

## HOUSE OF REPRESENTATIVES—Wednesday, February 21, 1990

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 20, 1990.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Wednesday, February 21, 1990.

THOMAS S. FOLEY,  
Speaker of the House of Representatives.

### PRAYER

The Reverend James Lyons, pastor, St. Peter's Roman Catholic Church, Volo, IL, offered the following prayer:

*Happy are the undefiled in the way who walk in the law of the Lord.—Psalm 119:1.*

O Loving Lord, remove from our hearts every selfish temptation to avarice and greed that may darken our minds and dull our sense of justice.

We pray that the laws passed in the U.S. House of Representatives will always mirror and reflect Your eternal justice, Your eternal love, and Your eternal peace. We ask that You give our Representatives the grace, the wisdom, and the fortitude to act in accordance with the light and warmth of Your divine law as expressed in their consciences.

May Your holy will always be done on Earth as it is done in Heaven.

May God bless all of you. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida [Mr. JAMES] for the purpose of leading the Members in the Pledge of Allegiance.

Mr. JAMES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 150. An act to amend the Immigration and Nationality Act to provide a procedure for an alien who dies while serving on active-duty with the United States Armed Forces during certain periods of hostilities to be considered a citizen of the United States at the time of the alien's death; and

H.R. 2281. An act to amend the Elementary and Secondary Education Act of 1965 to extend the authorization for certain school dropout demonstration programs.

### REV. JAMES LYONS, PASTOR, ST. PETER'S ROMAN CATHOLIC CHURCH, VOLO, IL

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, Father James Lyons is the pastor of St. Peter's Roman Catholic Church in Volo—in the 12th Congressional District of Illinois. He has been pastor at St. Peter's for the past 6 years.

In addition to his duties there, he teaches theology at St. Mary's of the Lake Seminary in Mundelein, IL. He was ordained in 1951 at Mundelein.

His theology courses center around the works of St. Thomas Aquinas and Cardinal John H. Newman.

A native Chicagoan, Father Lyons served as chaplain of St. George's and Palos Community Hospitals. He was an associate pastor at the parishes of Sacred Heart in Hubbard Woods, St. Gertrude's on Chicago's north side, and the Nativity of Our Lord on the city's south side.

Father Lyons is very active in the prolife movement.

He has been a participant and leader in the Great Books Program, dealing with adult education.

He is very concerned about the need for strong international laws and an international community to prevent wars.

It has certainly been a privilege to have Father Lyons give the opening prayer at today's session of the House of Representatives. And I know that Congressman HENRY HYDE, a good friend of Father Lyons, too, wishes him the very best in his religious endeavors.

I might add one other point, Mr. Speaker, Volo, IL, is a very small community, but it has one of the biggest hearts in my district and it focuses

around the work of Father Lyons of St. Peter's.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that during the joint meeting to receive His Excellency Vaclav Havel, only the doors immediately opposite the Speaker and those on his left and right will be open.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,  
February 20, 1990.

Hon. THOMAS S. FOLEY,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 2:47 p.m. on Tuesday, February 20, 1990 said to contain a message from the President waiving the application of certain subsections of the Trade Act of 1974 with regard to Czechoslovakia.

With great respect, I am,  
Sincerely yours,

DONNALD K. ANDERSON,  
Clerk, House of Representatives.

### WAIVER OF CERTAIN TRADE PROVISIONS WITH RESPECT TO CZECHOSLOVAKIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-151)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of Tuesday, February 20, 1990, at page S1252.)

### RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, February 7, 1990, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 8 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

**JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY VACLAV HAVEL, PRESIDENT OF THE CZECHOSLOVAK SOCIALIST REPUBLIC**

The **SPEAKER** of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The **SPEAKER**. The Chair appoints as members of the committee on the part of the House to escort His Excellency Vaclav Havel into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Florida [Mr. FASCELL];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from Maryland [Mr. HOYER];

The gentleman from New York [Mr. SOLARZ];

The gentleman from New York [Mr. MRAZEK];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from Michigan [Mr. BROOMFIELD];

The gentleman from California [Mr. LEWIS];

The gentleman from Oklahoma [Mr. EDWARDS]; and

The gentlewoman from Rhode Island [Ms. SCHNEIDER].

The **VICE PRESIDENT**. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Vaclav Havel into the Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from California [Mr. CRANSTON];

The Senator from Rhode Island [Mr. PELL];

The Senator from South Carolina [Mr. HOLLINGS];

The Senator from Delaware [Mr. BIDEN];

The Senator from Arkansas [Mr. BUMPERS];

The Senator from Michigan [Mr. LEVIN];

The Senator from Illinois [Mr. SIMON];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from South Carolina [Mr. THURMOND];

The Senator from Indiana [Mr. LUGAR];

The Senator from Minnesota [Mr. BOSCHWITZ]; and

The Senator from South Dakota [Mr. PRESSLER].

The Doorkeeper announced the ambassadors, ministers, and *chargés d'affaires* of foreign governments.

The ambassadors, ministers, and *chargés d'affaires* of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 8 minutes a.m., the Doorkeeper announced the President of the Czechoslovak Socialist Republic.

The President of the Czechoslovak Socialist Republic, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The **SPEAKER**. Members of the Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you His Excellency Vaclav Havel, President of the Czechoslovak Socialist Republic.

[Applause, the Members rising.]

**ADDRESS BY HIS EXCELLENCY VACLAV HAVEL, PRESIDENT OF THE CZECHOSLOVAK SOCIALIST REPUBLIC**

(The following address was delivered in Czech, with a simultaneous translation in English.)

President HAVEL. Dear Mr. Speaker, dear Mr. President, dear Senators, and Members of the House, ladies and gentlemen:

My advisers advised me to speak on this important occasion in Czech. I don't know why. Perhaps they wanted you to enjoy the sweet sounds of my mother tongue.

The last time they arrested me, on October 27, of last year, I didn't know whether it was for 2 days or 2 years.

Exactly 1 month later, when the rock musician Michael Kocab told me that I would probably be proposed as a Presidential candidate, I thought it was one of his usual jokes.

On the 10th of December 1989, when my actor friend Jiri Bartoska, in the name of the Civic Forum, nominated me as a candidate for the office of President of the Republic, I thought it was out of the question that the Par-

liament we had inherited from the previous regime would elect me.

Nineteen days later, when I was unanimously elected President of my country, I had no idea that in 2 months later I would be speaking in front of this famous and powerful assembly, and that what I say would be heard by millions of people who have never heard of me and that hundreds of politicians and political scientists would study every word I say.

When they arrested me on October 27, I was living in a country ruled by the most conservative Communist government in Europe, and our society slumbered beneath the pall of a totalitarian system. Today, less than 4 months later, I am speaking to you as the representative of a country that has set out on the road to democracy, a country where there is complete freedom of speech, which is getting ready for free elections, and which wants to create a prosperous market economy and its own foreign policy.

It is all very extraordinary.

But I have not come here to speak for myself or my feelings, or merely to talk about my own country. I have used this small example of something I know well, to illustrate something general and important.

We are living in very extraordinary times. The human face of the world is changing so rapidly that none of the familiar political speedometers are adequate.

We playwrights, who have to cram a whole human life or an entire historical era in a 2-hour play, can scarcely understand this rapidity ourselves. And if it gives us trouble, think of the trouble it must give to political scientists, who spend their whole lives studying the realm of the probable. And have even less experience with the realm of the improbable than us, the playwrights.

Let me try to explain why I think the velocity of the changes in my country, in Central and Eastern Europe, and of course in the Soviet Union itself, has made such a significant impression on the face of the world today, and why it concerns the fate of us all, including you Americans. I would like to look at this, first from the political point of view, and then from a point of view that we might call philosophical.

Twice in this century, the world has been threatened by a catastrophe; twice this catastrophe was born in Europe, and twice you Americans, along with others, were called upon to save Europe, the whole world and yourselves. The first rescue mission—among other things—provided significant help to us Czechs and Slovaks.

Thanks to the great support of your President Wilson, our first President, Tomas Garrigue Masaryk, could found our modern independent state. He

founded it, as you know, on the same principles on which the United States of America had been founded, as Masaryk's manuscripts held by the Library of Congress testify.

In the meantime, the United States made enormous strides. It became the most powerful nation on Earth, and it understood the responsibility that flowed from this. Proof of this are the hundreds of thousands of your young citizens who gave their lives for the liberation of Europe, and the graves of American airmen and soldiers on Czechoslovak soil.

But something else was happening as well: the Soviet Union appeared, grew, and transformed the enormous sacrifices of its people suffering under totalitarian rule, into a strength that, after World War II, made it the second most powerful nation in the world. It was a country that rightly gave people nightmares, because no one knew what would occur to its rulers next and what country they would decide to conquer and drag into their sphere of influence, as it is called in political language.

All of this taught us to see the world in bipolar terms, as two enormous forces, one a defender of freedom, the other a source of nightmares. Europe became the point of friction between these two powers and thus it turned into a single enormous arsenal divided into two parts. In this process, one half of the arsenal became part of that nightmarish power, while the other—the free part—bordering on the ocean and having no wish to be driven into it, was compelled, together with you, to build a complicated security system, to which we probably owe the fact that we still exist.

So you may have contributed to the salvation of us Europeans, of the world and thus of yourselves for a third time: you have helped us to survive until today—without a hot war this time—but merely a cold one.

And now what is happening is happening: the totalitarian system in the Soviet Union and in most of its satellites is breaking down and our nations are looking for a way to democracy and independence. The first act in this remarkable drama began when Mr. Gorbachev and those around him, faced with the sad reality of their country, initiated their policy of "perestroika." Obviously they had no idea either what they were setting in motion or how rapidly events would unfold. We knew a lot about the enormous number of growing problems that slumbered beneath the honeyed, unchanging mask of socialism. But I don't think any of us knew how little it would take for these problems to manifest themselves in all their enormity, and for the longings of these nations to emerge in all their strength. The mask fell away so rapidly that, in

the flood of work, we have literally no time even to be astonished.

What does all this mean\* for the world in the long run? Obviously a number of things. This is, I am firmly convinced, a historically irreversible process, and as a result Europe will begin again to seek its own identity without being compelled to be a divided army any longer. Perhaps this will create the hope that sooner or later your boys will no longer have to stand on guard for freedom in Europe, or come to our rescue, because Europe will at last be able to stand guard over itself. But that is still not the most important thing: the main thing is, it seems to me, that these revolutionary changes will enable us to escape from the rather antiquated straitjacket of this bipolar view of the world, and to enter at last into an era of multipolarity. That is, into an era in which all of us—large and small—former slaves and former masters—will be able to create what your great President Lincoln called the family of man. Can you imagine what a relief this would be to that part of the world which for some reason is called the Third World, even though it is the largest?

I don't think it's appropriate simply to generalize, so let me be specific:

First, as you certainly know, most of the big wars and other conflagrations over the centuries have traditionally begun and ended on the territory of modern Czechoslovakia, or else they were somehow related to that area. Let the Second World War stand as the most recent example. This is understandable: whether we like it or not, we are located in the very heart of Europe, and thanks to this, we have no view of the sea, and no real navy. I mention this because political stability in our country has traditionally been important for the whole of Europe. This is still true today. Our government of national understanding, our present Federal Assembly, the other bodies of the state and I myself will personally guarantee this stability until we hold free elections, planned for June. We understand the terribly complex reasons, domestic political reasons above all, why the Soviet Union cannot withdraw its troops from our territory as quickly as they arrived in 1968. We understand that the arsenals built there over the past 20 years cannot be dismantled and removed overnight. Nevertheless, in our bilateral negotiations with the Soviet Union, we would like to have as many Soviet units as possible moved out of our country before the elections, in the interests of political stability. The more successful our negotiations, the more those who are elected in our places will be able to guarantee political stability in our country even after the elections.

Second, I often hear the question: How can the United States of America

help us today? My reply is as paradoxical as the whole of my life has been: You can help us most of all if you help the Soviet Union on its irreversible, but immensely complicated road to democracy. It is far more complicated than the road open to its former European satellites. You yourselves know best how to support, as rapidly as possible, the nonviolent evolution of this enormous, multinational body politic toward democracy and autonomy for all of its peoples. Therefore, it is not fitting for me to offer you any advice. I can only say that the sooner, the more quickly, and the more peacefully the Soviet Union begins to move along the road toward genuine political pluralism, respect for the rights of nations to their own integrity and to a working—that is a market—economy, the better it will be, not just for Czechs and Slovaks, but for the whole world. And the sooner you yourselves will be able to reduce the burden of the military budget borne by the American people. To put it metaphorically: The millions you give to the East today will soon return to you in the form of billions in savings.

Third, it is not true that the Czech writer Vaclav Havel wishes to dissolve the Warsaw Pact tomorrow and then NATO the day after that, as some eager journalists have written. Vaclav Havel merely thinks what he has already said here, that for another hundred years, American soldiers shouldn't have to be separated from their mothers just because Europe is incapable of being a guarantor of world peace, which it ought to be, in order to make some amends, at least, for having given the world two world wars. Sooner or later Europe must recover and come into its own, and decide for itself how many of whose soldiers it needs so that its own security, and all the wider implications of that security, may radiate peace into the whole world. Vaclav Havel cannot make decisions about things that are not proper for him to decide. He is merely putting in a good word for genuine peace, and for achieving it quickly.

Fourth, Czechoslovakia thinks that the planned summit conference of countries participating in the Helsinki process should take place soon, and that in addition to what it wants to accomplish, it should aim to hold the so-called Helsinki II conference earlier than 1992, as originally planned. Above all, we feel it could be something far more significant than has so far seemed possible. We think that Helsinki II should become something equivalent to the European peace conference, which has not yet been held; one that would finally put a formal end to the Second World War and all its unhappy consequences. Such a conference would officially bring a future

democratic Germany, in the process of unifying itself, into a new pan-European structure which could decide about its own security system. This system would naturally require some connection with that part of the globe we might label the "Helsinki" part, stretching westward from Vladivostok all the way to Alaska. The borders of the European states, which by the way should become gradually less important, should finally be legally guaranteed by a common, regular treaty. It should be more than obvious that the basis for such a treaty would have to be general respect for human rights, genuine political pluralism and genuinely free elections.

Fifth, naturally we welcome the initiative of President Bush, which was essentially accepted by Mr. Gorbachev as well, according to which the number of American and Soviet troops in Europe should be radically reduced. It is a magnificent shot in the arm for the Vienna disarmament talks and creates favorable conditions not only for our own efforts to achieve the quickest possible departure of Soviet troops from Czechoslovakia, but indirectly as well for our own intention to make considerable cuts in the Czechoslovak Army, which is disproportionately large in relation to our population. If Czechoslovakia were forced to defend itself against anyone, which we hope will not happen, then it will be capable of doing so with a considerably smaller army, because this time its defense would be—not only after decades but after even centuries—supported by the common and indivisible will of both its nations and its leadership. Our freedom, independence, and our newborn democracy have been purchased at great cost, and we shall not surrender them. For the sake of order, I should add that whatever steps we take are not intended to complicate the Vienna disarmament talks, but on the contrary, to facilitate them.

Sixth, Czechoslovakia is returning to Europe. In the general interest and in its own interest as well, it wants to coordinate this return—both politically and economically—with the other returnees, which means, above all, with its neighbors the Poles and the Hungarians. We are doing what we can to coordinate these returns. And at the same time, we are doing what we can so that Europe will be capable of really accepting us, its wayward children. Which means that it may open itself to us, and may begin to transform its structures—which are formally European but de facto Western European—in that direction, but in such a way that it will not be to its detriment, but rather to its advantage.

Seventh, I have already said this in our parliament, and I would like to repeat it here, in this Congress, which is architecturally far more attractive: for many years, Czechoslovakia—as

someone's meaningless satellite—has refused to face up honestly to its core responsibility for the world. It has a lot to make-up for. If I dwell on this and so many important things, it is only because I feel—along with my fellow citizens—a sense of culpability for our former reprehensible passivity, and a rather ordinary sense of indebtedness.

Eighth, we are of course delighted that your country is so readily lending its support to our fresh efforts to renew democracy. Both our peoples were deeply moved by the generous offers made a few days ago in Prague at the Charles University, one of the oldest in Europe, by your Secretary of State, Mr. James Baker. We are ready to sit down and talk about them.

Ladies and gentlemen, I've only been president for 2 months and I haven't attended any schools for presidents. My only school was life itself. Therefore I don't want to burden you any longer with my political thoughts, but instead I will move on to an area that is more familiar to me, to what I would call the philosophical aspect of those changes that still concern everyone, although they are taking place in our corner of the world.

As long as people are people, democracy in the full sense of the word will always be no more than an ideal; one may approach it as one would a horizon, in ways that may be better or worse, but it can never be fully attained. In this sense you too are merely approaching democracy. You have thousands of problems of all kinds, as other countries do. But you have one great advantage: You have been approaching democracy uninterrupted for more than 200 years, and your journey toward the horizon has never been disrupted by a totalitarian system. Czechs and Slovaks, despite their humanistic traditions that go back to the first millennium, have approached democracy for a mere 20 years, between the two world wars, and now for the 3½ months since the 17th of November of last year.

The advantage that you have over us is obvious at once.

The Communist type of totalitarian system has left both our nations, Czechs and Slovaks—as it has all the nations of the Soviet Union and the other countries the Soviet Union subjugated in its time—a legacy of countless dead, an infinite spectrum of human suffering, profound economic decline, and above all enormous human humiliation. It has brought us horrors that fortunately you have not known.

At the same time, however—unintentionally, of course—it has given us something positive: a special capacity to look, from time to time, somewhat further than someone who has not undergone this bitter experience. A person who cannot move and live a somewhat normal life because he is

pinned under a boulder has more time to think about his hopes than someone who is not trapped that way.

What I am trying to say is this: we must all learn many things from you, from how to educate our offspring, how to elect our representatives, all the way to how to organize our economic life so that it will lead to prosperity and not to poverty. But it doesn't have to be merely assistance from the well-educated, the powerful and the wealthy to someone who has nothing and therefore has nothing to offer in return.

We too can offer something to you: our experience and the knowledge that has come from it.

This is a subject for books, many of which have already been written and many of which have yet to be written. I shall therefore limit myself to a single idea.

The specific experience I'm talking about has given me one great certainty: Consciousness precedes Being, and not the other way around, as the Marxists claim.

For this reason, the salvation of this human world lies nowhere else than in the human heart, in the human power to reflect, in human meekness and in human responsibility.

Without a global revolution in the sphere of human consciousness, nothing will change for the better in the sphere of our Being as humans, and the catastrophe toward which this world is headed, be it ecological, social, demographic or a general breakdown of civilization, will be unavoidable. If we are no longer threatened by world war, or by the danger that the absurd mountains of accumulated nuclear weapons might blow up the world, this does not mean that we have definitively won. We are in fact far from the final victory.

We are still a long way from that "family of man"; in fact, we seem to be receding from the ideal rather than drawing closer to it. Interests of all kinds: personal, selfish, state, national, group and, if you like, company interests still considerably outweigh genuinely common and global interests. We are still under the sway of the destructive and vain belief that man is the pinnacle of creation, and not just a part of it, and that therefore everything is permitted. There are still many who say they are concerned not for themselves, but for the cause, while they are demonstrably out for themselves and not for the cause at all. We are still destroying the planet that was entrusted to us, and its environment. We still close our eyes to the growing social, ethnic and cultural conflicts in the world. From time to time we say that the anonymous megamachinery we have created for ourselves no longer serves us, but rather

has enslaved us, yet we still fail to do anything about it.

In other words, we still don't know how to put morality ahead of politics, science and economics. We are still incapable of understanding that the only genuine backbone of all our actions—if they are to be moral—is responsibility. Responsibility to something higher than my family, my country, my company, my success. Responsibility to the order of Being, where all our actions are indelibly recorded and where, and only where, they will be properly judged.

The interpreter or mediator between us and this higher authority is what is traditionally referred to as human conscience.

If I subordinate my political behavior to this imperative mediated to me by my conscience, I can't go far wrong. If on the contrary I were not guided by this voice, not even 10 presidential schools with 2,000 of the best political scientists in the world could help me.

This is why I ultimately decided—after resisting for a long time—to accept the burden of political responsibility.

I am not the first, nor will I be the last, intellectual to do this. On the contrary, my feeling is that there will be more and more of them all the time. If the hope of the world lies in human consciousness, then it is obvious that intellectuals cannot go on forever avoiding their share of responsibility for the world and hiding their distaste for politics under an alleged need to be independent.

It is easy to have independence in your program and then leave others to carry that program out. If everyone thought that way, pretty soon no one would be independent.

I think that you Americans should understand this way of thinking. Wasn't it the best minds of your country, people you could call intellectuals, who wrote your famous Declaration of Independence, your Bill of Human Rights and your Constitution and who—above all—took upon themselves the practical responsibility for putting them into practice? The worker from Branik in Prague that your President referred to in his State of the Union message this year is far from being the only person in Czechoslovakia, let alone in the world, to be inspired by those great documents. They inspire us all. They inspire us despite the fact that they are over 200 years old. They inspire us to be citizens.

When Thomas Jefferson wrote that, "Governments are instituted among Men deriving their just Powers from the Consent of the Governed," it was a simple and important act of the human spirit.

What gave meaning to that act, however, was the fact that the author backed it up with his life. It was not just his words, it was his deeds as well.

I will end where I began: history has accelerated. I believe that once again, it will be the human mind that will notice this acceleration, give it a name, and transform those words into deeds.

Thank you.

[Applause, the Members rising.]

At 12 o'clock and 14 minutes p.m. the President of the Czechoslovak Socialist Republic, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order.

The members of the President's Cabinet.

The Ambassadors, Ministers, and *chargés d'affaires* of foreign governments.

#### JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 12 o'clock and 18 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until the hour of 1 p.m.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MAZZOLI] at 1 o'clock and 3 minutes p.m.

#### PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. NAGLE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

#### NEW WAVE OF FREEDOM PATTERED AFTER FOUNDING FATHERS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, freedom's bell rang today on the floor of this House. If we might refer to Vaclav Havel as the Thomas Jefferson of Czechoslovakia, we would be correct. This poet-playright-philosopher President of Czechoslovakia spoke of the values of free peoples.

He spoke of the values that our American forefathers spread before the world and before our own country. President Havel thanked us all for the

young men, the young women, and the mothers and fathers who made sacrifices to preserve and protect freedom.

He talked about Woodrow Wilson, that President who during the first World War led America to make the world safe for democracy. Perhaps he failed in the effort to make it safe for democracy, but President Wilson did in fact spread the idea of democracy that Jefferson had so eloquently articulated.

And it was President Truman who, after the Second World War, said that we will stand and defend freedom, that we will not allow the Iron Curtain to be spread across Europe.

It was that courage and that leadership from Jefferson, Wilson, and Truman that has stood democracy and freedom in good stead and led to President Havel's speech today.

John Kennedy went to Berlin and he said, "Ich bin ein Berliner" and identified every American with freedom and democracy and the human values of which President Havel spoke today.

#### THE INSPIRATION OF PRESIDENT HAVEL'S WORDS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, today, we were privileged in this exalted hall to listen to one of the great moral leaders of our time, Vaclav Havel, the quiet playwright, the citizen leader, the President of Czechoslovakia.

His message was inspired as he described for us these "extraordinary times \* \* \* which leave us no time even to be astonished."

The sweet sounds of his mother tongue were sweet sounds indeed. Not only did he lift our collective spirits on what public service should be all about, he reached an even higher plane, in my opinion.

In all of those sweet sounds, there was not one request for money for his own nation. It is like a revolution within the revolution.

Mr. Speaker, in my 32 years in the House of Representatives, I have heard many addresses before joint sessions. But I have never heard a more inspiring and powerful one than we heard today. I almost felt as if I was in the presence of our own Founding Fathers. There was a reverence in this room, I don't know how else to describe it.

With leadership like Vaclav Havel, we can look ahead with hope and confidence in a better, more moral world in our future.

### FREEDOM PREVAILS, A GREAT MOMENT FOR DEMOCRACY

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE, Mr. Speaker. President Vaclav Havel's visit to the Congress this morning, was a great moment for democracy. For the first time in decades, Czechoslovakia is no longer a victim of tyranny, but one of Europe's newest democracies; its leader, no longer a despot, but the elected choice of the people.

As we celebrate what the people of Czechoslovakia have accomplished, it is also appropriate to recognize and honor those Americans whose leadership helped keep the dream of democracy alive during the dark years of oppression throughout Eastern Europe:

President Harry Truman, who moved quickly to plant democracy's flag in the rubble of Europe after World War II, with the Marshall plan;

President John F. Kennedy, who inspired a new generation of lovers of freedom with his historic speech at the Berlin Wall;

President Jimmy Carter, who made respect for fundamental human rights a major concern and value in U.S. foreign policy.

While the names I have mentioned here are Democrats, I certainly do not mean to imply that our efforts were partisan. Far from it.

Presidents from both parties supported and worked to strengthen NATO, to secure the Helsinki accords and Helsinki process, and made countless other important contributions over the years.

But in the final analysis, as in Czechoslovakia, the most important contribution was made by the people. It was the American people who supported and paid for Harry Truman's Marshall plan; it was the American spirit President Kennedy expressed at the Berlin Wall; and it was the deeply held values of the American people President Carter championed in his foreign policy.

This is a great day for democracy.

And it is a great day for the American people. We stood with freedom in the face of a long, cold, and bitter wind. And freedom has prevailed.

### A TRIBUTE TO HERMINE BECKETT HANNA ON ESTABLISHMENT OF NATIONAL GRANDPARENTS DAY

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH, Mr. Speaker, I rise today to recognize an outstanding individual, a woman who has dedicated her life to community service. Hermine Beckett Hanna has spent 30

years of her life enriching the lives of senior citizens and gaining recognition for grandparents.

As a result of her continued efforts over those years, grandparents have had a day to call their own. As you know, National Grandparents Day has been celebrated every year since 1979. Hermine's efforts have touched thousands of seniors, including two distinguished former Members of this House, the Honorable William F. Walsh and the late Honorable Claude Pepper, who were with Hermine as she began her endeavor in 1961.

Building on a theme that is gaining momentum in the United States, Hermine has directed her attention to educating the young in our community to the important contributions senior citizens have made, and to the important contributions they are willing to make if asked. Hermine urges the young to adopt a grandparent, not for 1 day a year, not for material giving, but for a lifetime of experience and caring just waiting to be shared with others.

And so, my fellow colleagues, I am pleased to bring Hermine to your attention for her important role in the establishment of Grandparents Day. Her commitment is an example to the Nation, and I wish her well in bringing her message to the children of today, and the grandparents of tomorrow.

□ 1310

### LAKE CHAMPLAIN ENVIRONMENTAL CONTROL LEGISLATION

(Mr. MARTIN of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of New York, Mr. Speaker, today I am joining with my colleague from Vermont, Representative PETER SMITH, in introducing legislation to address current, as well as future, environmental problems in Lake Champlain.

As the sixth largest fresh water lake in the United States, as well as an international body of water, the ecological well-being of Lake Champlain is important to the United States and Canada, alike. Maintaining its recreational, social, and economic assets is important to the surrounding residents, industrial interests and governmental entities. The 600-square-mile lake is suffering environmental damage from point as well nonpoint source pollution. Coordinated management of these resources is imperative and long overdue.

The legislation we are introducing authorizes \$25 million to create and implement a 5-year pollution control and restoration program for Lake Champlain. The program includes a management conference to coordinate Federal, State, and local action in the

effort. Identical legislation has been introduced in the other body by New York Senators D'AMATO and MOYNIHAN and Vermont Senators JEFFORDS and LEAHY. In 1988, the States of New York and Vermont, and the Canadian province of Quebec entered into a memorandum of understanding to conduct cooperative planning and research for management, protection, and enhancement of Lake Champlain and its environment. Clearly, this is a bipartisan effort to address environmental problems which will not resolve themselves.

The citizens of New York and Vermont have demonstrated their commitment to restoring the environmental integrity of Lake Champlain. The Federal Government must now lend its assistance in this important endeavor, as it has for other water resources vital to our Nation. We must protect all of our waterways from environmental damage, and Lake Champlain is no exception. It deserves our ongoing attention and protection.

We cannot delay any further. Action must be taken now to enact into law the Lake Champlain Special Designation Act. We owe it to current, as well as future, generations of Americans to take responsible action before it really is too late.

### TRIBUTE TO MEN AND WOMEN WHO RISKED THEIR LIVES TO SAVE OTHERS IN LOMA PRIETA EARTHQUAKE

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA, Mr. Speaker, on October 17, 1989, the Loma Prieta earthquake struck northern California.

On February 24, 1990, community leaders from throughout my home of Santa Clara County will gather together in a special tribute to the men and women who risked their lives to save others.

We will salute the brave members of the U.S. Navy, U.S. Air Force, and the California Air National Guard who rescued the injured and helped hold our communities together during the crisis.

We will salute their selflessness and the selflessness of their colleagues at Moffett Field Naval Air Station, Onizuka Air Force Base, and throughout the South Bay.

Mr. Speaker, I witnessed the devastation of the earthquake zone. There were many acts of bravery in the aftermath of the disaster. But I can say without fear of contradiction that the contributions of the Navy, Air Force, and Air National Guard will never be forgotten by the people of Santa Clara County.

### LAKE CHAMPLAIN PROTECTION BILL

(Mr. SMITH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Vermont. Mr. Speaker, I would like to bring to the attention of this Chamber legislation that my honorable colleague from New York, DAVE O'B. MARTIN, and I have introduced—the Lake Champlain Special Designation Act. It is landmark legislation that is badly needed to protect a great body of water joining our two States from the deadly effects of pollution.

For years we have worried about the increasing pressures of development of this beautiful and plentiful resource, in terms of fisheries and water quality. Now, with passage of this bill, we have the chance to prevent those damages before they occur while cleaning up the effects of old disasters.

I believe this is a model piece of legislation. It seeks to establish an ecologically sound management scheme, early enough in the game to ensure a healthy lake well into the next century.

In introducing this legislation, I would like to commend the members of the two delegations for working together in protecting Lake Champlain. Using this bill as a springboard, future generations of Vermonters and New Yorkers will be able to put their strong environmental convictions into practice, and save this lake as an invaluable natural resource for all Americans.

### A THOUSAND MORE IRS AGENTS—FOR WHAT?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, the IRS has become a very expensive maid service for the rich of this country, and they are not a very good one at that. They have testified before committees that they need 1,000 new collection agents because there are 3,385 Americans that owe at least \$1 million apiece in back taxes.

Think about that. How could anybody who lives in a basement apartment owe the Government that much money? These are rich people. Now what is going on here?

Congress wants tax cuts for the rich. For what? I say, "The rich ain't paying any taxes anyway."

In addition, Mr. Speaker, what are we going to do with the 1,000 new agents? Are we going to go after truck drivers? Taxicab drivers? Teachers? Housewives? Preachers? Farmers? Even Members of Congress like me?

Mr. Speaker, I am sick and tired of it. Congress should start straightening

out our tax problems by straightening out the IRS of this country.

Think about it.

### THE 25TH ANNIVERSARY OF THE DEATH OF MALCOLM X

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, today I come on the floor on this the 25th anniversary of the death of Malcolm X, perhaps one of the most misunderstood figures in human history and certainly one of the most misunderstood as it relates to the civil rights movement. He was not a passivist, and he was controversial and challenging. Therefore may people did not understand the total depth of his message.

Mr. Speaker, Malcolm X's real message was one of self-help, education, economic independence, and self-reliance. If he were living today, I suspect because he talked about the pride and dignity that should be exemplified by those who are African-Americans, he would be appalled to discover that there were more African-American men in jails than in colleges. He would certainly be appalled to discover the scourge of drugs that has swept the communities. Here was a man of pride, dignity, and self-respect, and, after his trip to Mecca, he came back and talked about an inclusion of all people and understanding of the necessity for all people to exemplify pride, dignity, and self-respect.

