergeant at Arm's office, the Doorkeepers, the U.S. Capitol Police, the Housekeeping staff and dining services staff, and all the rest who keep the trains running on time.

Mr. President, I ask unanimous consent that the following material be printed in the RECORD.

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

[News Release, Feb. 10, 1972]

STEVEN D. SYMMS, IDAHO FRUIT GROWER, ANNOUNCES FOR CONGRESS

Steven D. Symms, prominent Idaho fruit grower, Caldwell, (Sunny Stope), Republican, announces that he will be a candidate for United States Congress from the First District.

Mr. Symms has issued the following statement entitled, "For Those Who Care," which explain in no uncertain terms his attitude about government in general. His statement follows:

Many of you have heard the old saying "In times of moral crisis the hottest places in hell are reserved for those who remain silent." Many of my friends have urged me to seek the First Congressional seal of Idaho. The other side of the story, which you seldom hear, is that other friends of mine have urged me not to run. I have appreciated counsel from all of them.

The purpose of my making this statement of positions is simply to clear the air for all of those who wish to participate in what could be the most unusual political campaign we have had in Idaho. This will probably bring together a very unusual cadre, who, I'm sure, will leave behind some ideas for political writers to kick around for quite some time. One of my friends told me that my appeal would be either to the very young who are striving for liberty, or to the very old, who remember what it used to be like when we were relatively free.

Now a word about how an apple grower who could consider thinking of running for Congress. Well, a couple of gentlemen I know have asked me to support their Congressional races. I have known both men for a long time, and I want everyone to understand that I respect them. But, it seems to me that they are both locked in a system of popularity politics and all they are doing is playing the game the way it has always been played. They have both asked me for support, so they can serve me. I'm like a lot of you—I don't want to be served. The bull serves the cow. Washington, D.C. is full of able politicians "serving us." It's also full of people who know their way around both Washington and politics. As I see it, the issue is WHO is going to run our lives anyway—we or the government?

All I ever hear from political candidates seeking office nowadays is some appeal to popularity which is leading us down the path of the government, by the government, for the government, and more government. It seems to me that our politicians, both Democratic and Republican, are losing their common sense. A common sense, limited approach to government has always appealed

to me. In the last ten years in Idaho under Republican leadership our state budget has gone up five times. Where does it stop? Private growth in Idaho doesn't begin to match this. I was one of those who through changing governors a few years ago was going to cut down the role of government in my life. What a surprise that was. Another group later thought we should change again. Our former governor's replacement is doing fine—with regard to keeping state meddling on the increase at our expense. (Incidently, the Governor does promote apple juice in the Governor's office as a refreshment, so he's not all bad!) It's just another example of an extremely able politician playing the political game of "service" under the present set of rules. Remember, these are not bad fellows, but also remember that we are not cows, either!

It does seem hopeless out here on the producing end of the economy. We elect good men to public office. Sooner or later their nostrils get infected with marble or they get a dose of Potomac Fever and this somehow turns them into madmen with the public coffers. The battle ends up being between the ins and the outs—no one caring about right or wrong—just carefully worded statements so the "good guys" can replace the "bad guys"—hogwash!

I hope when any politician comes to town to tell you of his capabilities to "serve" you that you will (1) tell him about the things you hope he won't do for you, (2) grab your wallet, and (3) run for cover. Now I think it's true beyond the question of a doubt that most any politician will "serve" you better in Washington than I if you want any favors from the government. My sole aim is to reduce government—not streamline it—not make it efficient—just reduce it.

I hold that we Americans are a rational, reasonable people—otherwise how could we even get home driving in eight lanes of 5 o'clock traffic, or fly airplanes, or grow apples? Did you ever try to do that well voting? Just like a friend of mine who works at Symms Fruit Ranch—he didn't want a war so he voted for LBJ—sure enough he got a war. After four years he thought the federal budget was looking too fat and unhealthy, so he voted Republican. If he thought the budget was unhealthy then, look now.

How can we cut through all this? How about free enterprise solutions? Haven't we had enough government solutions? All the politicians get to meddling and they tend to confuse and make worse most problems we could solve ourselves. What is needed is to release creative personal initiative and human effort from government shackles at every level. Why don't we adhere to Jefferson's principle, "Throw the government in chains and free the people." Remember, government means politicians. There is work to do, houses to build, people to feed, children to educate. Bureaucracy and regulation at every level is in the way. If the politicians would work as hard to make free enterprise work as they do socialism, maybe we could get some things going.

Ask your political candidates to answer this question: "Why is it that both state and federal office holders got their pay raises prior to wage and price controls?" Just once wouldn't it be fun to freeze every level of government and give us the chance to catch up out here on the producing end of the economy?

I want to emphasize producing. I'll tell you this—I like being a producer. So it won't break my heart if I don't get elected because I am unable to get this message through a biased anti-profit, anti-capitalistic mentality so prevalent in our opinion-making community. All I ever hear is, "Can he win?" or "Will it pass?" How refreshing it would be to have one political party in this country that just wanted to know if it was right or wrong.

What really brings this thing home to me is when our own Idaho apple industry out of desperation due to clogged apple markets is favoring a marketing order for apples which is based strictly on the premise of compulsory apple production controls. In the days when we had the little grocery stores, the apple price at the retail level had a close relationship to the price received by the farmer. In other words when there were too many apples, they were sold cheaper in the stores, therefore increasing consumption and unclogging the market. Today, as apples are sold through the chain store produce counters, the price fluctuates very little with regard to supplies. My point is this—big government, big business, and big labor evolve together—all power oriented. It is just simply impossible for the small businessman to fill out all the forms and abide by all the regulations so he sells out, goes broke, or gives up. Isn't it strange that the U.S. Navy can train a carrier-qualified, high-performance, instrument-rated fighter pilot in 18 months while it takes organized labor four years to train a journeyman plumber? Trade unions and marketing orders are not aimed at increasing production, but limiting it. Common sense tells us that to increase our living standard we should increase production—not limit it.

I own an Elaine Powers Figure Salon franchise. If I didn't have the expertise of the parent company taking care of all the government regulations and all the FTC requirements, it would be impossible to operate. If you doubt me, just go to Boise, Nampa, or Lewiston and open a ladies' health club. Your education in business red tape, regulations, and free markets will really get a lesson. Believe me, the tuition is not free, and be sure you have lots of pencils to fill out all the idiotic forms.

How about your income tax form? Isn't it ridiculous that a man working for wages can't fill out his own form? Income tax forms should be simple. The only reason for taxes should be to support limited government—not some complex scheme of a social planner to level wealth or play favorites or to give special privileges to certain groups. We were promised reform by every administration since Eisenhower. Maybe I'm blind, but I don't see much change except that they are a bigger pain in the neck to complete, they still play favorites, and for the most part, they are an exploitation of individual human effort.

Some vote-buying politicians cry about rich capitalist exploiting the poor. I think all of us, both rich and poor alike have one thing in common—our lives. Moneys and privacy are being exploited by a cancerous growth like bureaucracy. Isn't enough, enough? Or do we have to let the professional politicians sell us down the river before we wake up?

Back to apples. We stick to principles to grow and sell good apples and we value our reputation with our customers, employees and people we do business with. Just how is the politician's reputation today? Is there really a dime's worth of difference?

What happened to the principles of the Republican party? How come it's more important to win an election that it is to stick to principles? We Republicans have helped in running up our nation's debt to a point that we should be ashamed of ourselves. I want to raise my children to respect honesty as most of you do. What happened in Washington? It looks to me as though the Republicans have gone Democrat and the Democrats have gone Socialist in a mad rush for power to "serve" our good old cow. Between the bull serving us and the tax collector milking us, when are we going to produce?

It looks to me like Billy Sol Estes did the same thing with fertilizer and salad oil that the U.S. Treasury has done to gold. No wonder some of our young people get disillusioned with us. No wonder the foreign countries don't trust us. How could we be shocked by the results of the United Nations vote to dump Free China? How many of you have friends still in Viet Nam? War is "Hell", and when involved we should view it like Vince Lombardi did football, "Winning is everything." Wasn't Korea enough of a lesson in playing touch football with the tenacious, vicious enemy that plays for keeps and knows the ideals they stand for?

What this country needs is to respect property and human rights (which common sense tells us are one and the same), and to strive for maintaining free entry into the market for everyone. No favorites, no free lunches, and no exceptions.

It seems as though it is an inescapable conclusion that the people in Washington are doing their best to serve their districts. You know what that really means—there is absolutely nothing that the government ever gets that it doesn't first take away. Why don't we just once all get together and tell the tax collector to either stop interfering or we stop paying?

Still, on the plus side, some of the people in Washington do know what they are for—God bless John Ashbrook—thanks to him we still hear that Adam Smith is alive and kicking and that capitalism is a moral philosophy. Why won't the Republicans give them a hearing?

Usually all we do is holler about welfare abuses, but never ask how it is that all these people are out of work. What about minimum wage laws? What about union labor monopolies? What about politicians who dangle the welfare carrot in front of the voter and help to lock him in his present situation? What is moral about this? Give the vote-buying politician and the welfare recipients an equal opportunity to work and I'll put my bets on the character of most of the welfare recipients.

If there are enough of you that share these same ideals that I have, let me hear from you. But before you do any urging, ask yourself these questions:—

(1) Do I care about principle enough to back a candidate who is not going to participate in a popularity contest?

(2) Would I care if my candidate refused to kiss babies and would only wage a campaign on ideas?

(3) Could I afford to have a representative from Idaho who would be breaking his neck to throw rocks in the way of the bureaucracy in Washington instead of in the way of free enterprise?

(4) Would I want someone in office who isn't hungry for the job, power and prestige that goes with it and would really rather be an apple grower that the government would just leave alone?

If your answer is "no" to any of the above, please throw this in the trash.

If your answer is "yes" and you are ready for dynamic diversion from "Rah Rah" schoolboy politics into a battle of ideas which in the long run could have con-

sequences by limiting government and expanding individual freedom:

(1) This isn't a one man show—I can't do it alone—Your support will be appreciated.

(2) Show this to your friends and have it reprinted if you wish, or write me for additional copies—Stevens D. Symms, Route 6, Caldwell Idaho 83605.

(3) When the next politician tells you how he's going to "serve" you, run for cover.

Consider this my formal announcement of my candidacy for Congress from the First Congressional District, on the Republican ticket.

God save the Republic—Steven D. Symms.

[Press release from Steve Symms, Aug. 7, 1991].

Recent speculation by the media and others regarding my intentions toward another campaign for the United States Senate are symptomatic of the predicament in America and Idaho today. You're focused on the wrong thing: "Will Symms run or won't he?" This has taken center stage since the moment my prospective opponent formed an exploratory committee in Washington D.C.

There are hundreds if not thousands of other issues more significant.

In a global sense, whether or not Steve Symms runs is not important. What is important are the ideas, philosophy and principles of the candidate. Eighteen years ago an apple knocker from Sunny Slope ran for Congress, not knowing whether or not I would win, but determined to add the word freedom to the campaign rhetoric. I didn't promise to make government efficient. I didn't promise to streamline government. I said I'd try to reduce government. Those who would listen heard me say government was the problem, not the solution. Enough people agreed that the unexpected happened. I went to Congress.

For the last two decades, its been exciting—first as a candidate, then a Member of the House, and now a Senator, I have been able to press my belief that freedom works, that individuals should be able to work and enjoy the fruits of their labor unencumbered by the octopus of government. I've kept my promise. I have tried to reduce government and maintain my sense of humor and perspective in the process.

And I'm not finished! As long as there's a heartbeat in this chest, I'll continue the quest for freedom. I don't intend to give Ted Kennedy, Jesse Jackson, or Dick Stallings a free rein.

My two Senate campaigns against Frank Church and John Evans were as much fun as anything I can remember. Not because I doubted either of these men's sincerity, but because these races presented Idahoans with a clear choice between more government or more freedom. Freedom won both times. Given that choice, Idahoans will choose freedom again.

Stallings now says Idaho has changed, Steve Symms hasn't. He says I'm out of step. He cites a poll—a survey of a few hundred people—as proof. Well, he's half right. Steve Symms hasn't changed. I hope I've grown. After 18½ years my perspective is much broader—but my beliefs are even more confirmed.

The last eighteen years have given me plenty of opportunity to joust with the news media too. Freedom is one dimensional to most folks in the media. They understand freedom of the press, but they take on a blank look when you start talking about individual liberty or the responsibility that goes along with it. What really galls the brethren of the press is that the people of Idaho still have such good common sense in spite of the barrage of propaganda. The Idaho voter is somehow able to see through the bias. And, when given a clear choice, they consistently vote for freedom, and ignore the messianic insight of the holier-than-thou editorial writers. Fortunately, I've always tried to give them that choice.

As I said in 1972, I went to Washington to reduce government. But there are some things government should do. National defense comes to mind. I'm proud to say I've been a constant supporter of a strong national defense. I've also supported using our military to keep the peace and promote freedom. Angola and Central and Latin America are moving to democratic capitalism. The Persian Gulf experience is proof positive that my position was and is the correct one. Yet, even with the stunning victory in Kuwait, as a percent of gross national product, America is spending the least amount on national defense since just before the Korean War. History tells us this is risky at best.

I was privileged to support President Reagan when he proclaimed America was back. It's no accident the Berlin Wall came down. Who would have thought that a Soviet dictator would attend, hat in hand, an economic summit of free, capitalistic nations. Gorbachev is begging for dollars to keep his bankrupt economy afloat while he continues to spend billions on missiles, tanks, ships and bombers. The Communist/Socialist command-control societies can't compete. Gorbachev and his cronies can no longer repress their people's right to the freedom we take for granted.

Peace is breaking out in the Third World too. No doubt you didn't hear or read about it in Idaho, but I'm proud to have played a role in that process: Angola by passage of my amendment to repeal the Clark Amendment and the work of the Central America Task Force.

Transportation is another area where the federal government has been able to coordinate our resources to improve our transportation. Thanks to President Eisenhower who recognized the need to move armies rapidly, we've built the best transportation system in the world and I'm proud to have played a role in this.

Private property is the foundation of all freedom. The harshest policy is that which takes private property during one's life and the cruelest tax is that which confiscates private property upon the death of the owner.

But, all that is in the past. What is Steve Symms going to do in the future? Am I going to run or not?

I am looking forward to the 1992 Senate race. It's going to be a lot of fun. I believe Idaho voters will again have a clear choice. Stallings is on the left, sometimes the far left, of the political spectrum (left of the United Nations resolution on the gulf). Idahoans, at least the vast majority of Idahoans, are from the center to the right. Most Idahoans are common sense conservatives who believe in hard work, the family, and individual liberty.

Stallings decided to run for the U.S. Senate because he took a poll. If you ask me, a poll is a pretty shallow reason for wanting to be a Senator. What's he going to do if he's elected, take a poll every time there's a tough vote? Being a Senator means taking a stand, believing in something, voting your conscience and taking the heat.

Stallings says his poll tells him he can defeat me. That's what the polls told Frank Church and John Evans. Well, they aren't the only ones who can take polls. I took a poll and it shows that in a contest between Steve Symms and Richard Stallings, Symms wins! When the Stallings' record is exposed, the people of Idaho reject the wet-finger policies of the left-leaning Democrat who says one thing but votes the other way.

What's more, my poll says that when you pit Stallings against either Boise Mayor Dick Kempthorne, Lieutenant Governor Butch Otter, or former Attorney General Jim Jones, he loses. And there may be others who could win if they choose to run. The candidate who reflects the center-right will win. The candidate who believes in and votes for freedom, for individual liberty, for a strong national defense and for limited government will win when they run against Stallings, a left-leaning Democrat who worships at the altar of big government and cowtows to the union bosses.

When I went to Washington, I said I wanted you to be as free when I left as when I came. At the end of my current term, I will have worked to preserve your liberty for twenty years. I think it is now my turn to seek my own.

I will not be a candidate in 1992—and I look forward to starting another career in the private sector in 1993.

I thank all Idahoans for the opportunity to have represented Idaho in the House and Senate during this time. For the next year and a half, I intend to keep up the fight. My work is not finished. There is a highway bill to complete. The Private Property Rights Act and the National Recreational Trails Fund Act are still pending and there's still plenty of battles to be fought over the budget hemorrhage. As Idaho's Senior Senator, I fully intend to lead this fight.

If there are words which best describe my feelings as I begin the final months the Senate it is undaunted and rededicated! I'm not going away. I'll be here doing my job. And I will be part of the 1992 Senate campaign.

It has been said that I am a tireless campaigner. I enjoy selling free market ideas, ideals and principles.

As you know, I've never lost a campaign and I don't intend to lose this seat to the Democrats.

I will not sit idly by while a left-leaning Democrat sells the Idaho electorate a bill of goods. Freedom is the mainspring of human progress. I believe it in 1972. I believe it even more in 1991, and it will be an issue in 1992.

I predict here and now that 1992 is going to rain on the Democrat's parade.

My goal is to return Idaho to the Republican column in both the House and Senate. I am convinced that with dedication, hard work and principled ideas—it will happen.

Special thanks goes to my family and Jim Mertz and Dick Buxton, the Chairman and Treasurer of the Symms campaigns, and my friend Ralph Smeed.

I thank all of my constituents for their support and look forward to continued contact in the future.

God bless you and God bless America.

SENATOR STEVE SYMMS' SENATE AND HOUSE STAFF, 1972-92, AN INCOMPLETE LIST

Megan Argiro, Marcia Bain, Mary Barton, Gaye Bennett, Penny Young Bond, Taylor Bowlden, Terry Burley, Rusty Butler.