So, on this, the 25th anniversary of the death of Malcolm X, we salute his widow, Betty Shabazz, and we say to the memory of Malcolm, "Thank you for your legacy."

### THE EMERGENCY FEDERAL JUDGESHIP ACT OF 1990

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, today our Nation faces a critical shortage of Federal judges. Despite the growing workload of the Federal courts, Congress has not created any new judgeships since 1984.

Today I am introducing the Emergency Federal Judgeship Act, a bill to provide for the creation of 20 new judicial positions. The assignment of these positions will be based on the needs of those Federal district courts that have been most severely impacted by the increase in drug crime related cases.

Federal courts have witnessed an explosion in the number of criminal cases filed, particularly those related to drug felonies.

As we commit more resources and manpower to our drug enforcement

and interdiction efforts, the strain on the Federal courts will increase.

Top priority must go to the areas where the drug war has put the greatest demand on our criminal justice system.

I strongly urge my colleagues to join me in cosponsoring this much-needed legislation.

□ 1320

### THE TIRE RECYCLING INCENTIVES ACT

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, are you aware that for the past week millions of tires have burned out of control at an Ontario, Canada tire dump? This is an environmental catastrophe.

Nearby creeks have been contaminated by the chemical waste-water running from the mountains of burning tires; 1,600 residents have been evacuated.

Farmers have been told not to let their livestock drink the contaminated water because high levels of benzene and phenols were found in the water. This water is contaminated at levels thousands of times higher than levels considered safe. Phenols and benzene cause cancer as well as skin, eye, liver, kidney, and nervous system damage.

Almost 50,000 gallons of oil have been skimmed from the area. Now, the heavily contaminated oil is threatening the ground water.

Tire piles are a universal problem. EPA has estimated that America has 2½ to 3 billion tires stockpiled all across the country. And, at least 10 of these tire piles catch on fire each year. One tire fire alone, in Winchester, VA, burned out of control for 8 months and cost almost \$5 million to control.

Tire piles pose a serious problem. Letting these tires sit around, waiting to catch on fire is dangerous and moreover is a waste of a valuable resource.

Tires can, and should be recycled into useful products, like: Rubber-modified asphalt for road construction, or tire derived fuel, as well as a host of other useful products. However, recycling is not occurring because the laws of supply and demand are working against us.

It is cheaper to throw the tire on to the side of the road than to recycle the tire into the road. We have the power to change the market for recycled tire products.

Next week, along with 32 of my colleagues, I will introduce the Tire Recycling Incentives Act, in order to give scrap tires a positive value in the marketplace.

The Tire Recycling Incentives Act would require the tire manufacturer

to guarantee that a certain percentage of the tires manufactured are recycled.

The tire manufacturer could achieve the goal by using reclaimed rubber in the manufacture of new tires or by purchasing recycling credits from a licensed tire recycler.

By instituting this system we will accomplish the twin goals of reducing the danger from the tire piles and increasing the market for recycled used tires.

This market incentive legislation will also be introduced in the Senate by Senator WIRTH and Senator HEINZ, and I would like to urge the rest of my colleagues to join us as well.

#### INTRODUCTION OF NATIONAL DISASTER PREPAREDNESS INVENTORY ACT

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise today to introduce legislation critical to our Nation's ability to respond to major natural disasters. Last fall, Hurricane Hugo ripped through the Eastern part of the United States and Loma Prieta earthquake devastated northern California leaving behind overwhelmed State and local emergency responders looking to the Federal Government for help.

The Federal Emergency Management Agency [FEMA], whose charter directs it to provide disaster assistance, was in many cases unable to provide adequate information and resources to these distressed areas.

When I toured northern California with three of my House colleagues and the head of the U.S. Fire Administration, I was amazed to learn that FEMA could not provide local emergency responders with a comprehensive computerized list of the skilled personnel and critical equipment which could be used for time-sensitive urban search and rescue operations.

For this reason, I am offering legislation which will specifically direct FEMA to create an active involvement of the people and resources that can be made available to local emergency responders. Giving these on-site experts the ability to analyze their needs for outside assistance will permit FEMA to provide faster and more beneficial aid.

Mr. Speaker, this bill already has 29 bipartisan cosponsors. For most emergencies, the State and local personnel have the training and equipment necessary. For more serious disasters, such as the ones we saw last fall, FEMA ought to be prepared to step in and provide timely and thorough assistance.

#### PRESIDENT HAVEL AND HUMAN RIGHTS

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, as a number of our previous speakers have mentioned today, we had the great experience of having the President of Czechoslovakia, President Havel, address the body. His speech brought the Members of Congress to their feet as he stirred us with his remarks about democracy and human rights.

Today also, Mr. Speaker, the administration's human rights report on China is being presented to the House Foreign Affairs Committee. It reads as an indictment of Deng Xiaoping. It reads as a description of a massacre that took place in June and the repression that continues and has intensified since then. These two events, President Havel's address about democracy and the human rights report, are related not only by their timing before the House, but also by their relationship to principle.

In his remarks, President Havel said:

If I subordinate my political behavior to this imperative mediated to me by my conscience, I can't go far wrong. If on the contrary I were not guided by this voice, not even ten presidential schools with two thousand of the best political scientists in the world could help me.

When the House voted to support the Chinese students, it brought honor upon this House. In light of President Havel's remarks, I wonder how Members of the Senate who voted against the students can explain in conscience their vote to their children, to their own children.

More will follow on the human rights report when Congress comes into session next week.

#### HOME RULE IN THE DISTRICT OF COLUMBIA IS A DISASTER

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. This morning, Mr. Speaker, hundreds of thousands of man-hours were lost because a car sitting on Interstate 395 was there for well over an hour blocking traffic for over 20 miles to get into the District.

Mr. Speaker, we do not expect a great deal out of the D.C. government. We do not expect them to maintain decent roads. We do not expect them to maintain decent order; but the least we could ask of them is the capacity to direct traffic.

The total incompetence of the D.C. government in Washington, DC, has become an embarrassment to our entire Nation. This experiment in home rule is a disaster. All of us who serve in this Chamber, well over 95 percent of us, have held other posi-

tions in government. We have been mayors. We have been township trustees, State legislators, and the rest. I am convinced, Mr. Speaker, that there are well over 2,000 township trustees in my congressional district who with one arm tied behind their backs, could blindfolded do a better job of directing this city than the city council of D.C.

Mr. Speaker, it is high time that this experiment in home rule that has proven to be a disaster for our Nation be terminated, that we return to some sort of logical government whereby the rest of us can function in this city.

#### CZECH DESCENDANTS IN NEBRASKA HONORED BY PRESIDENT HAVEL'S ADDRESS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I am sure that I am among all of us who were very pleased and honored to have the address to the joint session of Congress by President Havel, the President of Czechoslovakia. As a Congressman who represents probably more people of Czech-American ancestry than any Member of the Congress, people who have typically been in our State for four and five generations, it was a particular pleasure to hear those remarks and to recall how through the months of November and December people in my district in small communities and large, gathered in front of television sets to watch the velvet revolution unveiled in Prague and other cities of Czechoslovakia.

I have noted with some interest that the leaders of the new Czech Government have not asked for financial assistance. They have asked for an opportunity to learn from us, an opportunity for trade relations to improve between our two countries.

I call the attention of my colleagues to three bills that I have introduced over the last 3 weeks, legislation which would provide for the OPIC Insurance Program to American businesses doing business in Czechoslovakia, eligibility for the Eximbank, and just yesterday a resolution urging Congress to grant, with the assistance of President Bush who has now called for it, most-favored-nation status to Czechoslovakia.

□ 1330

#### PROVIDING FOR CONSIDERATION OF H.R. 2570, ARIZONA DESERT WILDERNESS ACT OF 1989

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 338 and ask for its immediate consideration.

The Clerk read the resolution, as follows:



H. RES. 338

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2570) to provide for the designation of certain public lands as wilderness in the State of Arizona, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield the customary 30 minutes to the gentleman from California [Mr. PASHAYAN], for purposes of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 338 is an open rule providing for the consideration of H.R. 2570, the Arizona Desert Wilderness Act of 1990. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs.

The rule also makes in order the Interior Committee amendment in the nature of a substitute now printed in the bill as an original text for the purpose of amendment under the 5-minute rule. Each section shall be considered as having been read.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 2570 would designate approximately 1.1 million acres of wilderness on Bureau of Land Management [BLM] Lands in Arizona. It would designate 39 wilderness areas, and thereby protect magnificent desert environments in our country. In addition, the bill would release almost 950,000 acres to multiple use management.

The bill, Mr. Speaker, is the result of hearings and careful consultations, I

would urge my colleagues to adopt this rule.

Mr. PASHAYAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 338 is an open rule under which the House shall consider legislation designating over 1 million acres of wilderness in Arizona.

The bill made in order by this rule, H.R. 2570, is not scheduled to come before the House until next week. The rule provides that the Committee on Interior and Insular Affairs amendment, which is printed in the bill, shall be original text for the purpose of amendment. The bill shall be considered by sections, with each section considered as read.

Finally, Mr. Speaker, the rule provides for one motion to recommit with or without instructions.

The bill made in order by this rule would designate 39 areas as wilderness, would leave two areas in wilderness-study status, and would organize a third area as a national conservation area.

The bill also would release almost 950,000 acres from interim-wilderness management status to multiple use status.

Mr. Speaker, the gentleman from Arizona [Mr. RHODES] appeared before the Committee on Rules on Tuesday and said that enactment of this bill would be premature because a companion bill, H.R. 2571, is not ready for consideration.

In addition, the administration opposes enactment of H.R. 2570, because many of the areas designated in the bill are still being studied by the Department of the Interior, and the review called for in current law should be completed before final wilderness designations should be made.

Mr. Speaker, the rule is not a matter of controversy and I urge its adoption.

Mr. Speaker, I yield such time as he may require to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I want to rise today to support the open rule for consideration of H.R. 2570, which is known as the Arizona Wilderness Act. I hope next week when this bill is considered we will not see any exciting theater. I do not believe we will, because I think most of the difficult issues have been resolved in a lot of very careful meetings that have taken place between delegation members, staff, and all interested parties in Arizona have been working so long, literally for the last 3 years, on this piece of legislation, a process leading all the way last week through committee markup.

I want to pay special tribute to the chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL], for the way he has handled this bill and for his

willingness to listen to the concerns that others among the delegation and people in Arizona have expressed about various aspects of the legislation.

I would express my concern about the need to resolve the water rights language as it is in this bill. That is one of the reasons we have an open rule, so as we work out this disagreement or this language we will be able to offer that on the floor next week.

I would say that a failure to reach an agreement between the committee and members of the Arizona delegation could cause problems on the floor, and more importantly I think it would cause very serious problems for the legislation in the Senate. This legislation has come too far for us to let that kind of failure occur.

Members and staff have been very successful in reaching agreement to preempt the problems. It would be a shame if this one important generic issue causes unfortunate problems for what I think all Members would agree otherwise is a very meritorious bill.

All in all, the bill is a successful effort to preserve the unique character of Arizona's wild heritage for future visitors and residents alike.

In addition to the water issue I would mention just one unresolved issue that affects an area in my part of the State, a difficult question of jurisdiction relating to the Black Rock Wash Road that leads to the North Santa Theresa Wilderness Area included in H.R. 2570.

This road runs through the San Carlos Apache Indian Reservation. It provides the only access to the wilderness area, as well as privately owned ranch lands for approximately three families. I will offer an amendment on the floor which will clarify the rights of private property owners, land managers, visitors and the tribe relative to problems and conflicts arising from access on this road to the area under consideration. I am continuing to work with all the relevant parties to come to an agreement about how access along this road should be managed.

Mr. Speaker, let me say in a more general way that H.R. 2570 sets aside 1.1 million acres of BLM lands as wilderness. These lands consist of dramatic canyons, winding streams, rugged mountains, and unique desert plains. Just as importantly, however, in this legislation we are going to release 900,000 acres of land from the nether-nether land of wilderness study status and return that land to multiple-use management so that better economic use of that land can be made in the future.

The wilderness decisions we have reached are intended to reflect our respect for the local land managers and for the difficulties they face in manag-

ing hundreds of thousands of acres of lands.

These individuals, the ones who actually walk and work the land that we are discussing, are the best qualified to make the difficult management decisions, in consultation with the citizens who have a stake in how that land is to be used.

We should be grateful those lands in and out of wilderness are both being supervised by experts with a deep and abiding interest in promoting the utilization and protection of our public lands.

Mr. Speaker, I support the content of the wilderness bill, the bill that will be considered next week on the floor of the House, and I support this open rule which allows for consideration of as yet unresolved matters.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona [Mr. UDALL].

□ 1340

Mr. UDALL. Mr. Speaker, I rise in strong support of the rule on H.R. 2570, the Arizona Desert Wilderness Act of 1990. This legislation is of great importance to me personally, the State of Arizona and to the Nation. H.R. 2570 is one-half of a package of wilderness bills that, when enacted, will make Arizona the first State other than Alaska to have substantially completed all its major wilderness reviews.

The other component, H.R. 2571, deals with wilderness on four wildlife refuges in Arizona. Jointly referred to the Merchant Marine and Fisheries Committee, it will be ready for House consideration in the near future.

I introduced H.R. 2570 last June, after the Arizona State office of the Bureau of Land Management had completed its job under section 603 of the Federal Land Policy and Management Act by reviewing and making recommendations on all its roadless lands for possible designation as wilderness.

BLM had studied more than 2 million acres and recommended about half the total. As introduced, my bill would have designated about 1.4 million acres. The entire Arizona congressional delegation, however, has worked together and worked hard on this most difficult subject to produce a compromise that is fair and balanced. After field hearings in Arizona, an additional hearing in Washington and countless hours of consultations and discussions, we reached agreement on a package that designates about 1.1 million acres of wilderness on BLM lands in Arizona.

The Interior Committee endorsed this package on February 7 by voice vote. The bill protects some of the most magnificent desert environments anywhere in the world, Mr. Speaker.

For a long time, these were considered the leftovers, the trash lands nobody thought were good enough for the national forests, parks, and wildlife refuges. Those of us who love the desert always cringed at this notion. Now, more and more people understand how special these lands are. The witnesses at our hearings and the mail from our constituents is overwhelming testimony that Arizonans value these lands and want them protected. Nowhere is the pageant of life more intriguing, the solitude more inspiring and the beauty of nature more impressive.

Contrary to what many believe, however, wilderness does not exclude man. So we have provided in this legislation language that protects grazing rights and provides for the modern management of wildlife. We have made many, many boundary adjustments and deletions to accommodate mining and other commercial interests. We also have extended, with the help of Representative JIM KOLBE, the very successful model of the San Pedro Riparian National Conservation Area to the controversial Gila Box and associated streams. This classification provides, I think, an excellent blueprint for strong conservation management under the particular circumstances of the Gila River.

We have one very important matter, Mr. Speaker, that we have not been able to resolve and that is the question of Federal reserved water rights for the wilderness set-aside by H.R. 2570. The delegation is not debating whether there should be such rights—we all agree that there should be—but rather how to insure that they be properly adjudicated and quantified. We are continuing to discuss this very important issue and I hope that we will be able to work this out. But in the event that we cannot, an open rule would fully protect everyone's rights.

So we are happy to support this bill and happy to support an open rule on H.R. 2570.

Mr. PASHAYAN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, I want to speak mostly to the rule and to the situation that faces us next week when we bring the bill to the floor. I want to thank the gentleman from Arizona [Mr. UDALL], chairman of the full committee for requesting this open rule, and the Rules Committee itself for agreeing that an open rule is appropriate for consideration of this bill.

As has been noted, the sole reason for needing an open rule is because we do have an issue outstanding. I along with my colleague from Arizona [Mr. KYL] have been working with the chairman and other members of the committee on resolving this issue.

I think at the suggestion of the chairman we may have worked too hard on this, and we may have worked

so hard in trying to cover every conceivable eventuality that we have gotten ourselves all messed up in minutia and perhaps it is time for us to go back to the drawing board and come up with some language that we know will address the issues, and yet does not leave itself open to wondering what would happen in the next scenario.

So I am looking forward to continuing to work with the gentleman from Arizona [Mr. UDALL], in coming up with a proposal that we can bring to the floor next Wednesday, and have the full support of most of the delegation and certainly of the committee and of the House.

Again, I thank the gentleman.

Mr. PASHAYAN. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 45, as follows:

[Roll No. 15]

YEAS—386

Ackerman	Burton	Dorgan (ND)
Akaka	Bustamante	Dornan (CA)
Alexander	Byron	Douglas
Anderson	Callahan	Downey
Andrews	Campbell (CA)	Dreier
Annunzio	Campbell (CO)	Duncan
Anthony	Cardin	Dwyer
Applegate	Carper	Dymally
Archer	Carr	Dyson
Armey	Chapman	Early
Aspin	Clarke	Eckart
Atkins	Clay	Edwards (CA)
AuCoin	Clement	Edwards (OK)
Ballenger	Clinger	Emerson
Barnard	Coble	Engel
Bartlett	Coleman (MO)	English
Barton	Coleman (TX)	Erdreich
Bateman	Collins	Evans
Bates	Combust	Fascell
Beilenson	Condit	Fawell
Bennett	Conte	Fazio
Bentley	Conyers	Feighan
Bereuter	Cooper	Fields
Berman	Costello	Fish
Bevill	Coughlin	Flake
Bilbray	Courter	Flippo
Bliley	Coyne	Foglietta
Boehlert	Craig	Ford (MI)
Boggs	Crane	Frank
Bonior	Crockett	Frost
Borski	Dannemeyer	Gallo
Bosco	Darden	Gaydos
Boucher	Davis	Gejdenson
Brennan	de la Garza	Gekas
Broomfield	DeFazio	Gephardt
Browder	DeLay	Geren
Brown (CO)	DeWine	Gillmor
Bruce	Dickinson	Gilman
Bryant	Dicks	Gingrich
Buechner	Dingell	Glickman
Bunning	Dixon	Goodling

Gordon	McCandless	Sawyer
Grandy	McCloskey	Saxton
Grant	McCollum	Schaefer
Green	McCrery	Scheuer
Guarini	McCurdy	Schneider
Gunderson	McDade	Schroeder
Hall (OH)	McDermott	Schuetz
Hall (TX)	McEwen	Schumer
Hamilton	McGrath	Sensenbrenner
Hammerschmidt	McHugh	Sharp
Hancock	McMillan (NC)	Shays
Hansen	McMillen (MD)	Shumway
Harris	McNulty	Shuster
Hastert	Meyers	Sikorski
Hatcher	Mfume	Sisisky
Hawkins	Michel	Skaggs
Hayes (IL)	Miller (CA)	Skeen
Hayes (LA)	Miller (OH)	Slatery
Hefley	Mineta	Slaughter (NY)
Hefner	Mollohan	Slaughter (VA)
Henry	Montgomery	Smith (FL)
Herger	Moody	Smith (IA)
Hertel	Moorhead	Smith (NE)
Hiler	Morella	Smith (NJ)
Hoagland	Morrison (CT)	Smith (TX)
Hochbrueckner	Morrison (WA)	Smith (VT)
Holloway	Mrazek	Smith, Denny
Hopkins	Murphy	(OR)
Horton	Murtha	Smith, Robert
Houghton	Myers	(NH)
Hoyer	Nagle	Smith, Robert
Hubbard	Natcher	(OR)
Huckaby	Neal (MA)	Snowe
Hughes	Neal (NC)	Solarz
Hunter	Nelson	Solomon
Hutto	Nielson	Spence
Hyde	Nowak	Spratt
Ireland	Oakar	Staggers
Jacobs	Oberstar	Stallings
James	Obey	Stangeland
Jenkins	Olin	Stark
Johnson (CT)	Owens (NY)	Stearns
Johnson (SD)	Owens (UT)	Stenholm
Jones (GA)	Oxley	Stokes
Jones (NC)	Packard	Studds
Kanjorski	Pallone	Stump
Kaptur	Panetta	Sundquist
Kasich	Parker	Swift
Kastenmeier	Parris	Synar
Kennedy	Pashayan	Tallon
Kennelly	Patterson	Tanner
Kildee	Paxon	Tauke
Kleczka	Payne (NJ)	Taylor
Kolbe	Payne (VA)	Thomas (CA)
Kolter	Pickens	Thomas (GA)
Kostmayer	Pelosi	Torres
Kyl	Penny	Toricelli
LaFalce	Perkins	Towns
Lagomarsino	Petri	Trafiacant
Lancaster	Pickett	Udall
Lantos	Pickle	Unsoeld
Laughlin	Porter	Upton
Leach (IA)	Poshard	Valentine
Leath (TX)	Price	Vander Jagt
Lehman (CA)	Rahall	Vislosky
Lehman (FL)	Rangel	Volkmer
Levin (MI)	Ravenel	Vucanovich
Levine (CA)	Ray	Walgren
Lewis (CA)	Regula	Walker
Lewis (FL)	Rhodes	Walsh
Lewis (GA)	Richardson	Washington
Lightfoot	Ridge	Watkins
Lipinski	Rinaldo	Waxman
Livingston	Roberts	Weber
Long	Robinson	Weiss
Lowery (CA)	Roe	Weldon
Lukens, Thomas	Rogers	Wheat
Lukens, Donald	Rohrabacher	Whittaker
Machtley	Ros-Lehtinen	Whitten
Madigan	Rose	Williams
Manton	Roth	Wise
Markey	Roukema	Wolf
Marlenee	Rowland (CT)	Wolpe
Martin (IL)	Rowland (GA)	Wyden
Martin (NY)	Roybal	Yates
Martinez	Russo	Yatron
Matsui	Sabo	Young (AK)
Mavroules	Saiki	Young (FL)
Mazzoli	Sangmeister	

NAYS—0

NOT VOTING—45

Baker	Brooks	Cox
Billrakis	Brown (CA)	Dellums
Boxer	Chandler	Derrick

Donnelly	Johnston	Sarpalius
Durbin	Jontz	Savage
Espy	Lent	Schiff
Ford (TN)	Lloyd	Schulze
Frenzel	Lowey (NY)	Shaw
Gallely	Miller (WA)	Skelton
Gibbons	Moakley	Tauzin
Gonzalez	Ortiz	Thomas (WY)
Goss	Pursell	Traxler
Gradison	Quillen	Vento
Gray	Ritter	Wilson
Inhofe	Rostenkowski	Wylie

□ 1404

Mr. ROSE and Mr. COMBEST changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, I asked for this 1 minute to proceed for the purpose of receiving the schedule.

Mr. Speaker, I yield to the distinguished Democratic caucus chairman, the gentleman from Maryland [Mr. HOYER] for the purpose of receiving the schedule.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Georgia [Mr. GINGRICH], the distinguished minority whip for yielding.

Monday, February 26, the House will meet at 12 noon. There will be no legislative business scheduled.

On Tuesday, February 27, the House will meet at 12 noon. There will be 8 suspensions scheduled:

H.R. 3910, requires the U.S. Department of Education to conduct a comprehensive assessment of programs aided by chapter 1;

H.R. 3315, authorizes funds in fiscal years 1991 and 1992 for the Taft Institute;

H.R. 2544, Public Service Education Assistance Act;

H. Con. Res. 87, concerning Iranian persecution of the Baha'is;

H.R. 4010, provides the Secretary of Agriculture authority regarding the sale of sterile screwworms;

S. 1016, regarding Marion Lake in Marion, KS;

H. Con. Res. 226, acceptance of a statute of Philo T. Farnsworth; and

H. Con. Res. 251, authorizing the use of the rotunda for a dedication ceremony concerning Lajos Kossuth.

On Wednesday, February 28, the House will also meet at 12 noon for the consideration of H.R. 2570, the Arizona Desert Wilderness Act, which will be under an open rule, 1 hour of debate. The rule, of course, has already been adopted.

On Thursday, March 1, the House will meet at 11 a.m. The legislative schedule has not been set for Thurs-

day, but we do have expectations of legislative business on the floor that day. If that is not the case, sufficient notice will be given to apprise Members so that they can plan for Thursday.

On Friday, March 2, the House will not be in session. Conference reports may be brought up at any time, and any further program will be announced later.

Mr. GINGRICH. Let me ask my friend, the gentleman from Maryland, first of all, on February 27, do we expect votes late in the day, and by what time should our colleagues expect to be back here?

I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, we do expect votes late in the day, following all of the consideration of those bills. I would say that probably 3 o'clock would be a safe bet. We will make sure that there are no votes before 3 o'clock on the bills themselves. We obviously cannot protect Members against such procedural votes that may be asked.

Mr. GINGRICH. For the purpose of our colleagues, as long as they plan to be back on Tuesday by 3 o'clock, from work in their district.

Let me also ask the gentleman, as I understand, there is a Price-Fixing Prevention Act, H.R. 1236. There is some curiosity on our side as to when it might be brought up, and whether it will be under suspension.

Mr. HOYER. If the gentleman will continue to yield, with respect to the Price-Fixing Act to which the gentleman referred, that has not yet been scheduled, and I cannot answer the mode in which it will be considered when it is, because I do not believe that has been decided.

Mr. GINGRICH. Also I might ask, as the gentleman knows, March will start next Thursday, and we were curious on our side when the Democratic leadership might be releasing a schedule of dates for March, or when planning might be completed for the month which begins a week from tomorrow.

Mr. HOYER. If the gentleman will continue to yield, the leadership expects to have, as soon as we arrive in March, a March schedule for Members' consideration. We think that is reasonable, and we will have it available.

Mr. GINGRICH. Sometime before the end of next week?

Mr. HOYER. Yes, that is correct.

□ 1310

Mr. GINGRICH. Mr. Speaker, let me raise one other issue. I want to do so in part not to put my friend, the gentleman from Maryland, on the spot, but to say to the Democratic leadership that I believe this will be

coming up routinely from now on. When we begin in March, it will have been 9 months since the President of the United States sent up his drug and violent crime bill.

I have just introduced a bill today which Senator GRAMM is introducing in the Senate tomorrow, and that is the National Drug and Crime Emergency Act. I recognize as a Member that my bill will go to committee and go through a long process of hearings and being marked up. But it does seem on our side of the aisle that when President Bush sends up a bill on drugs and violent crime and sends it up in June in 1 year, the least we could expect is that at some point, say, within 9 or 10 months, we could have hearings on the bill in the committee and we could have some notification of when the President's proposal might come to the floor, recognizing that the Democratic majority might want to re-write it or offer its own substitute or do something.

But I think the White House legitimately has a complaint when we have nationally had no sign of any activity after 9 months. I wonder if my colleague might want to comment on this.

I am not trying to put the gentleman on the spot, but this is just sort of serving notice on the Democratic leadership that we are going to be fairly consistent from now on in talking about this particular bill.

Mr. Speaker, I am glad to yield to the gentleman from Maryland for a response.

Mr. HOYER. Mr. Speaker, I appreciate the remarks of the gentleman from Georgia.

I would point out, as the gentleman well knows, that the Democratic leadership and the Republican leadership in both 1986 and 1988 promulgated and passed and sent to the President to be signed major pieces of legislation dealing with the drug crisis in America. That is not to say that we have gone far enough.

As the gentleman knows, the President's package, along with other legislation that has been introduced by Members on both sides of the aisle, is under consideration by the committees, and we would expect a timely report by those committees to supplement the major pieces of legislation that we passed in 1986 and 1988.

Mr. GINGRICH. Mr. Speaker, let me just say in what I hope is sort of a very fair and friendly manner that I am appreciative of the new tone of the leadership over the last 8 or 9 months, but at the same time I think we do have an obligation on our side to help President Bush pass his violent crime and drug legislation.

So let me just suggest that next week we will probably reraise the question. In the interim the gentleman's leadership might want to talk

with Chairman BROOKS and others to see if we might begin to look at some dates. We would like to do it in a bipartisan way. We think that would be the better way to do it. The gentleman is right, in past years we have succeeded that way. I would just hope that maybe next week the gentleman could tell us when we could bring that kind of a bill up.

Mr. HOYER. Mr. Speaker, let me say to the gentleman that we will certainly try to be in that position.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Maryland, and I yield back the balance of my time.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### ADJOURNMENT FROM THURSDAY, FEBRUARY 22, 1990, TO MONDAY, FEBRUARY 26, 1990

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, February 22, 1990, it adjourn to meet at noon on Monday, February 26, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### HOUR OF MEETING ON WEDNESDAY, FEBRUARY 28, 1990

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, February 27, 1990, it adjourn to meet at noon on Wednesday, February 28, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### NATIONAL QUARTER HORSE WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 186) designating the week of March 1 through March 7, 1990, as "National Quarter Horse Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I take this time simply to identify the chief sponsor of this joint resolution, our colleague, the gentleman from Texas [Mr. SARPALIUS].

Mr. Speaker, having made that identification and thanking the gentleman for getting the requisite number of co-sponsors, I withdraw my reservation of objection.

Mr. SARPALIUS. Mr. Speaker, Senate Joint Resolution 186 and House Joint Resolution 345 designating the week of March 1 through March 7, 1990 as "National Quarter Horse Week" passed the House last week, and I want to personally thank the Members who cosigned this joint resolution.

The American Quarter Horse Association was founded on March 15, 1940 to record and preserve the pedigrees of the American quarter horses and continued to serve such purposes. This association has developed into the largest equine registry in the world, with 200,000 individuals and 2,800,000 American quarter horses registered in the United States and 62 foreign countries.

In the late 1940's the national headquarters office was moved from Fort Worth, TX, to Amarillo, TX. Having outgrown its facilities, in 1983 the headquarters was moved to its present beautiful, modern building on I-40. We are very proud that this association has chosen to call Amarillo home and invite you to stop by to visit its headquarters whenever you may be in our area. Next year the association will open the American Quarter Horse Heritage Center and Museum in Amarillo to showcase the horse's historical role and house the group's hall of fame.

The support of the American Quarter Horse Association board of directors from across the Nation was invaluable in passing this resolution. I know many of you received personal calls or letters from those members in your States. Our special thanks to each of them for their assistance. Again, I want to thank you for your interest and support of this valuable industry.

As members of this association meet in Fort Worth, TX, this week for their annual meeting and to celebrate 50 successful years, I send my heartiest congratulations and best wishes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. Res. 186

Whereas the American Quarter Horse Association was founded on March 15, 1940, to record and preserve the pedigrees of American quarter horses, and continues to serve such purposes;

Whereas the American quarter horse has played a significant role in the development of the United States and contributed to the western heritage of the Nation;

Whereas the American Quarter Horse Association has developed into the largest equine registry in the world, with more than

two million eight hundred thousand American quarter horses and two hundred thousand individuals located in the United States and sixty-two foreign countries;

Whereas the American quarter horse industry has become invaluable to the agriculture industry of the Nation, and American quarter horses are enjoyed by more individuals than any other breed of horse in the world; and

Whereas the American Quarter Horse Association celebrates its fiftieth anniversary in March 1990; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of March 1 through March 7, 1990, is designated as "National Quarter Horse Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### ISRAEL ACCUSES PLO OF CONTINUING TERRORISM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, it is a critical time in the ongoing search for a lasting peace in the Middle East. An article in today's Washington Post, "Israel Accuses PLO of Continuing Terrorism," states that the United States has agreed that there is evidence that Arafat's group itself is responsible for the latest terrorist raid which is a clear violation of U.S. conditions to sustain the dialog.

It was over a year ago that the United States is said to have begun substantive dialog with the PLO because Arafat articulated certain formulations demanded by the United States for 13 years. Despite the dialog, terrorists acts undertaken by the PLO and its member groups continue to pose obstacles to the peace process.

The clock is ticking. We anxiously await the report of State Department's report of the PLO Commitments Compliance Act of 1989. The threats to Israel's sovereignty are not deferred by our bureaucratic deadlines.

[From the Washington Post, Feb. 21, 1990]

#### ISRAEL ACCUSES PLO OF CONTINUING TERRORISM

ACTS SEEN VIOLATING 1988 PLEDGE BY ARAFAT  
(By Jackson Diehl)

Jerusalem, Feb. 20—As efforts to arrange Israeli-Palestinian negotiations reach a crucial phase, the United States and Israel are at odds over what the government here says have been clear violations by the Palestine Liberation Organization of its 1988 pledge to give up terrorism.