Margaret "Ducky" Calhoun, Pat Calhoun, Anne Canfield, Gwen Butling Caudle, Carrie Cereghino, Sue Cornick, Sandra Church, Trent Clark, Joe Cobb.

Lyn Darrington, Lauretta "Mikki" Davies, Mark Davis, Tom Dayley, Paula Hawks DeLuca, Mike Duff, Chip Dutcher.

John Engel.
Susan Fagan, Bill Fay, Caroline Fiel, J.D. Foster, Lisa Foster.
Charles Grant, James Grant, Sally Greenslade.
Pete Hackworth, Paulette Hoeny, Mike Hammond, Kris Hanisch, John Hatch, Faith Haywood, Al Henderson.
Susan Irwin.
Andy Jazwick, Janet Jefferies, Bill Jerroll, Rusty Jesser, Laura Knapp Johnson.
Chad Kirkpatrick, Marjorie Kline, Jeff Kummer.
Carl Lance, Mary Lawrence, Chris Lay, Thomas LeClaire, Margaret Lundy, Georgia Lemley, Grant Loebs, Thomas Lowery, Phil Luce.
Jeff Malmen, Chris Manion, Marjorie Miner.
Kathy Nelsen, Trevor Norris.
Scootch Pankonin, Dave Pearson, Josee Pendleton, Linda Perkins, Jessica Perrin, Pamela Peterson, Angela Plott, Bill Powers.
Rene Quijano.
Ruth Rathbun, Phillip Reberger, Dixie Richardson, Dwight Ripley, Alain Blebee Robinson, Lois Rogers, Max Rogers, Ray Rogers, Roberta Rollingson, Sam Routson.
Chris Sandlund, Eric Sandlund, Andrew Schirrmeister, Rita Scott, Howard Segermark, Stacey Shepard, Orietta Sinclair, Ralph Smeed, Bob Smith, Fiona Smith, Lee Smith, Margaret Smith, Kevin Spencer, Martha Spinger, Charlene Stewart, Craig Steinburg, Michael Stinson, Dave Sullivan, Loretta Fuller Symms.
Elizabeth Taylor, Teresa Taylor, Lee Teague, Sandy Tewalt, Georgia Thomas, Ken Thompson, Al Timothy.
Phil Ufholz.
Rich Valenzuela, Lisa Vold, Rita Vanover.
Thelma Welker, Jade West, David Whaley, Jerry Williams, Joyce Hemenway Williams, Sherie Williams, Marianne Winston, Barbara Wise, Jane Wittmeyer.
Lianne Yamamoto, Glen Youngblood.

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD at this point:)

• Mr. LEAHY. Mr. President, last night the Senate passed the Justice Improvements Act which included two important amendments. The purpose of the first amendment is to enable the FBI to identify the subscribers to telephones that are used to communicate with foreign powers or foreign agents who engage in clandestine intelligence activities or international terrorism. This section amends section 2709 of the Electronic Communications Privacy Act [ECPA], 18 U.S.C. 2709, to require that a wire or electronic communication service provider give the FBI access, without a court order or subpoena, to information identifying certain telephone subscribers for use in foreign counterintelligence and international terrorism investigations.

The administration initially proposed an earlier version of this amendment in September 1989 and again in successive Intelligence Authorization Acts. Indeed, I am advised that FBI Director William S. Sessions testified in favor of the amendment at a closed Intelligence Committee hearing on May 10, 1990, and that the amendment was publicly endorsed by a special counterintelligence panel established by the Intelligence Committee on May 23, 1990. The amendment, as it was originally introduced, however, was not acted upon, largely because of civil liberties concerns raised with respect to the original wording.

In 1991, however, new wording was worked out by the House and Senate Judiciary Committees, responding to these concerns, and this provision was included in the 1991 crime bill.

BACKGROUND

In adopting ECPA in 1986, Congress established certain privacy protections for subscriber records and other information held by telephone companies and other electronic communication service providers. Congress provided that the Government could obtain a subscriber's transactional records or other information from a telephone company without the subscriber's permission only pursuant to a subpoena, search warrant or court order where there is reason to believe that the information is relevant to a legitimate law enforcement inquiry. 18 U.S.C. 2703.

Congress created a limited exception to this rule for use in counterintelligence and international terrorism cases. In 18 U.S.C. 2709, Congress gave the FBI authority to compel production of identifying information and toll records with a so-called national security letter, signed by an FBI official without judicial review and without relevance to a criminal investigation, where the subscriber is believed to be a foreign power or agent of a foreign power, as defined in the Foreign Intelligence Surveillance Act. Foreign power includes international terrorist groups.

The FBI has concluded that the authority in section 2709 is, in one specific respect, too narrow. To illustrate the problem, the Bureau cites the case of a former employee of the U.S. Government who called a foreign embassy and offered to provide sensitive U.S. Government information. The conversation was monitored, but the former employee did not identify himself. The former employee subsequently met with representatives of the foreign nation and compromised highly sensitive information about U.S. intelligence capabilities. The FBI argues that if it had been able to trace the number from which the first call offering information was placed, it might have been able to identify the former employee sooner or prevent the loss of information.

However, under sections 2703 and 2709 as they were adopted in 1986, the FBI could not, without a subpoena or court order, obtain the identity of a subscriber, unless there was a reason to believe that the subscriber was a foreign power or agent of a foreign power. In the case described above, the FBI did not have reason to believe that the caller was a foreign agent. Instead, the caller appeared to be a possible volunteer to be an agent, and therefore did not meet the section 2709 standard.

In response to this limitation, the FBI asked Congress to expand the reach of section 2709, to allow the FBI certification to require phone companies to identify not only suspected agents of foreign powers but also persons who have been in contact with foreign powers or suspected agents of foreign powers. As originally proposed by the FBI, the amendment would have applied to any caller to a foreign diplomatic establishment and any caller to official foreign visitors such as scholars from government universities abroad. This was deemed by the Judiciary Committee to be too broad.

Exempt from the judicial scrutiny normally required for compulsory process, the national security letter is an extraordinary device. New applications are disfavored. However, after careful study, the committee concluded that a narrow change in section 2709 to meet the FBI's focused and demonstrated needs was justified. The provision reported by the committee is a modification of the language originally proposed by the FBI. It allows access where: First, there is a contact with a suspected intelligence officer or a suspected terrorist; or second, the circumstances of the conversation indicate, as they did in the case described above, that it may involve spying or an offer of information.

In addition to covering a future case like the one described above, this new authority would allow the FBI to identify subscribers in the following types of cases, cited by the FBI in justifying its need for this amendment:

First, persons whose phone numbers were listed in an address book seized from a suspected terrorist;

Second, all persons who call an embassy and ask to speak with a suspected intelligence officer; and

Third, all callers to the home of a suspected intelligence officer or the apartment of a suspected terrorist.

Section 2709 as enacted in 1986 used the phrase "subscriber information and toll billing records information" to describe the information that the FBI could obtain. Instead of "subscriber information," the amendment here uses more specific terms: "names, address, length of service." As used in this section, toll billing records consist of information maintained by a wire or electronic communication service provider identifying the telephone numbers called from a particular phone or attributable to a particular account for which a communication service provider might charge a service fee. The committee intends, and the FBI agrees, that the authority to obtain subscriber information and toll billing records under section 2709 does not require communications service providers to create records which they do not maintain in the ordinary course of business.

This amendment strengthens congressional oversight of the exercise of this authority by amending section 2709(e) to add a requirement that the FBI report on its use of the authority to both House and Senate Judiciary Committees as well as both Intelligence Committees. It is the committee's intent regarding this section that the FBI should, without identifying the subjects of pending investigations, inform the committees, as part of this report, of the facts and circumstances that are the basis for obtaining information concerning any domestic political organization or groups under section 2709.

Under section 2703(e), wire or electronic communication service providers who provide information in response to a "court order, warrant, subpoena or certification under this chapter" are protected from liability for such disclosure. The certification signed by the Director or the Director's designee under the section 2709(b) is a certification for purposes of section 2703(e).

SECTION-BY-SECTION ANALYSIS

This proposal amends 18 U.S.C. 2709 by striking subsection (b) and inserting in lieu thereof a new subsection containing two paragraphs.

Paragraph (1) of the new section 2709(b) re-enacts the existing authority for FBI access to the name, address, length of service and toll billing records of a person or entity when the Director or the Director's designee certifies in writing to the wire or electronic communication service provider to which the request is made that—(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and (B) there are specific and articulate facts giving reason to believe that the person or entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in the Foreign Intelligence Surveillance Act.

Paragraph (2) of the new section 2709(b) authorizes the FBI Director or the Director's designee to obtain the name, address and length of service of a person or entity if the Director or the Director's designee certifies in writing to the wire or electronic communications service provider to which the request is made that—(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and (B) there is reason to believe that communications facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with (i) an individual who is engaging or has engaged in international terrorism or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States or (ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism or clandestine intelligence activities.

This amendment also adds the House and Senate Judiciary Committees to the oversight provision in section 2709(e).

Mr. President, I am also pleased to join with Senators BROWN and KOHL in offering the Computer Abuse Amendments Act of 1992 as an amendment to H.R. 3349.

It is important to update our laws to stay abreast of rapid changes in computer technology and computer abuse techniques. In the 101st Congress, the Senate responded to the threat posed by new forms of computer abuse—destructive viruses, worms, and Trojan horses—by unanimously passing S. 2476. That bill was not considered by the House of Representatives in the last Congress, so I joined with Senators BROWN and KOHL in reintroducing the bill, S. 1322 in this Congress. S. 1322 passed the Senate as an amendment to S. 1241, the Violent Crime Control Act. The provision was altered slightly in the crime conference with the House in November 1991. It passed the House in this modified form as part of the conference report to H.R. 3371, the Violent Crime Control Act.

The Computer Abuse Amendments Act of 1992 is the product of over 2 years of work by the Subcommittee on Technology and the Law. In the 101st Congress, I chaired two hearings on computer abuse. This proposal has been drafted and revised on the basis of careful review of issues raised in the subcommittee's hearings, and with the benefit of consultation with computer experts. The bill has been broadly supported by the computer industry and by computer users. At the subcommittee's hearing on July 31, 1990, Deputy Assistant Attorney General Mark Richard testified that this bill "* * * provides a useful improvement over and clarification of, the scope of existing law.

The free flow of information is vital to our competitiveness as a nation. Innovations in computer technology create new opportunities for improving the flow of information and advancing America's economic future, but they also create new opportunities for abuse by those who seek to undermine our computer systems. The maintenance of the security and integrity of computer systems has become increasingly critical to interstate and foreign commerce, communications, education, technology, and national security.

The National Research Council [NRC] published a major study, "Computers at Risk: Safe Computing in the Information Act." The study finds that we risk computer breachers that could cause economic disaster and even threaten human life. According to the NRC study, "Tomorrow's terrorist may be able to do more damage with a keyboard than with a bomb." The NRC study underscores the need for immediate action to protect our computer systems.

This legislation deals with new technologies and newly discovered forms of computer abuse. An alarming number of new techniuque—computer viruses, worms, and Trojan horses—can be used to enter computers secretly. Their simple names belie their insidious nature. Thousands of virus attacks have been reported and hundreds of different viruses have been identified. Computer breaches can cause economic disaster and even threaten human life.

Hidden programs can destroy or alter data. For example, a Michigan hospital reported that its patient information had been scrambled or altered by a virus that came with a vendor's image display system. Hidden programs can also hopelessly clog computer networks, as we saw with the Internet work of November 1988.

Other computer incidents, using the same kinds of programs, have been inadvertent. For example, in December 1989, the Vermont State computer network froze. It was impossible to sign on to the system. Rather than a virus or sabotage, it turned out to be a security device in the form of a "time bomb," built into the system's hardware to deter outside access. The manufacturer of the software had failed to inform the State that a special code would be triggered after a given date, locking out access through normal channels. It was nuisance to be sure, but certainly not criminal.

The subcommittee held a hearing on May 16, 1989, to explore the threat to computers and the information stored in them posed by new forms of computer abuse. We heard testimony from FBI Director William Sessions, who stressed the seriousness of the threat posed by computer viruses and other techniques.

The subcommittee also heard testimony from Dr. Clifford Stoll, an astrophysicist at the Harvard-Smithsonian Center for Astrophysics. He testified that many researchers throughout the United States were prevented from using their computers for 2 days as a result of a worm that was introduced onto the Internet computer network in November 1988. While managing the computer system at the Lawrence Berkeley Laboratory, Dr. Stoll caught a West German spy using computer networks to try to gain access to military information.

As a prosecutor for more than 8 years in Vermont, I learned that the best deterrent to crime was the threat of swift apprehension, conviction, and punishment. Whether the offense is murder, drunk driving or computer crime, we need clear laws to bring offenders to justice. Trespassing, breaking and entering, vandalism, and stealing are against the law. They have always been

against the law because they are contrary to the values and principles that society holds dear. That has not changed and will not change.

In crafting this legislation we have been mindful of the need to balance clear punishment for destructive conduct with the need to encourage legitimate experimentation and the free flow of information. As several witnesses testified in the subcommittee's hearings, the open exchange of information is crucial to scientific development and the growth of new industries. We cannot unduly inhibit that inquisitive 13-year-old who, if left to experiment today, may tomorrow, develop the telecommunications or computer technology to lead the United States into the 21st century. He or she represents our future and our best hope to remain a technologically competitive Nation.

Mr. President, this amendment clarifies the intent standards, the actions prohibited and the jurisdiction of the current Computer Fraud and Abuse Act [CFAA], 18 U.S.C. 1030. Under the current statute, prosecution of computer abuse crimes must be predicated upon the violator's gaining "unauthorized access" to the affected "Federal interest computers." However, computer abusers have developed an arsenal of new techniques which result in the replication and transmission of destructive programs or codes that inflict damage upon remote computers to which the violator never gained access in the commonly understood sense of that term. The new subsection of the CFAA created by this bill places the focus on harmful intent and resultant harm, rather than on the technical concept of computer access.

The amendment makes it a felony intentionally to cause harm to a computer or the information stored in it by transmitting a computer program or code—including destructive computer viruses—without the knowledge and authorization of the person responsible for the computer attacked. This is broader than existing law, which prohibits "intentionally access[ing] a Federal interest computer without authorization," if that causes damage.

This legislation recognizes that some computer incidents are not malicious—or even intentional—and they are treated differently. The amendment creates a parallel misdemeanor for knowingly transmitting a computer program with reckless disregard of a substantial and unjustifiable risk that the transmission will cause harm. The standard for recklessness is taken from the Model Penal Code. This provision will give prosecutors and juries greater flexibility to get convictions for destructive conduct.

The amendment creates a new, civil remedy for those harmed by violations of the CFAA. This would boost the deterrence of the statute by allowing aggrieved individuals to obtain relief.

The legislation expands the jurisdiction of the CFAA. It would cover all computers involved in interstate commerce, not just "Federal interest computers," as the current law does. This is appropriate because of the interstate nature of computer networks. American society is increasingly dependent on computer networks that span State and national boundaries. The potential for abuse of computer networks knows no boundaries. The act addresses this threat by expanding the jurisdiction of the CFAA to the full extent of the powers of Congress under the Commerce clause of the U.S. Constitution, article I, section 8.

I want to thank Senators BROWN and KOHL for working with me on this legislation. Enactment of this sound and balanced legislation would help ensure that our laws keep pace with new forms of computer abuse.●

THE DEMOCRATIC POLICY COMMITTEE

Mr. DASCHLE. Mr. President, as we enter the final hours of the 102d Congress, I rise to express my appreciation for the assistance the DPC staff has provided during this Congress.

The majority leader, the Democratic leadership, and the entire Democratic Caucus have been well served by the staff of the Policy Committee. Whether through coordination of legislative initiatives, publications, voting record information, channel 18, or communication assistance, this staff has consistently and diligently provided quality services to Members and staff. For the 4 years I have served as the cochairman of the Democratic Policy Committee, I have had the privilege of being associated with one of the finest staffs in the Senate. Many of these people are truly the staff behind the scenes, providing the Senate with invaluable assistance through the many services provided by the DPC, without the personal recognition of most Senators or their staffs.

First, I want to extend my appreciation to Monica Healy. Joining the staff in March 1991, Monica has served as staff director during the period of time the DPC has had as a priority the coordination and publication of Democratic initiatives and programs. The 102d Congress saw a much sharper focus on the issues of importance to Senate Democrats, such as the economy, education and health care. Monica's role in helping to provide this attention is appreciated.

I also want to thank Greg Billings, the DPC's deputy staff director and a longtime member of my staff. He has served as my liaison to the Democratic Policy Committee for the past 4 years and has overseen the transition of the DPC services. I appreciate the time and effort he has expended to ensure that all DPC services provide quality information and that the DPC's weekly luncheon meetings are informational and useful to Democratic Senators.

The staff of the Policy Committee in the Hart Building has undertaken to deliver some of the most important, yet under-appreciated, services provided by the Committee to Democratic Senators.

PUBLICATIONS

Since 1989, Senators and their staffs have come to rely on a number of publications crucial to the efficient operation of Senate offices. The Daily Report and the scheduling information it contains is on the desk of each and every Democratic Senator and their staff before the doors are unlocked in the morning. If it wasn't for the publications staff remaining until the final moments of each day's session, it would be impossible to ensure the accuracy and dependability of this important publication.