Despite repeated protests by Israel, the United States has conducted a dialogue with the PLO over the last 14 months and tacitly conceded the organization an indirect role in the current Middle East peace process. In theory, Washington has strictly conditioned the connection on adherence by the PLO to Chairman Yasser Arafat's November 1988 declaration recognizing Israel and renouncing acts of terror against civilian targets.

Israeli officials, however, have been arguing to the Bush administration with increasing vehemence that PLO attacks against Israel have not ceased. Since the beginning of 1989, security officials here say, there have been at least six attempts to penetrate Israel's northern border by guerrillas associated with the Democratic Front for the Liberation of Palestine, a leftist faction within the PLO. The most recent was late last month by a group apparently aiming to attack a kibbutz in northern Israel.

Moreover, senior Israeli officials say they have presented the United States with evidence that Arafat's own Fatah movement launched a raid from Egypt into Israel's Negev desert on Dec. 5. A heavily armed group of five guerrillas crossed the border that night, but were killed by Israeli army troops before they could carry out any attacks.

Defense Minister Yitzhak Rabin told a closed session of Israel's parliament recently that "there is no argument between our military and [U.S.] military about the facts" of the alleged Fatah raid. The United States, he said, agreed that the evidence showed Arafat's group was responsible.

Sources here said that the Bush administration had raised the Negev raid with the PLO leadership in Tunis, and that U.S. officials believed the attack had occurred without Arafat's knowledge or authorization. U.S. officials, the sources added, maintain that Israel has not offered Washington any conclusive evidence connecting Fatah to the attack.

Nevertheless, Israeli officials argue that the United States is ignoring its own policy by keeping the incident quiet and by failing to insist that the PLO denounce the attacks and expel members responsible for them.

According to the "talking points" conveyed by the United States to the PLO at their first official meeting in Tunis in December 1988, no American administration would continue the dialogue if terrorism continued "by the PLO or any of its factions." Moreover, Washington stipulated that in the event of a Palestinian act of terrorism, Tunis would be expected to "not only condemn this action publicly but also discipline those responsible for it."

"Not only has the PLO failed to fulfill these requirements, but Arafat's own Fatah organization, in particular, has itself engaged in terrorist acts," said a report recently prepared by the office of Prime Minister Yitzhak Shamir and delivered to U.S. Ambassador William Brown. "It has encouraged and lauded these attacks even in the midst of the dialogue."

The issue has become particularly sensitive in the wake of a terrorist attack this month on a tour bus outside Cairo in which nine Israelis died. Although the PLO is not suspected of involvement in the incident, it failed to condemn it.

Israel is also pressing the United States about the various commando attacks because the PLO's present role as a silent partner in the peace process is a major irritant to Shamir and the leadership of his right-wing Likud Party.

In the latest incident, an Israel army patrol came under attack Jan. 26 near Taibeh in southern Lebanon from at least three fighters from the Democratic Front for the Liberation of Palestine, a pro-Syrian faction of the PLO.

The PLO has frequently said that its abandonment of "terrorism" does not include ending attacks on Israeli military targets such as the patrols in Lebanon, and the United States has tacitly accepted this statement.

Israeli security sources say the group at Taibeh was carrying a map of approaches to the Misgav Am kibbutz in Israel, and wire cutters to penetrate the kibbutz's security fence. Moreover, Israeli reports said, a spokesman of the Democratic Front announced publicly after the attack that the group was headed for Misgav Am.

#### H.R. 917, SOCIAL SECURITY TRANSITIONAL BENEFIT COMPUTATION ACT OF 1989, REMAINS STIFLED IN COMMITTEE

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, the social security notch inequity has gone on long enough. It is time for us in Congress to send a message to these seniors, who number approximately 7 million, that we do care and this injustice will no longer be ignored. Seniors in my district express strong concern that we here in Washington are neglecting their situation in the hopes that it will soon go away. These seniors are frightened because this is a matter of survival for them. Colleagues, we can not let this legislation die.

Currently, H.R. 917, or the Social Security Transitional Benefit Computation Act of 1989, has 144 cosponsors but remains stifled in committee.

In September of last year, notch advocates initiated a petition to release this bill; 218 signatures are required. I call on my colleagues to join me in bringing this important piece of legislation to the floor for debate.

At this point I submit for the RECORD letters from two of my constituents expressing their concern.

NEIL W. MCCARTHY & ASSOCIATES,  
Cleveland, OH, January 24, 1990.  
Congressman DONALD LUKENS,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN LUKENS: Both my wife and I are what is referred to as "Notch Babies": I was born in 1917 and my wife in 1918. We are not asking for anything that we do not deserve, but we would like to have our share the same as all other senior citizens that are drawing Social Security.

I would love to have the existing House of Representatives and the Senate undo the law that was passed when Mr. Carter was President that discriminated against people that were born between 1917 and 1923. Martha McSteen has informed us that Bills S121/H.R. 2707 would correct this error. Would you please vote to correct this ruling?

Sincerely,

NEIL W. MCCARTHY, Sr.

HAMILTON, OH,  
February 6, 1990.

Representative DONALD E. LUKENS,

HONORABLE SIR: As a member of the 8th district, I am writing you in regard to a grave injustice created by Congress. It is in regard to the Social Security System. Whose idea was it to penalize those people who were born during the years of 1917-1920? Why were they singled out to be the ones to be the scapegoats?

I keep reading about the tremendous surplus being built up in the account. Even in this morning's Enquirer, it was stated that they were taking in a billion dollars a week, more than they were paying out. I feel this is something that should be rectified. The sooner, the better.

Maybe they are waiting for all in this age group to die off, then, they won't have to settle.

Sincerely,

WILLIAM C. ROSE.

HAMILTON, OH,  
February 1, 1990.

Re Sanford/Hefner bill (S. 1212/H.R. 2707).  
To Senator John Glenn, Senator Howard M. Metzenbaum, Congressman Donald E. Lukens:

GENTLEMEN: We ask that you support the referenced legislation so that the travesty of unfair social security payments to those citizens of the United States who were born between 1917 and 1926 (known as the "Notch Years"), be changed to fair payments the same as those received by all other social security recipients.

The citizens of this country should all receive payments for social security based on the same rates. The persons who were born during the years 1917 through 1926 should be paid monthly checks in the same amounts as those received by citizens born in all other years. The uneven amounts have caused the "Notch Year Citizens" to be paid less under social security and this inequity should be changed. We request your support of the Sanford/Hefner solution to this inequity.

Sincerely,

Mr. and Mrs. JAMES BATDORF.

#### VIEWS ON PROPOSED STATEHOOD FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Ohio [Mr. McEWEN] is recognized for 5 minutes.

Mr. McEWEN. Mr. Speaker, I would like just to take a moment to discuss something that has become increasingly popular of late, and that is this idea that somehow or other the District of Columbia should be made a state.

This morning, as I mentioned in my 1-minute, I endured what many of us here endured when our committee meetings had to be postponed because of the traffic situation. I remember some months ago, I was shaving at about 6 in the morning and the television announced that the traffic was backed up for over 20 miles. They had the little red lights flashing on the interstate because the traffic was absolutely stopped because of supposedly an abandoned car on the 14th Street Bridge.

That was at 6 in the morning. I left 45 minutes early. I tried to make accommodations for it. All of us were late, getting in here at 10 or 11 in the morning. Come to find out over 3½ hours passed before the District of Columbia had the capacity to move a car out of the highway.

Again this morning the same sort of thing happened. Traffic was backed up over 20 miles, only because the District of Columbia does not have the capacity to seem to run traffic directions.

I know all the rest of the things the District cannot do; everyone does. I remember how beautiful this city was before we started on this home rule idea. And so now in order for any part of the city to be safe or secure, we have the Department of the Interior and Parks run the mall, and we have the Capitol police direct traffic around the Capitol here, and we have security forces for the White House, but the part that is not under the control of the Federal Government has deteriorated tremendously, much to the embarrassment of all of us who are Americans.

Then we see what happens, with the highest death rate of any place in the world. Something like 3 times as many as on the West Bank of Israel were killed right here in the city of Washington, DC.

This continual embarrassment needs to be answered, not by more government in the District of Columbia but by perhaps returning to the kind of control that made this the beautiful capital of the world that it was prior to the 1970's.

Mr. Speaker, this idea that somehow or other the District of Columbia should have a house of representatives and a state senate and a governor and a lieutenant governor and a state auditor and a secretary of state and an attorney general and all the other state government, with a state capitol—and I am sure they have no intention of doing away with their city council—is

just something that someone should begin to speak out about immediately before it is given a certain amount of credibility. Everyone kind of snickers at the idea, but no one thus far in recent weeks has begun to point out the destruction in this city that has taken place since it established home rule.

If the District of Columbia wants to have two senators, then let it go back to Maryland where it came from. As the northern part of Virginia went back to Virginia, let that part of the District of Columbia go back to Maryland, if that is their desire.

□ 1420

Do something that makes it so that when people come to visit here, they do not have to go through the embarrassment to our Nation that somehow or another this is representative of our country.

Mr. Speaker, I remember a hometown friend that came to Washington for the first time. They were coming up here for a dinner at about 6:30 in the evening. He and his wife checked into the Washington Hilton at about 4 o'clock. They have a couple of hours. They hired a cab and drove around. During the 2 hours that they were riding in the cab they saw two dead bodies that were surrounded by police and cordoned off, people that had been murdered on the streets of Washington, DC.

Enough already. I mean those of us who love America, those of us that are involved in government, those of us who deal with township trustees, and city councils, and police chiefs in our districts on a daily basis, who know what competent local government is like, who know what the ability to lead cities is all about know that this city is not being run properly or fairly, and the last thing we ought to do is to add a whole layer of State government on top of it.

Mr. Speaker, I just think that it is high time that somebody begins to speak out about an idea that would go in the right direction, and the best thing that we could do would be to return to the kind of leadership that we had prior to this home rule disaster.

#### MOST-FAVORED-NATION STATUS FOR ROMANIA, BULGARIA, EAST GERMANY, AND CZECH-OSLOVAKIA

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, yesterday President Bush greeted President Havel of Czechoslovakia. And

today the joint Houses of Congress warmly received him.

There can be no doubt that President Havel is a courageous man. And there can be no doubt that the United States ought to help Czechoslovakia in every way possible.

In fact, President Bush yesterday, after meeting with Mr. Havel, announced that he will grant most-favored-nation status to Czechoslovakia. And I commend him for this.

But, Mr. Speaker we can and should also do this for the other Eastern European nations who have shown the same courage and advancements.

Early this year, I introduced legislation to grant most-favored-nation status to Romania, Bulgaria, East Germany, and Czechoslovakia. Each and every one of these four nations has earned this.

I'm delighted that President Bush has granted this status to Czechoslovakia, but I urge him not to turn his back on her neighboring nations.

#### GUN SAFETY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, as many Members are aware, because I have spoken of it proudly many times, I have seven grandchildren, and I am happy to say for the first time that an eighth is on the way, God willing, this coming August.

Mr. Speaker, I take the safety of my grandchildren to heart. It is one of the reasons I work so hard on the Select Committee on Narcotics Abuse and Control and worry about all of the modern problems affecting this beautiful, wonderful land of ours.

Mr. Speaker, I am lucky enough, being a bicoastal Congressman, to have three of my grandchildren living in Springfield, VA, just a short ways from here, and the other four are out in California.

The oldest of my grandchildren, Ricky, is in the third grade, and the other day a young classmate of his brought a loaded .44 Magnum pistol to school.

Now I am a conservative Republican. Over the years I have supported many National Rifle Association positions. I have considered them a responsible organization. I have not always agreed with them on every approach to every issue, but there is one thing I think we stand together on, and that is gun safety.

With all the talk of gun control, gun banning, gun confiscation, the one thing that we should all get together on is the teaching of gun safety. There are bills that have bipartisan support in many of our great States, and there are bills now before the legislatures of the great Commonwealths of Massa-

chusetts and Virginia at this very moment. I believe the NRA is supportive of this approach to gun safety training for children.

My daughter was properly upset and frightened at the thought of a sixth grader coming to school with a loaded .44 Magnum. She was well aware of a recent event in my district in the shopping mall across from my Federal office a few days before Christmas. A sixth grader brought a loaded gun with hardly the firepower of a .44 Magnum, a plain old .38 special, but in that mall a few days before Christmas when some classmates teased him that it was not real or that it would not work, he pulled the trigger. This little boy killed a little girl standing near him there on the spot, ran away for 3 days and finally turned up. His father, courageously, went on television and said that it was not his son's fault, that his son was a good boy, that it was his fault, as the father, for not exercising good gun safety.

Mr. Speaker, my daughter and three of her friends, all third grade mothers, Cathy Continetti, Jennie Marc Antonio, Holly Luken, and my daughter, Theresa Cobban, and I'd like to think a chip off the old block, got together, asked the school if they could have some gun safety education and, maybe, join the statewide Virginia PTA and endorse one of these gun safety training bills down in Richmond. The school authorities, I am sorry to say, were more interested in covering up what could have been a potential disaster, wanting to turn the other way and have business as usual. And the local PTA, I am sorry to say, was not all that supportive.

Mr. Speaker, an estimated 135,000 boys carried handguns to school daily in 1987, and another 270,000 carried handguns to school at least once. I hate to think how many carried guns in 1989 and continue to carry them in 1990. The National School Safety Center estimates that nearly 8.7 million youngsters have access to handguns. It is imperative that children learn that firearms are not toys. Gun safety is important.

So, these four young third grade mothers, homemakers, they took the bull by the horns, so to speak, and called a meeting of their fellow parents. After much resistance and much pushing on the part of Terry, Cathy, Jennie, and particularly Holly, who chaired the meeting, these young activists managed to get unanimous votes less than 48 hours ago. These concerned parents voted to endorse the legislation that the State PTA thinks is fitting on gun safety, but also to push for approval of any further legislation that is bipartisan in nature.

These young women educated themselves fast on all the aspects of gun safety, tried very hard to approach it in a bipartisan respect for the second

amendment way, and with their articulation and their steadfastness of spirit they have accomplished much in this one little elementary school, Sangster School, just outside our infamous Washington Beltway. I think they have shown the excellent approach of self-government. This type of involvement is everything that this poetic and wonderful President of Czechoslovakia, Mr. Vaclav Havel, spoke to us about this morning, people getting control of their own lives. His quote of our great Thomas Jefferson, whose bust is above us over your shoulder, Mr. Speaker, is in the end what government is all about, people taking control of their own lives.

So, Mr. Speaker, I salute my daughter Terri and her three friends who have joined us in this Chamber today and tell them Godspeed, and good luck, and I hope this important legislation passes in Richmond.

□ 1430

#### THE CRISIS IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS of New York. Mr. Speaker, I first rise to applaud my colleague, the gentleman from California [Mr. DYMALLY] for offering a resolution yesterday which called for a condemnation of the continuing escalation of the violations of human rights in Haiti. Haiti has had a blood bath for 2 years since the time when a scheduled election which was set by a duly constituted constitutional committee was thrown into chaos by the ruling junta at that time. Since that time it has experienced several governments and now it is under the rule of Gen. Prosper Avril, who was once an intimate advisor for Duvalier, Papa Duvalier, and the Duvalier that came after him; so the long continuity of Haitian dictatorship and Haitian tyranny is continued now by the man who was once the advisor to the two great dictators before.

I applaud the resolution of the gentleman from California [Mr. DYMALLY] because it means that the Congress has at least taken some initiative, since the administration will not. This administration has been soft on dictatorship and tyranny in Haiti since Duvalier was thrown out. This administration is partially the cause for the tyranny and continuation of the violation of human rights in Haiti. This administration has not spoken with any indignation about the conditions in Haiti in the past few months or in the past 2 years.

The fact that the administration takes such a soft approach is one reason that the tyranny and the blood baths continue.

We not only demand free elections in Nicaragua, but we are financing the opposition in Nicaragua, which you know, I have no objection to, the use of American taxpayer dollars for that purpose. Let the opposition have some kind of support; however, in Haiti we cannot even raise our voices very loudly against the tyranny there and demand free elections. Not only should we have free elections in Haiti, but we should also finance an opposition.

We should at this point say to the dictatorial tyrannical government of Prosper Avril that we have had enough and that we are actually going to help set up a government in exile and actually offer to finance the four or five clear opposition parties that have refused to have anything to do with the elections that are now scheduled by Mr. Avril. Mr. Avril says that he will have elections. He has written a new set of rules. He did all this after he threw out his major opposition. He threw them out of the country. He arrested them. He beat them up, and he gave them an alternative, leave or risk further harm. They felt the country. He wrote a new set of guidelines for the election. Now he is inviting them to come back, or he has invited other people to participate in the election under a new set of rules written by Mr. Avril himself. This is all quite ridiculous. It has gone on for much too long. Not only is Haiti violating human rights and should be condemned by our Government, since our Government stands for human rights all over the world, but we had an address today by the President of Czechoslovakia and we applauded the fact that not only Czechoslovakia, but many of the other governments of Eastern Europe are moving toward democracy. We applaud that. I applaud that.

I believe in democracy, and I do not know why our administration should be so hypocritical that it cannot insist that we have democracy in Haiti. Haiti is just 90 miles from the shores of Florida. The people of Haiti have suffered for a long time. The people of Haiti know that the Government of Haiti, the few people in charge, will obey the will of the United States. They have no other support except the money that if funneled into Haiti from the United States.

Our State Department, the present administration, has a great deal of influence. They merely have to exercise it. The timid statements of condemnation that we have heard is not an exercise of the influence of the United States in an appropriate manner. If we demand that the Government of Haiti hold free elections and hold them in accordance with the Constitution that was duly established by the people of Haiti, if we demand that, they will do it. We have never demanded that. We

have never been satisfied that the opposition parties were to our liking. Our State Department has played a game with each successive dictator since Duvalier.

Mr. Speaker, it is time the hypocrisy stopped. We are also still turning back ships or boats which bring Haitian people out of Haiti as a result of the tremendous persecution in Haiti. We say that they are not persecuted politically, they are only coming to this country in order to enjoy the economic benefits of this country. That is ridiculous. When you look at the record of intimidation, a record of blood letting in Haiti, it is clear that Haitian citizens coming to this country are coming because they are politically persecuted.

Let us end the hypocrisy. Let us demand democracy in Haiti now.

#### TRIBUTE TO POLICE OFFICER TERRY KUNKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to share with my colleagues in the House of Representatives an inspirational example of great courage demonstrated by Chicago police officer Therese Kunke, who has been fighting a battle against cancer for the past 7 months.

Officer Kunke joined the police force on July 19, 1982, and has served with distinction for the past 8 years as an officer working out of the 16th district of the Chicago Police Department, located in the 11th Congressional District of Illinois which I am honored to represent.

The 16th district of the Chicago Police Department will be holding a benefit party honoring Officer Kunke on Sunday, March 5, 1990 at the Copernicus Foundation, 5216 West Lawrence Avenue in Chicago.

I would like to take this opportunity to congratulate Comdr. Nestor W. Chakonas of the 16th District, and all of the officers in the Police Department of the City of Chicago who have worked tirelessly on Officer Kunke's behalf. The names of the dedicated committee members follow:

#### HONORARY COMMITTEE

LeRoy Martin, Supt. of Police, Fred O'Reilly, Dep. Ch. A/5; Nestor Chakonas, Cmdr. 016; and Fr. Thomas Nangle, Police Chap.

#### TICKET COMMITTEE

Capt. Joe Schwartz, Traffic; Lt. Bob Murray, A/4 Youth; Fr. Thomas Nangle, Chap. Unit; Sgt. Joe Joria, 009; Sgt. Evelyn Summers, 016; Sgt. Terry Hoffman, 017; Y.O. Soter Libaris, Youth; P.O. Charlie Strum, Intell.; P.O. Marty Conroy, O.P.S.; P.O. Larry Zaprzal, M.A.I.S.; P.O. Debbie Mrozek, Pat. Div.;

P.O. Bruce Pankiewicz, Pat. Div.; P.O. George Salturo, O'Hare; P.O. Joe Pipolo, 010; P.O. Vito Orseno, 014; P.O. Michael Lappe, 016; P.O. Patrick Deely, 017; P.O. Tom Schmidt, 019; P.O. Pat Collins, 020; P.O. Karen Town, 023; P.O. Gloria Corcoran, 024; and P.O. Walter Siudut, 025.

For additional tickets and information contact: Sgt. Evelyn Summers or P.O. Michael Lappe, 016th.

Officer Therese Kunke is a second generation officer in the Chicago Police Department, following in the tradition of her father, who served on the police force for 30 years. When her father retired from the force, Officer Kunke received his star. Commander Chakonas paid her the ultimate tribute when he said recently that Terry has been " \* \* \* an excellent police officer and a credit to the Department."

Officer Kunke was born Therese Du Bray on December 4, 1949 in Chicago, IL. She attended St. Catherine of Siena grammar school in Oak Park, IL and Siena High School in Chicago. Terry graduated from De Paul University in 1972 after majoring in physical education. She was a substitute teacher in Chicago and taught third grade for 1 year at St. Thomas Aquinas School.

Terry has two daughters, Jennifer and Lisa, and has also been an active volunteer in our community, working with St. Mary of Providence School for Handicapped Children, and with St. Priscilla's Church.

I share the pride of Terry's friends and neighbors in all of her accomplishments, and in her honor, I have arranged with the Architect of the Capitol of the United States to have a flag flown over the Capitol Building. This flag will be presented to her on March 4 at the benefit party being organized for her by her fellow police officers.

Mr. Speaker, I join with Officer Kunke's friends, neighbors, and fellow officers in recognizing her great service to our community and the inspiration she has provided to all whose lives she has touched. Our hopes and prayers are always with her.

#### THE MEDICARE BUY-IN EXTENSION ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Buy-in Extension Act of 1990. This bill would expand Medicaid buy-in protection to elderly beneficiaries with incomes up to 133 percent of the Federal poverty level.

According to a report issued by the Commonwealth Fund Commission on Elderly People Living Alone, "Medicare's Poor," one-third of near-poor elderly people are reduced to poverty by their out-of-pocket payments for medical care.

These people need our help. It is outrageous that we spend nearly \$5 billion on star wars while forcing near-poor seniors to choose between essential medical services and heat. This choice forces too many seniors into financial disaster.

Today, out-of-pocket medical costs remain a serious concern for millions of older Americans. Approximately 3 million near-poor elderly persons have incomes that barely exceed the Federal poverty level, yet only 8 percent have Medicaid supplementary assistance. Consequently, near-poor seniors, with annual



incomes of less than \$7,200 per year—less than \$140 per week—incur substantial out-of-pocket costs for their medical expenses.

When compared to senior citizens in higher income groups, these near-poor seniors are particularly vulnerable. They tend to be the oldest of the old, in poorer health, have more chronic conditions and functional impairments, use more prescription drugs and are more likely to incur substantial medical expenses. According to the 1987 National Medical Expenditures Survey [NMES], seniors who are near poor spend 15 percent more than the average Medicare beneficiary for prescription drugs.

In 1988, Congress enacted legislation requiring States to phase in buy-in coverage for low-income Medicare beneficiaries with incomes at or below 100 percent of the Federal poverty level. Under this provision, States are required to pay Medicare premiums, deductibles, and coinsurance for eligible elderly and disabled enrollees. This provision was designed to eliminate financial barriers to access.

Under current law, States are required to extend coverage to individuals living in families with incomes up to 85 percent of poverty in 1989, 90 percent of poverty in 1990, 95 percent of poverty in 1991, and up to 100 percent of poverty in 1992. The proposed bill would extend coverage to seniors living in families with incomes up to 133 percent of the Federal poverty level.

Mr. Speaker, this bill is similar to a provision included in the Omnibus Budget Reconciliation Act of 1990 [OBRA 89] that required all States to cover pregnant women and infants with family incomes of up to 133 percent of the Federal poverty level by April 1, 1990. Similarly, the Medicare Buy-in Extension Act of 1990 would require States to cover senior citizens with incomes of up to 133 percent of the Federal poverty level.

With the 1990 Medicare deductible at \$592, Medicare premiums at \$28.60 per month, copayments for physician bills rising with the 12-percent growth in physician expenditures, the average near-poor Medicare beneficiary can expect to spend a significant share of annual income for medical care.

In 1988, the most recent year from which data are available, the average near poor beneficiary spent more than \$800 per year for Medicare copayments. Expenses for Medicare copayments represent 11 percent of income for individuals living at 133 percent of the Federal poverty level.

What's worse, more than one-half of low-income seniors struggle to buy Medicare supplemental policies—shown as Medigap—to protect themselves against medical bills. Moreover, according to the Congressional Budget Office, low-income seniors are less likely than higher income seniors to have employer provided Medicare supplemental policies.

Between 1989 and 1990, Medigap premiums increased an average by 25 percent. In 1989, a basic policy was priced at about \$720 per year. Policies that cover additional benefits, such as prescription drugs, can cost more than \$1,100 per year. For low-income beneficiaries, these costs present prohibitive financial barriers to basic medical protection.

The Medicare Buy-in Extension Act of 1990 would offer enormous assistance to the 3 million near-poor Medicare beneficiaries who struggle to pay their medical bills. I urge my colleagues to join me in an effort to assist these low-income senior citizens.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SKELTON (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

Mr. TAUZIN (at the request of Mr. GEPHARDT), for today, on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McEWEN) to revise and extend their remarks and include extraneous material:)

Mrs. MARTIN of Illinois, for 60 minutes, on April 4.

Mr. McEWEN, for 5 minutes, today.

Mr. DORNAN of California, for 5 minutes, today and on February 27 and February 28.

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. POSHARD, for 5 minutes, today.

Mr. OWENS, of New York for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, on February 22.

Mr. OWENS, of New York, for 5 minutes, on February 22.

Mr. DORGAN, of North Dakota for 60 minutes, on February 22.

Mr. SKELTON, for 30 minutes, on February 26.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. McEWEN) and to include extraneous matter:)

Mrs. MEYERS of Kansas.

Ms. ROS-LEHTINEN.

Mr. CONTE.

Mr. GOODLING in two instances.

Mr. LENT.

Mr. ROHRBACHER.

Mr. MACHTLEY in two instances.

Mr. PORTER.

Mr. GILMAN.

Mr. ROWLAND of Connecticut.

Mr. HYDE.

Ms. SCHNEIDER.

(The following Members (at the request of Mr. McNULTY) and to include extraneous matter:)

Mr. SCHUMER.

Mr. GORDON.

Mr. SMITH of Florida.

Mr. KENNEDY.

Mr. STARK in two instances.

Ms. SLAUGHTER of New York.

Mr. SHARP.

Mr. BERMAN.

Mr. BONIOR.

Mr. MRAZEK.

Mr. GRAY.

Mr. MATSUI.

Mr. KANJORSKI.

Mr. RAHALL in two instances.

Mr. UDALL.

Mr. JACOBS.

Ms. OAKAR.

Mr. HAMILTON.

Mr. SOLARZ.

Mr. LANTOS.

Mr. COLEMAN of Texas.

Mr. ANNUNZIO.

#### ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 150. An act to amend the Immigration and Nationality Act to provide a procedure for an alien who dies while serving on active-duty with the United States armed forces during certain periods of hostilities to be considered a citizen of the United States at the time of the alien's death, and

H.R. 2281. An act to amend the Elementary and Secondary Education Act of 1965 to extend the authorization for certain school dropout demonstration programs.

#### ADJOURNMENT

Mr. PAYNE of New Jersey. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, February 22, 1990, at 11 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2532. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 1990, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-152); to the Committee on Appropriations and ordered to be printed.

2533. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Germany for defense articles estimated to cost \$50 mil-

lion or more (Transmittal No. 90-21), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

2534. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the Board's monetary policy report for 1990, pursuant to 12 U.S.C. 225a; to the Committee on Banking, Finance and Urban Affairs.

2535. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Germany for defense articles and services estimated to cost \$65 million (Transmittal No. 90-21), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2536. A letter from the Comptroller General, transmitting a list of all reports issued by the General Accounting Office in January 1990, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2537. A letter from the Comptroller, General Services Administration, transmitting the annual report on the President's Retirement System for the fiscal year ending September 30, 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2538. A letter from the Director, United States Information Agency, transmitting the Agency's 1989 annual report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2539. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2540. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2541. A letter from the Secretary of Commerce, transmitting a report on the implementation of the Fish and Seafood Promotion Act of 1986, pursuant to 16 U.S.C. 4001; to the Committee on Merchant Marine and Fisheries.

2542. A letter from the Administrator, Environmental Protection Agency, transmitting the long-range research agenda 1990-94, describing the Agency's 5-year plan for environmental research, development, and demonstration, together with comments of the Science Advisory Board, pursuant to 42 U.S.C. 4361; to the Committee on Science, Space, and Technology.

2543. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notification of the proposed use of fiscal year 1989 research and development funds for the modernization of the Space Environment Simulator at the Goddard Space Flight Center, Greenbelt, MD, pursuant to Pub. L. 100-685, Section 203 (102 Stat. 4089); to the Committee on Science, Space, and Technology.

2544. A letter from the Acting Secretary of Defense, transmitting the report on Department of Defense procurement from small and other business firms for fiscal year 1989, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2545. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report on abnormal occur-

rences at licensed nuclear facilities for the third calendar quarter of 1989, pursuant to 42 U.S.C. 5848; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

2546. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report regarding the economic policy and trade practices of each country with which the United States has an economic or trade relationship, pursuant to 15 U.S.C. 4711; jointly, to the Committees on Ways and Means and Foreign Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2570. A bill to provide for the designation of certain public lands as wilderness in the State of Arizona; with an amendment (Rept. 101-405). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina (for himself, Mr. HERTEL, Mr. STUDDS, Mr. DAVIS, Mr. HUGHES, Mr. PALONE, Mr. HOCHBRUECKNER, Mr. RAVENEL, Ms. SCHNEIDER, Mr. TALLON, Mr. MANTON, Mr. BENNETT, Mr. SOLARZ, Mr. SAXTON, Mrs. LOWEY of New York, Mr. CARPER, Mrs. SAIKI, and Mr. BOSCO):

H.R. 4030. A bill to improve management of the coastal zone and enhance environmental protection of coastal zone resources, by reauthorizing and amending the Coastal Zone Management Act of 1972, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. OBEY (for himself, Mr. PETRI, Mr. ROTH, Mr. KASTENMEIER, Mr. MOODY, and Mr. SENSENBRENNER):

H.R. 4031. A bill to provide for reimbursement to the State of Wisconsin for extraordinary law enforcement costs incurred during operations associated with the exercise of court-determined tribal treaty rights; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Mr. PETRI, Mr. KLECZKA, Mr. KASTENMEIER, and Mr. MOODY):

H.R. 4032. A bill to establish within the Office of Justice Programs of the Department of Justice an Indian Treaty Law Enforcement Assistance Program; to the Committee on the Judiciary.

H.R. 4033. A bill to establish an Office of Indian Treaty Conflict Resolution; jointly, to the Committees on Interior and Insular Affairs and the Judiciary.

By Mr. STARK:

H.R. 4034. A bill to amend title XIX of the Social Security Act to extend the income ceiling for qualified Medicare beneficiaries from 100 percent to 133 percent of the poverty level beginning in 1993; to the Committee on Energy and Commerce.

By Mr. BOSCO:

H.R. 4035. A bill to designate the Federal building located at 777 Sonoma Avenue in Santa Rosa, CA, as the "John F. Shea Federal Building"; to the Committee on Public Works and Transportation.

By Mr. CAMPBELL of California:

H.R. 4036. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder, and to provide for additional financing of the OASDI trust funds based on income taxes payable under existing law by individuals who would therefore continue to earn income after attaining age 62; to the Committee on Ways and Means.

H.R. 4037. A bill to amend the Internal Revenue Code of 1986 to encourage the construction and improvement of child care facilities by providing a credit for investments in such facilities, and for other purposes; to the Committee on Ways and Means.

By Mr. CAMPBELL of California (for himself, Mr. CRANE, Mr. DREIER of California, Mr. FAUNTROY, Mr. LANTOS, Mr. RANGEL, Mr. SHAW, Mr. SHAYS, and Mr. STARK):

H.R. 4038. A bill to encourage the reduction of illicit coca production in Bolivia, Colombia, and Peru; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. CONTE (for himself, Mr. WAXMAN, Mr. MADIGAN, and Mr. TAUKE):

H.R. 4039. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CRAIG:

H.R. 4040. A bill to set aside a fair proportion of the highway trust fund moneys for use in constructing and maintaining off-highway recreational trails; jointly, to the Committees on Ways and Means, Public Works and Transportation, and Interior and Insular Affairs.

By Mr. DORGAN of North Dakota (for himself and Mr. RICHARDSON):

H.R. 4041. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare program of nurse practitioner and clinical nurse specialist services provided in rural areas; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. DOWNEY (for himself and Mr. GRADISON):

H.R. 4042. A bill to amend the Agricultural Act of 1949 to establish an equitable sugar price support program, and to require the use of a tariff rate quota to make this program effective; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. GALLO:

H.R. 4043. A bill to amend the Internal Revenue Code of 1986 to provide that employer subsidies for mass transit and vanpooling be treated as working-condition fringe benefits which are not included in gross income; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 4044. A bill to amend the Federal Deposit Insurance Act and title 31, United States Code, to enhance the capability of law enforcement agencies to detect money laundering offenses, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GOODLING:

H.R. 4045. A bill to establish the Dwight D. Eisenhower memorial scholarships, and for other purposes; to the Committee on Education and Labor.

By Mr. GUNDERSON (for himself, Mr. GOODLING, Mr. SMITH of Vermont, and Mr. HENRY):

H.R. 4046. A bill to amend the Job Training Partnership Act to qualify certain youth services programs for funds under title II of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. HASTERT:

H.R. 4047. A bill to correct the Harmonized Tariff Schedule of the United States as it applied to certain parts of ionization smoke detectors; to the Committee on Ways and Means.

By Mr. HERTEL (for himself, Mr. FOGLETTA, Mr. TRAFICANT, Mr. KILDEE, Mr. WILLIAMS, and Mr. SMITH of Florida):

H.R. 4048. A bill to terminate the MX Rail Garrison Program; to the Committee on Armed Services.

By Mr. KANJORSKI:

H.R. 4049. A bill to establish procedures necessary in order to protect Federal employees from certain adverse personnel actions which may result by the contracting out of agency functions or activities; to amend provisions of title 5, United States Code, relating to early retirement, and for other purposes; jointly, to the Committees on Post Office and Civil Service and Government Operations.

By Mr. LANTOS:

H.R. 4050. A bill to amend the provisions of the Occupational Safety and Health Act of 1970 relating to criminal penalties, and for other purposes; to the Committee on Education and Labor.

By Mr. LEVIN of Michigan (for himself, Mr. JACOBS, Mr. MOODY, and Mr. HUGHES):

H.R. 4051. A bill to provide for improved access by telephone to the Social Security Administration; to the Committee on Ways and Means.

By Mr. MOODY (for himself and Mr. BROWN of Colorado):

H.R. 4052. A bill to amend the Internal Revenue Code of 1986 to exempt services performed by full-time students for seasonal children's camps from Social Security taxes; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. BOUCHER, Mr. CLINGER, and Mr. MURPHY):

H.R. 4053. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide for the remaining of certain abandoned coal mine lands; to the Committee on Interior and Insular Affairs.

By Mr. ROBERTS (for himself, Mrs. BYRON, Mr. GLICKMAN, Mrs. MEYERS of Kansas, Mr. PRICE, Mr. SLATTERY, and Mr. WHITTAKER):

H.R. 4054. A bill to provide a permanent endowment for the Eisenhower Exchange Fellowship Program; to the Committee on Foreign Affairs.

By Mrs. ROUKEMA:

H.R. 4055. A bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on 2, 2 azo-bis-isobutyronitrile; to the Committee on Ways and Means.

H.R. 4056. A bill to extend the temporary suspension of duty on jacquard cards and to include in the suspension plastic jacquard cards and other cards to be used as jacquard cards; to the Committee on Ways and Means.

By Mr. SAWYER:

H.R. 4057. A bill to establish regional science, mathematics, and technology education consortiums, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Education and Labor.

H.R. 4058. A bill to promote interagency cooperation in the area of science, mathematics, and technology education; jointly, to the Committees on Science, Space, and Technology and Education and Labor.

By Mr. SCHUMER (for himself and Mr. McMILLEN of Maryland):

H.R. 4059. A bill to amend the Federal Deposit Insurance Act to regulate certain marketing activities engaged in on the premises of deposit-taking facilities of insured depository institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHARP (for himself, Mr. HAMILTON, Mr. JACOBS, Mr. THOMAS A. LUKEN, and Mrs. JOHNSON of Connecticut):

H.R. 4060. A bill to amend title 13, United States Code, and the International Investment and Trade in Services Survey Act to improve the quality of data on foreign investment in the United States; jointly, to the Committees on Post Office and Civil Service, Foreign Affairs, and Energy and Commerce.

By Mr. SKEEN:

H.R. 4061. A bill to establish the Organ Mountains National Conservation Area in the State of New Mexico, and for other purposes; to the Committees on Interior and Insular Affairs.

By Mr. SMITH of Texas (for himself, Mr. LEATH of Texas, Mr. ORTIZ, Mr. FUSTER, Mr. ROBERT F. SMITH, Mr. DELAY, and Mr. GEREN):

H.R. 4062. A bill to provide for the appointment of 20 additional district court judges, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Vermont (for himself and Mr. MARTIN of New York):

H.R. 4063. A bill to establish in the Environmental Protection Agency a Lake Champlain Program Office, and for other purposes; jointly, to the Committees on Public Works and Transportation; Agriculture; Interior and Insular Affairs; Merchant Marine and Fisheries; and Science, Space, and Technology.

By Mr. TORRES:

H.R. 4064. A bill to amend the financial recordkeeping provisions of title 31, United States Code, to modify and codify recordkeeping requirements relating to international wire transfers; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WELDON (for himself, Mr. AU COIN, Mr. BALLENGER, Mr. BROWN of California, Mr. BRYANT, Mr. COBLE, Mrs. COLLINS, Mr. DYSON, Mr. ECKART, Mr. EMERSON, Mr. FALCOMA-VAEGA, Mr. FAZIO, Mr. FROST, Mr. GALLEGLY, Mr. GEKAS, Mr. GRANT, Mr. HUGHES, Mr. JONTZ, Mr. KASICH, Mr. PACKARD, Mr. PALLONE, Mr. POSHARD, Mr. PAYNE of Virginia, Mr. RIDGE, Mr. ROE, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. STARK, Mr. TOWNS, Mr. WILSON, and Mr. MCEWEN):

H.R. 4065. A bill to require that the Director of the Federal Emergency Management Agency conduct an inventory of resources available to the Federal Government for use in response to a natural disaster; to the Committee on Public Works and Transportation.

By Mr. CARPER (for himself, Mr. WHEAT, Mr. DIXON, Mr. LEWIS of Georgia, Mr. OWENS of New York, Mr. FLAKE, Mr. MFUME, Mr. HAYES of Illinois, and Mr. PAYNE of New Jersey):

H.J. Res. 479. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day"; to the Committee on Post Office and Civil Service.

By Mr. HAYES of Illinois:

H.J. Res. 480. Joint resolution designating the week in 1990 when Nelson Mandela first visits the United States after his release from prison in South Africa, as "Nelson Mandela Week"; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY (for himself, Mr. MACHTELY, Mr. LEHMAN of Florida, Mr. GORDON, Mr. PALLONE, Mr. THOMAS A. LUKEN, Mr. WOLF, Ms. SNOWE, Mr. RANGEL, Mr. DEFAZIO, Mr. CROCKETT, Mr. DWYER of New Jersey, Mr. BOUCHER, Mr. DURBIN, Ms. PELOSI, Mr. TOWNS, Mr. MATSUI, Mr. ACKERMAN, Mr. FOGLETTA, Mrs. PATTERSON, Mr. LEVIN of Michigan, Mr. WELDON, Mr. FROST, Mr. FAZIO, Mr. HUGHES, Mr. JONTZ, Ms. KAPTUR, Mr. JENKINS, Mr. SISISKY, Mr. SMITH of Iowa, Mr. FORD of Tennessee, Mr. THOMAS of Wyoming, Mr. FALCOMA-VAEGA, Mr. HAWKINS, Mr. BILIRAKIS, Mr. EVANS, Mrs. BYRON, Mr. HEFNER, Mr. CHAPMAN, and Mr. WYDEN):

H.J. Res. 481. Joint resolution to designate the second Sunday in October of 1990 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. MANTON (for himself, Mr. DONNELLY, Mr. BORSKI, Mr. DORNAN of California, Mr. ENGEL, Ms. OAKAR, Mr. GILMAN, Mr. MRAZEK, Mr. FISH, Mr. HOCHBRUECKNER, Mr. MORRISON of Connecticut, Mr. CONTE, Mr. IRELAND, and Mr. SKELTON):

H.J. Res. 482. Joint resolution designating March 1990 as "Irish-American Heritage Month"; to the Committee on Post Office and Civil Service.

By Mr. ROBERTS (for himself, Mrs. BYRON, Mr. GLICKMAN, Mr. GOODLING, Mrs. MEYERS of Kansas, Mr. PRICE, Mr. SLATTERY, and Mr. WHITTAKER):

H.J. Res. 483. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower; jointly, to the Committees on Post Office and Civil Service, Rules, and House Administration.

By Mr. DINGELL:

H. Res. 339. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 2d session of the 101st Congress; to the Committee on House Administration.

By Mr. FASCELL (for himself and Mr. BROOMFIELD):

H. Res. 340. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the 2d session of the 101st Congress; to the Committee on House Administration.

PRIVATE BILLS AND  
RESOLUTIONS

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

By Mr. BONIOR:

H.R. 4066. A bill for the relief of Mary F. Derocher; to the Committee on the Judiciary.

By Mr. HANSEN:

H.R. 4067. A bill for the relief of John Gabriel Robledo-Gomez Dunn; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 214: Mr. McCLOSKEY.  
H.R. 283: Mr. BROWDER.  
H.R. 286: Mr. HYDE.  
H.R. 505: Mr. RINALDO.  
H.R. 539: Mr. BROWN of Colorado, Mr. WOLFE, Mr. BALLENGER, Mr. SYNAR, and Mr. PALLONE.  
H.R. 614: Mr. BONIOR, Mr. DANNEMEYER, and Mr. CAMPBELL of California.  
H.R. 725: Mr. COX and Mr. CONYERS.  
H.R. 855: Mr. SMITH of Vermont, Mr. LEACH of Iowa, Mr. SCHIFF, Mr. QUILLEN, Mr. ENGEL, Mr. CAMPBELL of Colorado, and Mr. WALGREN.  
H.R. 857: Mr. CONYERS, Mr. SOLARZ, Mr. FAUNTROY, Mr. LEVINE of California, Mr. SMITH of Vermont, Mr. GEJDENSON, and Mrs. SCHROEDER.  
H.R. 933: Mr. KENNEDY and Mr. SANGMEISTER.  
H.R. 995: Mr. SMITH of New Hampshire.  
H.R. 1068: Mr. MAVROULES, Mr. SAWYER, Mr. SLATTERY, and Mr. LEWIS of Georgia.  
H.R. 1181: Mr. McMILLEN of Maryland, Mr. COBLE, Mr. WALSH, Mr. SCHUETTE, Mr. RINALDO, Mr. DEFazio, Mr. FROST, and Mrs. MEYERS of Kansas.  
H.R. 1437: Mr. HANCOCK, Mr. INHOFE, Mr. FISH, Mr. NIELSON of Utah, and Mr. FIELDS.  
H.R. 1693: Mr. SOLARZ.  
H.R. 1730: Mr. BURTON of Indiana, Ms. PELOSI, Mr. AU COIN.  
H.R. 1839: Mr. MAVROULES.  
H.R. 2008: Mr. ROBINSON.  
H.R. 2015: Mr. ROGERS.  
H.R. 2129: Mr. GUARINI.  
H.R. 2418: Mr. ANTHONY, Mr. MILLER of California, Mr. TAUZIN, Mr. GORDON, Mr. STUMP, Mr. VOLKMER, Mr. BLILEY, and Mrs. UNSOELD.  
H.R. 2437: Mr. DELAY, Mr. MARLENEE, Mr. ARMEY, Mr. PAXON, and Mr. STENHOLM.  
H.R. 2460: Mr. ANNUNZIO.  
H.R. 2580: Mr. GEJDENSON and Mr. MAZZOLI.  
H.R. 2641: Mr. ENGEL.  
H.R. 2819: Mrs. UNSOELD.  
H.R. 2826: Mrs. UNSOELD.  
H.R. 2832: Mrs. UNSOELD.  
H.R. 2870: Mr. SCHIFF and Mr. SCHUETTE.  
H.R. 2996: Mr. SMITH of Vermont.  
H.R. 3064: Mr. CLINGER.  
H.R. 3087: Mr. ACKERMAN.  
H.R. 3089: Mr. ACKERMAN.  
H.R. 3123: Mr. GEJDENSON, Mr. DICKS, Mr. BEREUTER, Mr. MADIGAN, Mr. BOEHLERT, Mr. MACHTLEY, Mr. HOCHBRUECKNER, Mr. SAVAGE, Mr. MAZZOLI, Mr. HAMILTON, and Mr. HUGHES.  
H.R. 3182: Mr. ANDREWS, Mr. CRAIG, Mr. KOLTER, Mr. SAVAGE, Mr. TAUZIN, Mr. DREIER of California, Mr. SIKORSKI, Mr. VISLOSKEY, Mr. DONNELLY, Mr. CLAY, Mr.

WYDEN, Mr. DARDEN, Mr. KENNEDY, Mr. ECKART, Mr. GRAY, Mr. MORRISON of Connecticut, Mr. DE LUGO, Mr. ROBINSON, Mr. DOWNEY, Mr. BRUCE, Mr. PERKINS, Mr. PACKARD, Mr. COOPER, Mr. STAGGERS, Mr. GRANDY, Mrs. PATTERSON, Mr. SOLOMON, Mr. THOMAS of California, and Mr. WELDON.  
H.R. 3243: Mr. BAKER, Mr. FAZIO, Mr. TORRES, Mr. COURTER, and Mr. RAY.  
H.R. 3251: Mrs. COLLINS, Mr. LEWIS of Georgia, Mr. DYSON, Mr. ESPY, Mr. BRYANT, Mr. HERTEL, Mr. COSTELLO, Mr. FEIGHAN, Mr. WILLIAMS, and Mr. FALCOMAVAEGA.  
H.R. 3272: Mr. DORNAN of California, Mrs. BENTLEY, Mrs. COLLINS, Mr. LEWIS of Florida, Mr. KANJORSKI, Mr. LAGOMARSINO, Mr. CAMPBELL of Colorado, and Mr. QUILLEN.  
H.R. 3321: Mr. SHARP, Mr. McCLOSKEY, Mr. RITTER, and Mrs. VUCANOVICH.  
H.R. 3349: Mr. FALCOMAVAEGA, Mr. LEWIS of Georgia, and Mr. BARNARD.  
H.R. 3401: Mr. HOCHBRUECKNER, Mr. JAMES, Mr. ACKERMAN, Mr. WISE, Mr. FRANK, Mr. OBEY, Mr. LEWIS of Georgia, Mr. HYDE, and Mr. DONALD E. LUKENS.  
H.R. 3423: Mr. McNULTY and Mr. HAWKINS.  
H.R. 3430: Mr. HERGER.  
H.R. 3475: Mrs. PATTERSON.  
H.R. 3489: Mr. GREEN, Mr. INHOFE, Mr. JAMES, Mr. JOHNSON of South Dakota, Mrs. MEYERS of Kansas, Mr. PENNY, Mr. RAHALL, Mr. ROE, Mr. RICHARDSON, Mr. WALSH, and Mr. WOLFE.  
H.R. 3520: Mr. WOLF, Mrs. SAIKI, Mr. DIXON, and Mr. LEWIS of Georgia.  
H.R. 3537: Mr. RANGEL, Mr. HAYES of Illinois, Mr. FUSTER, Mr. FAUNTROY, Mr. TOWNS, Mr. FROST, Mrs. COLLINS, Mr. LEWIS of Georgia, Mr. FALCOMAVAEGA, Mr. FOGLETTA, Mr. SAVAGE, Ms. PELOSI, and Mr. CROCKETT.  
H.R. 3552: Mr. SABO.  
H.R. 3560: Mr. PANETTA.  
H.R. 3643: Mr. JAMES and Mr. GILLMOR.  
H.R. 3652: Mr. UPTON, Mr. CAMPBELL of Colorado, Mr. NEAL of North Carolina, Mr. BALLENGER, Mr. McNULTY, Mr. BUSTAMANTE, Mr. BOEHLERT, Mr. BURTON of Indiana, Mr. McCLOSKEY, Mrs. BOXER, Mr. HAYES of Louisiana, Mr. GRANT, Mr. ATKINS, Mr. OWENS of Utah, Mr. WEISS, Mr. WISE, Mr. STENHOLM, Mr. MATSUI, and Mr. BILBRAY.  
H.R. 3700: Mr. ANTHONY, Mr. BRENNAN, Mr. CAMPBELL of California, Mr. FEIGHAN, Mr. JOHNSTON of Florida, Mrs. KENNELLY, Mr. LEWIS of Georgia, Mr. PALLONE, Mr. PANETTA, Mr. PRICE, Mrs. SAIKI, Mr. SHAYS, Mr. SMITH of Vermont, and Mr. SWIFT.  
H.R. 3732: Mr. ROBERTS, Mr. MILLER of Washington, and Mr. BUSTAMANTE.  
H.R. 3735: Mr. SWIFT, Mr. DEFazio, Mr. HEFNER, Mr. WISE, and Mr. DELLUMS.  
H.R. 3736: Mr. SCHEUER.  
H.R. 3758: Mr. LAGOMARSINO, Mr. ROE, and Mr. KLECZKA.  
H.R. 3773: Mr. ALEXANDER.  
H.R. 3785: Mr. SHUMWAY, Mr. DANNEMEYER, Mr. WELDON, Mr. BAKER, Mr. HYDE, Mr. DORNAN of California, Mr. BLAZ, Mr. TRAFICANT, Mr. NIELSON of Utah, Mr. GRANDY, and Mr. BLILEY.  
H.R. 3802: Mr. HUGHES, Mr. EVANS, Mr. ENGEL, Mr. FROST, Mr. LEVIN of Michigan, Mr. LAGOMARSINO, Mrs. BOXER, Mr. TOWNS, Ms. PELOSI, Mr. AU COIN, and Mr. FAUNTROY.  
H.R. 3816: Mr. SCHEUER and Ms. SCHNEIDER.  
H.R. 3817: Mr. GREEN and Mr. KOSTMAYER.  
H.R. 3857: Mr. LIPINSKI, Mr. BARNARD, and Mr. BATES.  
H.R. 3864: Mr. WALSH, Mr. OWENS of New York, Mr. HORTON, Mr. PEASE, Mr. HAWKINS, Mr. ACKERMAN, Mr. McMILLEN of Maryland,

Mrs. BOXER, Mr. SKELTON, Mr. BEILINSON, Mr. FUSTER, Mr. DONNELLY, Mrs. MORELLA, Ms. SLAUGHTER of New York, Mr. NEAL of Massachusetts, Mr. MOAKLEY, Ms. ROS-LEHTINEN, Mr. JONTZ, Mr. TOWNS, Mr. McNULTY, Mr. HOYER, Mr. WILLIAMS, Mr. LEHMAN of Florida, Mr. NEAL of North Carolina, Mr. FOGLETTA, Mr. MINETA, Mr. FAZIO, Mr. FAUNTROY, Mr. HAYES of Illinois, Mr. BERMAN, Mr. BILBRAY, Ms. PELOSI, Mr. BOUCHER, Mr. SAVAGE, Mr. RAHALL, Mr. MACHTLEY, and Mr. BOEHLERT.  
H.R. 3868: Mr. McMILLEN of Maryland, Mr. DELLUMS, Mr. SHAYS, Mr. STARK, Mr. AKAKA, Ms. PELOSI, Mr. FAUNTROY, Mr. FRANK, Mr. EVANS, Mr. EDWARDS of California, Mr. DEFazio, Mrs. MORELLA, Mr. ENGEL, Mr. GREEN, Mrs. UNSOELD, and Mr. LEWIS of Georgia.  
H.R. 3869: Mr. LEVINE of California.  
H.R. 3880: Mrs. UNSOELD, Mr. AKAKA, Mr. KASTENMEIER, Mr. WYLIE, Mr. SMITH of New Jersey, Mr. SAVAGE, Mr. MOAKLEY, Mr. DE LUGO, Mr. RICHARDSON, Mr. HOPKINS, Mr. ROSE, Mr. JONES of North Carolina, Mr. MILLER of California, Mr. TORRICELLI, and Mr. ROE.  
H.R. 3899: Mr. SMITH of New Jersey, Mr. KASTENMEIER, Mr. SHAYS, Mr. OBERSTAR, Mr. JOHNSON of South Dakota, Mr. GLICKMAN, Mr. HEFNER, and Mr. NIELSON of Utah.  
H.R. 3907: Mr. SENSENBRENNER, Mr. UPTON, Mr. FAWELL, and Mr. FRANK.  
H.R. 3914: Mr. BORSKI, Mrs. SAIKI, Mr. DWYER of New Jersey, Mr. HENRY, Mr. HUTTO, Mr. OWENS of Utah, Mr. WALSH, Mr. ROSE, Mr. BOEHLERT, Mr. LEWIS of Georgia, Mr. DYSON, Mr. RAHALL, Mr. DARDEN, Mr. BONIOR, Mr. HAYES of Illinois, Mr. MOAKLEY, Mr. QUILLEN, Mrs. BOXER, Mr. JONES of North Carolina, Mr. STALLINGS, Mr. FAZIO, Mr. DEFazio, Mr. TORRES, Mr. BUSTAMANTE, Ms. SCHNEIDER, Mr. KANJORSKI, Mr. NELSON of Florida, Mr. CLEMENT, Mr. CRAIG, Mr. HALL of Texas, Mr. TANNER, Mr. BILBRAY, Mr. BOUCHER, Mr. FROST, Mr. DOUGLAS, and Mr. LEWIS of California.  
H.R. 3921: Mrs. BENTLEY.  
H.R. 3929: Mr. LaFALCE, Mr. STARK, Ms. PELOSI, and Mr. FROST.  
H.R. 3934: Mr. FROST.  
H.R. 3957: Mr. GALLEGLY, Mr. McCLOSKEY, and Mr. CAMPBELL of California.  
H.R. 3964: Mr. SWIFT.  
H.R. 3985: Mr. PENNY.  
H.R. 3994: Mr. ROE, Mrs. COLLINS, Mr. JAMES, and Mr. FAWELL.  
H.J. Res. 240: Mrs. BOXER, Mr. HEFNER, Mr. INHOFE, Mr. PALLONE, Mr. SCHEUER, Mr. SMITH of Florida, and Mr. VOLKMER.  
H.J. Res. 345: Ms. PELOSI, Mr. IRELAND, and Mr. LIPINSKI.  
H.J. Res. 372: Mrs. BENTLEY and Mr. CARDIN.  
H.J. Res. 398: Mr. ANDREWS, Mr. CRAIG, Mr. KOLTER, Mr. SAVAGE, Mr. TAUZIN, Mr. DREIER of California, Mr. SIKORSKI, Mr. VISLOSKEY, Mr. DONNELLY, Mr. CLAY, Mr. WYDEN, Mr. DARDEN, Mr. KENNEDY, Mr. ECKART, Mr. GRAY, Mr. MORRISON of Connecticut, Mr. DE LUGO, Mr. ROBINSON, Mr. DOWNEY, Mr. BRUCE, Mr. PERKINS, Mr. PACKARD, Mr. COOPER, Mr. STAGGERS, Mr. GRANDY, Mrs. PATTERSON, Mr. SOLOMON, Mr. THOMAS of California, and Mr. WELDON.  
H.J. Res. 413: Mr. GREEN, Mr. IRELAND, Mr. GINGRICH, Mr. DURBIN, Mrs. BYRON, Mr. BAKER, Mr. DWYER of New Jersey, Mr. ENGEL, Mr. McEWEN, Mr. COUGHLIN, Mr. GUNDERSON, Mr. BORSKI, Mr. DERRICK, Mr. DARDEN, Mr. HENRY, Mr. ASPIN, Mr. GRANDY, Mr. SLATTERY, Mr. YATRON, Mr. COSTELLO, Mr. WOLF, Mr. PAYNE of Virginia, Mr. KOSTMAYER, Mr. BATEMAN, Mr. COYNE,

Mr. FASCELL, Mr. PARRIS, Mr. CARDIN, Mr. HANSEN, Mr. MAVROULES, Mr. McMILLEN of Maryland, Mr. SCHUETTE, Mr. JONES of Georgia, Mr. GEKAS, Mr. VANDER JAGT, and Mr. LEWIS of California.

H.J. Res. 452: Mr. TAUKE, Mr. PRICE, Mr. WALSH, Mr. JOHNSON of South Dakota, Mr. ROWLAND of Georgia, Mr. McCLOSKEY, Mr. PETRI, Ms. LONG, Mr. CARDIN, Mr. SLATTERY, Mr. HAMILTON, Mr. SMITH of New Hampshire, Mr. TRAXLER, Mr. BEREUTER, Mr. KASTENMEIER, and Ms. OAKAR.

H.J. Res. 457: Mr. McGRATH, Mr. DEWINE, Ms. ROS-LEHTINEN, Mr. HUGHES, Mr. LIPINSKI, Mr. UPTON, Mr. DEFazio, Mr. BORSKI, Mr. OWENS of New York, Mr. KOSTMAYER, Mr. GEJDENSON, Mr. RANGEL, Mr. GALLO, Mr. COURTER, Mr. PALLONE, Mr. LEVIN of Michigan, and Mr. SOLOMON.

H.J. Res. 464: Mr. GREEN, Mr. HAMILTON, Mr. McNULTY, Mr. MADIGAN, and Mr. RAY.

H.J. Res. 476: Mr. BONIOR, Mrs. COLLINS, Mr. ENGEL, Mr. GEJDENSON, Mr. LaFALCE, Mr. LEWIS of Georgia, Ms. LONG, Mr. MACHTLEY, Mr. PASHAYAN, Mr. ROBERT F. SMITH, Mr. WEBER, Mr. WYDEN, and Mr. YATRON.

H. Con. Res. 59: Mr. SMITH of Texas, Mrs. JOHNSON of Connecticut, Mr. NIELSON of Utah, and Mr. FUSTER.

H. Con. Res. 151: Mr. SCHAEFER, Mr. SCHUETTE, and Mr. ANDREWS.

H. Con. Res. 196: Mr. ENGEL, Mr. PAYNE of Virginia, Mrs. VUCANOVICH, Mr. WAXMAN, Mr. INHOPE, Mr. SMITH of New Hampshire, Mr. FISH, and Mr. EDWARDS of Oklahoma.

H. Con. Res. 252: Mr. BORSKI, Mrs. SAIKI, Mr. DWYER of New Jersey, Mr. HENRY, Mr. HUTTO, Mr. OWENS of Utah, Mr. WALSH, Mr. ROSE, Mr. BOEHLERT, Mr. LEWIS of Georgia, Mr. DYSON, Mr. RAHALL, Mr. DARDEN, Mr. BONIOR, Mr. HAYES of Illinois, Mr. MOAKLEY, Mr. QUILLEN, Mrs. BOXER, Mr. JONES of

North Carolina, Mr. STALLINGS, Mr. FAZIO, Mr. DEFazio, Mr. TORRES, Mr. BUSTAMANTE, Ms. SCHNEIDER, Mr. KANJORSKI, Mr. NELSON of Florida, Mr. CLEMENT, Mr. CRAIG, Mr. FROST, Mr. TANNER, Mr. BILBRAY, and Mr. BOUCHER.

H. Con. Res. 257: Mr. MICHEL.

H. Con. Res. 267: Mr. HERGER, Mr. BEREUTER, Mr. CRAIG, Mr. PASHAYAN, Mr. HEFLEY, Mr. CAMPBELL of Colorado, Mr. HILER, Mr. SPENCE, Mr. FAWELL, Mr. BURTON of Indiana, Mr. SKEEN, Mr. BILIRAKIS, Mr. LENT, Mr. EMERSON, Mr. HUBBARD, Mr. JAMES, Mr. TRAFICANT, and Mr. STEARNS.

H. Res. 206: Mr. BILBRAY, Mr. DELLUMS, Mr. DYSON, Mr. GRANT, Mr. HALL of Ohio, Mr. TANNER, Mr. PERKINS, Ms. SLAUGHTER of New York, and Mr. SMITH of Texas.

H. Res. 306: Mr. ENGLISH, Mr. FAUNTROY, Mr. TOWNS, Mr. BONIOR, Mr. BRYANT, Mr. RAHALL, and Mr. FROST.

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## SENATE—Wednesday, February 21, 1990

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

## PRAYER

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

Let us pray:

*From whence come wars and fightings among you? come they not hence, even of your lusts that war in your members? Ye lust, and have not: ye kill, and desire to have, and cannot obtain: ye fight and war, yet ye have not, because ye ask not.—James 4:1, 2.*

Eternal God, this penetrating diagnosis by St. James makes us want to defend ourselves and say, "Not Guilty." But the hardest accusation is the simplest: " \* \* \* ye have not, because ye ask not." In spite of all the Biblical encouragement to pray, examples of great men and women of the Bible, our own inclination to pray when life tumbles in, we fail to take prayer seriously, we do anything rather than pray.

In the words of Charles Dickens, "These are the best of times and the worst of times." Never has America had a greater opportunity. No more cold war. Demand for freedom exploding all over the world. Collapse of oppressive governments. Yet we face an overwhelming problem of drugs, debt, disintegrating moral environment, our own Capital City in trouble. We remember the greatness of America following World War II, retooling to rebuild a world destroyed by war.

Help us, Lord, not to fail at this propitious time in history. Save us from majoring in minors. In Jesus' name. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 21, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H.

BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

## RECOGNITION OF THE MAJORITY LEADER

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

## THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

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

## SCHEDULE

Mr. MITCHELL. Mr. President, the time between now and 10:40 will be divided between the two leaders. At 10:40, the Senate will recess until 12:15 today so Members of the Senate may attend a joint meeting with the House to hear an address by President Havel of Czechoslovakia.

When the Senate reconvenes at 12:15, there will be a period for morning business until 1:15, with Senators permitted to speak therein.

When morning business closes at 1:15, the Senate will resume debate on the motion to proceed to Senate Joint Resolution 212, the Armenia resolution. It is expected that debate on the motion will continue throughout today's session.

Mr. President, I have a statement to make regarding the State Department human rights report on China.

I ask unanimous consent that if my remarks extend beyond one-half of the allotted time, that the leader time of the distinguished Republican leader, which I will reserve following my remarks, be extended to an equal time.

The ACTING PRESIDENT pro tempore. Without objection, that will be the order.

## STATE DEPARTMENT HUMAN RIGHTS REPORT ON CHINA

Mr. MITCHELL. Mr. President, I begin my remarks today with a quotation. It reads as follows:

The human rights climate in China deteriorated dramatically in 1989. On March 5-

7, People's Armed Police (PAP) used indiscriminate and excessive force in suppressing demonstrations in Lhasa, Tibet, killing scores of persons. These killings and other serious human rights abuses, however, were dwarfed when the leadership ordered the People's Liberation Army (PLA) and other security forces to suppress forcefully a peaceful, student-led movement seeking greater freedom for China's people. At least several hundred, and possibly thousands, of people were killed in Beijing on June 3-4. The Beijing massacre was followed by a drastic, country-wide crackdown on participants, supporters, and sympathizers. Thousands were arrested and about a score are known to have been executed, following trials which fell far short of international standards, for alleged crimes committed during the unrest. There have also been persistent but unconfirmed reports of numerous unannounced executions. At year's end, the crackdown was still continuing.