Other publications prepared by the DPC staff have reached levels of equal importance. Legislative bulletins, analyzing the important issues in major bills under floor consideration and the amendments that can be expected, are written in detail by experienced Policy Committee staff. Special Reports, with more detailed and thematic information on current issues, have been prepared regularly on topics crucial to Senate Democrats. Pocket cards highlighting the major provisions of important bills acted on by the Senate and Issue Alerts providing Senators and their staff with timely information on issues of importance to the Democratic leadership are the two other documents that round out our array of publications.

I particularly want to commend Marguerite Beck-Rex, the Policy Committee's editor. Marguerite makes certain each DPC publication is coherent, timely, and responsive to the individual needs of my colleagues and their staffs. Given the Senate's schedule and the unpredictable nature of the legislative process, ensuring that DPC's publications meet the objectives we set forth to implement over 3½ years ago is no easy task. The tenacious manner with which Marguerite has overseen this process is the main reason why DPC's publications have the best of reputations and are consistently in demand.

Meeting these objectives wouldn't be possible without the able and professional assistance of three production assistants. Lynn Terpstra was a part of the publication process from the first day, bringing a wealth of experience from her 15 years of DPC service. Victoria Thomas and Loren Burke round out a three-person production team, all of whom approach each task with enthusiasm and professionalism as if it were the first. I am aware of their commitment to work the extra hours and late evenings to see that information is provided in a timely and accurate manner to Senators and their staffs. I offer my appreciation to them for this dedication.

VOTING RECORD INFORMATION

As chief clerk, Marian Bertram is the cornerstone of much of the history at the DPC. In addition to attending to all of her duties as clerk, Marian also serves to ensure the reliability of the committee's voting record information which is provided to Democratic Senators and their staffs. Joining the DPC in 1971, Marian holds the record as the staff person with the longest employment, spanning the chairmanships of Senators Mike Mansfield, ROBERT C. BYRD, and now GEORGE MITCHELL. She makes certain the highest standard of accuracy is followed in both the voting record information and the DPC operations.

Doug Connolly has as his primary responsibility the overall distribution of voting record information. Senators and their staffs have seen a number of new voting record products, all of which were prepared and coordinated by Doug and the voting record staff. Individualized voting record reports on major legislation and personalized voting record books are two new, specialized voting record products developed by the voting record staff under Doug's direction. In addition, many offices rely on DPC Online, a product he developed to make access to the Senate's mainframe computer more user friendly.

Colleen Brady Stephenson and Celia Maloney work with Marian and Doug to make certain all of the DPC's voting record information and attendance data is accurate, timely, and useful to the Democratic Senators for whom the DPC serves. Also, Clare Amoruso has worked diligently to ensure that DPC's computer services act as an efficient and timely conduit for this information. Calls to this five person staff are guaranteed to be handled with professionalism and accuracy, providing Senators and their staff with one of the most important DPC services. For that, I express my deepest appreciation.

CHANNEL 18

In January 1990, channel 18 became an integral component of DPC services. It provides Senators and staffs with the most up-to-date information possible on the floor schedule and pending legislative information. Over the 3 years since its inception, Senate Democrats and their staffs have been served by a reliable and professional staff whose mission is to distribute quality and timely legislative and scheduling information each and every minute the Senate is in session.

Lisa Plante and Jeff Pray recently joined the DPC staff as the channel 18 operators. In the short time they have been directing this facet of DPC services, they have demonstrated the talents necessary to ensure the continuity of channel 18's quality information.

It isn't possible to mention channel 18 without offering my appreciation to the two staff people who recently preceded Lisa and Jeff. Juliana Blome and Molly Donovan provided Senators and staff with reliable and consistent legislative and scheduling information over the many hours they served as channel 18 operators. Losing Juliana to the staff of Policy Committee Senator FRANK LAUTENBERG and Molly to an outside computer service left a void I'm certain Lisa and Jeff will work diligently to fill.

DOMESTIC ISSUES

Over the past 4 years, the DPC has provided Democratic Senators and their staffs with timely, accurate, and detailed analysis of the issues considered in the Senate. Meeting this objective over the past few years would not have been possible without the commitment and dedication of many quality and professional staff.

Joining the DPC staff in his first job in the Senate, Paul Carliner primarily monitors energy and environmental issues, providing both the majority leader and the DPC with comprehensive, accurate, and timely information in these two important areas. The quality service he provided during consideration of the energy bill is appreciated.

Special reports and issue alerts on health care have been the primary responsibility of Mary Ann Hill. DPC health care publications have been consistent in quality and information. Mary Ann's steady performance in covering health care, along with a number of other issues including judiciary and campaign finance reform, has been an important asset to the DPC.

Chris Moseley originally joined the DPC staff as an intern and soon moved to a permanent policy analyst staff position, monitoring economic, appropriation, and education issues. Chris often was pressed into service to cover issues with which he wasn't familiar and did not have immediate expertise. He took them on without complaint because he wanted to see the standards of the DPC publication process maintained. Whether taking on these new responsibilities or tending to those to which he was assigned, Chris approached all of his assignments with professionalism. For that, I am appreciative.

Kris Balderston, who joined the staff earlier this year, brought to the DPC a strong background in State and local government. He has provided experienced staffing expertise to an urban affairs task force formed earlier this year by the majority leader and served as the DPC liaison to another leadership effort on defense conversion.

Health care is an issue primarily under the responsibility of Michael Werner. In order to ensure that health care remains a top priority of Senate Democrats, Michael has worked diligently to assist in coordinating the legislative efforts of Senate Democrats in the health care area, an issue that will remain a top priority in the coming Congress.

I also want to express my appreciation to David Corbin, the DPC's researcher and author of a number of Policy Committee special reports pertaining to the economy and other issues of concern to Democratic Senators and their staffs. He has demonstrated a consistent approach in his efforts to prepare useful and timely information for our colleagues and has on more than one occasion demonstrated that his background as an author has served him well in preparing DPC publications.

Two new additions to the DPC staff include Tony Morgan and Russell Dunn. As staff economist, Tony brings a wealth of business background to the committee's service to Democratic Senators. Russell joins the DPC staff from the majority leader's office, bringing with him the experience inherent in working in that office.

The review of any professional organization would be incomplete without acknowledgment and the dedication and professionalism the support staff brings to the effort. Kelly Paisley has served as the staff director's assistant and the office manager of this facet of the organization. She ensures the efficiency of the operation by coordinating the efforts of two staff assistants, Vonzell Brown and Julie Cote. Along with Jeff Hecker, the systems administrator for the computer systems at the DPC and Senator MITCHELL's office, this four person team oversees the smooth operation of the office, the computer systems, and the Job Bank Referral Service, a resume clearinghouse for Democratic offices.

I also want to express my appreciation for the services provided by Andy Phillips and his successor, Mike Morgen. They, too, provide backup assistance to ensure the DPC's efficient operation.

As we end this session of Congress, I want to acknowledge the contribution made by five staff people who left the DPC staff during this Congress.

Brenda Corbin Sargeant completed over 10 years of service to this committee in January of this year. Brenda began her career writing and analyzing voting records, and later writing legislative bulletins on issues scheduled for floor action. The last year of her experience at the DPC saw her totally emerse herself in the complexities of health care, authoring one of the most popular DPC publications ever produced, a comparison of health care programs in Canada, Germany, Japan, and the United States.

I also want to express my appreciation for the experience Ken Jarboe brought to the DPC. Joining the committee after having served on the staff of Policy Committee Vice Chairman Jeff Bingaman and the Government Affairs Committee, Ken assumed the re-

sponsibility of making certain Senators and their staffs were well-informed on trade, economic, and technology-related issues. Many of the Democratic legislative priorities in the technology area he monitored during his service at the DPC came to fruition through the Democratic Initiatives passed in the last days of this Congress.

Charlotte Hayes brought a mixture of legislative and communications experience to the issues for which she was responsible. Quality and detailed information on education, labor, and womens' issues were guaranteed to be presented in any effort Charlotte undertook. The addition of Charlotte to Senator GORE's staff truely was a loss to the DPC.

Heather Hart left the DPC staff after a year of service to become a staff assistant on the Energy Committee. Serving as an assistant to the deputy staff director, Heather demonstrated a level of professionalism and competence far beyond her level of practical experience. Her contribution to the efficient operation of this DPC office was appreciated.

Finally, I want to express my appreciation to Wanda Bailey, who served as a staff assistant for nearly 2 years. Her cheerful personality left many visitors to the DPC with a positive impression. I know she will carry these attributes throughout her career and her post graduate studies at Harvard.

FOREIGN POLICY ISSUES

Foreign policy issues at the Democratic Policy Committee have been developed under the expertise of three principle staff people, Sarah Sewall, Ed King, and Brett O'Brien. Sarah, a member of Senator MITCHELL's personal staff before joining the DPC in 1989, has assisted the committee's effort to make certain all Democratic Senators and their staffs are well informed of the latest developments in the former Soviet Union and Eastern Europe, her primary responsibilities.

Developments in China have been considered in great detail by the Senate. Ed King has filled an important role in making certain developments in both China and Central America are monitored and adequately explained in a timely fashion to our colleagues. I express my appreciation for the assistance he has provided in this area.

The newest addition to the Policy Committee's senior staff is Brett O'Brien. Originally joining the DPC to write foreign policy and defense publications, Brett has assumed the role of Armed Services Committee staff person for Senator MITCHELL and the Policy Committee and has provided quality military issue information to our colleagues.

Leah Titerence is the newest addition to the DPC's foreign policy staff. She joined the DPC to write foreign policy and defense publications and has filled this role in an exemplary manner in the short time she has been a member of this staff.

I also want to express my appreciation to Wendy Deker, an experienced staff assistant who recently retired from the DPC after nearly 10 years of service. Wendy was responsible for the organization of the foreign policy office and for the details of many of the foreign oversight trips undertaken on the part of the leadership. Over her many years of service at the DPC, many Senators and their staffs benefited from her experience and professionalism. I offer her my best as she begins her retirement.

Another longtime staff person who left during this Congress was Scott Harris, the DPC staff liaison to the Armed Services Committee. Scott's many years of legislative experience in military issues brought a wealth of experience to the DPC's informational effort. I offer my thanks to him for his many years of service to the DPC and all Democratic Senators.

FLOOR STAFF

There is not a Senator on either side of the aisle who has not been touched by the able and professional assistance of the DPC's floor staff. Under the direction of Charles Kinney, chief floor counsel to the DPC, and with the able assistance of the Assistant Secretary for the Majority, Marty Paone, and floor assistants Lula Davis and Art Cameron, the thousands of daily details are coordinated to guarantee the smooth operation of the Senate.

Nancy Iacomini and Brad Austin, staff assistants in DPC's Capitol office, are the important link between the floor staff and all other facets of the DPC staff and the offices of other Democratic Senators. Until he recently left the DPC staff for medical school, Pierre Golpira was a valued member of this office. I offer my appreciation to Nancy, Brad, and Pierre, not only for their efforts to coordinate the information flow within the DPC, but for their diligence in attending to the details of the Policy Committee's weekly luncheon meetings. These luncheons are among the most successful of our projects, and I know that wouldn't be possible without the attention they have provided to them.

COMMUNICATIONS

Finally, Mr. President, I want to recognize the role of the DPC's communications process. Notwithstanding competing demands, uncertain scheduling, and an unpredictable floor agenda, the communications staff has made certain that the Democratic Senate agenda receives the full attention of the media and the American public for our legislative accomplishments.

In addition to serving as the majority leader's press secretary, Diane Dewhirst, the DPC's Director of Communication, plays an integral role in developing this communication agenda and making certain all Democratic Senators and their staffs are cognizant of the leadership's position on timely issues. Working in highly charged environment with many conflicting demands, Diane brings a balance of communications and legislative background to this very important position. Mary Helen Fuller and Jim Manley assist her in making certain the best possible information is provided to our colleagues.

Garth Neuffer recently joined the DPC as senior media adviser. He has had as his primary responsibility the long range planning and development of issues of primary importance to Democratic Senators. Working in coordination with the legislative schedule and other leadership priorities, Garth, along with Trish Moreis and Amy Pressman, two new staff additions to the communications effort, has played a valuable role in developing our use of new and innovative communication devices for long-range planning on our key issues.

I also want to commend the excellent service provided to Democratic Senators by the DPC's broadcast services staff. Under the experienced direction of Kevin McManus, this entire staff provide Senators and their staff with professional and timely television broadcast services. Along with Christine Deckel, Clare Flood, Kevin Kelleher, and Mark Marchione, this team upholds the Policy Committee's exemplary standards of professional service to assist Senators with their communication needs. To them, I extend my appreciation.

THE 10TH ANNIVERSARY OF THE DEATH OF KORCZAK ZIOLKOWSKI

Mr. DASCHLE. Mr. President, when we speak of beauty, we often divide it into two categories, that which is created by nature, and that which is created by the hand of man. Many times, however, some of the most remarkable creations involve a synthesis of the actions of man and nature.

Two such examples of this synthesis are Mount Rushmore and Stone Mountain, which are carved out of living stone of our Nation's mountains. All who view these monuments experience a profound appreciation for the history of our country and our cultural heritage.

Today, as a result of the determination of a visionary sculptor, the face of another such monument is gradually taking shape in the Black Hills of South Dakota. Nearly 40 years ago, Korczak Ziolkowski began to act on his dream to commemorate the great Sioux leader Crazy Horse by carving a monument to him in the scared mountains of the Black Hills. When it is completed, it will stand as an awe-inspiring testament to the central role played by the Native American in United States history.

Sadly, as is often the case with projects of massive scale, the person responsible for its genesis will never see its completion. Mr. Ziolkowski died on October 20, 1982 at the age of 74, after having dedicated decades of his life to the realization of his goal. Today, nearly 10 years later, the task of completing the monument is being carried out by Mr. Ziolkowski's wonderful wife, Ruth, and their children.

As we near the 10th anniversary of this great man's death, I would like to take this opportunity to recognize his contribution to the preservation of our Nation's heritage. It takes a true visionary to look into the future and conceive of a creation that will offer future generations of Americans a clearer window into their nation's past.

FARMERS AID IRAQI CHILDREN

Mr. DASCHLE. Mr. President, I speak today to support the humanitarian effort of farmers across the country who are working to send milk powder to disadvantaged children in Iraq.

This project is supported by a nonpartisan organization known as the Committee to Save the Children in Iraq, founded in May 1991. The committee is comprised of volunteers who coordinate the entire effort, arranging transportation and overseeing the delivery of the milk powder. Although I am not very familiar with the Committee to Save the Children in Iraq and do not support all of its policy goals, I became aware of the milk lift project when dairy farmers in my State advised me of their involvement in it, and I am proud of these farmers' efforts.

I would like to relay some history about the milk lift to Iraqi children. The effort to send milk powder to Iraq on October 1, 1991, when 20 farmers from 8 States, including South Dakota, developed a plan to help children in Iraq who are being denied proper nutrition. This was conceived at a time when some dairy farmers across the country were considering dumping milk on the ground to protest low farm prices. Since then, they have sent four shipments from the United States amounting to over 9,750 pounds of nonfat dry milk, which would equal about 50,000 quarts of fluid milk for Iraqi children. Over 100 farmers in 16 states are now active in the project.

These hope to convey two key principles to the public. The first is that food should never be used as a weapon against innocent children. "The State of the World's Children 1992," a recent report by UNICEF, states that 250,000 children die every week from starvation and disease. The report also says that children in Iraq are paying the heaviest price for the gulf war. The second principle is that independent farmers in the United States, who have shown throughout history their willingness and ability to feed the world's hungry people, should not be forced out of business by an unjust U.S. farm policy.

Mr. President, I share those principles and support this effort to bring humanitarian relief to Iraqi children, who bear no responsibility for the brutal circumstances to which they have been subjected.

IN HONOR OF FALLEN FIREFIGHTERS

Mr. RIEGLE. Mr. President, this Sunday is the 11th Annual National Fallen Firefighters' Memorial Service and Americans will gather to honor firefighters who died in the line of duty. It is right and important that we recognize the sacrifice that these citizens made in protecting their communities. We all join in the sense of loss we feel in the passing of these brave public servants.

Three Michigan citizens died last year while fighting fires: Donald J. Daughenbaugh of Romulus, and Joseph Kail and Charles Love, both of South Boardman. I would like to extend my sympathy to the family and friends of these men; they, too, have had to make sacrifices for the good of their communities while they are grieving, they can also be proud of their loved ones' selfless commitment to the public good.

As we pay our respects to our lost firefighters, I believe that we should renew our commitment to the firefighters who continue to put their lives on the line. Although fire departments are governed and financed at the local level, the Federal Government plays a role in a variety of areas including setting safety standards and requirements. We have an obligation to do what it can to help minimize the risks that firefighters face.

I am a member of the congressional fire services caucus and I commend the work the caucus is doing to raise the profile of fire issues here in Congress. I look forward to continuing to work next year on issues that will improve fire safety in this country and help protect our firefighters.

TRIBUTE TO LAWRENCE WEINBERG

Mr. AKAKA. Mr. President, It is with great pleasure that I rise to recognize the exceptional achievements and community involvement of an outstanding American and friend, Lawrence Weinberg.

Lawrence Weinberg was honored this past Sunday evening at AIPAC's Los Angeles Community Dinner for his ongoing commitment to community service and political activism. I can think of no individual more deserving of this special recognition, yet I am certain that Larry, in his unassuming manner, must be slightly unsettled by the outpouring of accolades and tributes he so richly deserves.

In every endeavor undertaken, as the founder and chief executive officer of three very successful businesses; as owner of the NBA Portland Trail Blazers; as president, CEO, chairman, and chairman emeritus of the American Israel Public Affairs Committee [AIPAC]; as Democratic National Committeeman; as chairman, director and trustee of numerous charitable organizations and foundations, Larry Weinberg's dedication, diligence, and energy have yielded a distinguished and diverse record of achievement and service to nation and community.