Those powerful words are not mine. They are not the words of a critic of President Bush or of his administration. They are the words of the United States Department of State in its report on human rights in China.

That report is a devastating indictment of the human rights position of the Chinese Government. It is an equally devastating indictment of the policies of the Bush administration toward China.

The State Department report makes it clear that the Government of China is pursuing a policy that violates the rights of its citizens broadly, indiscriminately, and in a way that should shock the conscience of the world.

It does shock the conscience of Americans. Unfortunately, it has not shocked the conscience of the executive Branch of the American Government. As we know, last December, ironically on International Human Rights Day, two high ranking officials of our Government met in Beijing with the very Chinese leaders who ordered the Tiananmen Square massacre.

Now it is clear that those same leaders have subsequently implemented a crackdown on political dissent which has subjected Chinese citizens to imprisonment, to physical beatings and torture, to personal humiliation and degradation, and some to execution.

Last year, I said it was wrong for the administration to support human rights in its words but not in its deeds. I called on the President not to conduct business as usual with China and thereby make a mockery of our profession of concern for human rights and our own ideals. I urged instead that the President affirmatively and public-

ly press the Government of China to grant its citizens the democratic self-determination that is the right of all men and women.

Now the Department of State's own report on human rights in China prompts me to reiterate that call. Surely, at the beginning of a decade that is seeing the collapse of another totalitarian system in Eastern Europe and within the Soviet Union, there is no longer any credibility to the claim of a government that it has any moral right to attack its own people.

The State Department report says that, "Virtually all internationally recognized human rights discussed in this report are restricted, many of them severely."

Those "internationally recognized human rights" include the fundamental human right to be free from:

Political and other extrajudicial killing;

Torture and other cruel, inhuman or degrading treatment or punishment;

Arbitrary arrest, detention or exile;

Denial of fair public trial;

Arbitrary interference with privacy, family, home or correspondence; and

Excessive force and violations of humanitarian law in internal conflicts.

These are basic human rights so self-evident to Americans that their mere listing alone is chilling.

Most Americans already assume that no government has the right to torture its citizens; that no government has the right to fire on unarmed, peacefully assembled civilians; that no government has the right to execute people just because they want political change.

Yet, as the State Department report makes clear, these are today the routine actions of the Chinese Government. The State Department reports that: "The Government maintains control through a nationwide security network \* \* \* In 1989, the security network was responsible for widespread human rights abuses, especially in Beijing and Xizang (Tibet)."

There is and can be no doubt that the abuses of its people are the intentional work of the Chinese Government.

The State Department points out, as well, that "The government, as a matter of course, does not publicly announce the names of those detained or arrested."

In connection with the persistent reports of executions, the State Department reports that "Chinese officials have refused to respond to diplomatic requests for information."

The "persistent and consistent" reports of torture, as the State Department characterizes them, cannot be confirmed or, of course, conclusively disproven, because the Chinese Government refuses to acknowledge that it is accountable to anyone for its treatment of its own people.

Yet the two secret visits to that same government by high-ranking American officials last year were excused by the administration on the grounds that we should not isolate China, and that such contacts will help improve the climate for human rights.

The State Department report offers no evidence of any improvement in the human rights climate at all.

Throughout the 20th century, the world has heard the repeated claims of dictators that their treatment of their own people is not the business of others.

The world has also heard the repeated claims that "quiet diplomacy" is the only way to proceed in such cases.

History has now shown the bankruptcy of both of these claims.

Neither the collapse of Eastern European communism nor the freeing of Nelson Mandela came about because of quiet diplomacy or silence by the outside world. Both events were hastened and in some respects precipitated by precisely the opposite—outside scrutiny and vocal, sustained, insistent public calls for improvement, especially public calls by America.

When Nelson Mandela walks into the White House, both he and President Bush should reflect on the fact that Mr. Mandela is out of prison in part because the United States Congress imposed sanctions on South Africa over the objections of then President Reagan and Vice President Bush.

If the Reagan-Bush administration had had its way, there would have been no sanctions imposed on South Africa and Nelson Mandela might still be in prison.

Have we learned from that experience? If so, what policy should we now follow with respect to China?

I say we must recognize that the Chinese people, one quarter of the human race, are subject to repression that requires—indeed that demands—vocal, sustained, insistent public calls for improvement.

But to the contrary, our Government's policy toward China has demonstrated a lack of concern about the shocking events depicted so graphically in the State Department's report.

The Chinese Government has ordered the murder of its own citizens; it has practiced indiscriminate detention and arrest; it permits torture and degradation in government custody; it carries out judicial murders in the form of executions.

To this day, the Chinese Government's policy is one of repression against every vestige of free expression inside the country, coupled with censorship and the Big Lie technique of denial to the outside world.

In response, the Bush administration authorized not just one, but two secret, high-level missions to the Chi-

nese Government, the first barely a month after the blood ran on Tiananmen Square, the second in December.

Instead of signing the bill to protect Chinese students here against forced repatriation, the President vetoed it and fought hard and successfully to have his veto sustained.

Instead of maintaining economic sanctions against China, the President lifted the two most visible—giving export licenses for three satellites, and letting our Export-Import Bank extend loans and guarantees for United States exports to China. Those gestures followed the lifting of sanctions to let the sales of several airliners to China go through.

And although licenses for four arms sales have not yet been issued, the contractors have been allowed to keep working on those projects—a strong indication that these exports, too, will soon be permitted.

The human rights record of the Chinese Government is not limited to brutality and crude repression. It goes also to the civil rights of its people, as the State Department makes clear. Freedom of speech and press have been severely restricted both for Chinese citizens and foreign journalists.

Excerpts from the report tell the story: "In the aftermath, authorities severely restricted the movements of foreign journalists \* \* \*"; "Restrictions on the publication of books \* \* \* became much more stringent since June."; "\* \* \* tighter control on distribution has enabled authorities to censor foreign language material more effectively."

The Chinese Government is willing to sacrifice the future of its youth, the hope of any nation, to the overriding desire to retain power. Thus, the State Department reports:

The Government has worked to reimpose more rigid ideological control over the school system. The State Education Commission ordered that 30,000 fewer first-year students be admitted to universities for the fall 1989 semester. \* \* \* The entire first-year class at Beijing University \* \* \* was sent to an isolated camp for a year of military training and ideological indoctrination. (The Government said this program might be expanded to include additional universities in the future.)

What possible justification can there be for a government to limit the future of its own country by restricting the education of its own most promising people? There can be none other than the lust for power.

In virtually every element of civil rights, the Chinese government has taken action to secure its own survival against the rights of the Chinese People. Individual identity cards are being issued and checked to control travel within the country, the human rights monitoring group has been disbanded, the right of Chinese to associate is limited to groups that the gov-

ernment agrees to register, independent trade unions of Chinese working people are outlawed.

Indeed, it is the ultimate tragic irony that in a self-styled People's Republic, allegedly devoted to the interests of workers, " \* \* \* workers became a primary target of government reprisals. \* \* \* All of those known to have been executed for offenses linked to the demonstrations were manual workers."

The State Department report speaks in broad terms, as it must. Other, individual voices say the same things. Prof. Yang Ye, of Bates College, in Maine, recently spoke to me and sent me a letter. Professor Ye wrote:

There has been no improvement whatsoever in terms of the human rights situation in the People's Republic of China. With three hundred thousand troops around and enforced security forces within the city, the lifting of martial law in Beijing is a big joke aimed only at fooling foreign media and luring foreign investment.

Professor Ye reminds us that the "most recent response to the olive branch offered to the Beijing regime by President Bush was that 9 Chinese Catholic ministers and 30 priests in Hebei province were arrested in late December, among whom 8 are at this moment still in prison."

Chillingly, Professor Ye says that despite the claims of the administration that its veto of the visa extension bill will have no effect on Chinese students now in this country,

[a]t least two Chinese students \* \* \* that I know \* \* \* were recently denied extension of their passport by the Chinese consulates in the United States, presumably because of their activities in support of the democracy movement in China.

These students and others in their position must wonder at the depth of American commitment to human rights, so long as our Government speaks in one way but acts in another.

It is not enough for the President's press secretary to say, as he recently did, that "human rights are universal and our duty to comment on them is great." We have an obligation to do more than comment. We have an obligation to behave in accordance with our words as well as merely to say the words.

But the administration's deeds are contrary to its words. As with so many other issues, on human rights in China the administration's words are right, its deeds wrong.

Professor Ye put it clearly and eloquently in his letter to me. I ask my colleagues to listen to these words:

I have long since come to the conclusion that it is our affinities, our points of contacts with all other human beings, not our differences, that should be emphasized to make our world a better and more peaceful place.

We Chinese are not extraterrestrial beings. We live on the same Earth. We have the kind of joy, anger, sorrow, fear, love,

hatred and desire, and we should be treated as equals in terms of human rights. \* \* \*

It is simply not right to claim, as some China card players in this country do, that the Chinese have a special "Oriental mind," and that democracy and freedom are something not in Chinese culture. To me, such remarks are insulting and racist, morally unforgivable.

The fundamental concepts of democracy and freedom are not incongruent with the Confucian values of benevolence, humanness, and individual dignity.

What is alien to Chinese civilization, in my opinion, is the Marxist-Leninist theory of class struggle and violence, a theory that is preoccupied with differences and based on hatred.

I know little about Professor Ye. I have only spoken with him once. But I am moved by his words. I believe he is right. What lies at the heart of human rights concerns is the knowledge that we are all people of the Earth, that our similarities are more important than our differences, and that we are all alike in wanting human freedom and personal liberty—the fundamental acknowledgment of our individual worth.

That is the fundamental claim that every human being has a right to make. It is the claim no government can or should deny, least of all the Government of the United States of America.

Again, I urge the President to be the spokesman for American ideals, for what America stands for and believes in, to speak out in expressing support for the moral issue of human rights for the Chinese people as strongly as he has expressed that support for the people of Eastern Europe and the Soviet Union. The Chinese people deserve no less than other human beings.

Mr. President, I ask unanimous consent that the comments from Prof. Yang Ye be printed in the RECORD.

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

BATES COLLEGE,

Lewiston, ME, February 15, 1990.

HON. GEORGE J. MITCHELL,  
U.S. Senator, Senate Russell Office Building, Washington, DC.

DEAR SENATOR: Thank you again for seeing me on Monday. I enjoyed every minute of our talk. Let me assure you that my gratefulness to you for what you have done for China and the Chinese people is shared by thousands of Chinese students and scholars in the U.S., many of whom I have encountered and talked to during my tours around the country since last June.

I am, as you can well understand, disappointed at the senate vote last month which failed to override the President's veto of the Pelosi bill. The White House used the tactics of politicizing an issue which, I believe, is beyond and larger than politics. One negative result of the vote is that many of my fellow countrymen in this country are now afraid to speak out for democracy and freedom in China. It is not surprising: having come from a nation where what the dictators say or promise is the law (and we know how much it counts), we had hoped that we

could have legislative guarantee of safety in this country to voice what was silenced in China. Of course we now have some promises from the President of the United States, but we find it hard to forget that he also promised, after the Tiananmen massacre, that there would be no high-level contact with the Chinese government, and it was only two weeks after he made that promise that he sent General Scowcroft and Deputy Secretary Eagleburger on their secret mission to Beijing.

Despite the setback I, as well as many of my Chinese friends in the U.S., shall keep fighting for freedom and democracy in China. We owe it to the hundreds of young men and women who were gunned down by machine-guns, whose bodies were rolled over and crushed by tanks in the center of Beijing. We owe it to the thousands of our fellow students and intellectuals at home who were thrown into prison, who were beaten up and tortured there, and those who were already summarily tried and executed in secret. We owe it to the brave young man, the nineteen-year-old Wang Wellin, whose image standing in front of the tanks has become one of the most lasting symbols of 1989, and most probably, of this century. And last but not least, we owe it to the great American people, whose warm and consistent support of our cause has been a constant source of encouragement and inspiration to us.

I must point out that since the President of the United States and his staff worked so hard to defeat the override effort, there has been little, if any, response in return from Deng Xiaoping and the other aging dictators in Beijing. There has been no improvement whatsoever in terms of the human rights situation in the People's Republic of China. With three hundred thousand troops around and enforced security forces within the city, the lifting of martial law in Beijing is a big joke aimed only at fooling foreign media and luring foreign investment. Mr. Fang Lizhi, the astrophysicist and human rights activist, is still taking refuge in the American embassy. Student leaders Wang Dan, Liu Gang, Guo Haifeng, and others who advocated non-violent and peaceful demonstrations, are still languishing in prison with no trial. Not a single list of the arrested and executed has been given by the Chinese regime. A most recent response to the olive branch offered to the Beijing regime by President Bush was that 9 Chinese Catholic ministers and 30 priests in Hebei province were arrested in late December, among whom eight are at this moment still in prison. The Chinese Ministry of Education has recently issued a secret document with further restrictions on study abroad (especially on study in the U.S.) for Chinese college students. At least two Chinese students currently in the U.S. that I know, Mr. Liu Yonghuan and Mr. Xu (pronounced as Hsu) Bangtal (a graduate student at U.C. Berkeley), were recently denied extension of their passport by the Chinese consulates in the U.S., presumably because of their activities in support of the democracy movement in China.

I was born and brought up in a highly tradition-oriented family, and my field is in comparative literature, a discipline that focuses on comparisons and contrasts among different cultures. I have long since come to the conclusion that it is our affinities, our points of contacts with all other human beings, not our differences, that should be emphasized in order to make our world a better and more peaceful place. We Chinese



are not extraterrestrial beings (E.T.). We live on the same earth. We have the same kind of joy, anger, sorrow, fear, love, hatred, and desire, and we should be treated as equals in terms of human rights. China is perhaps a land in the "Far East" (a term long since discarded in the academia, and even in the media, because of its Eurocentric flavor, but twice used in the President's State of Union speech), but what is going on in China is not China's "domestic affair" as the Beijing regime claims it to be. One fourth of the world's population is suffering under the repression of a toppling totalitarian regime. It is simply not right to claim, as some China card players in this country do, that the Chinese have a special "Oriental mind," and that democracy and freedom are something not in Chinese culture. To me such remarks are insulting and racist, morally unforgivable. The fundamental concepts of democracy and freedom are not incongruent with the Confucian values of benevolence, humaneness, and individual dignity. What is alien to Chinese civilization, in my opinion, is the Marxist-Leninist theory of class struggle and violence, a theory that is preoccupied with differences and based on hatred.

I appeal to you, dear Senator, and through you, as Senate Majority Leader, to your colleagues, to do whatever within your power to help our country and our countrymen in the struggle for freedom and democracy. If no improvement in the human rights condition is seen in the People's Republic of China in the near future, further sanctions, including the reconsideration of China's status as a Most Favored Nation (MFN), should be placed on the agenda of the legislative branch. If the White House is unwilling to stand for the fundamental values of this great country, it is up to the U.S. Senate and Congress to keep lighting up the beacon for freedom and democracy in the world. If there is anything I can do for this cause please do not hesitate to let me know.

Very sincerely yours,  
 YANG YE, PH.D.,  
*Assistant Professor of Chinese,  
 Bates College.*

#### RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the leader time of the distinguished Republican leader.

I yield the floor.

#### MORNING BUSINESS

Mr. MITCHELL. Mr. President, since the distinguished Republican leader is not present, I ask unanimous consent that there be a period for morning business for 10 minutes to permit the Senators from Minnesota and Connecticut to address the Senate and introduce their legislation.

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

Mr. BOSCHWITZ addressed the Chair.

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

Mr. BOSCHWITZ. I thank the Chair.

(The remarks of Mr. BOSCHWITZ pertaining to the introduction of S. 2149 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut [Mr. LIEBERMAN].

Mr. LIEBERMAN. I thank the Chair.

(The remarks of Mr. LIEBERMAN pertaining to the introduction of S. 2149 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LIEBERMAN. Mr. President, I see no one else seeking recognition. Therefore, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO ELSA SANDSTROM

Mr. WILSON. Mr. President, it is my great privilege to honor the memory of a dear friend and a great American, Elsa Sandstrom, a woman who will long be remembered for her intelligence, wit and steadfast devotion to noble causes.

Elsa Sandstrom was a consummate Californian, a personal friend of Ronald Reagan, who through her leadership and foresight became indispensable to the State and national Republican Party. Her courage and conviction were rewarded with the admiration, respect and sheer affection by all those who were fortunate enough to know this truly remarkable woman.

Throughout her long and accomplished life she held many prestigious positions. Whether as State cochairwoman for Ronald Reagan's campaigns for both Governor and President, or as a delegate to the Republican Conventions in which Barry Goldwater, Richard Nixon, Ronald Reagan, and George Bush were nominated, Elsa Sandstrom enjoyed a most successful career and served to enrich each of life's endeavors with an unmitigated dedication to the principles she boldly championed.

I take great pride in honoring the memory of Elsa Sandstrom in this Chamber of the U.S. Senate on behalf of all Californians.

#### RECESS UNTIL 12:15 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:40 a.m. having arrived, the Senate stands in recess until the hour of 12:15 p.m., for the purpose of attending a joint meeting with the House of Representatives to hear the very distinguished President of Czechoslovakia, Vaclav Havel.

(The remarks of Vaclav Havel, President of Czechoslovakia before the joint meeting of the Congress are contained in the House portion of today's RECORD.)

The Senate, at 10:40 a.m., recessed until 12:15 p.m.; whereupon, the Senate reassembled when called to order by the President pro tempore.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDENT pro tempore. Without objection, the Senate will stand in recess awaiting the call of the Chair, and without objection the time spent in recess will come out of the hour for morning business. The Senate stands in recess.

There being no objection, at 12:15 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 12:19 p.m., when called to order by the Presiding Officer [Mr. SHELBY].

#### MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business not to extend beyond the hour of 1:15 p.m.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### PRESIDENT HAVEL'S ADDRESS TO THE JOINT MEETING OF CONGRESS

Mr. FOWLER. Mr. President, before we begin the business of the Senate today, in these few moments of calmness, I would like to take the opportunity to reflect for just a few moments on one of the extraordinary pleasures and opportunities of service in the U.S. Senate. Sometimes in our representative capacity we are also here to try to learn and, from that learning, participate in the education process of our country and our countrymen.

This morning I and my colleagues in both the Senate and the House just came from one such learning experi-

ence that I would be remiss if I did not commend to other members of the American citizenry who may hear the sound of my voice through our television and radio. As we all know, the proceedings of the Senate now are being televised live throughout the United States.

The President of Czechoslovakia, Mr. Havel, a poet and a playwright, addressed a joint session of the United States Congress this morning as the President of the Republic of Czechoslovakia, as a democrat with a small "d," as a man who, as he said, had been to no school for Presidents, had never sought political authority, had never had any ambition to lead in a political sense of the word, but who, as he said, came up through the school of life, and felt in that moment of transcendence when his country and his countrymen rose up and said, "We shall be free of all totalitarian influence, we shall make our own decisions, we shall adopt political pluralism, and we shall make our own decisions."

As the new President of Czechoslovakia told us this morning, it is time to shoulder some of the burdens and obligations of free men, and help lead his country into a new dawn where free decisions and free people will live freely and make those decisions in Czechoslovakia.

I cannot even begin to paraphrase President Havel's address and will not try to. The purpose of this reflection this morning is only one; that is, to commend to every school teacher in the United States of America, every student, whether they be students in school or whether they be aging students such as all us in the United States Congress, to write their Senator requesting a copy of the address of the new President of Czechoslovakia and to read for themselves and to their students what it means to be democratic with a small "d," and upon such truths this republic was founded and the emerging nations of Europe will attempt to emulate.

It is a matter, as President Havel said, of putting the human conscience and our ingrained sense of moral authority over any political authority, and in the end that will assure that the right decision is made. Even though, as he said to his American audience, we have 200 years of practicing this thing called "democracy" with no interruption of totalitarianism, he said, "As long as people are people, democracy in the full sense of the word will always be no more than an ideal; one may approach it as one would a horizon, in ways that may be better or worse, but it can never be fully attained. In this sense you, too—we Americans—are merely approaching democracy. You have thousands of problems of all kinds, as other countries do. But you have one great advantage: You have been approaching

democracy uninterruptedly for more than 200 years and your journey toward that horizon has never been disrupted by a totalitarian system."

Oh, if we could learn that lesson and take it to heart, that in a free country our basic freedoms have to be earned over and over and over again, and there is no hope, there is no hope, of continuing to ensure these freedoms unless our children and students of all ages reread their Jefferson, reread their Franklin, reread not only the history of our country, but now the extraordinary changes that are taking place in Eastern Europe and the Soviet Union where no totalitarian system has been able to conquer the mind and the heart of man.

Mr. President, Havel ended by saying,

I will end where I began. History has accelerated. I believe that once again it will be the human mind that will notice this acceleration. Give it a name and transform those words into deeds.

I say to our friend, the poet-playwright, the President of Czechoslovakia, I think we already know what that name is—the name is truth. In older words than these, "Ye shall know the truth, and the truth shall set you free."

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Nevada is recognized.

#### CAMPAIGN REFORM

Mr. REID. Mr. President, we just returned from another week-long vacation, during which hundreds of hours were spent by Members of this body raising campaign money. It seems that with the experiences we had in 1988 and 1986 we would do something about reforming the campaign laws of this country.

I thought the experiences that I had in 1986 would never happen again. I hoped that before the elections held in 1988 there would be campaign reform, so that that campaign would be more directed toward issues than how much money a candidate has. In fact, that was not the case. Shortly it is going to be 4 years since the 1986 elections, and not a single thing has changed. I think it is time that this body and the other body recognize that it is going to take some action to change the law, to change the law so that the people that are voting for us have more than a 30-second spot on which to base a deci-

sion as to whether or not a person should serve in the U.S. Senate.

Mr. President, I am here to alert the Members of the Senate and the American public that now the 30-second spot may be something of the past, that the campaigns of the future are now looking at a 10-second spot. So instead of being buried in 30-second spots, the American public will be buried in 10-second spots. And, in that 10 seconds, a candidate will have the opportunity to discuss in detail all the many issues that face this country.

I think it is important to note that, recently, a Federal judge ordered the Federal Election Commission to act on complaints stemming from my 1986 campaign and other campaigns going on at that time. And the judge said, and I say today, that it is not the fault of the Federal Election Commission. They have been established as a toothless tiger, to have no power to do anything. In fact, it is now set up so that there are three of one party and three of the other, and so the tough decisions are simply not approached. They leave them, and they leave them, and leave them, until action by a Federal judge is necessitated.

So I think we should look at campaign ceilings, bundling, at independent expenditures and all those things. But also, Mr. President, let us look at streamlining the Federal Election Commission.

There are a lot of things on a wish list campaign reform proposal out there, and I think we should look at all of them. Let us do what is doable.

Senator McCONNELL and I have introduced a campaign reform bill that is bipartisan and realistic, and includes measures that will make the 1990 elections and the 1992 elections much more fair. In effect, what this bill that Senator McCONNELL and I introduced contains a look at bundling, at independent expenditures, broadcast discount rates and those things that are all bywords of the campaign proposal. But also it looks at streamlining the regulations of the Federal Elections Commission. Our bipartisan bill would reduce the amount of time in which the FEC is required to act and it would give the FEC the power to levy fines and penalties that hurt.

So Mr. President, I think it is important that we work as hard here in Washington for campaign reform as we do raising money during our vacation breaks when we go home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I have a statement that is a little longer. I inquire of the Senator from Idaho how long he wants to speak.

Mr. SYMMS. About 3 minutes.

Mr. KERRY. Mr. President, I think my colleague from Kentucky also has

a short statement. I will proceed after them.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Thank you very much. I thank my friend from Massachusetts for his courtesies.

(The remarks of Mr. SYMMS pertaining to the introduction of S. 2150 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank the Chair.

(The remarks of Mr. McCONNELL pertaining to the introduction of S. 2152 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCONNELL. I thank my friend from Massachusetts for yielding the time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Chair.

Mr. President, are we operating under any time constraints at this point?

The PRESIDING OFFICER. There is no time limit. We are operating in morning business until 1:15 p.m.

Mr. KERRY. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the Chair.

(The remarks of Mr. KERRY pertaining to the introduction of S. 2152 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### THE ELIMINATION OF GROUND-BASED SHORT-RANGE NUCLEAR WEAPONS IN EUROPE

Mr. KERRY. Mr. President, we have just come from listening to an extraordinary speech from the President of Czechoslovakia. It is rare that leaders of the world today are willing, as Vaclav Havel was this morning, to place concepts of morality and personal ethics as the foundation of policy and politics. It is extraordinary that we hear from the President of a country those notions and those thoughts. They are really too absent from the political dialog of this country.

Part of what he said this morning is focused on what I rise to talk about before the Senate today. He spoke of the time that he hopes will come when Europe will be able to stand guard over itself. And he spoke of how history has accelerated and of the importance of us transferring words into deeds.

I rise today to respectfully suggest the means by which we can keep up

with the acceleration of history, catch up with it, perhaps, and take a step to transform our own words into deeds.

Mr. President, the time has come for the United States and NATO to begin negotiations with the Soviet Union aimed at the elimination of ground-based nuclear weapons in Central Europe.

This will add a third zero to the double-zero we negotiated with the Soviets in the INF Treaty.

Today, East and West Germany are obviously moving rapidly toward unification under the aegis of the "Big Four," under the formula agreed to last week in Ottawa. Poland, Czechoslovakia,—as we heard reiterated to us this morning—and Hungary are not only no longer Communist countries, but they are actively seeking the removal of Soviet military forces from their national territories as well as they should. In this new world, the deployment of some 4,000 ground-based nuclear weapons by NATO, mostly in West Germany, and an even larger number of similar weapons by the Soviet Union located in East Germany, Poland, Czechoslovakia, and Hungary, simply makes no sense whatever.

These weapons are fast becoming anachronisms—held over from the time when they were deployed by NATO to balance the Soviet's greater number of conventional forces.

With the clear termination of that period, an opportunity is open to us through negotiation and political change to seek something else. Failure to remove these ground-based nuclear weapons may threaten the future of NATO itself by dividing German and United States interests at a critical moment in history.

By changing our policy now and seeking a ban on ground-based nuclear weapons, the United States can simultaneously exert political leadership in NATO, preserve the concepts of deterrence, and prevent the threat to NATO that could well take place if we simply sit there and do not change our policy or do nothing.

German unification under the "two-plus-four" formula agreed to in Ottawa on February 13 will require the United States, Soviet Union, United Kingdom, and France to rethink fundamental positions no matter what. Eliminating ground-based forces in Central and Eastern Europe is, I believe, an essential part of the military restructuring that has to flow if the words that Vaclav Havel espoused are indeed to be turned into deeds.

Last spring, the West German Government made it very clear to our Government how it felt about the United States proposal to deploy a new generation of Lance follow-on nuclear missiles in Germany—weapons that would increase the Lance's range

from 70 miles to just under the 300-mile limit imposed by the INF Treaty.

West German Chancellor Helmut Kohl and Foreign Minister Hans-Dietrich Genscher told the United States last spring that West Germans would not accept new nuclear weapons in Germany that could be aimed at Lech Welesa's Poland or at the emerging non-Communist government in Hungary.

On May 30, 1989, NATO resolved this dispute, at least temporarily, by agreeing to postpone a decision on the deployment of Lance until 1992, and to begin negotiations with the Soviets on reductions in short-range nuclear forces in Europe to parity at low-levels following the conclusion of a treaty to reduce conventional forces.

This eased the growing tension that had developed between the United States and the FRG. But even then, the NATO agreement was largely cosmetic, rather than substantive. It deferred the debate over ground-based short-range nuclear forces, rather than disposed of it. And to state the obvious, perhaps, the understatement of the year, an enormous amount has changed in Europe since that time.

Moreover, the changes to date are but precursors to the next stage of change. In the next year, we will certainly see the Soviet Union roll back its military occupation in East Germany, Czechoslovakia, Hungary, and Poland, as well as witness, rapid progress in Germany unification—probably along the lines proposed by German Foreign Minister Genscher, with East Germany becoming essentially a demilitarized zone of a united Germany.

Within the past month, we have already see the leaders of Hungary and Czechoslovakia formally advise the Soviets that they want Soviet forces out of their country, as has Lech Walesa in Poland. The Czech's timetable is to have two-thirds of the Soviet soldiers—some 50,000 to 60,000 occupying troops—out by mid-May, and total withdrawal by the end of 1990. Lech Walesa has requested the Soviets to be out of Poland by the end of 1990 as well. The Hungarian timetable would have the Soviets out by the end of 1991.

In the past month, the Soviets have formally agreed to begin negotiations with these nations on these issues. Last week, the four World War II powers and the two Germans agreed on a structure for negotiations on German unification, which inherently will require a comprehensive plan for the removal of Soviet forces from East Germany for unification to take place.

In the past, the Soviet Union has resisted a troop pull out from Eastern and Central Europe, regardless of the number of troops we amassed in the West as evidence of our own strength

of purpose. Our ground-based nuclear weapons in West Germany were always a counter to not only Soviet nuclear weapons, but their superior quality of conventional forces.

Now, by contrast, the continued presence of NATO's ground-based short range nuclear weapons in West Germany poses a potential obstacle to eliminating Soviet forces from Central and Eastern Europe. While it is probable the Soviets will unilaterally reduce some short-range nuclear weapons in Central and Eastern Europe as a result of negotiations with Czechoslovakia and Hungary, others will likely remain so long as NATO's remain. Thus the NATO policy has, at least on its face, the inherent consequence of permitting the Soviets to insist on retaining some Soviet bases and forces in East Germany at least, and possibly elsewhere in Eastern and Central Europe, to support the continued deployment of their ground-based nuclear weapons.

It is widely agreed that the 195,000 superpower troop limit on the continent proposed by President Bush and now accepted by Secretary Gorbachev is a first step toward broader cuts. Certainly, both West and East would be far better off with the removal of all Soviet forces from Eastern and Central Europe.

To reach this goal, we should press for the removal of Soviet ground-based short-range nuclear forces.

Yet the policy of the United States is instead to oppose any kind of ban on ground-based short range nuclear forces, and to postpone negotiations on any reductions of those forces for now. Indeed, in this year's defense budget, Secretary Cheney has requested \$112 million for the procurement of a new generation of short-range nuclear weapons to be based in Germany. Notwithstanding the stated opposition of the German Government to that fact.

It makes no sense for the United States to target nuclear weapons at a Germany that is being unified within the West, at a Poland governed by Solidarity and Lech Welesa, at a Czechoslovakia governed by Vaclav Havel, a humanist playwright and, as we learned this morning, a moralist and anti-Communist we consider our friend. And it makes even less sense in a unified Germany for Germany to find itself the host to nuclear weapons based in its west and its east pointed at each other.

An unchanged United States policy on nuclear modernization will alienate our European allies and may do more to endanger the NATO alliance than any further action the Soviet Union is likely to take.

The current policy of flexible response is based on an increasingly antiquated NATO strategy. It was devised to offset a massive conventional

force imbalance in Europe in which the Soviets out-deployed NATO in almost every category of weapons and manpower.

But with the changes in Europe the balance has changed and will certainly change further.

The Warsaw Pact has essentially crumbled. The Soviets are dismantling their forces and pulling them out of Eastern and Central Europe. In a few months, we will have a treaty that limits the Soviets to conventional parity, at lower levels. Under this treaty, Soviet tanks facing Western Europe will be cut to one-third of what they were in 1988.

A U.S. policy based on common sense and on the new realities in Europe—and one better calculated to preserve NATO—would have the United States press for a Central and Eastern Europe completely free of ground-based nuclear weapons.