Lawrence Weinberg can be particularly proud of the dedication and good works he has devoted toward maintaining a strong, secure and democratic Israel and preserving the special bonds of the United States-Israel relationship. As a decorated infantryman during World War II, Larry Weinberg participated in the liberation of the Nazi death camps and witnessed firsthand the horrible aftermath of the Holocaust. As a young man, confronted by the unspeakable and unimaginable specter of death, cruelty and suffering, he made a solemn promise that he, as one individual, would make it his mission to ensure that a repetition of this genocide would never happen again. His actions from that day through the present have fulfilled that promise to the benefit of all people of goodwill. Those of us fortunate to know Larry admire the courage of his convictions and the resonance of this character.

Mr. President, a great American statesman once said, "One man with courage makes a majority." Lawrence Weinberg's good works and commitment to service are a testament to the difference that one individual can make, the impact that one voice can have in bringing people together and effecting positive change. There is a Yiddish word, "mensch", which perfectly describes Larry Weinberg and conveys the esteem, affection and respect felt for him by his friends better than the lengthiest testimonials. Lawrence Weinberg is truly an extraordinary man.

THE ENERGY POLICY ACT OF 1992

Mr. DOMENICI. Mr. President, our Nation's standard of living and quality of life is in great part a function of our energy policies. Energy affects every aspect of our economy—from industrial production to ensuring a reliable energy supply to support service industries—energy is a critical factor in determining our economic prosperity.

Here in the United States, we are developing a new concept of energy—one that stresses the necessity of clean fuels, conservation, mass transportation, and an emphasis on renewable energy resources. This legislation con-

tains strong provisions aimed at addressing our energy needs through efficiency and conservation. It calls for more efficient use of energy throughout our economy, including improvements in the industrial sectors, increasing energy efficiency in the Federal Government, and encouraging more efficient use of energy by utilities.

My colleagues know that I strongly supported both the National Energy Strategy proposed by President Bush and the original National Energy Security Act as reported from the Energy and Natural Resources Committee. Both represented a balanced and thoughtful approach to our need for a national energy policy. Unfortunately, not all the provisions included in those two early energy proposals have survived the legislative process. However, this legislation remains one of the most important pieces of legislation to come before this Congress.

It is impossible to speak in appropriate detail to the broad range of provisions included in this bill. I would, however, like to draw particular attention to two areas which have special importance to me.

As one of the original advocates for ensuring that America has a viable, domestic source of uranium and uranium enriched fuel, I am very pleased that we are about to enact legislation to facilitate the cleanup of mill tailings sites and to ensure the continued supply of uranium and competitively priced enriched uranium through an effectively restructured uranium enrichment enterprise [UEE]. I stated in April of 1986 during one of the first congressional hearings on this issue, that a restructured UEE is essential for the good of the nuclear energy industry, which supplies over 20 percent of the Nation's electricity, for our energy independence, for our environmental concerns, and for our economy. I believe this is true now more than ever.

While I am gratified that we are finally acting on this important energy legislation, I must remind my congressional colleagues that the long delay in getting to final action on the comprehensive uranium legislation has not been without some consequences. At one time, the United States led the world in uranium production, and my State of New Mexico was the world capitol in uranium mining. Today, however, there are few remaining uranium mining operations in the United States, with enormous uranium reserves, producing only a small portion of our domestic needs. Had we paid better attention to the policy considerations of all elements of the nuclear fuel cycle, which I attempted to do in legislation I introduced in April of 1985, I believe we would be more energy independent today. I am pleased the conference has also retained the overfeeding program to enourage the consumption of domestically mined uranium.

I commend the conference for adopting the mill tailings remedial action plan. At long last, the Congress is recognizing the Nation's responsibility for the cost of decomissioning and stabilizing these mill tailings sites that came into existence under Federal contracts, yet have been left with private businesses and local communities to manage.

In this post cold war era, action on this restructuring language is very timely and is very much needed. The newly created Uranium Enrichment Corp. will play a central role in turning the weapons of the cold war into plowshares of nuclear energy fuel. I also believe the corporation will play an important role in maintaining order in the world enrichment market as the transformed highly enriched uranium enters the marketplace.

The conference committee reached an equitable solution to funding the decontamination and decommissioning program for the UEE facilities. There were many during the course of debate who would have foisted the government's responsibility onto nuclear energy ratepayers, heaping additional, and artifical, costs on nuclear energy generated electricity.

This bill also finally concludes the debate on what is the acceptable accounting principle under the 161 v. provisions in the Atomic Energy Act. Again there were many who through accounting gimmickry were plotting various taxing schemes to amass funds from utilities and their ratepayers, and drive up the cost of nuclear energy. I want to add as a postmortem on this so called unrecovered cost issue that when I first introduced my comprehensive uranium bill in 1985, I calculated that their was a shortfall in revenues over expenses. Accordingly, my proposal would have required the payment of $350 million into the Treasury. However, since 1986, the UEE has returned to the Treasury more than $600 million in excess revenues over appropriations. This bill rightly dismisses the unrecovered costs issues and returns to the corporation the unexpended appropriations and accounts that have been earned through appropriations.

While I am on this topic, I wish to recognize the efforts of those who have worked so hard for so long on this restructuring legislation, particularly the staff of the Senate Energy and Natural Resources Committee. I also want to thank two AAAS congressional fellows, Paul Gilman and K.P. Lau, who first worked with me on this issue 8 years ago and are responsible for putting together the framework for this comprehensive uranium bill, which is embodied in H.R. 776. They have since left my staff, but I thank and compliment them, and I applaud AAAS and IEEE for supporting the Congressional Fellow Program that brings scientists and engineers into the legislative process.

Of equal importance are those provisions in this conference report dealing with the domestic production of oil and gas, particularly changes to the way in which oil and gas production is taxed. I represent one of the big oil and gas production States. While rigs sit idle in my State, and while wells are shut in all over the Nation, we are importing almost half the oil we consume on a gross basis. That represents an increase by almost one-half over our dependence in 1985.

The tax title contains some of the most important energy provisions for independent producers. Right now, they are being taxed out of existence by the alternative minimum tax [AMT].

Independent producers have been stuck in the AMT since it was enacted in 1986. Under the AMT there are four big penalties imposed upon investments made by U.S.-based taxpayers who explore for, and produce U.S. oil and gas reserves. These penalties hit the independent oil and gas producers who drill 85 percent of all domestic wells. There are two tax penalties on drilling investments and two penalties on asset depletion. Without the independent oil and gas producers' exploration and development activities, the options for an energy strategy would be greatly limited. The President recognized this, and fully supports AMT relief for independent oil and gas producers.

This bill also contains important reforms of the Public Utilities Holding Company Act [PUHCA] that will enable independent power producers [IPP's] to meet a significant share of our country's future power needs. I anticipate that these IPP's will, in many cases, utilize energy efficient, abundant, and clean burning, natural gas.

To the many New Mexicans involved in the production of natural gas, this bill, in conjunction with the recent rulings by the Federal Energy Regulatory Commission [FERC], sets the basis for a stable and reliable domestic natural gas market. I anticipate that the groundwork has been established for a period of growth and prosperity in the natural gas industry.

I am very pleased to have worked with my colleagues, in particular Chairman JOHNSTON and the ranking member of the Energy and Natural Resources Committee, MALCOLM WALLOP as this legislation has developed. It has been a long, and at times, frustrating process. However, today our efforts have culminated in a bill of which we can all be proud.

TRIBUTE TO BILL KNAPP

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to someone

who has been an inspiration to me and to many Minnesotans. Bill Knapp had been a public servant in the small town of Menagha, MN, for many years. During that time he served on the city council, but like so many of the people I admire, BILL did more than make up a quorum in the council chambers.

Anyone from Menagha can tell you that Bill had been a vital part of the community. As city administrator Char West put it, "Bill was involved in everything. If you needed him to do something he would do it." That's why he would don his Santa Claus suit each holiday season for Menagha's school children. And that's why he took the time to drive meals to house-bound seniors. He was honored for those efforts recently as Menagha's Senior Citizen of the year. Bill was also active in the VFW, the local commerce organizations and the Lions Club.

Bill had the stamina it takes to be there when you need a helping hand and a warm smile. A few months before he died of cancer at age 71, he finished a 5K race at the Menagha Midsummers, accompanied by a dozen of his children and grandchildren, running with him as a team.

Mr. President, with people like Bill Knapp in their midst, communities have the spirit to hold their own in tough times. Menagha, with its 1,076 souls is a strong community, with a new city hall, a new addition to its school, and a population stronger this year by 10 percent.

Mr. President, Bill Knapp will be fondly remembered by the people of Menagha. I too will remember him, and we will all miss him.

TRIBUTE TO ROGER KENNEDY

Mr. DURENBERGER. Mr. President, I rise today to commemorate Roger Kennedy, a Minnesotan who has made an important contribution to the appreciation of our Nation's past.

When he became director of the National Museum of American History 13 years ago, Roger sat out to transform that institution from a kind of marblelized warehouse, if you will, into a place where visitors of all ages would feel compelled to enter into a generational conversation.

By redefining the role of the museum, Roger made history accessible, not only for scholars and researchers, but for parents, grandparents and children. When asked recently by a reporter to define his legacy, Roger responded, "I would defer to any 15-year-old passing through this place as to what we've done."

That sentiment is typical of Roger, and, I believe, of many of the Minnesotans I have come to know during my years in the Senate. It is a kind of practicality inspired by the need to discover, simply, a better way of doing things. We take for granted today Roger's innovative way of bringing history alive through historical re-creations and interactive media.

Roger also brought us a new kind of history than had previously been the staple of American museums. Under his guidance, exhibits at the museum examined the internment of Japanese-Americans during World War II and explored the subjugation of African Americans. Roger Kennedy knows that the fabric of American history will be threadbare unless everyone's story is woven into it.

Roger's career before coming to the museum certainly shows his qualifications. He has been a trial attorney, a Special Assistant to the U.S. Attorney General, a foreign correspondent, a producer and public affairs broadcaster with NBC. He has served under the Secretary of Labor and the Secretary of Health, Education and Welfare. He has been a banker and a vice president at the University of Minnesota. Roger Kennedy has written seven books and is working on another. He continues to write columns and opinion pieces for a number of publications, and has appeared in 26 programs on architecture.

In short, Mr. President, Roger Kennedy has been around. Now 66, Roger will continue to write, and he plans to host a 10-hour television series for the Discovery Channel, "Roger Kennedy's Discovering America." He will remain as director emeritus of the museum.

Mr. President, Roger Kennedy is an energetic and farsighted American. Through his work at the National Museum of American History he has helped transform our view of the past, and I know he will be an important American far into the future.

TRIBUTE TO SENATOR TIM WIRTH

Mr. LAUTENBERG. Mr. President, I rise with more than a little sadness to note the departure from these Chambers of my good friend and colleague, the senior Senator from Colorado, TIM WIRTH. Senator WIRTH's retirement from Congress follows an impressive career as a member of Congress—first representing the Second District of Colorado for 12 years and, since 1987, as a Member of the Senate.

During his tenure in Washington, Senator WIRTH has gained a well-deserved reputation as a strong leader on important issues facing the Nation. He has dedicated long hours to making this country a better place for our children. He is most deservedly renowned for his exemplary efforts to heighten awareness of, and create solutions to, our country's serious environmental dilemmas.

But he has also been an effective advocate for promoting efforts to improve our Nation's fiscal picture, as well as promoting efforts to improve economic development, infrastructure and transportation projects in his State. In addition, TIM WIRTH has been a long-time advocate for improving our educational system.

As a member of the Senate Energy and Natural Resources Committee and chairman of the Subcommittee on Energy Regulation and Conservation, Senator WIRTH has gained a reputation as a leader on our environment. I was with TIM WIRTH at the Rio Summit earlier this year, and my respect for him only grew. He has sent us all a wakeup call about the greenhouse effect, stressing the need for significant policy and legislative changes.

His list of accomplishments in the environmental arena is impressive. In addition to his efforts to combat global warming, he has fought hard for funding to support research on alternative energy sources; he was successful in getting financing for high-altitude air pollution research centers for the western slope; he lead the fight to amend the Clean Air Act so that we could benefit from cleaner gas and cleaner cars; he has fought to protect critical areas of our Nation's wilderness.

Senator WIRTH also has a long record of supporting conventional arms control and nuclear weapons limits. As chair of the independent task force on defense spending, the economy, and the nation's security, he has been involved in analyzing the impact of declining defense spending on national and local economies, and developing ways to make sure that our Nation's industrial base can prosper.

Senator WIRTH does not hide behind a cloak of safety, advocating only for those changes for which there is widespread public support. He's not afraid to rock the boat when the boat needs to be rocked.

I respect TIM WIRTH. I have learned from TIM WIRTH. I count myself as privileged to have worked side by side with him. He is an effective advocate, an outstanding role model, and a person of great integrity. But most of all, he is a warm and compassionate person who will be deeply missed in the Senate. I wish him the very best.

HEALTH CARE REFORM

Mr. ROTH. Mr. President, the number one concern for millions of Americans is access to affordable quality health care. Many who have health insurance are afraid that they might lose it. Those without insurance fear major medical expenses, and delay necessary preventive care such as check ups and immunizations. Meanwhile, health care becomes more expensive, the insurance industry discriminates against those with certain medical conditions, and small businesses and the self-employed find it next to impossible to find affordable coverage. Despite the fact that we spend more on health care than any other nation, we rate below many other developed nations in terms of the health of our people.

We as a nation will spend more than $800 billion this year on health care, yet the number of uninsured individuals continues to grow. According to the Congressional Budget Office, the number of uninsured is 33.1 million individuals. The Nation is nearing a state of crisis, and reform is direly needed. As this Congress approaches the end of its legislative work, a lack of consensus on Capitol Hill has prevented the approval of any form of sweeping health care reform. Politics and partisanship of an election year have placed health care reform in an even deeper gridlock. However, this issue is too important to leave unaddressed.

The fear of not being able to afford health care coverage is widespread and impacts virtually everyone. In Delaware, insurance premiums for a small business owner are as high as $1,200 per month. The number of uninsured in Delaware which has a population of 666,000 is over 90,000—and the vast majority are working families trying to make ends meet. The number of uninsured Americans has grown to more than 33 million. A high percentage of these individuals are employed in small business, but their employer simply cannot afford to offer a health care benefit. Affordable health care is critical to the well-being of our Nation's people and the ability of our Nation to compete internationally.

In an effort to address this critical challenge, I have been developing a proposal to make health care more affordable to working Americans and their families' providing access to millions of those who currently do not have health insurance. On March 26, 1992, I addressed the Senate and introduced my ideas to reform the health care system. Today, I rise to provide some more detail of my proposal, which would hold down costs and provide greater access by introducing managed competition into the Federal Employee Health Benefits Program and permitting small businesses and self-employed individuals to buy-in to the high quality health care coverage currently available to all Federal employees.

This proposal will make available to millions of Americans the same exact health care plan that is available to Members of Congress, Supreme Court Justices, members of the President's Cabinet, and millions of Federal employees and retirees. While the Heritage Foundation points to the Federal employee plan as a model to promote market based reform. I view the Federal employee plan even further, as a practical plan to actually build upon.

While the Federal employee program currently provides a wide range of choice for enrollees with a high level of benefits, it must be recognized that the program is far from perfect. The total cost of the program will more than double between fiscal years 1992 and 1997 from $14.6 billion to more than $29 billion, according to the Office of Management and Budget. Just recently, the Office of Personnel Management announced that the average 1993 premium paid by active nonpostal employees and retirees will increase by 9 percent.

While some attempts to manage care, such as precertification before entering the hospital and preferred provider networks, have contributed to keeping the rate of increase below the 37 and 34 percent increase experienced in 1988 and 1989, the rate of increase this year is still unacceptable. In Delaware, two of the HMO's which serve Federal employees and retirees in the State increased rates by 18 and 16 percent for self coverage and 18 and 13 percent for family coverage. Clearly, we cannot be complacent at a time when health care is a major expense in American households.

In response to the announced rate increases, John Sturdivant, national president of the American Federation of Government Employees stated:

> Until the FEHBP is completely overhauled to take advantage of the combined purchasing power of over 9 million Americans enrolled in the Government's health care program, premiums will continue to increase at an unacceptable level and more and more Government workers will be forced to choose inferior plans with poor health care coverage or drop out of the program entirely.

I agree with these comments completely given that the combined purchasing power of 9 million enrollees has the potential to yield a much better deal for enrollees and the Government.

My proposal retains the positive aspects of the Federal employee plan while introducing reforms to improve upon the program's deficiencies. Through the use of market based competition, we can succeed in bringing the growth of this program under control. Federal enrollees are very price sensitive in choosing their health care coverage, which means that basic market forces are already in place. My proposal will improve upon this competition among providers to keep costs down. Until comprehensive managed competition is introduced into the Federal employee program, we will continue to be subject to premium increases three and four times the rate of inflation.

This two-part approach—reforming the Federal employee plan by infusing more competition, and providing for a small business buy-in, will improve the health care coverage for those currently enrolled in the plan, and bring affordable health care within reach of millions of uninsured. My proposal is significant because it can accomplish these goals without raising taxes, setting price controls, or establishing a new government bureaucracy to become involved in the very personal health decisions of tens-of-millions of Americans.

Using the purchasing power of the Federal employee program, the Federal Government could fundamentally reform health insurance in this country, eventually eliminating the access problems we now have. My proposal would drive down the high rate of increase for those currently enrolled in the Federal employee program through the use of managed care and injecting more competition into the program.

The ultimate goal of this proposal is to contain costs and increase access without mandates on business, price controls, or a nationalized system of medical care administered by a large Government bureaucracy. Any health care proposal advocating one of these three approaches is bound, in my opinion, to fail. As the world's most prosperous Nation, we have come to appreciate the benefits of the marketplace. And as the world's most prosperous Nation, we should be able to see to it that all Americans have basic health insurance.

Cost containment must be a key component of any health care reform. In an effort to contain cost premium increases, my proposal introduces a level of competition that does not exist in the present system. A global budget or an arbitrary cap on spending on health care to control costs will result in rationed care, long waiting periods, and remove the incentives currently within our system which promote innovation and the best health care in the world. Instead, the use of competition to contain costs will yield efficiency and quality. Global budgets yield the opposite. In other nations, global budgets have decimated a patient's ability to receive prompt, adequate care.–

My proposal also recognizes the fact that the vast majority of the uninsured are working individuals and their families. Of these individuals and families, millions are employed by small business. Unfortunately, small businesses today face the greatest difficulties in obtaining affordable health care for their employees. The insurance industry typically picks off the healthiest small groups by wooing them with low premiums, but leaves small groups assessed as a risk with no coverage or the option to enroll at a great expense. A small business can lose its insurance coverage in the middle of the year because one employee or their dependent has a heart problem or a bout of cancer. One small business in Delaware told me that not one insurance company was willing to take on their group because two women had had breast cancer.

In an effort to control costs while increasing access to affordable health care, my proposal contains three fundamental reforms: first, the proposal makes managed care the primary component of the Federal Employee Health Benefit Program; second, the proposal introduces greater competition into the Federal employee plan so that the Government can use its power as a

the Federal employee plan so that the Government can use its power as a major purchaser of health care to drive down the costs of care for Federal enrollees while maintaining high quality care and service; and third, the proposal incrementally opens the managed care component of the Federal employee plan to small business and self-employed individuals at the same premium rate for Federal enrollees.

It is my hope that interested parties will consider this proposal during the next several months, comment on it, and help refine it. It is my intention to use this time to draft the proposal for introduction at the start of the 103d Congress.

As mentioned, cost and access are the two areas where reform is needed the most in health care. This proposal addresses both of these concerns. Health care premium increases will be brought under control through the use of managed competition and much greater emphasis on the use of managed care. Less than 30 percent of those currently enrolled in the Federal employee plan are enrolled in managed care. The goal of this proposal is to provide enough incentives so that more than 80 percent of all Federal participants will be enrolled in managed care plans. Since Federal enrollees are already price sensitive, market competition based on cost and quality will favor those plans that are the most efficient.

Health plans within the system need to be more uniform so that enrollees can choose their health care plans based on two factors—the quality and price of the plan. Too often, enrollees do not understand the differences in what benefit coverage is offered. Therefore, this proposal will require that benefits be standardized. This is already being done on a large scale. For example, the California public employee's retirement system, which covers 800,000 public employees, retirees and dependents, recently approved a standardized benefits package.

To assure that competition between plans is on quality of care and efficiency in the delivery of that care, premiums will be risk adjusted. The Office of Personnel Management will be responsibile for risk adjusting premiums on a prospective basis based on demographic variables. Risk adjusted premiums involve the use of subsidies and surcharges to the quoted premium offer to hold carriers harmless for enrollment risk. Price competition without risk adjustment will lead to carriers attempting to cherry pick the healthiest segments of the enrollment pool. Carriers should be rewarded based on efficient treatment and risk management, not on their ability to encourage only healthy individuals to enroll in their plan.

Federal enrollees would retain the choice to enroll in a local managed care or fee-for-service plan. To encourage greater participation in managed care, the Federal contribution for the plans offered in each locality would be a percentage of the lowest risk adjusted premium of a managed care plan in each geographical area. In the case that a fee-for-service plan offers a plan at a lower risk adjusted rate, then it would set the standard.

Managed care providers will in most cases be able to offer the most competitive rates because of their ability to manage enrollee risk more efficiently. Overall, this proposal will help to control costs by focusing its efforts on managed care. Because managed care is primarily prepaid plans, there are great incentives on the provider to manage risk. Carriers have strong financial incentives to make sure that patients are treated correctly the first time in the most cost efficient manner.

Quality of care is central to the proposal. Managed care plans will focus more on routine primary care. Many Federal enrollees are in fee-for-service which lack preventive care coverage. The 33 million uninsured individuals have it even worse, since they have virtually no access to preventive treatments that could yield long-term improvements on health and lifespan. This is why insurers must be given incentives to make a long-term investment in the health care of their enrolled population. A visit to a physician for an uninsured individual typically means a long wait in a hospital's emergency room which translates to the most expensive care. By focusing on primary care and prevention, managed care providers can keep costs down by keeping people healthier in the long run.

The Office of Personnel Management will continue to administer the program under my proposal. I believe a plan sponsor is critical to protect enrollees and capture the purchasing power of this 9 million person pool. The Federal Government must continue to act as a guide, insuring that plans meet quality standards and helping enrollees make wise decisions by providing information about the plans all in one place. Federal employees like the choice—but they must be provided with an educated basis to make their choice and standardizing benefits will help employees choose based on price and quality. Market forces work best when there is complete information and consumers can understand the choices available to them.

Increased access for the uninsured is provided through the buy-in. The Federal employee program is in every State, every city, and every small town in America. Health care is a local phenomenon, and for that reason, I am building on the largest privately insured pool of individuals who possess the strongest health care purchasing power in the Nation. This 9-million person pool provides a network for small business to buy-in. There is already a huge market across the United States where the Federal employee plan could begin to be a better purchaser of health care. It could be better in quality, better in price. Managed competition will allow each market to yield the best results.

Expanding the pool of those in this plan through the buy-in will benefit both Federal and private-sector enrollees. The purchasing power of this growing pool will continue to increase. The stronger, larger pool will maintain continued pressure for vigorous price competition between plans for the best quality care. As the pool of insured individuals grows with the private sector buy-in, the purchasing power of the plans will be greater, benefiting all.

At the same time, this proposal is good for those with health insurance because it will help to reduce their hospital bills. What many people do not realize is that the insured are now paying the cost of all the unpaid medical care for the uninsured. Hospitals will treat people who have no insurance or cannot pay, and pass the cost on to paying patients. This is called cost shifting, and it can inflate the bills of paying patients by as much as 30 percent. The plan I am outlining today is unique—it is affordable, feasible, and it is sensible. It will reduce the number of uninsured and ultimately work to eliminate cost shifting.

In this time of crisis in our health care system, the American expectation of what health care should be is being questioned. Carriers should be given long-term incentives to promote the health of those they insure, and prevention should be at the top of our health care agenda. These carriers need to be given strong incentives to seek out the best providers—physicians and hospitals—that deliver the best care for their patients, because when care is delivered well, in the long run, it saves money. And patients need to have access to this type of care and to see it as an investment for themselves. Patients will need to rely on their primary care physicians to make their health care decisions—this is managed care as I see it with each health care player holding a significant stake in keeping costs down and expanding access to all.

The managed care component of my proposal does not have a single form because it is a market based solution, and different market places have different needs. At a minimum, care must be well coordinated by primary physicians who guide patients through their treatment. Managed care helps ensure that there is minimum duplication of services and unneeded medical services and costs are greatly reduced. Perhaps the greatest example of this is the Mayo Clinic in Rochester, MN, which uses managed care principles to deliver top quality health care at 20-percent below the national average.

Mr. President, with more than 33 million Americans without health insurance, reform is needed. We can take steps to begin reforming our health care system. I believe my proposal is a workable solution. I urge my colleagues, Federal employees, small businesses, health care professionals, and other interested parties to review this proposal. I look forward to any and all comments and refining the proposal in the months ahead.

PROSTATE CANCER AWARENESS AND EDUCATION

Mr. ROTH. Mr. President, in commemoration of National Prostate Cancer Awareness Week, I would like to take a few moments to congratulate the efforts of many individuals who have worked to heighten prostate cancer awareness and education.

I rise today, Mr. President, to recognize and applaud the formation of the 100th US TOO support group establishing a worldwide link of men who had prostate cancer, their families, and the medical community. The formation of the 100th US TOO support group is a particularly momentous occasion as it will link the expertise of the medical community from two of the top cancer centers in the world. And, I am particularly pleased to see that many individuals in Delaware have contributed to realizing the formation of the support group.

Having been treated successfully for prostate cancer I can attest to the successful outcome of early treatment and intervention of the disease. In June, I was diagnosed with prostate cancer, which this year will affect an estimated 400 men in Delaware, and 120,000 nationwide. The National Cancer Institute says that, like breast cancer, because the causes of prostate cancer are unknown, prevention of the disease is not yet possible. However, when the disease is detected early, as in my case, treatment is usually successful. Efforts to increase awareness and treatment, and coping with the disease should be continued if we are to eradicate prostate cancer.

In January 1991, US TOO and the American Foundation for Urologic Disease [AFUD] formed a relationship in order to develop an international network of support groups. US TOO is a national patient support group program which serves an important role to many by assisting men who had prostate cancer and their families in dealing with all aspects of their disease.

A Delaware based pharmaceutical company has been at the forefront of these awareness efforts. Mr. President, I am pleased to inform my colleagues that ICI Pharmaceuticals will be recognized for their efforts with a special award ceremony on October 15, 1992, by the American Foundation for Urologic Disease in recognition of their initiative and commitment to prostate cancer education and awareness. The award will be presented during a ceremony being held at Memorial-Sloan-Kettering Cancer Center in New York City to commemorate the formation of the 100th US TOO group.

The event will also feature the distribution of copies of a patient education manual, "Helping Your Patient Overcome the Effects of Prostate Cancer: A Guide for Establishing Support Groups." Both a public service announcement and booklet were developed as the result of generous contributions from ICI Pharmaceuticals. In addition, ICI underwrites the administration of the support group program through an education grant to the American Foundation of Urologic Disease.

ICI Pharmaceuticals Group is a business unit of ICI Americas, Inc., the U.S. subsidiary of U.K.—based Imperial Chemicals Industries, PLC. ICI Pharmaceuticals Group, based in Wilmington, DE, has approximately 3,000 employees, including some 800 of whom are engaged in research, development and quality assurance, and a sales force of 1,000 representatives.

ICI Pharmaceuticals holds a longstanding position of leadership in the area of cancer research and support. They were one of the original sponsors of National Breast Cancer Awareness Month, and they were recognized as model employers for promoting on-site breast cancer screening during a recent visit of the Vice President's wife Marilyn Quayle.

I am pleased to join Senator DOLE and other colleagues, ICI Pharmaceuticals, and the American Foundation for Urologic Disease in doing all we can to raise public awareness in regard to prostate cancer. This disease is the leading cause of death in men over the age of 45, and like breast cancer, can successfully be cured if diagnosed and treated early.

I commend and join the efforts of my colleagues, Senators DOLE, STEVENS, HELMS, CRANSTON, THURMOND, and others, along with ICI Pharmaceuticals, the American Foundation of Urologic Disease and the US TOO organization for all their efforts on behalf of the American and world public to address this vital health issue.

TRIBUTE TO SENATOR RUDMAN

Mr. LAUTENBERG. Mr. President, I want to pay tribute to an outstanding Senator who will be leaving at the end of this term, WARREN RUDMAN.

Mr. President, I have enormous respect for WARREN RUDMAN. And there probably is not a single Member of this body who does not feel similarly.

WARREN RUDMAN is a man of unusual intelligence and integrity. He's also a man of real intellectual independence. Senator RUDMAN is someone who knows what he thinks, and isn't afraid to say it, and act on it, no matter who might disagree. He could be your friend or adversary without that entering the debate or his view. That independence and integrity is one reason why so many Senators look to him for guidance and leadership. And why he's proven to be such an influential member of this body.

Mr. President, I didn't agree with WARREN RUDMAN on everything. But I do have the utmost regard for his thoughts about issues. And I usually learn something by listening to his arguments.

Most Americans probably associate WARREN RUDMAN with his admirable and sincere commitment to reducing the deficit. And, clearly, he's made an enormous contribution to the debate in this area, both within the Congress and around the country. I know we will be hearing much more from him on this vitally important problem, and I'm hopeful he will be successful in convincing more Americans about the severity of this matter. It won't be easy. But few people are better equipped to make the case.

Mr. President, beyond budget policy, WARREN RUDMAN has made enormous contributions in several other vitally important, but less visible areas. For example, he has been a strong advocate for programs designed to provide legal services for the poor. He's resisted strong opposition from within his own party on that matter, and he deserves enormous credit for this support for the rights of the disadvantaged to legal representation. That support will be greatly missed in the years ahead.

Mr. President, when I think of WARREN RUDMAN, I also think of the debate on a particular amendment to the crime bill earlier in this Congress. The amendment would have expanded the good faith exception to the exclusionary rule to apply not only to searches where the police obtain a warrant, but to warrantless searches as well. To many senators, it was a rather esoteric issue, little understood by the public. And the easy thing to do would have been to vote for the amendment, just to appear tough on crime.

But WARREN RUDMAN stood up and made the case against the amendment. He was articulate. His reasoning was sound. He spoke with real passion. And, perhaps most importantly, he came with great credibility.

That amendment was defeated, Mr. President. And, while there's no way to know for sure, I believe that without WARREN RUDMAN the vote would have gone the other way. It took someone with his courage and credibility to stand up for what's right. And when he did, he brought the U.S. Senate along with him.

Another similar example, Mr. President, was the debate on resale price maintenance. Again, WARREN RUDMAN

brought his legal skills to the floor on behalf of ordinary Americans, those who must scrimp and save, and who rely on discounters to get by. Like the exclusionary rule, it was a highly technical issue. But WARREN RUDMAN made his case with clarity and passion. And, again, the Senate listened, and was convinced. It might not have happened without him.

So I salute Senator RUDMAN, and thank him for his many contributions to our Nation during his tenure in this body. I'm sure those contributions will continue for many years to come.

REGARDING THE RESIGNATION OF SECRETARY ED DERWINSKI

Mr. SIMPSON, Mr. President, I rise today to make a few remarks prompted by Ed Derwinski's decision to leave his Cabinet post as the Secretary of Veterans Affairs.

As a lifetime member of the Veterans of Foreign Wars and a member of the American Legion and Amvets, I comment Ed for the job he did in this very difficult veterans post.

I have known Ed Derwinski as long as I have been in Washington. He is a caring person who made a very positive impact on the Department of Veterans Affairs.

In nearly 4 years as head of the VA, Ed Derwinski has tried diligently and doggedly to put deserving veterans first—by increasing their medical care benefits.

Although he has had his share of difference with some of the veterans groups, as a former chairman of the Senate Veterans Affairs Committee, it was my view that he has always been accessible, open-minded, and very fair.

Ed Derwinski clearly understood the historic mission of the Department of Veterans Affairs. When President George Bush appointed him to that post he was given a charge which Abraham Lincoln set forth as the creed for the Veterans' Administration:

"* * * To care for him who shall have borne the battle and for his widow and his orphan * * *." Still today, that is the primary purpose of the VA—and Ed Derwinski has made every possible effort in the last 4 years to be true to those goals. I admire him greatly. He is a superb man.

This has been a difficult time to be at the head of the VA. There have been a lot of really tough issues, and scarce Federal dollars.

Nevertheless, in this time of budget deficits and all sorts of spending cuts, Ed Derwinski was able to wrangle $700 million for VA Health care and do it "Right up front,"

And he successfully worked to push the VA budget up by a very significant sum of $1 billion each of the last 3 years.

Mr. President, Ed Derwinski is a man of honor, integrity, grace, and good humor who did a most honorable job in an area where the needs are infinite, and the resources are finite. It is one of the toughest jobs in Government. He did it well. God bless him.

I wish him and his able and capable wife, Bonnie, the very best in all of their future endeavors.

TRIBUTE TO SENATOR BROCK ADAMS

Mr. LAUTENBERG. Mr. President, I want to pay tribute to my colleague, BROCK ADAMS, who is retiring from the Senate after over 30 years in public service. He has served in the great tradition of Washington's independent Senators—Warren Magnuson and Henry "Scoop" Jackson.

Senator ADAMS has had a distinguished career in public service. He was a U.S. attorney from 1961 to 1964, when he successfully ran for a seat in the House of Representatives. He served in the House until President Carter selected him to the Secretary of Transportation. He returned to Congress in 1987 as the junior Senator from Washington.

BROCK's interest in transportation continued during his incumbency in the Senate. In my capacity as chairman of the Transportation Appropriations Subcommittee, BROCK and I frequently discussed transportation issues and he was aggressive in seeking to meet the transportation needs of his State. As a former Secretary of Transportation, he offered this body important insights on innovative transportation policies for our future. We also worked together to enact legislation in response to the tragic *Exxon Valdez* oilspill.

With the retirement of Senator ADAMS, the Senate is losing one of its most strongest proponents of women's rights. He is a strong defender of a woman's right to choose, a woman's right to equal pay, and more aggressive research into health issues of concern to women.

He has also been a leader in the fight for greater funding for AIDS research and treatment programs. He and I have worked together on the Appropriations Committee to seek the highest level of funding possible for the Ryan White CARE Act and NIH's sponsored research on AIDS. He joined in this effort because of his concern about the tragedy AIDS leaves in its path all across this country. He took on this cause even though other States were more affected by this epidemic than his own.

The senior citizens of this country are also losing a great champion with the retirement of Senator ADAMS. As chairman of the Subcommittee on Aging, he's fought to expand programs for our Nation's seniors. He's worked hard during the past 2 years to ensure passage of the Older Americans Act.