Ground-based nuclear weapons—nuclear artillery and short-range missiles—have short fuses at the early stages of a conflict. They are "use 'em or lose 'em" weapons with the additional trait of having short delivery times. They are overwhelmingly aimed by both sides at countries now friendly to the United States.

Moreover, if one looks at ground-based short-range nuclear weapons strictly in terms of military balance issues, it is clear that eliminating these weapons would improve the balances of forces in Europe overall.

In recent years, the Soviet Union has retained approximately 1,600 short-range missile launchers in Eastern Europe, deployed in Poland, Hungary, Czechoslovakia, and East Germany. All are aimed principally at West Germany. All are under the direct control of the Soviet military. All require significant numbers of Soviet soldiers to support them.

By contrast, NATO possesses only about 96 short-range nuclear missile launchers—36 under the sole control of the United States and around 60 under dual-key arrangements with Belgium, the Netherlands, the Federal Republic of Germany, Italy, and the United Kingdom. That is a ratio of about 16 to 1 in the favor of the Soviets.

The Soviets have maintained an estimated 3,100 missiles associated with their 1,600 launchers, while the United States has maintained about 700 missiles associated with our 96 launchers, for a ratio in favor of the Soviets of better than 4 to 1 when it comes to the nuclear missiles themselves.

Similarly, the Soviet Union maintains a force of artillery that has been estimated to be as large as 10,000, a substantial portion of which are nuclear-capable. The United States has an estimated 2,000 nuclear artillery shells.

For each category of these weapons, the Soviet Union has personnel stationed in East Germany, Poland, Czechoslovakia, and Hungary, amounting to at least 40,000 soldiers in all. At least 20 percent of all Soviet forces outside of the Soviet Union in Europe following a conventional force treaty under the new United States formula might remain in place solely to maintain and operate Soviet ground-based nuclear forces.

Thus, for both categories of short-range nuclear forces—missiles and dual capable artillery—it is in the national security interest of the United States, of NATO, of the Germanies, and of central and eastern Europe, to reduce that ratio to parity at zero.

Why zero? Put another way, why is the current NATO position that both sides should retain some short-range nuclear weapons at lower levels in central Europe wrong?

First, neither the United States nor its allies nor the newly emerging democracies in central and eastern Europe should want any Soviet nuclear missiles, supported by Soviet troops, in Eastern Europe, aimed at the West. Instead, we should insist that the Soviets remove every single last SS-21, Frog, and Scud missile from their former satellites: in other words, negotiate the last "zero" to complete the work the INF Treaty began.

Second, zero is much easier to verify than some. That was why the United States ultimately decided to negotiate double-zero, rather than low levels of INF weapons. In the words of U.S. Ambassador and space arms negotiator Max Kampelman when he testified in favor of the INF Treaty:

It is simpler to verify a zero than a fixed number.

Third, zero is also the right number in terms of NATO's military strategy.

In tactical terms, it is already clear that the historic mission for NATO's ground-based nuclear forces is being obviated through unilateral Soviet reductions in conventional forces and through further negotiated conventional arms reductions. According to our own military experts, the risk of a short-warning offensive Soviet conventional attack on Western Europe today is practically nil. That threat, small as it is, should decrease further when we institutionalize conventional reductions through the Conventional Force Treaty.

In this new environment, eliminating ground-based nuclear weapons will reassure both sides that there need be no rush to mobilization should tensions rise, because neither side will have high-value weapons on the borders that could be overrun in a sudden clash of troops.

Zero is the right number for NATO strategically. After eliminating ground-based nuclear forces, both

sides would still retain air-launched nuclear weapons to bolster deterrence. This will avoid "decoupling" the United States from Europe. No aggressor in Europe could cross a border without risking a nuclear response as the ultimate guarantor of those borders.

And finally, as the rapidly changing European order is demonstrating daily, zero is the right number in political terms. Central and eastern Europe cannot be free of the occupying Soviet forces without the elimination of ground-based nuclear weapons from Eastern Europe, thereby permitting the Soviet troops that support those weapons to go home.

There is no reason to wait on negotiating the removal of these weapons. Negotiations should begin now.

What should be NATO's goal in such negotiations?

Our goal should be nothing short of the total elimination of Soviet ground-based nuclear weapons from East Germany, Poland, Czechoslovakia, and Hungary. To bring this about, we should be prepared to eliminate the United States ground-based nuclear weapons stationed in central Europe which could be used against Poland, Hungary, Czechoslovakia, and East Germany.

To reach this goal without increasing the risk to Western security at any time, the negotiation should link the removal of ground-based nuclear weapons to conventional force reductions, so that the West's short range nuclear forces will be withdrawn only after Soviet forces have been reduced to parity with the West, as specified in the conventional forces treaty to be signed later this year.

To ensure verifiability, the two sides should agree to withdraw all dual capable artillery based in the Germanies, Poland, Hungary, and Czechoslovakia, as well as all ground-based missiles capable of delivering nuclear warheads. This is consistent with the more defensive restructuring of forces that is a goal of the Vienna conventional force negotiations. To make verification of triple zero easier, and to make certain that the Soviets do not simply redeploy these weapons on Soviet territory, all the delivery systems covered by the treaty should be destroyed.

In addition, the two sides should agree to conduct onsite inspections of former nuclear storage sites and any suspect locales, to assure compliance by the Soviets down to zero. Obviously, such compliance will be far easier to demonstrate if all Soviet forces are withdrawn from central and eastern Europe.

This new and more stable regime would be reinforced by the rapid conclusion of a chemical weapons treaty with the Soviets, whereby chemical weapons would also be removed from

central Europe to zero in sequence, with NATO reductions beginning only once the Soviets were down to parity in chemical stockpiles. Earlier this month, Secretary Baker and Soviet leader Gorbachev announced that both nations were accelerating efforts to conclude a treaty on chemicals soon.

It would be preferable ultimately to abolish all ground-based nuclear weapons in Europe, but political complications may make it more feasible to initially limit the elimination of these weapons to central and eastern Europe: Belgium, West Germany, Luxembourg, Denmark, and the Netherlands for NATO, and Czechoslovakia, East Germany, Poland, and Hungary for the Warsaw Pact.

This central zone limit would accommodate the intention expressed by British Prime Minister Margaret Thatcher to retain short-range nuclear weapons in the United Kingdom. It would also permit a treaty to be negotiated without the approval of the Government of France, which may wish to maintain its short-range pluton ballistic missiles.

While a broader Atlantic-to-the-Urals ban is preferable as a long-range goal, a central zone ban on ground-based nuclear weapons would transform central and eastern Europe by placing all the ground-based nuclear weapons retained by either alliance far from any potential future conflict. The range of the ground-based nuclear weapons that remained deployed outside central and eastern Europe would fall far short of the areas that have long been the critical fault-lines between East and West.

The location of any remaining Soviet weapons would have shifted more than 800 miles east, from the intra-German border along the Elbe to the Soviet border with Poland, Czechoslovakia, and Hungary. In the West, French short-range systems could not reach beyond West German territory. This rear-development of remaining ground-based nuclear weapons would create an important new measure of stability for all of Europe.

A triple zero treaty would not cover nuclear-capable aircraft. It is impossible to eliminate all such aircraft, since virtually any combat aircraft can deliver a nuclear weapon. There are also important differences between ground-based and air-based nuclear weapons that make the latter less threatening to stability. Because aircraft have long ranges, their nuclear munitions can be and are stored far away from a military front, making them less vulnerable, less likely to be overrun at the start of a conflict.

Moreover, nuclear-capable aircraft, with their longer ranges and greater mobility, have missions that go beyond threatening those populations that

happen to live near the historic East-West border in Europe.

As Alfred Dregger, of the Christian Democratic Union, and Volker Ruhe, the general secretary of the Christian Democratic Party, the governing party in West Germany, have been quoted saying, "the shorter the range of the weapons, the deader the Germans." The current Lance missiles in place in Germany have a range of about 68 miles or less. The nuclear artillery's range is even shorter—about 18 miles.

When it comes to nuclear weapons in East Germany massed on the West German border, and in West Germany on the East German border, German opinion is already unified. Germans of every major political party on both sides of the border have opposed the introduction of new short-range nuclear weapons and have remained distinctly uncomfortable with the old ones.

It is hard to imagine even a partially reunified Germany tolerating a situation in which it retained thousands of short-range nuclear weapons with no enemy in range, and targeted against no one other than itself.

The crisis in United States-West German relations which took place last spring was but a prelude to the storm brewing if the United States does not recognize the reality of the new German situation. Even last spring, 89 percent of the public in West Germany opposed new American short-range weapons, and West Germany was joined by the governments of Denmark, Norway, Belgium, Spain, and Greece in calling for early talks on removing short-range nuclear weapons.

Last year, the West Germans merely asked us to delay insisting on modernization. Within the past few weeks, they have declared modernization dead. And now, they are beginning to suggest that it is time for the old nuclear systems to be eliminated as well.

"The question of nuclear modernization makes us laugh," one West German official told the New York Times on November 21. "What do we need those missiles for?" the official asked, "to bomb Lech Walesa?"

By January 12 this year, Foreign Minister Genscher told reporters that he did "not expect a positive decision by NATO on modernization." He said he anticipated that 1990 would be a year not of rearmament, but of disarmament.

Later in the month, Genscher went still further. On January 28, 1990, the German newspaper Bild AM Sonntag published an interview in which Genscher stated that short-range nuclear weapons and nuclear artillery "have no more place in our time."

And on February 2, in a Nuremberg newspaper interview, Genscher repeated that the German Government was

opposed to modernizing short-range nuclear weapons of the kind that would be aimed at Vaclav Havel and Lech Walesa, and reiterated that "short-range nuclear weapons no longer have any place in the current political landscape."

In this environment, the statement made last May by President Bush that "there will be no third zero," is outdated. The policy, made before the events in Eastern Europe were anticipated by the policymakers, has been overtaken by events.

Yet even last May, the President recognized that Europe had already begun to change. He said then that to survive, the NATO alliance must "move beyond the era of containment."

Ground-based nuclear weapons in central and eastern Europe are in remnants of a time when the Soviet Union was determined to maintain military control over satellite countries to be controlled forever by Communist parties, and a time when the West could only respond with the policy of containment.

I suggest respectfully, Mr. President, that as Vaclav Havel said to us today, "History has accelerated." That time has passed.

Today, the United States can help build upon the momentum to free Germany, East and West, Poland, Czechoslovakia, and Hungary from the position of being held hostage by thousands of ground-based short-range nuclear weapons.

If we use our influence and our presence to help create a new European order, an order such as Vaclav Havel referred to this morning, where Europe can stand guard for itself; if we can help to do that, free of ground-based nuclear weapons, we will vindicate our traditional position in NATO, and strengthen the alliance even in a time of accelerating change.

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

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

#### CONGRESS-BUNDESTAG STAFF EXCHANGE

Mr. DECONCINI. Mr. President, I ask unanimous consent that the following announcement of the 1990 Congress-Bundestag staff exchange be printed in the RECORD.

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

#### ANNOUNCEMENT OF THE 1990 CONGRESS-BUNDESTAG STAFF EXCHANGE

Since 1983 the United States Congress and the West German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both

countries observe and learn about the workings of each other's political constitutions first hand and convey the views of members from both sides on issues faced by both countries. The exchange also provides an opportunity for the development of professional relationships which will be beneficial to both countries over the long term.

This exchange program is one of several sponsored by both public and private institutions in the United States and West Germany to foster better understanding of the institutions and policies of both countries.

This year, eight congressional staff members will visit Germany April 21 to May 6. They will spend about 10 days in Bonn attending meetings conducted by members of the Bundestag, Bundestag staffers, and representatives of political, business, labor, academic, and media institutions. They will spend a weekend in the district of a Bundestag member. The program will conclude with a visit to Berlin during which the delegates will meet with representatives of the West Berlin Government and U.S. Government representatives in both West and East Berlin.

A comparable delegation of Bundestag staffers will come to the United States in late June for a 3-week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the Fourth of July recess.

The program is truly a two-way street; accordingly, participants should be experienced Hill staffers so that they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking members of the Bundestag take the time to meet with our staffers. The United States has tried to reciprocate.

Therefore, participants should have a demonstrable interest in, if not some direct responsibility for, political, security, trade, or environmental issues as they relate to Europe in general and Germany in particular. In addition, U.S. participants will be expected to help plan and execute the program for the Bundestag staffers when they visit the United States. Among the contributions participants should expect to make are the planning and the conducting of topical meetings for the Bundestag staffers and hosting one or two of the staffers in their Member's district over the Fourth of July.

Applications for participation in the United States delegation will be reviewed initially by the congressional staff Group on German-American Affairs; final selection of the delegation will be made by the United States Information Agency.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state why they believe that they are qualified and giving some assurance of their ability to participate during the time stated to [Bob Maynes, Office of Senator DeConcini, 328 Senate Hart Office Building] by Thursday, March 1.

#### TRIBUTE TO DR. WILLIAM O. DAVIES, TECHNICAL DIRECTOR, U.S. ARMY STRATEGIC DEFENSE COMMAND, HUNTSVILLE, AL

Mr. HEFLIN. Mr. President, one of this Nation's most valuable national assets is located in Huntsville, AL, a

widely recognized center of excellence in both military and civil aerospace technology. Both the U.S. Army and NASA's Marshall Space Flight Center provide an unequalled source of technological expertise for the Nation and will play an important part in this Nation's future.

Particularly notable is the U.S. Army Strategic Defense Command located in Huntsville's Research Park which has been researching technology to defend this country against nuclear ballistic missiles for more than 30 years. During this time, the Army has become a leader in the fields of optics, lasers, neutral particle beams, kinetic-kill interceptors, nuclear hardening, and distributed data processing. This work has provided the foundation for much of today's strategic defense initiative and promises to continue to foster the needed technological advances for the future security of this Nation.

The Strategic Defense Command's advanced research center in Huntsville was the first operational mode of SDIO's national test bed, a unique computer simulation facility used as systems analysis/battle management tool to aid in strategic defense planning. This is just one example among many.

Today, I want to honor an individual who has contributed greatly to this distinguished record that the U.S. Army Strategic Defense Command has achieved: Dr. William O. Davies.

Dr. Davies is technical director, U.S. Army Strategic Defense Command. He has held key executive positions in the U.S. Army ballistic missile defense organization for more than 20 years. In that time he has been instrumental in establishing system concepts and technology that have enhanced the Nation's strategic defense posture.

He has served as the top civilian manager of the U.S. Army Strategic Defense Command's billion-dollar-plus annual Strategic Technology Program since 1986. In this capacity, he has provided the command's leadership for preparation for the Defense Acquisition Board reviews that resulted in decisions to pursue many key Army technologies.

He directed studies that led to the Army being assigned the lead in the development of a land-based, kinetic energy antisatellite [Asat] system for the Nation. As a result, an Asat joint program office, headed by an Army brigadier general, is collocated with the U.S. Army Strategic Defense Command in Huntsville to take advantage of kinetic energy technology being pursued for SDIO.

He also oversaw the command's transition to Ada software and established a commandwide total quality management program.

As director of the systems development directorate—and its successor, the systems analysis and battle management directorate—from 1985 through 1989, Dr. Davies was responsible for formulation and assessment of BMD system concepts. In this role he led development of the first computerized SDI battle management simulation as well as directed global sensor network experiments for early identification of system integration issues.

From 1969 through 1984, Dr. Davies was director of the Army BMD Advanced Technology Center's optics directorate. Dr. Davies directed the Optics Program that established a military capability for cold-background sensors that operate in a space and hostile environment, and is the technology basis for the current SDIO optical sensor surveillance concepts. He also directed the Army's pre-SDI free electron laser efforts, which are the basis for the country's next generation high power laser.

Prior to entering Government service, Dr. Davies was employed as a physicist by IIT Research Institute and Firestone Tire & Rubber Co. in a series of increasingly responsible positions.

Dr. Davies is a native of Akron, OH. He holds a bachelors degree in physics from Oberlin College, masters degree in physics from the University of Akron, and doctor's degree in technology management from Southeastern Institute of Technology. He is the author of more than 50 publications in the fields of chemical physics, reentry physics, space flight, and strategic technology.

With these kinds of accomplishments to his credits, it is no surprise that Dr. Davies was recently named Engineer of the Year by Region II of the American Institute of Aeronautics and Astronautics [AIAA].

In December 1989, Dr. Davies was 1 of only 11 senior Army executives to receive a Presidential Rank Award of Meritorious Executive which includes a \$10,000 cash award. At that time, Davies' award nomination cited him for "innovative leadership and dedication to the public interest that have been instrumental in establishing systems and technology to support the President's strategic defense vision. His personal initiative has been the driving force for technology advances that offer revolutionary improvements in surveillance and strategic defense. He has served as a catalyst for industry-university-government cooperative efforts critical to the success of this complex program."

He has also been named BMD Senior Executive of the Year and has received repeated awards for outstanding performance.

Dr. Davies' accomplishments reflect credits not only on himself and the U.S. Army Strategic Defense Com-

mand, but on Alabama and the United States of America. It is people like this—skilled, trained professionals—that make our country strong.

Thank you, Mr. President.

#### REGARDING EDUCATION FOR DEMOCRACY, USA

Mr. HEFLIN. Mr. President, I rise today to inform my colleagues of an organization which was recently formed in the United States to further democracy and progress for the citizens of Czechoslovakia. I am proud to report that the head office for this organization—Education for Democracy, USA—is located in my home State of Alabama, in the city of Mobile.

The past year has brought enormous change to the political landscape of Eastern Europe including that of Czechoslovakia. President Havel has been leading the charge of democracy across Czechoslovakia and I am confident that this program will help his efforts. He has recently asked American teachers and businessmen to travel to Czechoslovakia to help with the transition to democracy. He has also asked the Peace Corps to send about 60 people to teach English. These requests together with the willingness of the Czech people to learn English and promote democracy show the importance of Education for Democracy, USA.

In light of the address given today by President Havel before a joint session of Congress, I believe this is an appropriate time to acquaint Members with this program.

On the premise that democracy in Czechoslovakia would be furthered by developing an understanding of the English language and cultivating interaction with Western ideas and people, this organization was formed a few months ago in Toronto, Canada, by a gentleman named John Hasek. He obtained agreement from the Czechoslovak Government to support the presence of English as a second language instructors in every Czechoslovak college and university. Already, many Canadians have arrived in Czechoslovakia to begin teaching English to some of the estimated 70 percent of the student population who are eager to participate in this program.

A few weeks ago, Mr. Hasek visited Mobile, AL, to meet with Ann Gardner, who was interested in starting a U.S. chapter of this organization. That initial meeting and local press have resulted in an overwhelming expression of interest from people in Mobile. College students, professors, attorneys, retirees, and others are currently making plans to travel to Czechoslovakia.

I am encouraged by the support which this program has found in the Mobile area. In the few weeks since

Mrs. Gardner began the U.S. chapter of the program—Education for Democracy, USA—there have been close to 100 Mobilians who have expressed interest in the program. In fact, two individuals are scheduled to leave for Czechoslovakia in just 2 weeks.

Volunteers must have an excellent command of the English language, a valid passport, transportation to and from Czechoslovakia and be in good health. Upon their arrival in Czechoslovakia, they will participate in an orientation program and be taken to their designated facilities where they will be provided with lodging and board at a student residence or in the home of individual students and families. By housing these instructors with the Czechoslovakian families and students, both sides will get exposure to the other language and culture.

Instructors will teach English for approximately 4 hours per day, 5 days per week for 2 to 6 months. The Czechoslovakian Government will pay the instructors a base stipend of 1,200 crowns per month, which may be supplemented by the individual institutions depending upon the academic credentials of the instructors.

Mr. President, the opportunities which this program provides for increasing the understanding and good will between our two countries are phenomenal. I hope that people from all across our Nation will follow the fine example which I am proud to say has been set in Mobile, AL, and support this program in every which way they can.

I will continue to support this program and am hopeful my colleagues will strive to promote it in their home States. I also hope that we will be able to locate funds which will assist the Education for Democracy Program in fulfilling its mission.

Thank you, Mr. President.

#### FIGHTING IN LEBANON

Mr. MITCHELL. Mr. President, yet another round of fighting has erupted in Beirut. Once again, we read of hundreds killed and thousands wounded. Once again, we read of great human suffering and massive property damage.

But this time, the fighting is not between East and West Beirut, between Lebanese Muslim and Lebanese Christian. It is between Lebanese Christians alone. For more than a week now, the Lebanese Christian Militia of Samir Ja'Ja' and the Christian Army troops loyal to General Aoun have been battling one another, principally in East Beirut, but also elsewhere in Lebanon's Christian enclave.

Regrettably, such internecine warfare is well known in Lebanon, within both the Christian and Moslem communities. Indeed, just before this out-

break of intra-Christian fighting, battles between Lebanese Shiites raged in West Beirut and South Lebanon.

All internecine fighting in Lebanon, whether it pits Christian against Christian, or Moslem against Moslem, makes a mockery of any hope for Lebanese unity. What chance is there for a unified Lebanon when the constituent communities of that tragic country are themselves driven by violent struggle? How will Lebanese Christian and Moslem live in peaceful union when their own religious communities are so internally divided?

I join Maronite Patriarch Sfeir in urging an immediate cease-fire. I urge all parties to the fighting to negotiate their differences. The Lebanese people have suffered far too long, and Lebanon's communal and national suicide must stop.

Mr. President, I know that other Senators on both sides of the aisle share my concern about the continuing carnage in Lebanon. I wish, therefore, to call their attention to an excellent speech on Lebanon by the distinguished minority leader in Los Angeles, CA.

In addition to calling for the immediate withdrawal of all foreign forces from Lebanon, Senator DOLE strongly supported the appointment of a special United States Envoy for Lebanon.

I wish to associate myself with Senator DOLE's call for a special envoy. Appointing a special United States Envoy is a must, certainly as long as our Embassy in Lebanon remains closed. It is, in fact, the only way to ensure that the issue of Lebanon commands attention at the highest levels of the Bush administration.

Mr. President, I know my colleagues will be interested in the full text of Senator DOLE's remarks, and I ask that the his speech be printed in full in the RECORD.

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

**SPEECH BY SENATOR DOLE BEFORE THE AMERICAN TASK FORCE FOR LEBANON AWARDS DINNER, LOS ANGELES, CA**

I am truly honored to receive the Philip C. Habib Award.

I'm also honored to be following in the footsteps of last year's recipient, Senate Majority Leader George Mitchell. He's a great Democrat—I happen to be a Republican. Each of us is proud of our party—and I admit it: I want his job—majority leader.

But any partisanship we have is tempered by a real friendship, and by mutual respect.

And when it comes to the issue of Lebanon, George Mitchell and Bob Dole have always been, and will continue to be, of one mind.

#### I CARE ABOUT LEBANON

Like many of you, I've come a long way to attend tonight's dinner. I've made the journey for one reason above all others—I care deeply about Lebanon.

We live in a remarkable time. Every day, our headlines tell anew of people long opp-

pressed, seizing their own freedom; taking control of their own future.

For most of us, it is the most hopeful time in this century. A time when tyranny, foreign domination and deprivation seem to be melting away in places from Panama to Poland.

Yet Lebanon's long night of death and destruction continues.

Foreign forces occupy the country, with a choke hold on national sovereignty.

Radical forces terrorize the population, Lebanese and foreign.

Innocent commerce has been nearly snuffed out—while illicit markets in human lives, lethal arms, and deadly drugs flourish.

As it has for months, Lebanon teeters on a critical edge—and any new missteps can bring the final destruction of that great nation.

#### SPEAK OUT!

By contrast, only the most extraordinary efforts—by Lebanese, by the leaders of the nations of the world, by us—only the most extraordinary efforts can save Lebanon. Your presence here demonstrates that you are not prepared to stand by and watch that nation—the nation of your families and friends—disappear from history.

But what can you—what can we—do? The first order of business is to speak out. Clearly, persistently.

I spoke a moment ago about headlines. Like it or not, ours is a political system too often driven by headlines.

Today's crisis is tomorrow a vague memory. Today's top priority is tomorrow lost in the shuffle of more pressing business.

We have to face the facts: for too many in Washington, Lebanon has fallen off the screen. The only "issues list" that it tops—is the list of those issues to avoid like the plague.

To many politicians, it is too complex, too sensitive. To national security planners, it is too dangerous.

Saddest of all, for many people—it is simply seen as too late; Lebanon, many say, is already lost.

Those are the facts of life in Washington in 1990. If we allow those attitudes to persist and prevail; if we become too preoccupied with our own problems—then we will share the blame for Lebanon's demise.

We cannot let that happen. You in the task force are pledged to see that it won't happen. tonight, I renew to you my pledge—I won't let it happen, either.

#### SPECIAL U.S. ENVOY

And let me be specific: one way to insure that the issue of Lebanon enjoys the priority it must have—is to implement the proposal of the task force, that we have a special American envoy for Lebanon; someone who will devote full time and attention to Lebanon; someone who will make it clear that the United States is serious about Lebanon.

But it is not enough to just speak out. We must talk sense.

Talking sense about Lebanon starts with putting first things first.

The first priority must be an end foreign intervention. Until that is accomplished, no other permanent progress is possible.

#### ALL FOREIGN FORCES OUT

There is no need to equivocate. All foreign forces must leave Lebanon—starting right now.

Some reports say Syria has agreed to a "secret timetable" for the withdrawal of its forces, at least to the Bekka Valley. I hope

those reports are true, and that the "secret timetable" will lead to a rapid, total withdrawal of Syria's forces.

When I visited Morocco last August, I spoke to King Hassan about the issue of Lebanon. I strongly urged him to persist in his efforts, as part of the Tripartite Committee, with Saudi Arabia and Algeria. The leaders of those nations have worked hard. They deserve our admiration and thanks.

But they must do more. Their agenda is not complete, and won't be, until they have secured binding commitments for the withdrawal of all Syrian Forces.

Tonight, I call on the Arab League to renew its efforts to pin down that timetable with Assad; and to let the world—and, more important, the people of Lebanon—know that it is real and binding on Damascus.

#### KEEP THE HEAT ON SYRIA

Now let me say candidly: I'm not holding my breath.

I believe there is no practical alternative to giving the Arab League the lead, and I hope it will keep pushing. But it cannot do the job without the strong, supporting pressure of an active American diplomacy.

We can't continue to "sit this one out." We must step up our direct diplomacy—yes, our pressure—on Syria.

We cannot pull our punches in Damascus, in the hope that it will somehow make Assad more willing to join in a broader peace process in the Middle East. Lebanon cannot be that kind of "sideshow" to a "center stage" effort to bring others to the bargaining table.

The fact is, we're not going to have that broader Middle East peace as long as Lebanon lies bleeding to death. With Assad, Lebanon should be our first thought—not an afterthought.

#### BAKER/SHEVARDNAZDE

And I want to make a related point. Next week, Secretary Baker will sit down with Foreign Minister Shevardnadze—to discuss, among other key topics, so-called "regional conflicts."

I have a candidate item for the very top of the agenda: Soviet policy toward Syria.

Yesterday, My Senate colleague from California, Pete Wilson, and I sent a letter to Secretary Baker. We urged that Baker deliver this clear message to Shevardnadze: as long as Moscow gives Assad the "green light" for aggression in Lebanon, the United States will keep out the "yellow caution light" on the path of U.S.-Soviet relations.

The recent rumors of Gorbachev's political demise now appear to have been premature. But one thing is clear to me: with his party in shambles, his country falling apart, and his economy flat on its back—Gorbachev doesn't have many cards to play. He needs us—desperately.

It is in our interest to see Gorbachev succeed. But we can, and should, extract a price for any "helping hand" we extend. And a part of that price ought to be more responsible Soviet policies toward Syria.

#### LEBANON BELONGS TO THE LEBANESE

Let me be clear about this, too: when I say "all foreign forces"—I mean *all* foreign forces.

Lebanon belongs to the Lebanese: not to the Syrians, not to the Iranians—and not to the Israelis, either.

The only lasting solution to the problem of Lebanon is a unified Lebanese Govern-



ment, in control of all of the territory of a democratic Lebanon.

I have spoken, to this point, about what we should do, and what others—the Soviets, the Syrians, the Iranians and the Israelis—what they should do.

But, finally, what will be really decisive is what the Lebanese, themselves, do. Lebanon belongs to the Lebanese—and it is both the right, and the responsibility, of the Lebanese to carve out their own future.

#### BOTH SIDES: END THE BLOODSHED

Let me speak frankly: the Syrians, the Soviets, and the neglect of some in Washington—all these are barriers to a solution to Lebanon's problems.

But the fact is—the biggest barrier to the creation of a peaceful, united, democratic Lebanon—is the unwillingness of some Lebanese to put the needs of the Nation of Lebanon above narrower interest.

There is plenty of blame to go around. It is neither my place, nor my intention, to point the finger at anyone, or any faction, or any religion.

I do believe it is my responsibility, as someone who cares deeply about Lebanon, to plead with every faction and every Lebanese leader—end the senseless killing; join together with a unified demand for the withdrawal of all foreign forces; and go on, in a spirit of patriotism and not factionalism, to a serious dialogue about the political future of Lebanon.

Specifically, now—I call on both sides in Christian East Beirut to halt their bloody test of might and will. Many of the causes that the Christians of Lebanon espouse are just and urgent causes—but none of those causes are served when Christian kills Christian.

#### STAND UP FOR LEBANON

Ladies and gentlemen: we are here tonight because we care about Lebanon; and because the crisis in Lebanon demands our persistent, personal involvement.

If we don't stand up for Lebanon now—what will?

It is our job. We can't duck it. Let us join together, and get the job done.

#### USA TODAY'S ALL-USA COLLEGE ACADEMIC FIRST TEAM

Mr. SIMON. Mr. President, while it is common for public attention to be focused on outstanding college and university athletes, college students who excel in the classroom rather than on the playing field receive far too little recognition. I am pleased to note that the newspaper USA Today has taken a significant step toward remedying that situation when it recently honored 20 college undergraduates for outstanding scholarship, intellectual achievement and leadership by naming them to the All-USA College Academic First Team.

This diverse group of men and women, ranging in age from 18 to 39, was chosen from among 749 scholars nominated by their colleges and universities. Forty other students were named to the All-USA College Academic Second and Third Teams.

Candidates were judged on academic performance, honors, awards, rigor of academic pursuits and the ability to express themselves in writing. The two

criteria given the most weight by judges were outstanding individual scholarship or intellectual achievement and leadership in activities on or off campus.

USA Today and the other cosponsors of the All-USA College Academic Teams—the National Association of Independent Colleges and Universities, the National Association of State Universities and Land-Grant Colleges, the American Association of Colleges for Teacher Education, and the Council for the Advancement and Support of Education—are to be commended for honoring these outstanding college students and telling their inspirational stories to millions of people across the Nation.

#### ALL-USA COLLEGE ACADEMIC FIRST TEAM

The 20 All-USA College Academic First Team members, who were honored on January 19, 1990 at a ceremony in Arlington, VA, are:

William Bien, senior, Ohio State University, Columbus;

Joseph Bliss, senior, Ithaca (NY) College;

Gerrie Bork, senior, Carroll College, Waukesha, WI;

Peter Boyer, junior, Rhode Island College, Providence;

Lori Brandt, senior, University of Iowa, Iowa City;

Jacqueline Chun, junior, University of Hawaii, Honolulu;

Shannon French, senior, Trinity University, San Antonio, TX;

Anita Fusco, senior, St. Francis College, Loretto, PA;

Hugh Herr, senior, Millersville (Pa.) University;

Karen Loeb, senior, New York University;

Paul Marushka, senior, University of Chicago in my home State of Illinois;

Shannon Mattiace, senior, Central College, Pella, IA;

Anna Miler, senior, Missouri Southern State College, Joplin;

Clark Miller, another student from my home State, a senior at the University of Illinois, Champaign;

Talia McCray, senior, Bennett College, Greensboro, NC;

William O'Dowd, senior, Creighton University, Omaha, NE;

Richard Ross, senior, University of Missouri at Columbia;

Donna Slaughter, senior, Hannibal-LaGrange College, Missouri;

Leonard Stark, junior, University of Delaware, Newark; and

Muneesh Tewari, senior, Case Western Reserve University, Cleveland.

My only regret is that my fine alma mater, Dana College in Nebraska, does not have anyone placed on this list.

The All-USA College Academic First Team was addressed by Dr. J. Dennis Huston, professor of English at Rice University and the College Professor of the Year, and Dr. John Brademas, our distinguished former colleague in Congress from Indiana and former

House Majority Whip, now president of New York University.

Mr. President, I ask that Dr. Brademas' remarks on the occasion of the selection of the All-USA College Academic First Team be printed in the RECORD.

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

#### REMARKS OF JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

I am honored to have been asked to take part in this tribute to the members of the first-ever All-USA College Academic First Team.

At the outset I want to applaud the sponsors of this program. USA TODAY and its parent company, Gannett, are accustomed to making history in the media world; now they've made history in the world of education by for the first time extending national recognition to college and university students of outstanding academic achievement.

USA TODAY has been ably assisted in this venture by four of the nation's most respected organizations devoted to higher learning: the National Association of Independent Colleges and Universities, the National Association of State Universities and Land-Grant Colleges, the American Association of Colleges of Teacher Education, and the Council for the Advancement and Support of Education.

We gather today for what I believe a most significant and imaginative gesture on the part of a society that aspires to be civilized. We want to honor those among our young who, by their accomplishments, have demonstrated a deep commitment to learning.

#### FAITH IN THE POWER OF EDUCATION

By acknowledging in this public way the achievements of these young men and women, we proclaim our faith in the power of education.

Certainly this is a faith I have held throughout my own life and so I find it easy to speak with conviction on the subject.

As the son of a Greek immigrant and an Indiana schoolteacher, I grew up in a family for whom education was paramount. So intense was my father's feeling that he used to say, "John, I'll never leave much money to my children but I will leave you all a first-class education." And he did.

That education for me included Harvard and a Rhodes scholarship to Oxford. That I should have been able to study at two of the finest universities in the world impressed deeply on me the importance of an opportunity for education. Scholarships and the G.I. Bill helped open the doors of higher learning to me.

Education remained a central focus of my professional life. In 1958—and on my third try—I was elected to the United States House of Representatives and throughout my time in Congress—22 years—I served on the committee, Education and Labor, with principal responsibility for legislation to assist schools, colleges and universities, and other institutions of learning and culture.

Here I note, too, that the district I represented in Congress was home to no fewer than six colleges and universities, including the University of Notre Dame.

Today, I have the privilege of serving as president of New York University, the largest private university in the world, with 47,000 students in 14 schools, colleges and

divisions and an annual budget exceeding \$1 billion.

And if I may for a moment put on my hat as university president, I want warmly to congratulate two students from New York University who have been selected for the All-USA College Academic Teams.

Named to the second team is an NYU undergraduate history major, Gianmarco M. Masoni.

#### KAREN LOEB OF NEW YORK UNIVERSITY

And chosen for the first team, and with us today, is a senior majoring in psychology and planning a career in pediatrics. Her father is also an active alumnus of NYU. A straight-A student, a leader on campus and a founder of the university's tutoring program for homeless children, this young woman richly deserves the honor you bestow on her today—and she also brings, in turn, great honor to her university. May I here salute: Karen Loeb.

Now from what I have told you, you can see that education has been a leitmotif of my own life.

My experiences have led me to believe in the indispensability of education in the development of a person's mind and the shaping of his or her character. And I am convinced, too, that essential to our capacity to build a nation strong both in economic and material terms and in the quality of our intellectual and cultural life is education.

So I should like today to say a few words about both these dimensions of the value of education—the contribution it makes to the individual and to the wider society.

Although the students we honor today come from different backgrounds and have followed different academic paths, common to them all is a set of standards by which they have guided themselves.

#### A SET OF STANDARDS

What are these standards?

First, they believe that increasing the power of the mind calls for the same dedication and discipline as developing physical strength and skills.

This awards ceremony, in turn, signals our belief that intellectual achievement is as deserving of recognition as accomplishment in athletic competition . . . indeed, in my view, much more so!

Clearly, one of the themes of this event, the establishment of a college academic team, is that while it is appropriate that we salute those who do well on the playing field, the time has long since come when we should be paying tribute to those who demonstrate first-class brainpower.

Here let me note an initiative at New York University that I think relates to what I am saying.

NYU, with the leadership of our Chancellor and Executive Vice President for Academic Affairs, L. Jay Oliva, helped create the University Athletic Association—a group of private urban research universities committed to the highest standards of academic achievement as well as to providing an exciting student athletic program.

Members of the UAA—NYU, the University of Chicago, Johns Hopkins, Brandeis, Case Western Reserve, Carnegie-Mellon, Emory, University of Rochester and Washington University at St. Louis—give no athletic scholarships. Although we believe in both, we give primacy to academics over athletics.

And as I speak of scholarship and learning, let me here acknowledge the dedicated men and women who comprise the American professoriate, represented here today by

one of their most respected members, the "College Professor of the Year" and professor of English at Rice University, Dr. J. Dennis Huston. I salute Professor Huston as well.

#### EXCELLENCE, NOT MIEDIOCRITY

A second precept that has motivated the young persons on the All-USA College Academic First Team is that excellence, not mediocrity, is the only goal worth having.

On this point, I can do no better than repeat the wisdom of my Hellenic ancestors. For this, according to the Greeks, is the true definition of happiness: "The exercise of vital powers along lines of excellence in a life according to their scope."

Nor do I here equate excellence with success. The eloquent sportswriter Thomas Boswell of the *Washington Post* warns of the obsession with winning that results from confusing the two.

Success, says Boswell, is measured externally . . . by comparison with others; success is often beyond our personal control and moreover, it is perishable.

Excellence, on the other hand, is an internal quality, a consequence in large measure of the capacity and of the commitment of an individual. Excellence, therefore, endures.

And here, I respectfully suggest, are two other rules these students have followed:

That active engagement in human affairs brings greater satisfaction than cool indifference; and, closely related, that a concern for others, not simply self-seeking, is the mark of a humane and accomplished man or woman.

Now if these several standards, these rules for living, sound old-fashioned, it is because they are—but no less true for that.

Indeed, I would assert that the values embodied in these rules are today more relevant than ever.

Why do I say this?

#### THE TASKS FACING THE NATION

Consider the tasks that face us as a Nation as we enter the final decade of the 20th century.

The world is being recast before our eyes by the dramatic political and economic changes in Eastern Europe and the Soviet Union. The grip of Communism is everywhere loosening and we are entering a period of tremendous hope—and tremendous challenge.

Can the Soviet Union and the nations of Eastern Europe break away from totalitarian systems of government and controlled economies without breaking up in the process?

How should we in the United States react to the prospect of the new European Community scheduled to come into being in 1992?

Beyond Europe, how should we respond to the rising economic powers of the Pacific? To the declining economic prospects of the Third World?

Here at home we face a daunting array of problems: budget deficits and trade deficits, AIDS and drugs, pollution, poverty, homelessness, inadequate health care and deteriorating schools.

It must be obvious that to cope effectively with such challenges, domestic and foreign, we require intelligence of the first order—the kind represented by the students here today.

Yet there is a larger point that I want to make. It is that in order to undertake the tasks before us, we must have, in addition to qualities of intellect and insight, certain

qualities of character: integrity and accountability, concern and commitment courage and compassion.

For as you may have noticed, these characteristics, especially in the public arena, have lately been in short supply.

The last few years have revealed a disturbing story about the ethical perspectives of people in positions of leadership in many sectors of American life: insider trading on Wall Street; conflicts of interest on Capitol Hill; waste, fraud and abuse in Federal agencies; convictions in City Hall; illicit activities of athletic heroes; preachers who pray for money more than souls.

Given these examples of life in the so-called "real world," what should American college students today think? How should they respond?

Should they retreat from the world? Enter a monastery? Join an ashram?

Should they conform to the world? Go for a quick buck? Look for moral shortcuts?

#### CAREERS IN PUBLIC SERVICE

No. I would suggest another route altogether—and it is one clearly chosen by the students we honor today; active engagement in a society that needs their talents, idealism and energy as never before.

In fact, I take advantage of this occasion to voice the hope that more well-educated, highly motivated young Americans—like those who sit before me today—will, as they complete their studies, consider careers in public service.

Such careers could include working in the nonprofit world of foundations and social service agencies, or could mean positions in state and local government.

They could mean working for the Federal government as a career civil servant or diplomat, or even deciding as I first did thirty-six years ago, to take the plunge into the rough and tumble of electoral politics.

At a moment when we as a Nation are in desperate need of men and women fired with what the great American historian Henry Steele Commager has described as "the passion for public service that animated the foundation fathers," I express the hope that more talented young people will choose that avenue along which to "exercise their vital powers."

Let me add a final note about the enterprise that helped nurture the outstanding students before us. It seems to me that essential to meeting the challenges of the new decade and the next century is a healthy system of colleges and universities.

By any measure, American higher education is the envy of the world. As Stephen Graubard, editor of *Daedalus*, said recently, the colleges and universities of this country have shown "a remarkable capacity for growth, innovation, invention and renovation." But, he warns, "No one would have made that claim in 1939 . . . and one cannot be certain that such a claim will still be made in 2039."

For we cannot today take for granted that the quality of higher education we have now will last forever. Far from it.

American colleges and universities are facing formidable obstacles: inadequate Federal student aid, a looming shortage of facility, decline of the physical infrastructure that supports scholarship and research, a continued drop in graduate school enrollments, and too little emphasis on the study of foreign languages and cultures and generally, on the liberal arts.

## INVEST IN EDUCATED MEN AND WOMEN

My message is simple and straightforward: If the American republic is to survive, indeed, to flourish in the new world of the 21st century, we must be prepared to invest—and invest more, and more wisely—in educated men and women—and in the school, colleges and universities that produce them.

So to the members of the All-USA College Academic Teams I extend my warmest congratulations and best wishes for the future.

And I leave you with a message delivered over 30 years ago to another group of college students by a young United States Senator from Massachusetts.

The Senator was John F. Kennedy, and he exhorted his audience to, in his words, "offer . . . to the critical problems of society . . . the benefit of the talents which society has helped to develop in you."

"I ask you to decide," continued Kennedy, "as Goethe put it, whether you will be an anvil—or a hammer. The question is . . . whether you are to give to the world in which you were reared and educated the broadest possible benefits of that education."

My wish for you today is that each of you will continue to be a hammer and give to the world in which you were educated the broad benefits of your education.

## AIRLINE DEREGULATION: PORTRAIT OF A TROUBLED INDUSTRY

Mr. HOLLINGS. Mr. President, I rise today to share with my colleagues a superb five-part series of articles on airline deregulation which appeared recently in the Charleston News and Courier. The reporter, Larry Eichel, presents a sobering portrait of our air transportation system. Fares are on the rise, in fact rising faster than the overall cost of living during the last 2 years. Service has become erratic, with canceled and overbooked flights all too common. And, of course, safety is a major concern. I have chaired numerous hearings in recent years examining allegations that competitive pressures have caused airlines to cut corners. The most recent example of this is the continued operation of a number of aging aircraft far in excess of their intended lifespan. These are all issues that must be addressed by Congress during the year that lies ahead.

Mr. Eichel argues that there are a number of drawbacks to reregulation of the airline industry. Certainly, there is not a consensus in this body to return to the pre-1978 days of the Civil Aeronautics Board and comprehensive regulation of every fare and route.

By the same token, there is no question in this Senator's mind that the Federal Government must play a more constructive and assertive role in ensuring the safety, reliability, and affordability of airline travel in this country. We have a responsibility not just to passengers flying between New York and Los Angeles, but to the many millions of air travelers in small

and medium-sized communities throughout the country.

Let me note that, last year, Secretary of Transportation Sam Skinner initiated a review of the competitive situation in today's airline industry, and his conclusions are due out any day now. We look forward to his recommendations for action. Certainly, I believe that strong action is required. Indeed, the time may be fast approaching when Congress must reexamine the wisdom of wholesale deregulation in this critical industry.

Mr. President, I ask unanimous consent that the five articles from The News and Courier be printed in the RECORD at this point. Thank you, Mr. President.

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

## DEREGULATION FAILING TO DELIVER ON PROMISES

(By Larry Eichel)

(EDITOR'S NOTE.—Eleven years ago, Congress deregulated the airlines, with the promise of lower fares and better service through enhanced competition.

(For a time, deregulation worked just the way its champions had predicted it would. New airlines popped up all over the countryside, airfares declined, and air travel mushroomed.

(But today, nearly all of the upstart, low-fare carriers are gone, along with some long-established ones—more than 200 casualties. Their assets have been redistributed by bankruptcy courts or gobbled up in a wave of merger mania.

(A five-part series beginning today and continuing in The News and Courier will examine deregulation and how it went awry.)

One recent Friday evening, David Brown boarded United Airlines flight 103, non-stop service from Philadelphia to San Francisco. So did Andy Skibo, Don Siegrist, Brad Weaver and Judith Benson.

David Brown sat in coach. So did the others.

He dined on California lasagna and beef roulade. The others did, too.

But there was one major difference between David Brown and his fellow passengers.

David Brown paid \$586 for his seat.

Andy Skibo paid \$483.

Don Siegrist paid \$358.

Brad Weaver paid \$229.

And Judith Benson, one row in front of Brown and just across the aisle, paid \$124.

"It's an amazing thing," said Brown, a sales representative for a California wine company, shaking his head. "The mysteries of airline pricing are unbelievable."

This array of prices, one of the most wide-ranging in all of American life, is the direct result of an experiment launched by Congress 11 years ago.

The experiment was called airline deregulation.

And like so much that has happened in the airline industry since, this was not what the framers had in mind.

The idea was that there would be more airlines. In fact, today there are fewer.

The theory was that there would be more competition. In a lot of places, there is less.

The expectation was that the airlines would compete primarily through ticket prices. For the most part, they don't.

The promise was that there would be better service. To many passengers, air travel has never been such a hassle.

"Disturbing trends have developed," said Sen. John McCain, R-Ariz., who has introduced a bill designed to encourage more intense competition.

When it deregulated the airlines in October 1978, Congress decided that it would stop treating the industry as a public utility. No longer would the government tell the airlines what routes they could fly and what they could charge, as it had for 40 years. The carriers, and the marketplace, would make those decisions.

For a time, deregulation worked just the way its champions had predicted it would. New airlines popped up all over the countryside, and consumers reaped the benefits of spirited competition. Airfares declined, service increased and the number of passengers mushroomed.

But those days are gone. Today nearly all the upstart, low-fare carriers have disappeared, along with some long-established ones—more than 200 casualties in all. Their assets have been redistributed by bankruptcy courts or gobbled up on a wave of merger mania that reached its zenith during the second term of President Ronald Reagan.

In their place are eight "megacarriers"—American, Delta, Northwest, Pan American, Texas Air (the parent company of Continental and Eastern), TWA, United and USAir.

And rising fares.

Average domestic airfares increased by 12 percent in the first half of 1989 compared with the first half of 1988, according to the Air Transport Association, the industry's trade group.

Fares have been rising faster than the cost of living for the last two years. While budget fares remain available to vacationers willing to lock in itineraries far in advance, business travelers have seen fares on their discounted tickets rise 47 percent since last fall, according to Runzheimer International, a travel management firm.

Those unregulated fares—along with the ongoing array of airline mergers, consolidations, takeovers and bankruptcies—have spurred debate about whether the time has come for the government to reassert some control.

"The issue is not deregulation or re-regulation," said Sen. John C. Danforth, R-Mo., who favors government intervention. "The issue is lack of competition. . . . This is a hot-button issue."

The trend in the airline industry is toward a marketplace controlled by the large and the few—a situation economists call an oligopoly.

In 1978, on the eve of deregulation, the eight largest airlines accounted for about 80 percent of the business on all U.S.-flag carriers. Now they control more than 93 percent.

Some of the advocates of deregulation originally believed that the old, established airlines would prove to be "dinosaurs," huge, slow-witted creatures that would fail to adapt to the new environment and rapidly become extinct.

A few of those dinosaurs did fade away. It took the others a while to adjust. But eventually they figured out how to turn their bigness into an asset by creating a new game in which only they could afford to play.

"The field was open, and they could make the rules," said Chris Witkowski, who heads the Washington-based Aviation Consumer Action Project. "There was no understanding (by government) of the marketing de-

vices that would be developed and no will to keep them in check."

The major airlines poked gaping holes in the two theories on which airline deregulation was based.

One was that there was no inherent advantage in bigness, no "economies of scale," as the economists like to say. The other was that the mere threat of competition on a route was enough to keep fares in line.

The carriers destroyed those theories by creating an intricate web of marketing devices to attract and hold customers—regardless of ticket price. They were so radically different from anything that had come before that a whole new language had to be invented to describe them.

Frequent-flier programs. Computer reservations systems. Yield management. Code sharing. Commission overrides for travel agents. Hub-and-spoke route systems.

These marketing devices served two fundamental purposes: They deterred price competition among existing airlines, and they discouraged the formation of new ones.

Working in concert, they created a market in which there is little incentive for a traveler to patronize a new airline, little incentive for a travel agent to book the traveler on it and little incentive for an investor to finance the venture in the first place.

The airlines set up hub-and-spoke route systems to capture traffic, dominate regional markets and increase efficiency.

They locked up airport departure and arrival gates with 40-year leases, so that, in some cases, there literally was no room for competitors to come in.

They took nearly all the landing slots at the four airports where the government limits air traffic—Chicago's O'Hare, Washington National and New York's Kennedy and LaGuardia—thereby limiting the ability of any new entrant to set up a national route system.

And they bought up other airlines to eliminate competition and to achieve "critical mass"—the size and reach they needed to survive in the world they had created.

Northwest consumed Republic, its prime competitor in Minneapolis-St. Paul. TWA merged with Ozark, its rival in St. Louis.

Delta gobbled up Western. American absorbed Air Cal. USAir consumed Piedmont, Empire and Pacific Southwest. And Texas Air bought Eastern, Continental, People Express, New York Air and Frontier.

The big airlines used control over information, rooted in their computer systems, to help kill off the low-fare carriers that seemed to be the wave of the future in the early years of deregulations.

The demise of People Express, the best-known of the low-fare operators, was "a classic, textbook case of information technology as a competitive weapon," said Donald Burr, that airline's founder.

Information technology—the ability to assemble and manipulate complex combinations of fares and schedules—gave airlines the ability to target different ticket prices to different kinds of passengers with remarkable sophistication and precision.

Only the established airlines had enough money to put that technology to use. It allowed them to match the low fares of the upstart carriers on a selective basis, thereby taking away those carriers' reason for being.

"The computer is such a refined tool for pricing," said Louis A. Marckesano, who monitors the industry for Janney Montgomery Scott, the Philadelphia-based investment firm. "It allows a rifle-shot approach that can be deadly."

That approach continues to this day, allowing the major airlines to limit price competition among themselves—even on routes where they do go head-to-head.

Right now, four major carriers—American, Continental, Delta and United—operate 22 daily non-stop flights between Denver and Dallas-Fort Worth, a distance of 654 air miles. All four charge the identical coach fare, \$300, one way.

Why doesn't one of the airlines drop its price and grab the business?

"If I know that if I cut my fare \$20 today, you're going to cut yours \$20 tomorrow, then it's stupid for me to do it," said Randall Malin, executive vice president for marketing at USAir. "Why would I do that?"

"We went through a period of bashing each other's heads in over fares," said James Lundy, a spokesman for Delta Airlines, looking back at the early years of deregulation. "It took us a while to learn how to compete."

Some airline executives—and some economists—argue that the airlines had no choice but to insulate themselves from unfettered price competition. They say that the product being sold, the airplane seat, has one distinctive trait that makes such competition inherently destructive.

That trait is its perishability. An unsold seat becomes worthless the moment the plane departs. At the same time, the actual cost of putting someone in that seat at the last minute is almost nothing—just the printing of a ticket and the providing of a meal.

So free market forces encourage carriers to engage in constant and brutal fare wars, matching each other fare cut for fare cut. And the carriers, in the interest of survival, had to make sure that didn't happen too often.

That is precisely what they have done.

In effect, the airlines have taken what used to be their basic product—single-plane, unrestricted coach service between two major cities—and made it their premium product, at a premium price.

Barbara R. Amster, vice president for pricing and yield management at American Airlines, says the full-coach seat is worth every penny.

"I charge you nothing if you don't use it," she said. "You are totally unpenalized. Can you get a car that way? Can you get a TV that way? Can you get a theater ticket that way? The answer is no."

Deregulation advocates point out that uniform pricing, which was enforced until 1978 by the Civil Aeronautics Board, is not the rule for other goods. A chocolate bar may sell for 25 cents at a supermarket, 50 cents at a convenience store and \$1 at a movie theater.

"We've always been used to shopping for the chocolate bar," said James C. DeLong, Philadelphia's director of aviation. "Some of us are still not used to shopping for the best buys in transportation."

Airline deregulation has created some real benefits. Indeed, airline executives, government officials and many economists contend that, for all the grumbling, it has worked out extremely well.

Statistics indicate that deregulation has accomplished two of its prime missions—reducing average fares and getting more people into airplanes.

Consider fares. The average airline fare, when adjusted for inflation, is slightly lower today than in 1978. Before the big increases of the last two years, it was substantially lower.

That average fare is the combination of two pricing trends: sharp declines for travelers who can book their trips far in advance—declines that have made flying more accessible to people with modest incomes—and sharp increases for people who make their plans at the last minute.

Economists and lawmakers worry that, in the long run, diminishing competition will cause fares to rise more quickly.

Consider passengers. The number of people traveling on airlines has increased about 65 percent since 1978, fulfilling the promise that deregulation would make flying accessible to the masses. The number of flights up about 35 percent.

Polls indicate that about 73 percent of the adult population has flown at least once; before deregulation, the corresponding figure was 63 percent.

But critics of deregulation argue that much of the increase in air traffic would have happened anyway—that it is more a result of economic prosperity than of deregulation.

And there is another factor to consider—public dissatisfaction.

Survey after survey has found widespread public unhappiness with the experience of flying. Those surveys indicate that the people who travel the most are the ones who are most upset—about poor service, delayed flights, aging airplanes and higher fares.

Early last year, a Roper Poll found that public opinion, which was narrowly in favor of deregulation in the early 1980s, was now narrowly against it. And that was before the big fare increases.

[From the Charleston (SC) News and Courier, Dec. 25, 1989]

#### PHILADELPHIA CHANGING FACE OF DEREGULATION

(By Larry Eichel)

PHILADELPHIA.—Airline deregulation has started to change course. And Philadelphia is the place.

Philadelphia International is the only airport in the country where the federal government, in effect, has mandated that there be competition among airlines.

It did so by paving the way for Chicago-based Midway Airlines to come here to compete with USAir, the dominant local carrier.

The process began in March when strike-bound Eastern Airlines announced that it had agreed to sell all its operations at Philadelphia International Airport—eight gates and two Canadian routes—to USAir. The deal would have assured a dominant position for USAir, which already operated more than 50 percent of the flights here.

Under the hands-off philosophy that prevailed in government for the last decade, the plan probably would have been approved. But this time, there were objections.

The first came from Pennsylvania Attorney General Ernest D. Preate Jr., who argued that the transaction would give USAir, which also had 86 percent of the market in Pittsburgh, a "near-monopoly" on air service, in the state.

The second and more significant one came from U.S. Secretary of Transportation Samuel K. Skinner, who said he worried that the sale of the gates would "significantly reduce the potential for new competition."

Ultimately, the Justice Department agreed with both of them and threatened to file an anti-trust suit to block the sale.

Eastern responded by backing out of the deal. Instead, Eastern sold its Philadelphia routes and gates—along with 16 DC-9 jets—to Midway, which had not been a major player here.

The benefits to consumers are apparent already.

Midway Airlines started new service to seven cities in Florida on Nov. 15 and is to begin operating a north-south hub with 36 daily flights this month.

The result, at least for now, is that the city is enjoying more frequent service on many Florida routes, particularly Philadelphia-Miami.

Six months ago, only USAir offered non-stop service to Miami, twice a day, with one-way fares in the \$300 range. Now, five carriers offer 14 daily flights and fares have sunk as low as \$79. And fares are dramatically lower wherever else USAir and Midway go head-to-head.

The question is whether the federal intervention that brought Midway here—a marked shift from the laissez-faire policy of the Reagan years—will be duplicated elsewhere and will benefit local consumers over the long haul.

Many industry analysts are openly skeptical about whether a small airline like Midway, the nation's 13th largest, can survive for long in a market already occupied by a mega-carrier like USAir.

"I think Midway is going to have a hard time," said Edward Starkman, airline analyst at the investment firm of Paine Webber. "They have no presence in the travel agencies. They have a poor frequent-flyer program. If they go in relatively quietly and content themselves at first with carrying USAir's spillover, they could do fine. But if they get into a price war with USAir, they'll lose."

Until now, the frequency and variety of flights at Philadelphia International have not been what one would expect for the nation's fourth-largest metropolitan area, experts say.

According to data compiled by the Air Transport Association, Philadelphia ranks 28th among major metropolitan areas in terms of number of flights relative to the number of local passengers.

And Philadelphia ranks only 18th in terms of local passengers generated, behind such smaller cities as Denver; Houston; and Seattle, according to statistics compiled by TWA.

Industry analysts have two theories why this is so.

One has to do with location: Many of the prime destinations for Philadelphia travelers—New York; Washington; Baltimore; Harrisburg, Pa.; Atlantic City, N.J.—are nearby and readily accessible by train or by car.

The other is the availability of lower fares and more frequent service at two airports in the New York area—Newark in New Jersey for domestic flights, John F. Kennedy in Queens, N.Y., for international flights. Both are readily accessible to Philadelphia-area travelers.

Beyond that, the situation may be self-perpetuating.

#### FLYING HAS BECOME "NIGHTMARE" FOR TRAVELERS

(By Larry Eichel)

(EDITOR'S NOTE.—Eleven years ago, Congress deregulated the airlines with the promise of lower fares and better service through enhanced competition.

(For a time, deregulation worked just the way its champions had predicted it would. New airlines popped up all over the country, airfares declined and air travel mushroomed.

(But today, nearly all of the upstart, low-fare carriers are gone, along with some more long established ones—more than 200 casualties. Their assets have been redistributed by bankruptcy courts or gobbled up in a wave of merger mania.

(This the second installment of a five part series in The News and Courier examining deregulation and how it went awry.)

Anne McClusky flew from Cleveland to Manchester, N.H., in November 1988 to pick up her 87-year-old mother and take her back to Ohio for the Christmas season. Their return tickets called for them to take a USAir flight from Manchester to Pittsburgh, then connect with a flight to Cleveland after a four-hour layover.

But on the morning of their return, the women got a call from McClusky's husband, Donald, who said he would drive to Pittsburgh to pick them up, thus sparing them the four-hour wait and getting them home before dinner.

Delighted, the women went to the USAir counter at the Manchester airport. They told the ticket agent of their new plans and asked that their luggage be checked only as far as Pittsburgh.

Not so fast, said the agent. That'll be another \$570.

The McClusky family had just run up against one of the facts of life under airline deregulation: a complex system with so many rules and stipulations that consumers find it all but incomprehensible.

That system has turned air travel into an experience that many travelers say has become less and less tolerable—with high fares, erratic service, cramped seats, overbooked flights and unreliable performance, in addition to all those unfathomable rules.

Many airline passengers have come to feel like pieces of baggage—that get tossed around and, sometimes, lost in the shuffle.

"It's a nightmare, an absolute nightmare," said Ken Flanders, an executive from Simi Valley, Calif., before boarding a flight recently at Philadelphia International Airport.

What happened to the McCluskys is a case in point, albeit an exceptional one. It is not every day that two people end up paying an extra \$570 for seats they never sat in.

Anne McClusky thought the request she made at the ticket counter in Manchester was a simple and reasonable one. She and her mother, Marion Pearson, just wanted to discard a portion of the tickets for which they had already paid.

Can't do that, said the agent. These are tickets to Cleveland, good only for travel to Cleveland. And these are super-saver tickets—no changes allowed.

If the women wanted to go only as far as Pittsburgh, the tickets would have to be reissued and upgraded to full coach. That would cost \$570 more.

Unsure what to do next, McClusky went to a telephone to call her husband. Too late. He was already in his car, on his way to pick up the women.

Then she went back to the ticket counter with a question: What would happen if she and her mother used their super-saver tickets, got off in Pittsburgh, let their baggage go on to Cleveland and picked up there?

According to Donald McClusky, this was the reply:

"(The ticket agent said they) would be 'blacklisted on the computer,' perhaps for life, from USAir economy fares and managed to imply that they'd be blacklisted from other airlines as well. At that, my mother-in-law burst into tears.

Reluctantly, the women paid the money. And got on the plane in Manchester. And got off in Pittsburgh. And didn't fly to Cleveland.

"This whole thing doesn't make any sense to me," Donald McClusky said in an interview. "We said to the airline, 'We want to use less of your service, use less of your fuel, cause less wear and tear on your plane,' and they said, 'Thanks, we'll charge you a lot more money and be unpleasant about it, too.'"

He recounted the incident in an angry, sarcastic letter to USAir President Edwin I. Colodny, suggesting the ticket agents in Manchester must have thought they were dealing with a "pair of rouges disguised as a middle-aged woman and her elderly mother."

"Do you have a reward system for making old ladies miserable?" McClusky asked Colodny. "are there extra points if it's Christmas?"

At the end of December, McClusky got his answers. They came in a letter from Harry M. Roth, USAir's director of consumer affairs at the time.

No \$570 check was enclosed. No apology was offered. Instead, there was an explanation of the fare structure and of the airline's need to protect it.

Wrote Roth: "Although I understand, and appreciate, the reasons you found it easier to pick up your wife and her mother at their connecting point in Pittsburgh, it was not the air transportation that they had reserved or paid for."

McClusky was not content to leave it at that. He complained to his congressman, who complained to the Department of Transportation, which complained to USAir. Last month, nearly a year after the episode, he received an apology—plus a voucher good for a round-trip ticket to New Hampshire.

Judging the quality of air travel is a subjective business. Roughly 450 million people flew on U.S. airlines last year, and only 21,000 were frustrated enough to file complaints with the transportation department. The level of complaints this year is even lower, the government says.

But talk to frequent travelers and a different picture emerges. They don't complain to the government, they say, because they don't see any point in it. They expect so little that it takes a true disaster to stir them to action.

Airline executives respond that some decline in the quality of service in the cabin and at the counter was an inevitable by-product of deregulation, which converted the airliner into a true vehicle of mass transportation.

They say that much passenger discontent is the result of congestion-related delays, for which government's failure to build more airports and runways is largely to blame.

They contend that passengers tend to overstate both how bad things are now and how good they were in the old days. And they say conditions are getting better.

But they concede there is room for improvement in several areas.

Service. Flying was once an experience to be savored. On long flights in the days before deregulation, a traveler could expect

a gourmet meal, works of art on cabin walls and maybe even a piano bar.

Now, in many cases, flying is an ordeal to be endured.

Frederic V. Malek, the new president of Northwest Airlines, recently described Northwest as "a good airline but a second-rate service company."

One big reason for the deterioration in service is that planes are more crowded. Before deregulation, a typical flight was little more than half full; now the average "load factor" is 64 percent.

Several airlines, including Northwest, are studying the possibility of reconfiguring the coach section to allow passengers an expanded range of activities and service. Other carriers are setting aside more seats for "business class," delivering enhanced service to business people paying full fare.

Routes. There are more ways than ever to get there from here. But a lot of them require you to go someplace else first.

Virtually all the carriers have adopted the hub-and-spoke route structure. They funnel most of their traffic through one or two hub airports, thereby enabling passengers to make one-stop connections between numerous cities.