Mr. President, BROCK ADAMS' legacy will live on after he leaves this Chamber. In this Congress, he has worked diligently to enact a NIH reauthorization bill to expand women's health initiatives of NIH and permit fetal tissue research to seek a cure for Parkinson's disease, diabetes and Alzheimers. Regrettably, a handful of Members prevented this bill from final consideration and passage this year. However, the majority leader has indicated that this bill will be numbered S. 1 in the next Congress, indicating the high priority most Senators place on its enactment.

When S. 1 is introduced next year, it will be a tribute to Senator ADAMS as well as a reflection of the importance of conducting this research.

I regret BROCK's departure from the Senate but I wish him and his family the very best in the years ahead. I am sure he will continue to make a contribution.

CONTINUING CRISIS IN YUGOSLAVIA

Mr. SIMPSON. Mr. President, I rise to say a few words about the continuing crisis in Yugoslavia.

Mr. PRESIDENT. I think it is fair to say about most of us that we only began to learn about the intricacies of this tragic situation after that land exploded into military conflict. It has truly been on the job training for the Western democracies in developing appropriate responses.

I think that is important to understand because it is important to understand international events have played a role in Yugoslavia's current difficulties, and in the tensions that have emerged there over time. People in America turn on their televisions and they see horrifying images of brutality and terror. The easy—but incorrect—response is to turn away and to believe this is just part of the world that has gone crazy, and that is the international community has nothing to do with it. That is not true morally, nor historically; the tensions in Yugoslavia partially result from a history of international great-power conflicts which have focused on that region.

We need to remember that the development of appropriate responses, and appropriate solutions, requires us to do our best to understand what is happening there. It requires us to understand that this is not in any way analogous to the conflict that erupted 2 years ago between Iraq and Kuwait. I believe President Bush deserves our commendation for recognizing the particulars at work in Yugoslavia, an not attempting to shoehorn a policy that may have worked in other parts of the globe onto this unique situation.

We must, of course, continue to adhere to certain principles in our response. Recently the Senate called upon the United Nations to take the necessary measures to ensure that the

relief to victimized peoples there is successful. That was an appropriate response in my view. And we must also make clear that naked military aggression will be punished by the international community, by economic sanctions at the very least.

Beyond that, the situation becomes more complex, and solutions more exclusive. Identifying aggressors is not a trivial matter in a land like Bosnia-Hercegovina, where Croats, Serbs, and Moslems have fought within the borders of one Republic—and where each of those groups is divided into factions that include various levels of nationlist extremism.

We should, of course, condemn aggressive actions by Serbian leader Milosevic—but we must not delude ourselves into believing that, inaction by Serbia, as a result of international pressure, will automatically produce peace in Bosnia. The Republics of Yugoslavia were, after all, drawn up with 30 percent of the Serbs living outside of Serbia.

We must similarly not assume that Serbia is United behind the policies of Slobadan Milosevic. Of course, the growing doubts of a number of Serbs about his policies would not mean that we should relieve the international economic pressure on Serbia. But we need to do what we can to strengthen those elements within Serbia that might be more inclined to play a productive role in framing a lasting peace.

I had the pleasure this past week of meeting with Yugoslav Prime Minister, Milan Panic. I found myself impressed with the energy and enthusiasm of this man, a naturalized American citizen, for advancing ideals which he unabashedly described as "American." Milan Panic spent a great deal of his professional life in the United States, and he has returned to his country with a great enthusiasm for all things American, and I cannot help but admire him for that.

I do believe that we may need to take a good look at who we view as the real voice of Serbia—whether it is Milan Panic, or Slobodan Milosevic. Milan Panic's government of a "rump State" of Serbia and Montenegro has not been generally recognized. This is, after all, a recognition of the forces arrayed against him—not internationally, but within Serbia. I am certain that Milosevic would love for us to become so enamored of Mr. Panic that we ease the pressure on Milosevic's own regime; certainly we need to guard against that. But I do think we will be distraught with ourselves if a voice for peace and moderation within Yugoslavia is stilled by a coup or conspiracy against him by a militarist regime. We therefore have a responsibility to strengthen our support for what Mr. Panic has been saying.

I would urge my colleagues to let the word go forth that the West is in fact receptive to possibilities for democracy and peace within the rump Yugoslavia. And, that the attitude and approach of the West will be in part determined by the extent to which real governing power passes into the hands of moderate parties within their country. Declarations of peaceful intent, of course, are not enough. But we can make clear that we do find the program of Mr. Panick—and NOT the policies of Mr. Milosevic * * * to comport with our long-held views of the real aspirations of the Serbian people. Mr. Panic represents their clear and best present hope for international respect and goodwill, and that is a hope that we cannot at this tragic time afford to ignore.

THE SERVICE OF SENATOR ALAN DIXON

Mr. LAUTENBERG. Mr. President, I rise to acknowledge the departure of a valued colleague who has served his State and the Nation with great distinction: Senator ALAN DIXON of Illinois.

Senator DIXON has ably and effectively represented the State of Illinois during his tenure in the Senate. But Senator DIXON'S interests in the Senate have not been limited to issues affecting Illinois. He has also played a leadership role, and had an impact on the major issues of our day.

A leader in banking reform, he looked into the commercial banking industry and long ago saw some of the troubling signs that led to the thrift crisis. He was a leader in introducing legislation to keep the banking industry vibrant and healthy and to head off the burden of another multibillion taxpayer bailout.

Senator DIXON has also fought to increase the supply of affordable housing for hardworking Americans. His efforts finally bore fruit when, after months of hearings, the new head of the Federal National Mortgage Association informed Senator DIXON he was announcing steps to make its home mortgage policies and procedures more amenable to working families in low- and moderate-income communities, and particularly, in minority neighborhoods.

Senator DIXON also sponsored legislation to enforce restrictions which make it illegal for banks to discriminate against mortgage applicants based on race. Senator DIXON argued for more Federal prosecutors of S&L fraud.

As chair of the Senate Armed Services Subcommittee on Readiness, he worked on procurement issues that spurred the creation of the Pentagon procurement czar, taking lucrative contracting decisions out of the hands of those who have a vested interest in their outcomes. He also saved American taxpayers $4.5 billion by leading the fight to stop production of the faulty Sergeant York gun.

Throughout his career Senator DIXON never forgot the problems or concerns of those who sent him to the Senate. I know he will take that same devotion, dedication, and commitment to his new endeavors. Mr. President, I will miss my friend from Illinois, and I would like to wish him well. I know that he will succeed in whatever arena he decides to use his considerable talents.

VETERANS' ALCOHOL TREATMENT PROGRAMS

Mr. PRESSLER. Mr. President, I rise today to discuss an important issue. It is a subject I take seriously and one that Congress should further examine.

Thousands of Americans are treated for chemical substance abuse, including alcoholism, each year. Veterans reflect a disproportionately large number of these cases. I know of many hearings held and studies conducted to determine why so many of our veterans develop drug and alcohol problems. We have learned a great deal. However, we need to move ahead and evaluate the treatment these veterans receive.

In 1992, the Department of Veterans Affairs [VA] spent nearly $418 million on substance abuse programs. VA officials inform me this care costs about $156 per day. Typically, substance abuse treatment at a VA facility lasts 25 days. This equates to approximately $4,680 for one veteran to get help in a VA rehabilitation program. Nearly 30 percent of the veterans who complete an alcohol treatment/counseling program are later readmitted to the program. This contrasts with the 21-percent relapse rate in the private sector.

The VA has roughly 172 hospitals around the Nation. Nearly 150 of these facilities have alcohol treatment programs. In fact, in my home State of South Dakota all three of our VA facilities have alcohol treatment programs.

You certainly cannot evaluate the effectiveness of an alcohol treatment program solely on its cost. However, it is one factor which must be considered. I have done research on the cost of treating individuals with alcohol problems. Costs vary depending upon the location of the treatment center, its reputation, and its facilities. You can obtain quality care in the private sector for a cost similar to that in the VA. However, the VA ends up spending more on an individual because of the higher relapse rate in its programs.

I intend to work with the VA and the Senate Veterans' Affairs Committee to determine how we can improve the quality of alcohol and drug treatment programs for veterans while reducing their cost. We have just completed action on the fiscal year 1993 VA appropriation bill. It contains nearly $15 billion in health care funding. We all know this is not enough. However, we must determine how we can help the

most veterans in the most cost-effective way. I am committed to studying further the issue of VA substance abuse rehabilitation programs and to determining how—whether through in-house programs at VA facilities or through contracting out of such services—our veterans can best be served.

JACKSON FARM CREDIT DISTRICT COMPROMISE

Mr. HEFLIN. Mr. President, I rise in support of the Jackson Farm Credit District compromise legislation that we have included in the bill before us at this time. This provision is the result of the cooperation and hard work of many dedicated people, including my colleague the Senator from Mississippi, [Mr. COCHRAN], my colleagues on the Committee on Agriculture, Nutrition, and Forestry, and in the other body, Mr. ESPY, Chairman DE LA GARZA, Chairman WHITTEN, and many others. I was pleased to join these gentlemen in this important effort; and I must also salute the outstanding efforts of the staff of all the Members for their work and contributions to putting this particular legislative package together.

This compromise will put to rest the long-standing and divisive controversy surrounding the status and lending authorities of the Farm Credit System institutions in the Jackson district. The compromise here is fair. It upholds the principles of local control while streamlining loan operations in the district, in fulfillment of the district merger provisions in the 1987 Agricultural Credit Act. It also gives the Texas Farm Credit Bank statutory assurances about the validity of its long-term lending charter in the Jackson district.

BACKGROUND

The Agricultural Credit Act of 1987, in section 410, mandated the merger, within 6 months after enactment—that is, by July 6, 1988—of the Federal Intermediate Credit Bank [FICB] and the Federal Land Bank [FLB] in each of the 12 Farm Credit districts throughout the United States. The banks created by section 410 mergers are called Farm Credit Banks [FCB's] and handle both short-term and long-term lending to farmers and ranchers within the Farm Credit System.

The 1987 act did not, however, include the mandated consolidation of the 12 Farm Credit districts called for in the earlier House version of the legislation. The whole issue of local control and consolidation of districts was a contentious matter during the 1987 congressional debate; and the middle ground position reached by Congress was a finely balanced compromise.

In 11 of the 12 Farm Credit districts, the merger/creation of FCB's under section 410 of the 1987 act took place on schedule. However, the FCA failed to charter an FCB in the Jackson district because FCA had decided to place the Jackson FLB into receivership rather than allow comprehensive assistance under the 1987 act to be provided to the district.

The Jackson FICB, nonetheless, tried to remedy the situation during 1988 and 1989 by looking for a FCB to be a voluntary merger partner.

Meanwhile, early in 1989, the FCA approved a sale of a number of long-term loans of the Jackson FLB in receivership to the Texas FCB, at the same time amending the Texas bank's charter to permit it to make new long-term loans in the Jackson district. In issuing that charter extension, the FCA for the first time in history split the long-term and short-term lending authority in a Farm Credit District between banks based in different districts.

Then, in the spring of 1989, FCA interrupted the Jackson FICB's voluntary merger process by instructing it to merge with the Texas FCB under section 410—using the legal theory that the Texas bank was the functional equivalent of a FLB in the Jackson district. The FICB successfully appealed this FCA decision to the courts. In February 1991, the U.S. Court of Appeals for the Fourth Circuit ruled definitively that section 410 did not give FCA authority to force the merger and consolidation of districts.

After the court decision, things in a sense came to a stand-still as to the future of the Jackson district; and this legislation is designed to get things moving toward a final resolution of the status of the district that retains the rights the courts have given the FICB and its associations to determine their own destiny.

WHAT THE LEGISLATION DOES

The language in this legislation puts in place a carefully tuned, orderly mechanism to resolve the situation in the Jackson district by facilitating a merger of the Jackson FICB with another Farm Credit Bank after a vote of the farm-borrowers and share-holders in the three States of Alabama, Louisiana, and Mississippi. If that merger process fails, the legislation then provides for a mandated but arbitrated merger with the Texas Farm Credit Bank.

I support the compromise included in this legislation based on my understanding of how it will work to accomplish the merger of the FICB of Jackson with a Farm Credit Bank.

First, the Jackson FICB will have until June 30, 1993, to find its own merger partner from among any of the other Farm Credit Banks in the Farm Credit System.

Under the provisions of the bill, the FCA will not be able to interfere with the Jackson bank's merger efforts during this window of opportunity, lasting until June 30, 1993, except to the extent that the regulator must exercise its duties under the Farm Credit Act to bar unsafe and unsound practices. In that regard, the FCA under this bill has exactly the same—no more and no less—supervisory powers over the Jackson bank than it would otherwise have under the other provisions of the Farm Credit Act to ensure the safety and soundness of system institutions. Moreover, those powers are limited under the same administrative standard as in the rest of the Farm Credit Act.

Nor will the Farm Credit Bank of Texas have any authority under the statute to interfere with the Jackson bank's merger efforts during this time.

Another key provision of this bill is that the Jackson FICB and its intended merger partner may request a one-time extension if they need a little more time to work out the details of the merger. If Jackson and its intended merger partner submit a letter of intent to the FCA, the FCA has the responsibility to extend the deadline. The FCA cannot deny or revoke the extension except for the most clear signals that the deal has actually fallen through.

During this window of opportunity, under the authorities that the Jackson district production credit associations have under current law to affiliate with any Farm Credit Bank, if Northwest Louisiana PCA does not agree with the deal it may opt out and affiliate with a different bank. After the merger of the Jackson district, the Jackson production credit associations are free to reaffiliate with another district bank under the usual procedures already set up elsewhere in the Farm Credit Act. Again, principles of local control are upheld for the benefit of the farmers and ranchers in the district.

Only if the Jackson bank fails to find a merger partner in the time period allowed in the bill will it be mandated to merge with the Texas Farm Credit Bank. Even then, the bill protects the farmer-borrowers and shareholders of both banks. The whole matter will be put to an arbitrator to decide the best terms of merger for both banks and the System as a whole.

To ensure that the rights of both sides are fully protected and to ensure that both districts are treated with equal respect and deference, the bill is constructed to give the arbitrator—not one bank or the other, nor the FCA—broad power to initiate the development of, and refine, the merger terms.

Both banks involved in the mandated, arbitrated merger will be able to present their own plans for structuring the new bank for the combined districts, and they may present whatever information that would support their preferred plan. Their assets will be set at book value.

Whichever way the merger is reached, when the merger is completed,

assistance will be available to the extent necessary to facilitate the merger and ensure that stock values will not drop as a result of unforeseen financial downturns.

Either the FICB of Jackson or the Texas bank may request the establishment of agricultural credit associations [ACA's] in the district, and the arbitrator's plan may include the establishment of ACAs. A plan for ACAs would enable farmers and ranchers in the Jackson district to have one-stop shopping for all their farm credit needs, as so many other farmers and ranchers have access to elsewhere in the system. But again, it would be up to the farmer-borrowers themselves to decide whether they wanted ACAs. So long as the arbitrator found it in the interest of district farmers and ranchers, the question would go before the farmers and ranchers for their approval.

Also, if the farmers and ranchers in one State, voting in separate territories by majority vote approve ACA's, that State's associations would then be able to set up a statewide ACA down the line by separate vote.

In regard to the voting process regarding ACAs, I would made clear that we intend that the referendum majority be a majority of those voting, not those eligible to vote; and the arbitrator is expected to include such term in the referendum procedures he is required to draw up under the legislation.

The arbitrator's plan of merger of the FICB with the Texas bank would ultimately go to the FCA for certification that the plan was in compliance with the Farm Credit Act. The FCA would be able to recommend necessary changes to the arbitrator's plan to bring the plan into compliance with the law, but the FCA would not otherwise be able the withhold certification for less than the most serious of reasons. It is my understanding that the FCA has no interest in withholding certification of a lawful merger plan.

Finally, I am pleased that the farmer-borrowers will have the additonal protection of expedited judicial review under the provisions of the U.S. Arbitration Act and to prevent arbitrary and capricious, illegal agency action, or actions otherwise unsupported by substantial evidence based on the entire record put before the arbitrator or the FCA, whichever is involved. This language provides extra needed protection for the farmer-borrowers that the merger process will be a fair one.

During the whole process, the Jackson FICB will have all the authority under the law it is otherwise entitled to as a fully authorized Farm Credit System institution until the time it is finally merged with another bank, or no later that June 30, 1994.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a summary analysis of this provision of the bill.

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

SUMMARY ANALYSIS OF PROVISIONS REGARDING THE FICB OF JACKSON

This provision provides a framework for, and rules to govern, the merger of the Federal Intermediate Credit Bank of Jackson, Mississippi (FICB–J) with another Farm Credit Bank (FCB).

This provision will (1) allow for the transition of the FICB–J to FCB status in a timely and equitable manner; and (2) assure the farmer-borrowers served by the FICB–J's associations that their bank will have a fair chance, within reasonable limits, to decide its own destiny on terms that will maximize benefits to farmers. The FICB–J's merger must be completed by July 1, 1994.

GENERAL SUMMARY

Specifically, the provision consists of three subsections.

First, subsection (a) has three major components:

(A) Rules for a negotiated merger.

(B) An alternative, mandated merger with the Farm Credit Bank of Texas ("the Texas bank") if a negotiated merger is impossible, under specified arbitration procedures.

(C) Provisions for expedited judicial review if problems occur in the merger process.

Then, subsection (b) will clarify the long-term lending authority of the Texas bank in the States of Louisiana, Mississippi, and Alabama. This clarification, however, in no way provides short-term or intermediate-term lending authority under title II of the Farm Credit Act of 1971 ("the Act") in those States—that authority remains exclusively that of the FICB–J and its successor merged bank (which, of course, could be the Texas bank).

Finally, subsection (c) will add language to section 5.17(a)(2) of the Act, to prohibit the issuance of competitive Farm Credit charters in the States of Louisiana, Mississippi, and Alabama.

SUMMARY OF SUBSECTION (a)

Subsection (a) will add a new subsection (e) to section 410 of the Agricultural Credit Act of 1987. Section 410, as enacted in 1987, provided the rules for the establishment of Farm Credit Banks (by merger of the Federal land bank and the FICB) in each of the 12 Farm Credit districts.

Under section 410, as currently written, each such merger was to have taken place by July 6, 1988. The problem leading to the need to enact this legislation is that the Federal Land Bank of Jackson and the FICB–J were prevented by action of the Farm Credit Administration (FCA) and other agencies from merging into a Farm Credit Bank of Jackson under the time schedule. In fact, the Jackson land bank has been in receivership since early 1988, and is expected to be completely liquidated soon. This has left the FICB–J without a merger partner under section 410 up to now.

The new subsection (e) of section 410 will provide a blueprint for the expeditious merger of the FICB–J into an FCB. The major provisions of new subsection (e) are as follows:

Initially, the FICB–J will be given until June 30, 1993, to find an FCB to voluntarily merge with.

If the FICB–J finds an FCB to voluntarily merge with by June 30, 1993, and files a letter of intent on this merger with the FCA, the FCA must grant an extension of time—to no later than October 31, 1993—for the two banks to complete the merger, if FCA determines that—

(1) the letter of intent represents a bona fide good faith agreement; and

(2) there is at least a reasonable prospect for the timely completion of the merger.

It is expected that FCA will make a determination of "good faith" in the absence of any obvious short-coming in the letter of intent.

If the FICB–J does find a voluntary merger partner, the merger will be completed under the current merger provisions of the Act.

If the FICB–J determines to merge under this authority, the whole bank, in its entirety (except as noted in the following sentence) will have to merge; and the merged bank will only have the FICB–J short-term and intermediate-term lending authorities in the States of Louisiana, Mississippi, and Alabama. The NW Louisiana Production Credit Association could at any time invoke the current authorities of the Act to reaffiliate with another Farm Credit district.

While the FICB–J is in the process of merging (either under this provision or with the FCB–T under arbitration), it will continue to operate as a legally authorized bank, under such provisions of law that are determined by FCA to be appropriate for the bank to conduct efficient and effective operations.

Mandated, Arbitrated Merger with the FCB–T

If the FICB–J is unable to consummate a negotiated merger, the FCA, within 5 days after the initial or extended deadline for a negotiated merger expires without action, will issue an order requiring the FICB–J to merge with the Texas bank.

Within 30 days after the order for this mandated merger with the Texas bank is issued, an arbitrator will be appointed by the American Arbitration Association (AAA).

The arbitrator's job will be to determine the terms of the merger such that the terms are fair and equitable to all concerned, and protect the safety and soundness of the Farm Credit System. Subsection (c) spells out the objectives and required contents of the arbitrator's plan in more detail.

The expenses of arbitration and of the referendum of borrowers on association structure (described below) will be paid out of the Farm Credit Assistance Fund.

The arbitrator will have 100 days to develop the merger plan and submit it to the FCA for certification.

The arbitrator could include in the plan authority for the establishment of agricultural credit associations (ACAs) in Louisiana, Mississippi, and Alabama. The ACA plan would be based on proposals submitted by the FICB–J, the Texas bank, or both.

The ACA plan would call for the establishment of an ACA in each of the territories now covered by the Jackson district Federal land bank associations (FLBAs), with the territory covered by the North Louisiana FLBA further broken up into 2 ACA territories, one each for the territories covered by the NW Louisiana PCA and First South PCA. The other specific elements of the ACA plan are set out in subsection (e).

The FCA would have 30 days after it receives the arbitrator's plan of merger (including the ACA plan) to do a compliance review of the plan.

Within 170 days after the order for the mandated merger is issued, the AAA would have to complete the conduct of a referendum of all farmer-borrowers in Louisiana, Mississippi, and Alabama on the ACA plan. A majority vote in any referendum will be a

majority of those voting, not a majority of those eligible to vote.

Within 10 days after the results of the referendum are submitted, FCA must issue the charters needed to implement the mandated merger of the FICB–J and the Texas bank. Similarly, FCA would have to charter an ACA in each of the seven ACA territories in which a majority of both FLBA borrowers and PCA borrowers in the territory approved ACA status.

The Farm Credit System Insurance Corporation (FCSIC) will be required to provide funds as needed to facilitate a mandated merger with the Texas bank. However, the assistance could not exceed an amount required to maintain stockholder equity in the merged bank at book value.

In addition, FCSIC will be required to guarantee—for up to 5 years after the merger of the FICB–J—prompt payment of any loss experienced by the bank merged with the FICB–J due to the failure of an association holding stock in the FICB–J to pay its obligations to the resulting bank.

If at any time prior to the completion of the FICB–J's merger, the FCA determines (as provided in the Act) that the FICB–J is being operated in an unsafe or unsound manner, it can (1) require an assisted merger of the FICB–J, using FCSIC funds, or (2) (after the issuance of an order for a mandated merger with the Texas bank), take action under the Act to return the FICB–J to a safe and sound condition.

If all the associations in the State of Alabama, Louisiana, or Mississippi are chartered as ACAs under the arbitrator's plan, the boards of each such ACA in the State will be encouraged to submit to its stockholders a plan for merging into a statewide ACA. It is expected that FCA would expeditiously charter each such statewide ACA as approved by stockholders.

Review

The actions and determinations of the FCA, the FCSIC, and the arbitrator under subsection (e) will be subject only to restricted judicial review, and not be subject to the provisions of the Administrative Procedures Act.

Judicial review of FCA and FCSIC actions and determinations will be conducted exclusively in the U.S. Court of Appeals for the District of Columbia Circuit, using expedited review procedures spelled out in the bill.

Review petitions will have to be filed within 10 days after the action or determination complained of occurs. Then, the court must rule within 50 days after the petition is filed.

As to actions and determinations of the arbitrator, petitions for review will have to be filed under the U.S. Arbitration Act, using similar expedited procedures and an overall 40-day limit for court review.

FOREIGN REPAIR OF VESSELS

Mr. BREAUX. Mr. President, in 1990 the 101st Congress enacted section 466(h) of the Tariff Act of 1930, as amended, (*19 USC 1466(h)*) relating to the foreign repair of vessels. This legislation, which I introduced, exempted from the 50-percent ad valorem duty rate otherwise imposed by section 466, foreign repairs to U.S.-flag LASH—lighter-aboard ship—barges as well as vessel spare parts and equipment necessarily purchased by U.S.-flag vessel operators in foreign countries.

Section 466(h) was adopted to eliminate unfair, onerous, and costly tariff and regulatory discrimination which over the years had developed under section 466 among competing U.S.-flag cargo vessel operators. LASH barges are basically cargo carrying containers which float. Both LASH barges and containers are originally transported by a mother ship; both LASH barges and containers after leaving the mother ship continue onward to a final destination. Not only does the old section 466 discriminate against LASH barges vis a vis containers with respect to the 50-percent ad valorem duty, but it also imposes separate and individual inspection and reporting requirements for each LASH barge where none exist for equivalent individual containers.

Unfortunately, because section 466(h) was enacted as part of an omnibus tariff bill which placed a 2 year time limitation on most of its tariff exemptions and suspensions, section 466(h) will automatically expire on December 31, 1992. Accordingly earlier this year, the House passed another omnibus tariff bill which would have renewed section 466(h) for another 2 years. I likewise introduced a similar bill in the Senate and to the best of my knowledge there is no opposition to this renewal.

In spite of the noncontroversial nature of this legislation, as we reach the end of the 102d Congress there has not been an acceptable revenue-raiser to cover the modest estimated cost of this extender. Accordingly, on January 1, 1993, the extremely burdensome tariff discrimination which section 466(h) eliminated will automatically be reinstated. For this reason as soon as the next Congress convenes, I intend to introduce a bill which if enacted will effectively remedy this injustice against the U.S. Merchant Marine.

Under these compelling circumstances, I urge the Department of the Treasury and the U.S. Customs Service, during this unavoidable interim period, to refrain from reimposing the onerous, costly and confusing administrative procedures which contributed to the enactment of section 466(h) in 1990. I refer of course to: First, the Customs Services' LASH barge inspection and multiple entry regulations and procedures; and second, the discriminatory administrative regulation, interpretations and requirements that resulted in the unjustified imposition of 50 percent ad valorem duty under section 466 on vessel spare repair parts and equipment purchased abroad.

IN SUPPORT OF THE CONFERENCE REPORT ON H.R. 776, THE ENERGY BILL

Mr. DODD. Mr. President, I rise today in support of the conference report on H.R. 776, the Energy Policy Act of 1992.

The Senate should act today to pass this critical legislation. The need for this legislation is clear. We need only look back to the days when the Congress first took up the energy bill—our Nation was at war in the Persian Gulf. We were at war for many reasons, but certainly one of them was our dependence on imported foreign oil. This legislation puts us, as a Nation, on the path toward a more secure, a more sound energy future.

I am not suggesting this bill is perfect—far from it. I have concerns about the inclusion of the language regarding the Yucca Mountain site, currently under consideration for a high level waste disposal site and will carefully monitor this issue as it progresses. I also am concerned that in some areas this bill does not go far enough. I firmly believe that increased corporate average fuel economy standards belong in this bill—but they are not here. Additionally, I was disappointed that the conferees dropped the provisions for a moratorium on drilling on much of our Nation's outer continental shelf.

However, on balance, I believe the policy before us here today is sound and I will vote to support this bill.

First, the bill will promote conservation and efficiency. No matter what the energy source—we must not waste what we have. The bill sets new efficiency standards for homes, for buildings, for appliances, and for the Federal Government. It also provides incentives for utilities to pursue demand-side management to further conserve energy.

The energy bill fosters the development of renewables and the commercialization of alternative fuels. A key provision establishes a Federal production incentive for public utilities that use renewable energy sources. Additionally, the bill provides for numerous joint ventures with the Federal Government to assist in the commercialization of renewable energy sources—such as fuel cells, which hold such promise in meeting our future energy needs. The bill also takes strong steps to curb the use of imported oil on our Nation's roads. Government motor vehicle fleets would be required to purchase an increasing number of alternatively fueled vehicles.

While encouraging domestic fuel production, this bill recognizes that not all areas are appropriate for development. This bill includes important protections for several unique Connecticut areas. As many in my State know, several Connecticut town parks have been threatened with hydropower development—development which would produce little power and cause great damage. This bill protects those areas—and other parks across the country. This bill also does not include provisions to open the Arctic National Wildlife Refuge to oil and gas drilling—so for now this unique ecosystem is safe from development.

The bill provides for reform of the Public Utility Holding Company Act to

increase competition in the utility industry and ultimately to lower rates for consumers of electricity. I became personally involved in the PUHCA issue through the Banking Committee and held several hearings, here and in Connecticut, in an effort to craft legislation balancing the concerns of consumers, the utility industry, and independent producers. Although this was certainly a daunting task, I am pleased that the legislation before us today strikes that delicate balance.

In addition, the bill protects important State rights. This measure clarifies a State's right to regulate low level waste, which the Federal Nuclear Regulatory Commissions determines "below regulatory concern." This will ensure that States, such as my own State, can set standards for low level waste in the absence of Federal regulations.

The energy bill before us is a large bill and I have only sketched a few of its many provisions. It touches on nearly every aspect of our Nation's energy industry and it moves us forward on each of these fronts toward a more safe and sound energy future. In this regard, I urge my colleagues to join me in support of this vital legislation.

VETERANS' REEMPLOYMENT RIGHTS

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I want to express my deep disappointment in the failure of the 102d Congress to pass a much needed revision of chapter 43 of title 38, United States Code, the veterans' reemployment rights [VRR] law. I regret that, at this late hour in the session, the Committees on Veterans' Affairs of the House of Representatives and Senate were unable to reach a compromise agreement regarding VRR.

Mr. President, the VRR law, first enacted in 1940 and now codified in chapter 43 of title 38, provides job security to employees who leave their civilian jobs in order to enter military service, voluntarily or involuntarily. Within certain limits, the law generally entitles the individual who serves in the military to return to his or her former civilian job after being discharged or released from active duty under honorable conditions. For purposes of seniority, status, and pay, the employee is entitled to be treated as though he or she had never left. The effect of this law is often characterized—by the courts and others—as enabling the returning veteran to step back on the seniority escalator at the point he or she would have occupied without interruption for military service. The law applies both to active-duty service and to training periods served by reservists and members of the National Guard.

Mr. President, the VRR law is intended to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which occur as a result of such service. Unfortunately, over the last 50 years the VRR law has become a confusing and cumbersome patchwork of statutory amendments and judicial constructions that, at times, hinder the resolution of claims. Thus, the Committees on Veterans' Affairs hoped that Congress would be able to amend the VRR law to restate past amendments in a better organized, clearer manner and to incorporate important court decisions interpreting the law. The substantive rights at the heart of the VRR law would remain as valuable protection to those who provide this country with noncareer service in the uniformed services. S. 1095 and the House companion measure sought to ensure that the VRR law effectively and fairly served this purpose.

Mr. President, both Committees on Veterans' Affairs and the administration committed much time and energy to the revision and improvement of this law. For over 3 years, an executive branch task force on VRR law, including representatives of the Departments of Labor, Defense, and Justice and the Office of Personnel Management worked to develop a revision of chapter 43. H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991, as passed by the House on May 14, 1991, is similar to and largely derived from the administration's March 5, 1991, draft.

Our committee was greatly assisted by the efforts of those departments, the Office of Personnel Management, and the House Committee on Veterans' Affairs, and we worked closely with representatives from each of the Federal agencies responsible for administering the VRR law in developing the Senate bill, S. 1095, entitled the Uniformed Services Employment and Reemployment Rights Act of 1991.

I introduced S. 1095 on May 16, 1991. Soon afterward, our committee held a hearing on this legislation and subsequently filed a report of S. 1095 on November 7, 1991. Unfortunately, the Senate was unable to proceed to the consideration of S. 1095 until only a few days ago, on October 1, nearly 11 months after the bill was reported out of committee.

Mr. President, this delay was the result of objections to S. 1095 by several organizations representing both large and small businesses which expressed reservations with S. 1095 as reported. These organizations raised their concerns with the committee and other members of this Chamber. In response to these concerns, various Senators opposed Senate consideration of the bill as reported and offered changes to protect the interests of businesses. The bill that the Senate finally passed on October 1, with a substantial committee modification I submitted as an amendment to the bill, reflected the only compromise I could reach with the business organizations and various Senators, while upholding the interests of veterans, to achieve unanimous Senate passage. However, that 11th-hour passage did not allow sufficient time to negotiate with the House Committee on Veterans' Affairs on the complicated and important issues of VRR.

Mr. President, I sincerely appreciate the very cooperative and patriotic manner in which the vast majority of employers have carried out their responsibilities under the VRR law. The revision of chapter 43 found in S. 1095 was designed to take into account the legitimate interests and needs of employers and to assist them by stating their obligations in a clear fashion. However, the strong efforts to delay passage of this bill prohibited the Senate from doing so until so late that negotiations with the House were rushed and unfruitful.

I regret that we were not able to complete this multiyear and multiagency project, and I sincerely hope that the next Congress will pursue the revision of chapter 43 to its completion. I hope both Committees on Veterans' Affairs will hold hearings to shed light on the complicated and important issues involved in this revision and develop legislation that treats both veterans and employers fairly under the VRR law.

Mr. President, I thank the ranking Republican member of our committee, Mr. SPECTER, for his tireless efforts to improve S. 1095 and to push for Senate passage. I thank my good friend and chairman of the House Committee on Veterans' Affairs, Mr. MONTGOMERY, and ranking Republican member, Mr. STUMP, for their work on the revision of the VRR law. I am also grateful for the contributions of the Senate Veterans' Affairs Committee staff members who have worked on this legislation—Charlie Battaglia and Tom Roberts on the minority staff; and on the majority staff, Tom Hart, Shannon Phillips, who has left the staff to attend law school, Chuck Lee, Bill Brew, and Ed Scott.

Mr. President, it is important to our men and women when they put on the uniform that we show our support and do all we can to provide them with strong and effective employment protection. For over 50 years, the VRR law has provided this protection, however, much has changed in that time. The revision of chapter 43 of title 38 is essential to ensure that our noncareer servicemembers may leave their civilian employment to serve our country with the confidence that, upon their return, they may resume their lives with as little disruption as possible.

TRIBUTE TO CONGRESSWOMAN SHIRLEY CHISHOLM FOR THE OCCASION OF HER APPEARANCE AT THE OCTOBER 31, 1992 ANNUAL FREEDOM FUND BANQUET OF THE MANSFIELD, OH, BRANCH OF THE NAACP

Mr. GLENN. Mr. President, I congratulate the Mansfield Branch of the NAACP on its annual Freedom Fund Banquet and on its years of dedicated service to Ohio and the community. I also commend the organization for its visionary selection of Congresswoman Shirley Chisholm as its guest speaker.

Shirley Chisholm, the first African-American woman elected to the U.S. Congress, is an authentic American trailblazer. In 1972, Congresswoman Chisholm blazed yet another trail as she campaigned for the Democratic Party nomination for President of the United States.

In our current election cycle, the historic ground-breaking evidenced by the record of Shirley Chisholm has truly spawned this "Year of the Woman."

Because of what she has done, other women now know what can be achieved. The record number of women running for the Congress is the legacy written by Shirley Chisholm. It is not often that a person can see the fruits of their labor while they are still alive; Ms. Chisholm has that distinction. She has accomplished so much already, it is easy to forget that she is still "out there" having an impact, making a difference, and raising our consciousness on the important issues of the day.

Shirley Chisholm has accomplished so much, it is hard to tell where the myths end and reality begins.

The story has been told that when Ms. Chisholm was elected from Brooklyn, NY, the Democratic leadership appointed her to the Agriculture Committee; but the fiery newcomer didn't "*sit down and be quiet.*" She protested saying that the Democratic leadership must have mistaken Brooklyn, NY for an agricultural center—but everyone knows that only "A Tree Grows in Brooklyn."

She was reassigned.

But just because Shirley Chisholm retired from Congress does not mean that she has retired from the battle.

As a founder and first national chair of the National Political Congress of Black Women [NPCBW], Congresswoman Chisholm has continued to shine her special light so that others may see and follow. During the recent Congressional Black Caucus legislative weekend, She was honored by NPCBW—"in this 'Year of the Women' we honor our women of 'the years'"—in recognition of her lifetime achievements. In truth, she honors us by her steadfast devotion and leadership in the area of community relations and politics.

History will treat Shirley Chisholm justly and record her name and her deeds among those of Harriet Tubman; Mary McCloud Bethune; Fannie Lou Hamer; Sojourner Truth; Dorothy Height; and Susan B. Anthony. All of these women have made the world better and served as role models, not only for other women, but for men and children as well.

She has challenged and changed the status quo, whether the issue was equal employment opportunity, civil rights, education, Haitian refugees, or the plight of the poor. America is a better place because of Shirley Chisholm's involvement in these issues.

There is no doubt that Congresswoman Chisholm is the right messenger at the right time and if she discovered the time was wrong, she would merely change it.

"Unbought and unbossed, the Honorable Shirley Chisholm maintains her commitment to excellence and continues to fight the good fight.

THE RETIREMENT OF SENATOR JAKE GRARN

Mr. DODD. Mr. President, for over a decade I have had the pleasure of working side by side in the Senate Banking Committee with the senior Senator from Utah, JAKE GARN. First as the chairman of that committee and then as its ranking member, JAKE GARN has spent his career as a tireless advocate of financial modernization. He has been consistently ahead of the curve on reforms to strengthen the banking system and reduce the need for costly and wasteful taxpayer bailouts.

JAKE GARN also made his mark in the areas of science and space. He has been one of the strongest supporters of NASA programs in the Senate, including the space shuttle and the space station. And Mr. President, JAKE GARN lived what he believed. In 1985, just a year before the terrible tragedy of the Space Shuttle *Challenger*, Senator GARN took a 7-day voyage himself on the *Discovery*.

Mr. President, on many issues the ideological gap between JAKE GARN and I were large. JAKE and I had different approaches and different philosophies. But we shared a common commitment to the people of the States we represented and to the people of this Nation. Most of all, we shared a close and trusted friendship that outlasted any partisan differences. As a fellow legislator, and as a friend, I will miss JAKE GARN.

THE RETIREMENT OF SENATOR ALAN CRANSTON

Mr. DODD. Mr. President, for almost a quarter of a century, on every subject from human rights to the plight of the urban poor, ALAN CRANSTON has truly been the conscience of the Senate. He will truly be missed by every Member of this body.

It was perhaps arms control in which ALAN CRANSTON made his biggest mark, Mr. President. From his days as part of the nuclear freeze movement to his last decade as a member of the Foreign Relations Committee, ALAN CRANSTON has campaigned tirelessly to roll back the spread of nuclear weapons. From Pakistan to China to the former Soviet Union, ALAN CRANSTON has fostered the cause of nuclear disarmament.

ALAN CRANSTON took on domestic causes with similar devotion. He was a relentless champion for campaign finance reform. He worked tirelessly to meet the housing needs of the poor and the disenfranchised. And he was an outspoken advocate of a woman's right to choose. In this Chamber, and indeed throughout the world, ALAN CRANSTON'S absence will be deeply felt.

THE RETIREMENT OF SENATOR TIM WIRTH

Mr. DODD. Mr. President, I rise today to say goodbye to TIM WIRTH, a colleague on the Banking Committee and a good friend. TIM and I were both elected to the House of Representatives for the first time as a part of the post-Watergate class of 1974. I was saddened and disappointed to hear of his untimely resignation from this body.

On the Banking Committee, TIM WIRTH has been a major force in helping to establish fair and open securities markets. But it is perhaps the environment where TIM WIRTH left the greatest impact, starting over a decade ago with his instrumental role in the passage of the first Clean Air Act. Since then, TIM WIRTH has helped to reshape the debate over the environment and the importance of our commitment to nature.

Just a few months ago while the President was refusing to go to Rio for the Earth summit, TIM articulated with passion and clarity why U.S. leadership was needed on this vital issue. I have no doubt that in some way TIM WIRTH will continue to exercise his own leadership, Mr. President, in the years to come.

THE RETIREMENT OF SENATOR WARREN RUDMAN

Mr. DODD. Mr. President, the Senate will miss the leadership of WARREN RUDMAN. He was a principal author of the 1985 Gramm-Rudman-Hollings legislation, which was the first serious effort to contain the Federal budget deficit. Of late, he has taken up a bipartisan effort with the former Senator Paul Tsongas to take his message of fiscal responsibility to the people.

WARREN RUDMAN has also taken it upon himself to ensure that Federal policies are not only fiscally sound, but fair. He has been a strong supporter of low-income home energy assistance, or

LIHEAP. He has consistently defended the Legal Services Corporation against those from his own party who would bring about its demise. And in 1988 he helped author the omnibus drug bill, to try and slow the spread of drug abuse through our Nation's cities and rural areas.

Mr. President, WARREN RUDMAN'S principled leadership is an example for anyone who would seek a career in public service. I know his dedication and integrity will serve as a valuable lesson.

THE RETIREMENT OF SENATOR ALAN DIXON

Mr. DODD. Mr. President, this week we part ways with Senator ALAN DIXON. ALAN DIXON joined the Senate in 1981 after more than 30 years of public service in Illinois government. His last 12 years here in the Senate, like his first three decades of public life, have been marked by a relentless dedication to the people of Illinois.

Like so many of our colleagues who are leaving this year, ALAN DIXON also served with me on the Banking Committee. As my successor on the Consumer and Regulatory Affairs Subcommittee, he was a forceful and effective advocate for fair lending practices. On the Armed Services Committee, ALAN DIXON denounced wasteful defense purchases and created a "procurement czar" to oversee spending at the Pentagon.

From his first days of public service as Belleville police magistrate in 1949 to his final days here in the Senate, ALAN DIXON never backed down from a fight. His spirit will be sorely missed in this chamber.

THE RETIREMENT OF SENATOR BROCK ADAMS

Mr. DODD. Mr. President, BROCK ADAMS leaves the Senate after nearly three decades of public service for the people of Washington State. BROCK ADAMS has held several posts of distinction in this Washington as well, serving as the first chairman of the House Budget Committee in 1975 and later as Secretary of Transportation from 1975 to 1977.

BROCK ADAMS' experience as Transportation Secretary later came into play as he authored measures to improve truck safety and to require double hulls on oil tankers.

BROCK ADAMS was a vocal opponent of military action, a vocal supporter of environmental causes, and a vocal advocate for fairness in the Tax Code. In his distinguished career of public service he helped shape the debate on all these issues. His fierce commitment and dedication will be missed.

THE RETIREMENT OF SENATOR STEVE SYMMS

Mr. DODD. Mr. President, in his 30 years as a representative of the people of Idaho, Mr. President, STEVE SYMMS has been an outspoken and dedicated spokesman for conservative causes—whether it was the pace of arms control or the burden of environmental standards. During his tenure in the Senate, he worked with a feverish dedication for the people of Idaho and the causes they supported.

Mr. President, STEVE SYMMS and I rarely saw eye-to-eye on most issues that came before this body. But with STEVE SYMMS I always knew there would be a spirited debate, an enlightened discussion, a different way of looking at the issue. I might not always agree with STEVE SYMMS, but I benefited from his perspective nonetheless.

STEVE SYMMS' positions came strictly from the heart, and from a deep and abiding commitment to conservatism. When STEVE SYMMS is gone, Mr. President, I will miss the debate.

THE RETIREMENT OF SENATOR JOCELYN BURDICK

Mr. DODD. Mr. President, I want to say a few words about a woman who has shown courage and determination in the face of tragedy. When Quentin Burdick died last month at the age of 84, JOCELYN BURDICK took over for her husband to become the first woman ever to represent the State of North Dakota.

While she served in this body for only a matter of weeks, JOCELYN BURDICK'S bravery and strength under these difficult circumstances are truly inspirational. She carried on her husband's mission with utter grace and determination.

Mr. President, North Dakota is lucky to have had JOCELYN BURDICK as their representative. And every Member of this body is lucky to have shared these few weeks with her.

H.R. 776, NATIONAL ENERGY POLICY ACT

Mr. CHAFEE. Mr. President, we have heard a great many things about this bill. It has been characterized as a major rewrite of our Nation's energy policy. It has been suggested that the bill includes a bold new program to promote energy efficiency and new, renewable sources of energy—to improve our environment and to combat the threat of global climate change.

These characterizations make great press but they are not based on the facts. This bill does too little to encourage improvements in energy efficiency. It does too much to promote increased use of fossil fuels and too little to encourage the development of nonpolluting, alternative renewable sources of energy. This bill is, in short, a bill that promotes the status quo in energy policy.

Mr. President, our national energy policy is shaped by three competing objectives. One objective is energy security typically measured by dependence on foreign sources of oil. Three oil disruptions over the last two decades, the attendant recession and inflation, and finally a war, Desert Storm, involving U.S. forces have educated all Americans to the importance of energy security.

A second objective is low energy prices. Mr. President, you don't often hear low energy prices praised in the national energy debate. Many have a stake in higher prices. The energy industries like higher prices because they raise profits and provide the funds for new exploration. The environmental community likes higher prices because they cut consumption. And those who worry about the security of our energy supplies like higher prices because they cut U.S. oil imports.

But low energy prices are of great advantage to our consumer and to our economy. The unprecedented period of economic growth experienced during the 1980's was sustained in part by the collapse of oil prices in the middle of the decade. Had it not been for falling oil prices, the current recession would likely have begun much sooner. Low prices help consumers and help our economy.

The third objective is environmental quality. There is no sector of our economy that has a greater impact on the environment than the energy sector, the production and consumption of energy. We control sulfur dioxide emissions from our powerplants to reduce acid rain. We put catalytic converters on our cars to reduce smog. We declare parts of the Continental Shelf off limits to drilling to protect marine life. We regulate strip mining of coal and the injection of brine produced with oil so that our lands are not despoiled. We impose strict liability on ocean tankers to prevent oil spills.

We do all of that and much more to protect our environment from the effects of energy production and consumption. These measures are also a part of our national energy policy.

As I said these are competing objectives. If we were willing to allow drilling in the Arctic National Wildlife Refuge, we might temporarily reduce oil imports and increase our energy security. If we were willing to pay higher prices for alternative transportation fuels from domestic sources, such as ethanol or electricity, we could improve our security. If we were willing to put a substantial tax on gasoline, we could reduce the carbon dioxide emissions that play a role in global warming. Managing these competing objectives in the context of a world energy

market dominated by Persian Gulf oil is one of our most difficult challenges as a nation.

On Tuesday night Ross Perot bought 30 minutes of TV time to discuss our Nation's problems. During that half hour, one of the things he said is that we do not have a national energy policy. When he said that, he was holding up a chart showing oil imports as a percentage of our total consumption. We now import almost half of the oil we use. Mr. Perot apparently thinks imports are too high. He said that we do not have a national energy policy because we have not succeeded in reducing oil imports to much lower levels.

Mr. Perot then went on to compare U.S. gasoline taxes to gasoline taxes in the European nations. American taxes are relatively low. In this country, combined Federal and State gasoline taxes average about 30 cents per gallon. In Europe they are much higher: $2.57 in Britain; $3.09 in France; $3.92 in Italy. If gasoline taxes in the United States were $3 per gallon, it is certain that our imports would be much lower. However, a European-type gasoline tax would have a devastating effect on our economy. We would have much lower imports but also a much slower economy.

Mr. Perot mentioned Marie Antoinette, the French queen who said, "Let them eat cake," in his talk on Tuesday evening. Just as Marie Antoinette was wrong about the availability of cake in 18th century France, Mr. Perot is wrong about the availability of energy tax dollars in late 20th-century United States. Without a massive overhaul of our tax system, American consumers and voters would reject $3 per gallon gasoline taxes.

It is not correct to say that we have no national energy policy. We have a policy. But it is not a policy that seeks to reduce imports at any cost. We want to reduce imports but we also must consider the pocketbooks of our consumers and the quality of our environment. Current U.S. energy policy is sometimes described as market-based. It reflects the price decontrol decisions made by President Reagan in early 1981, the lack of any substantial energy taxes and little regulation of energy consumption decisions. It is a policy designed to reap the economic benefits of low prices.

The energy bill now before the Senate cannot be called a new national energy policy. H.R. 776 will not do much to reduce oil imports. This bill has no gasoline tax. It does not include a sweeping mandate for alternative fuels or conservation programs that will dramatically change the shape of U.S. energy policy. Measured by any of the three objectives, security, price or environmental protection, this bill fails to break new ground. This is a bill that continues the status quo in the big picture terms of energy policy.

There are small steps in this bill. But some of these small steps are in the wrong direction. I would prefer a policy that puts more emphasis on energy conservation and on the use of renewable sources of energy. The conservation measures in this bill simply codify a business-as-usual policy, they follow rather than lead. And to the extent that this bill encourages new domestic energy production, the sources are the synfuels that come from fossilized carbon. It is too much reliance on fossil fuels that already threatens our climate.

As science improves our understanding of the interaction between energy used and environmental quality, as we develop new technologies for energy production and consumption, it is appropriate that we adjust our national energy policy to reflect the new science and to take full advantage of new technology. One factor that must be given more weight in shaping our future energy policy is the possibility of global warming and other climate changes caused by human activity.

There is enough science available now for real concern. We are perhaps not ready to make radical changes in our energy policy, with wrenching economic effects, in an effort to head off the build up of carbon dioxide in the atmosphere. But there are many things that we can do to save energy and to use renewable resources that will protect the climate without significant economic sacrifice. Most of these measures also have the additional benefit of reducing oil imports. H.R. 776 makes too little of those opportunities.

Let me give you just one specific example. This bill contains no change in the corporate average fuel economy standards that govern automobile fuel efficiency. CAFE amendments were considered by the Energy and Natural Resources Committee and were reported by the Senate Commerce Committee. But no upward adjustment from the current standard of 27.5 mpg was made, even though we know there are available technologies that can achieve significant improvements in fuel economy without great cost.

We can understand that CAFE is controversial and could not be included here. But what is offered in its place? An alternative fuel requirement for fleets of cars and trucks. H.R. 776 mandates that all governments and some private companies operating large fleets of cars and trucks use alternative fuels. That would be fine if it wasn't for the fact that alternative fuels, as defined in this legislation, generally means methanol.

There are some specialty markets for compressed natural gas, but natural gas will never make a substantial contribution to total transportation fuel uses in the United States. And the other alternatives, principally ethanol and electricity, are so expensive that no fleet owner will turn to them, especially if methanol is an option.

Methanol can be made from natural gas or coal. Because U.S. natural gas delivered by pipeline commands premium prices for space heating and industrial needs, any substantial increase in methanol use would be supplied either from foreign sources of gas or from domestic conversion of coal. If the methanol is made from foreign gas supplies and then imported, our energy security is not improved. If produced from domestic coal, CO_2 loadings to the atmosphere will be even greater than they are with the petroleum-based fuels of today.

Also important is the fact that methanol is likely to be much more expensive than the gasoline it replaces. How is our national energy policy—a balance of security, price and environment—improved by mandating the use of methanol as a transportation fuel? How can that option be justified while modest increases in CAFE are rejected?

There are alternative energy sources that are domestic and that are better for the environment. Some of these are only appropriate for use outside the transportation sector, but they could make a significant contribution nevertheless. We should be doing more to encourage their development and use. Solar and wind energy will not get much of a boost from this bill. Natural gas and coal are big winners. And there are conservation strategies for buildings, lighting, appliances, industry and transportation that could have been pushed much more aggressively.

There are other pluses and minuses in the bill. On the plus side, H.R. 776 does encourage least cost planning by electric utilities. Many utilities, including the New England Electric System, have championed energy conservation programs to deal with load growth and they have had great success. The reforms to the Public Utility Holding Company Act that are included in this bill will help hold down electric prices by bringing new competition to the utility sector.

Among the minuses, perhaps the most troubling in the role assigned to the National Academy of Sciences to develop radiation protection standards for any waste repository that might be located at Yucca Mountain, NV. By requiring that EPA adopt any NAS recommendations, the bill limits the public scrutiny and participation that would otherwise be brought to bear on the development of these important standards.

Mr. President, I admire the members of the Energy and Natural Resources Committee for their perseverance in this very difficult field. As I have said, the struggle to manage the competing goals that define a national energy policy, and to do it in the context of cartels, embargoes, recessions, revolutions, and wars, in one of the most dif-