But the result has been a cutback in direct service between many pairs of smaller communities—a source of constant complaint in the rural United States—more congestion at the hubs and more complicated travel arrangements across the board.

According to a study commissioned by the Air Transport Association, the percentage of people taking connecting flights rather than direct flights to reach their destinations has grown from 32 percent in 1982 to 39 percent in 1988.

Delays. They have become a fact of life. More than 20 percent of all flights arrive late, which the government defines as more than 15 minutes behind schedule, according to federal statistics.

That happens even though delays stemming from mechanical problems are not counted—and even though airline schedules have been adjusted in recent years to build in extra time for congestion-related delays. Most of the adjustments have been made since 1987, when the Department of Transportation began to make public its on-time performance reports on the various carriers.

On current airline schedules, for instance, the flight time from Houston to Philadelphia is listed at 3 hours and 5 minutes. In 1978, before deregulation, the schedules listed a flight time of 2 hours and 36 minutes.

This is not entirely the fault of the airlines. Nor is it entirely the fault of deregulation.

There has not been a single new airport built from the ground up since Dallas-Fort Worth opened in 1974. And both the staffing and technology in the air traffic control system are widely considered to be inadequate.

The airlines are not responsible for building airports or for running control towers.

"There are real problems here, but deregulation by itself is not to blame," said economist Clifford Winston of Washington's Brookings Institution, a private think tank. "It's the interaction of deregulation with mismanaged public policy. . . ."

For the consumer, the most dramatic change brought by deregulation involves a basic act—buying a ticket.

The purchase of an airplane ticket used to be one of the simplest transactions in all of American life. Now it is one of the most complicated.

There are subtle forces at work behind the scenes that influence the traveler's final decision, often without the consumer even being aware of them.

Before October 1978, you called an airline—any airline—and asked if the carrier flew where you wanted to go. You knew, without even asking, that you were getting the best price because it was the only price. Uniform pricing was the rule, a rule enforced by the Civil Aeronautics Board.

Since fares were tied to mileage, it always cost about as much to fly from Philadelphia to Pittsburgh (267 miles) as from Cincinnati to Chicago (265 miles).

If the airline did not fly to the destination you wanted, or if it flew at the wrong time of the day, you could ask what other airline provided service. And you'd get an answer. The sales representatives would even tell you when the other airline's flights left—and often issue the ticket for you.

Nothing like that happens today. Sensing the complexity that confronts them, most ticket buyers begin the transaction by calling a travel agent; 80 percent of all tickets are issued by agencies.

The outcome of that conversation between agent and customer is influenced by several sets of incentives—some working on the agent, some on the customer—that can often give an advantage to the dominant airline in a particular market.

It begins the moment the travel agent turns on the computer to find out which flights might meet a client's needs.

In virtually every travel agency in the country, the computer is part of a reservation system owned by an airline. Few passengers know that, and few travel agents tell them.

Yet the reservations system in the travel agency helps determine which airline the customer travels on. Study after study has shown that the airline owning the system gets a significantly enhanced share of that agency's ticketing business.

By fostering fierce brand loyalty, frequent-flyer programs help shield airlines from competition. They ensure that, all other factors being equal—and sometimes even if they're not—the traveler will use the airline on which he has accumulated the most credits.

"This isn't a system that's good for the American public," said Ted Harris an airline consultant who is one of deregulation's most outspoken critics: "It's a system that's good for the airlines."

[From the News and Courier, Dec. 26, 1989]

#### RESERVATIONS SYSTEMS CAN CUT COMPETITION

(By Larry Eichel)

At a gathering of financial analysts last year, Robert L. Crandall, the chief executive officer of American Airlines, was asked a hypothetical question:

If the government forced him to give up either his airline, the nation's largest, or his computer reservation system, which would he choose?

He said he would have to think about it. That answer, or non-answer, underlines just how vital computers have become.

They are, in a sense, the key to the way the major carriers have managed to limit competition—both in determining how many seats to offer at what fares and in selling those seats to the public.

Consider this fact: Nearly all the nation's travel agencies use an airline-owned computer system—there are five of them—to make reservations and issue tickets.

And the two largest airlines, American and United, are far more dominant in the computer reservations business than in the air.

American's SABRE system, which is number one, and United's Apollo, which is number two, account for roughly two-thirds of the market.

Computer reservations systems (CRS) make money for their owners by collecting a booking fee, usually \$1.85 per flight, from the airline on which the flight is booked.

What that means is that American and United are siphoning tens of millions of dollars from their rivals each year.

Analysts from the congressional General Accounting Office estimated last fall that profit margins for SABRE and Apollo were in the 50 to 100 percent range. American Airlines officials say profits have run about 25 percent.

"The major CRS systems are at the root of the unreasonable industry concentration, excessive market domination and monopoly power that we face today," said Edward R. Beauvais, chairman of America West Airlines, which does not have one. "And they will lead to conditions that will allow these large carriers to increase prices, reduce services and diminish competition. They are massive, massive weapons."

A CRS is a technological marvel. In fact, American Airlines claims that SABRE—which stands for Semi-Automatic Business Research Environment—is "the world's largest privately owned, real-time computer network."

It has to be. On any given day, there can be as many as 45 million different fares and as many as 600,000 fare changes for a CRS to track.

The system gives travel agents across the country access to a full range of schedules and fares. It also provides the owner-airline with up-to-the-minute reports of what is happening in the marketplace—no small consideration in a world where information is money.

Generating the information that winds up in the system—how many seats are available in what fare classifications—is the work of another set of computers, those devoted to what airline executives call "yield management."

The purpose of yield management, a term that did not exist before deregulation, is to get the most money out of each flight. The method is to strike the right balance between low-fare passengers and high-fare passengers, between those who buy tickets three months ahead and those who buy at the last minute.

Each major carrier has roughly 100 people who practice yield management full time. Their task is to adjust supply to meet demand, hour by hour, flight by flight. By pressing a few keys on their computer terminals, they can make a fare appear one day, disappear the next and reappear the day after, depending on the pace of sales.

"Every flight is unique by time of day, day of week, time of year and type of market—leisure, business or mixed," said Barbara R. Amster, vice president of pricing and yield management at American. "We are talking massive, massive data bases that have to be updated constantly."

The cost of being even a little bit wrong—in either direction—can be very high.

If the computer "protects" 25 seats for late sale at full fare and only 20 get sold, that means five seats go empty—five seats that might have produced some revenue if

they had been made available for sale at discount.

But if 30 full-fare customers show up, the airline winds up with an overbooked plane, some very angry customers and the knowledge that it may have to turn away five passengers willing to pay top dollar—and carry five discount passengers in their places.

"The worst thing a yield manager can imagine is a flight that sells out too early," said Tulinda Deegan Larsen, vice president of Airline Economics, an airline consulting firm. "That means that revenue was not maximized."

All this helps explain why an ordinary passenger never knows how much he or she will have to pay.

Only the computer knows.

#### HUB SYSTEM GIVES AIRLINES POWER OVER MARKET

(By Larry Eichel)

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(For a time, deregulation worked just the way its champions had predicted it would. New airlines popped up all over the country, airfares declined and air travel mushroomed.

(But, today, nearly all of the upstart, low-fare carriers are gone, along with some more long-established ones—more than 200 casualties. Their assets have been redistributed by bankruptcy courts or gobbled up in a wave of merger mania.

(This the third installment of a five-part series in *The News and Courier* examining deregulation and how it went awry.)

ST. LOUIS.—At 9 o'clock each morning, it looks like all the commercial jets in the world belong to Trans World Airlines and all of them have converged on the St. Louis airport.

Thirty-some jets of varying size and type—each painted white with red stripes, each bearing the TWA logo—stand motionless at their gates, noses in, tails out, engines off.

All else is movement and noise.

On the tarmac, workers unload baggage holds and toss suitcases onto conveyor belts and into baggage trucks. Jet engines are checked, tanks fueled and galleys loaded with food and drink. Dozens of vans and small trucks scurry from plane to plane, their drivers delivering packages, parts, tools and guidance.

In a glass booth atop the main concourse, TWA operations manager Vic Caputo and seven lieutenants—armed with telephones, walkie-talkies, computers and their own eyes—monitor this intricate dance of people and machines.

Meanwhile, inside the terminal, 4,000 travelers are playing commercial aviation's version of musical chairs.

They have flown in from 30 points east of St. Louis—Philadelphia and Pittsburgh; Newark, N.J., and New York; Tampa Fla., and Toledo, Ohio. And most of them are headed for destinations west of St. Louis—Los Angeles and Little Rock, Ark.; San Francisco and San Antonio, Calif.; Denver and Des Moines, Iowa.

In determined silence, they stride from their planes into the tumult of the airport concourse. They stare up at television monitors, looking for the gate assignment of their next flight. Then they stroll, trek or sprint through the halls, depending on how much time they have and how far they have to go.

By 10 o'clock, all the TWA jets and all the TWA passengers are in the air, headed west.

The airport is empty—no planes, no people. And it stays that way for a few minutes, until the next group of planes begins to drop out of the sky.

This is a hub airport in operation.

When it works as planned, it is a logistical marvel to behold. But this system is at the heart of the debate over airline deregulation.

The issue: Hub dominance.

Since 1978, when Congress deregulated the industry, nearly every major carrier has adopted a route structure called hub-and-spoke. It is a system in which an airline offers one-stop service between hundreds of pairs of cities—the spokes—by funneling passengers through a central airport—the hub.

The problem is that once a carrier establishes a hub and becomes dominant at that airport, the airline can use its economic power to keep others out and to create a virtual lock on the local business. And there is considerable evidence to indicate that airlines convert such dominance into higher fares for local passengers.

Which explains why some travelers who live in the St. Louis area feel they have become the hostages of TWA. At Lambert-St. Louis International Airport, TWA has 82 percent of the business.

"I resent it bitterly, and it's more than an issue of money with me," said Hal Kroeger, who runs a paper products distribution business from offices in suburban Florissant, Mo., and is so frustrated that he is considering having his company lease a private jet.

"In the last three years, we've seen less courtesy, less reliability and much higher fares. And the service is as bad as the fares. The impact of having a monopoly is so deep."

It is not a situation limited to St. Louis and TWA.

USAir has 92 percent of the business in Charlotte, N.C., and 86 percent in Pittsburgh. Northwest Airlines has 84 percent at Memphis, Tenn., and 79 percent in Minneapolis-St. Paul.

American Airlines has 70 percent in Nashville, Tenn., and Raleigh-Durham, N.C. And Delta has roughly three-fourths of the market in Cincinnati, Salt Lake City and, most significantly, Atlanta, the largest hub in the South.

Three other hub airports—Dallas-Fort Worth, Denver and Chicago O'Hare—are controlled by two carriers apiece. American and Delta share 89 percent in Dallas-Fort Worth; United and Continental have 85 percent in Denver; American and United have 80 percent at O'Hare.

At several others—including Detroit Metro; Houston Intercontinental; Chicago Midway; Newark; Syracuse, N.Y.; Dayton, Ohio; and Baltimore-Washington—one airline controls more than half the traffic.

"For a significant and increasing minority of passengers who depend on hub airports, the benefits of deregulation are eroding," said Kenneth Mead of the General Accounting Office, the congressional watchdog. "This is cause for alarm."

No one is more alarmed than a St. Louis resident named John C. Danforth, a member of the U.S. Senate who is the ranking Republican on the Commerce, Science, and Transportation Committee, which oversees the airline industry.

"The problem is concentration at individual airports causing lack of competition," Danforth said. "When you're up to 82 per-

cent, as we are (with TWA) in St. Louis, how much worse can it get? I'd say that's intolerable."

Despite such sentiments, hub airports do offer some real advantages. One is convenience. Since each hub is a focal point for a carrier's entire route system, travelers living in the area have access to more non-stop flights to more places than they would have otherwise.

Another is the boost to the local economy, both from having thousands of airline employees in town and from being so accessible to the rest of the country. No city that has a hub airport has ever asked an airline to take its hub someplace else.

"Call up Louisville, call up Columbus (Ohio), call up any city that doesn't have a hub," said Randall Malin, executive vice president of USAir. "They'd give anything to have one. Communities want better service, because service means access and access means business."

But there is a price to be paid. And it comes right out of the pockets of the local travelers, particularly the local business travelers, who have no choice but to use the airport.

Study after study has shown that passengers beginning or ending their trips at most of the nation's 35 hub airports pay higher fares.

In the spring, the General Accounting Office studied 15 airports dominated by one carrier and reported to Congress that those airports had 27 percent higher fares than airports of similar size that did not have a dominant airline.

The carriers' trade group, the Air Transport Association (ATA), responded with a study of its own, based on 1988 data, concluding that hub fares were indeed higher—but only by an average of 4 percent. In that survey, fares at the Philadelphia hub came out 15 percent higher than at comparable non-hub airports.

Airline executives argue that the difference is attributable largely to the abundance of short-haul, non-stop flights available at hub airports. Under the current fare structure, non-stop flights almost always cost more than one-stops, regardless of whether hub airports are involved.

"(People served by hubs are) getting something exceptional," said ATA President Robert J. Aaronson, "and we're acknowledging they're paying a little more for it. . . . Anecdotal evidence aside, the hub-and-spoke system has evolved into a highly competitive national transportation system which provides enormous benefits to the American public."

But in St. Louis, some frequent travelers tell a different story.

"I used to be able to fly to New York for \$180 round-trip," said Alice Burgess, whose St. Louis company makes medical videos. "Now it's \$592, and that's with a seven-day advance purchase and a 25 percent penalty for changes."

TWA officials contend, though, that St. Louis is not oppressed. If it were, they say, the airline would have a full-fledged consumer revolt on its hands. And it doesn't.

"The general reaction from the business community is 'Thank God that we've got a hub!'" said TWA spokesman Don Morrison. "The area gets more non-stop flights than it would otherwise. We're one of the top five employers in the city of St. Louis, the number two employer in the state of Missouri. That wouldn't be the case if we were hubbing out of Toledo."

Barbara R. Amster, vice president for pricing and yield management at American Airlines, argues that fares at most hub airports are not out of line and that they are held in check by competition.

"It's hard to abuse the customer," she said. "He's got too many other options. If St. Louis passengers don't want to fly non-stop on TWA to Los Angeles, they can fly (one-stop) to Los Angeles over our (American) hub in Dallas-Fort Worth or United's hub in Denver or Braniff's in Kansas City."

Indeed, the almost universal adoption of the hub-and-spoke system has resulted in more choices on long-distance routes—although most of them require a stop and a change of plane.

But if you live in a hub city, your reasonable options often begin and end with the dominant airline. In St. Louis, that is TWA.

TWA has a monopoly on non-stop service between St. Louis and 54 destinations, among them all three airports serving metropolitan New York; all three airports serving the Washington, D.C., area; Los Angeles; San Francisco; Philadelphia; Boston; Hartford-Springfield, Conn.; Orlando, Fla.; Miami; Tampa-St. Petersburg, Fla.; New Orleans; Phoenix, Ariz.; Las Vegas, Nev.; San Diego and Seattle. Before deregulation, TWA had non-stop monopolies on only six of those routes.

It is not just that TWA now accounts for 82 percent of the total St. Louis market and 62 percent of the passengers for whom St. Louis is origin or destination. Flights that pass through or begin or end in St. Louis account for nearly 80 percent of the airline's entire domestic system.

The other major airlines offer St. Louis residents what amounts to token service; they operate a few flights a day between Lambert International and their own hubs. In fact, the number two carrier in St. Louis is Southwest Airlines—a lowfare carrier that offers no food other than peanuts, no assigned seats, no connections with other, bigger carriers and no service east of Detroit.

The hub-and-spoke concept existed before deregulation. Delta and Eastern have operated southern hubs in Atlanta for years, and USAir has long had a significant connecting operation in Pittsburgh.

But the coming of deregulation in 1978 gave airlines the freedom to enter and leave routes as they pleased. Airlines moved to reinforce their positions in markets where they were strong and to abandon markets where they were weak. And hub-and-spoke became the rule.

For TWA or any other airline, the hub-and-spoke system offers several obvious economic advantages.

Each carrier gains efficiency by concentrating the bulk of its personnel and its operations in a handful of cities. By bringing each flight through the hub, the airline is able to offer more service to more destinations than under the old point-to-point system.

And the more spokes the airline adds, the more options it can provide to passengers. And the more traffic it captures. Flights that otherwise were as much as 70 percent empty (and thus soon to be eliminated) suddenly were 70 percent full. The reason: Nearly every flight leaving any spoke city can take a passenger virtually anywhere, through the hub.

The system also helps make sure that a passenger, once on the airline, stays on that airline for the duration of the trip, said Robert Joedicke, airline analyst for Shearson Lehman Hutton.

Before deregulation, 16 percent of all passengers who changed planes on a trip had to change airlines as well. Now, the corresponding figure is 2 percent.

Very rarely do airlines invade hubs already dominated by other carriers. They prefer, instead, to expand their own hubs or create new ones at airports they can dominate.

"The risk of trying to come in and compete at another carrier's hub is enormous," said Shane, the assistant transportation secretary.

That explains why American Airlines set up medium-sized hubs two years ago in Nashville and Raleigh-Durham, rather than in Atlanta—Delta's stronghold.

#### DEREGULATION COMPOUNDS SAFETY PROBLEMS (By Larry Eichel)

(EDITOR'S NOTE.—Eleven years ago, Congress deregulated the airlines with the promise of lower fares and better service through enhanced competition.)

For a time, deregulation worked just the way its champions had predicted it would. New airlines popped up all over the country, airfares declined and air travel mushroomed.

(But, today, nearly all of the upstart, lowfare carriers are gone, along with some more long-established ones—more than 200 casualties. Their assets have been redistributed by bankruptcy courts or gobbled up in a wave of merger mania.)

(This is the fourth installment of a five-part series in *The News and Courier* examining deregulation and how it went awry.)

Your flight is delayed at the gate for no apparent reason; the weather is clear, all the passengers have their seat belts fastened and everything seems to be working fine.

Then the plane is held up again on the tarmac; the pilot offers some vague explanation about waiting for clearance from air traffic control, even though lots of other planes seem to be coming and going.

You are paying the price now charged for safety in the deregulated skies.

The growth in air travel and the failure of government to respond adequately have put severe strains on the nation's air travel system. And the system's way of easing those strains is to make airplanes sit on the ground and wait.

Ever since Congress enacted airline deregulation in 1978, lawmakers have repeated these words as if they were a mantra: "Congress didn't deregulate safety." Indeed, the Airline Deregulation Act eliminated the Civil Aeronautics Board, the agency that passed judgment on routes and fares, not the Federal Aviation Administration, which concerns itself with operations and maintenance.

But deregulation has had an impact on safety:

Aging aircraft have become a major concern.

Experience levels of pilots and mechanics have dropped, and a future shortage of pilots is likely.

Pressure on the air traffic control system has increased.

Even the FAA has come under criticism as too ponderous and inflexible a bureaucracy to adequately monitor a dynamic and growing industry.

By itself deregulation did not create any of these problems. But it contributed to the magnitude of all of them.

Yet, while the system has been strained, it has not broken.

The safety record of the major airlines has been better in the decade since deregulation than in the prior decade. Fewer people have died in airplane crashes in the 1980s than in the 1970s, even though the number of people flying has increased by two-thirds.

"The system is bulging at the seams, but the record shows that it is the safest in the world and has never been safer," said Secretary of Transportation Samuel K. Skinner. "I can't see where deregulation has had any impact on safety."

But Arnold Barnett and Mary K. Higgins of the Massachusetts Institute of Technology studied all the safety numbers and reached a slightly different conclusion, one that meshes with the opinions of several independent experts.

"One can plausibly contend that safety has improved despite deregulation," they concluded, "and would have improved more in the absence of the policy."

In other words, they said, deregulation may have worked against safety but not enough to outweigh a lot of other factors.

Among those factors are advances in technology, improved knowledge of what causes accidents, increased caution by controllers, the expertise of aviation professionals, the vigilance of the FAA and the relatively new concept of "flow control"—the practice of making planes stay on the ground until controllers can assure them a reasonably clear path to their destinations.

Like other aspects of the airline industry under deregulation, safety often comes down to a matter of dollars and cents. "I think we've reached a point where airlines that make higher profits are safer airlines," said John Galipault, director of the non-profit Aviation Safety Institute.

So the higher fares and increased profits of the last two years should mean that more money is now available for new planes and quality maintenance—at least for American, Delta, Northwest, United and USAir, the five most profitable major carriers.

But other airlines—Pan American, Eastern, TWA and Continental—are not doing well. And one of the healthier carriers, Northwest, has just taken on several billion dollars in added debt as the result of a leveraged buyout. United, the object of an unsuccessful takeover attempt earlier this year, may yet be headed down a similar path.

Air safety relies on four major components—the airplanes, the people who fly and maintain them, the air traffic system and the people who regulate and operate it. All four components have been substantially affected by deregulation.

#### THE AIRPLANES

Deregulation, with its emphasis on the bottom line, gave the airlines every economic reason to keep old airplanes in the sky as long as possible. And unlike the situation in previous decades, there were no major technological advances that made the planes obsolete.

Those two forces combined to produce the problem of aging aircraft. It is unprecedented. Never before in the history of commercial aviation have airline executives had to worry about a generation of planes wearing out.

The average age of the nation's fleet of nearly 4,000 jetliners is about 12 years. According to industry data, more than 31 percent of those jets are more than 20 years old.

According to the Air Transport Association, U.S. carriers have firm orders for at



least 975 planes valued at \$40 billion and options for 1,207 others, all to be delivered over the next five years.

Concern about the bottom line contributed to carriers' decisions to delay placing large orders for new aircraft until last year. Two factors have caused them to overcome their reluctance.

One was the realization that the days of low profits and cutthroat competition were gone. The other was the ripping open of an Aloha Airlines Boeing 737 in mid-flight on April 28, 1988, which made the aging aircraft issued impossible to ignore.

Since the Aloha accident, the FAA, the carriers and aircraft manufacturers have been trying to figure out what to do—amid congressional proposals that jetliners be subjected to a mandatory retirement age.

This year, the FAA, working in consultation with the industry, has established new policy directives for maintaining older jetliners built by Boeing and McDonnell Douglas.

According to the FAA, maintenance accounted for 12.5 percent of expenses in 1978 for all airlines, the last year before deregulation, but fell to 9.2 percent in 1982. That percentage was back up to 11.5 percent in 1988.

#### THE PERSONNEL

No element is more important in guaranteeing safety than the skill of the men and women in the cockpit and the hangars.

Deregulation has increased the demand for commercial airline pilots at a time when the armed forces, the traditional source of such pilots, are producing fewer and fewer.

The result has been that the average experience level of pilots at major airlines has fallen in recent years from 4,500 flying hours to 3,600, according to the Future Aviation Professionals of America, an Atlanta-based group that tries to encourage young people to select careers in aviation.

The situation figures to get worse. About 25 percent of the current crop of commercial pilots will reach the mandatory retirement age of 60 by 1997, even as the airlines continue to expand. FAA chief James B. Busey, a retired admiral, has said that his inclination is to keep the retirement age in place.

In August, the Air Transportation Association reported that the carriers already were working with 4,000 fewer mechanics than they would like.

John H. Enders, president of the non-profit Flight Safety Foundation, based in suburban Washington, also points with concern to the erosion and, in some cases, the outright disappearance of airline engineering departments, which used to watch for recurring technical problems within each carrier's fleet. Now that function has shifted largely to the manufacturers.

#### THE AIR TRAFFIC SYSTEM

In the view of the carriers, there is only one truly major problem threatening the future of commercial aviation. That is the lack of sufficient capacity to meet growing demand.

The capacity problem has several aspects. One is the lack of new airports; none has been built from scratch in the United States since Dallas-Fort Worth opened in 1974, four years before deregulation.

Another is the inadequacy of the computer equipment now being used by air traffic controllers in airport towers and regional centers. Much of that equipment is based on the technology of the 1960's.

In September, FAA chief Busey called on Congress to double the agency's spending on

the purchase and installation of computers and other new equipment—as called for in the National Airspace System plan. The plan is years behind schedule.

New computers would enhance safety by making it easier for controllers to track planes. And they would increase capacity by making it possible for planes to fly closer together.

The urgency of such improvements was underlined by a study completed in July by the General Accounting Office, the investigating arm of Congress. According to the GAO, equipment failures have caused information critical to preventing midair collisions to vanish from controllers' screens for a few moments at 27 of the 57 Terminal Radar Approach Control Centers that handle traffic at the nation's largest airports.

The number of controllers also remains a problem, as it has since President Ronald Reagan fired thousands of members of the Professional Air Traffic Controllers Organization after the union went on strike eight years ago.

#### THE REGULATORS

Nearly everyone in the aviation community respects the professionalism and commitment of the people who work for the FAA. But almost no one thinks the agency as a whole is as effective as it could be.

The basic complaints about the FAA are that its rule-making processes are too cumbersome, its bureaucracy too decentralized, its regulations needlessly complex, its inspection programs misdirected and its leadership lacking in continuity. Since 1958, the average stay in office for an FAA administrator has been less than three years.

Some members of Congress contend that the only way to give the FAA the flexibility and the clout it needs is to make it less political, by taking it out from under the Department of Transportation and giving it an administrator with a long, fixed term.

Legislation calling for an autonomous FAA is opposed by Transportation Secretary Skinner and by FAA chief Busey. It is being pushed by Sen. Wendell H. Ford, D-Ky., chairman of the Commerce aviation subcommittee, who was angered by the fact that the FAA did not have a permanent administrator for the first six months of the Bush administration.

The airlines know there is a link between safety and economic success. Given a choice, people will not fly on an airline they consider unsafe.

Beyond that, airline executives worry that if safety deteriorates, congressional opponents of deregulation will use that as justification for putting the regulatory clamps back on the industry.

"I don't think there'd be a successful move (in Congress) toward reregulation of the industry unless you could show a remarkable deterioration in safety attributable directly to deregulation," said James E. Landry, senior vice president of the Air Transport Association, the industry's trade association.

"And we would never allow it to get to that point."

[From the News and Courier, Dec. 29, 1989]

#### CONGRESS PONDER'S ROLE WITH AIRLINES

(By Larry Eichel)

(EDITOR'S NOTE.—Eleven years ago, Congress deregulated the airlines with the promise of lower fares and better service through enhanced competition.

(For a time, deregulation worked just the way its champions had predicted it would. New airlines popped up all over the country, airfares declined and air travel mushroomed.)

(But today, nearly all of the upstart, low-fare carriers are gone, along with some more long-established ones—more than 200 casualties. Their assets have been redistributed by bankruptcy courts or gobbled up in a wave of merger mania.)

(This is the final installment of a five-part series in The News and Courier examining deregulation and how it went awry.)

WASHINGTON.—Members of Congress, who are among the nation's most frequent and most frustrated fliers, take great relish in angrily recounting their personal tales of high fares, discourteous service, lost luggage and missed connections.

Many of them mutter in agreement when they hear from such outspoken critics of deregulations as Donald L. Pevsner.

"(The airlines—can screw the public every day, every flight and get away with it in the absence of meaningful competition," said Pevsner, former general counsel of Air Florida. "But meaningful competition can never again exist, absent some sort of profound re-regulation.")

Such sentiments have prompted Congress to seriously consider a more active role for government in monitoring the business of the airlines. The question is how active.

"I am a born-again regulator," said Sen. Ernest F. Hollings, D-S.C., chairman of the Senate Commerce Committee.

During the congressional session that ended Nov. 27, the House passed legislation that would prohibit any change in the ownership of an airline without the prior approval of the Transportation Department. But the bill never came to a vote in the Senate, after the Bush administration threatened a presidential veto.

Beyond that, two senior Republican members of the Senate Commerce aviation subcommittee, John C. Danforth of Missouri and John McCain of Arizona, introduced legislation aimed at enhancing competition.

Their bill would outlaw several industry practices widely considered anti-competitive and, most significantly, force the airlines out of the lucrative computer reservations business.

And two Democratic senators, Howard Metzenbaum of Ohio and Robert C. Byrd of West Virginia, have introduced the Airline Reregulation Act, calling on the government to get back into the business of regulating fares and routes.

"I don't know if complete re-regulation is the answer," Metzenbaum said. "But I do know it's time we owned up to the fact that airline deregulation was a mistake. Unless Congress steps in, airlines will continue to pilot the industry toward disaster."

Only a few voices are advocating a return to anything like the old days, when the Civil Aeronautics Board was the sole arbiter of where the airlines flew and how much they charged.

In that sense, re-regulation is not a live option.

"I do not want to get back into the fare-setting business," said Secretary of Transportation Samuel K. Skinner, who has set up a task force to recommend how to encourage competition and has demonstrated a far more activist approach to airline issues than his predecessors.

"I see no reason to do it, and I see a lot of good reasons not to do it," Skinner said in an interview. "On the other hand, I do not

have a total hands-off policy. I do not think the secretary of transportation can sit idly by and watch concentration and monopolies grow."

For legislators and policy-makers, the very complexity of the deregulated airline marketplace makes any federal intervention a truly daunting prospect. If there is one guarantee, it is that whatever action they take will demonstrate the power of the law of unintended consequences—as enactment of deregulation itself did in 1978.

Many industry analysts and airline executives argue that the current situation, in which eight national mega-carriers account for 93 percent of the business, is no great cause for alarm.

As the airline industry becomes ever more global in nature, the nation will be better served by a handful of large airlines than by dozens of smaller ones, they say.

But members of Congress are concerned about the way hub airports have become fiefdoms of individual carriers.

They are concerned about the growing power of the mega-carriers and by predictions that even a modest recession in the next few years could cause the nation's eight major airlines to dwindle to six—American, Delta, Northwest, Texas Air, United and USAir.

Both TWA Chairman Carl C. Icahn and Pan American chief Thomas G. Plaskett have said that their airlines must get bigger, merge, be taken over or die.

"The strong carriers are very strong, and weak ones are still weak, and the gap between the strong and the weak is widening," said Edmund S. Greenslet, an industry analyst based in Jacksonville, Fla.

Members of Congress are worried, too, about the possible threats to safety and competition when a mega-carrier is bought and sold in a highly leveraged transaction, as Northwest was earlier this year and as United and American almost were.

Those fears are based on the billions of dollars in new debt imposed on an airline in a leveraged buyout. In a recession, a debt-laden airline is more likely to go bankrupt or be forced into a merger, financial experts say.

"Can we afford to risk even one bankruptcy among the eight major carriers?" Rep. Peter A. DeFazio, D-Ore., asked his colleagues on the House aviation subcommittee. "Should an airline be allowed to postpone modernization in order to finance its debt? Make no mistake, many of the people and groups now interested in acquiring airlines are not industry experts. They are the quick-buck artists of Wall Street."

For their part, the airlines say deregulation has been a success; that a heightened government presence, however well-intentioned, would do more harm than good; and that the free market should be allowed to continue to do its work.

They point out that airline profits remain modest by the standards of American industry—and that profits have been slipping in the second half of this year.

"The present situation is healthy and competitive," said Robert J. Aaronson, president of the Air Transport Association, the industry trade group. "Our view is that if something is not broken, you don't fix it."

But that is not the view on Capitol Hill.

"I don't think there's debate any more on whether there is a problem," said Kenneth Mead, who monitors the airlines for the General Accounting Office, the congressional watchdog agency. "The debate is what do we do about it. And if nothing is done, I

would see further concentration and, in turn, higher fares."

Here are the options Congress and the Transportation Department are considering: Making it easier for airlines to gain access to gates and other basic facilities at airports.

The big issue, in the minds of many, is the degree to which hub airports are dominated by single airlines. And it is hard for an airline even to contemplate competing at a dominated hub if it can't get enough gates.

Many gates are tied up for years on long-term, exclusive-use leases. And so-called "majority-in-interest" clauses often give the dominant airline at a hub veto power over any airport expansion that might make room for new service.

In testimony, on Capitol Hill in September, the GAO's Mead pointed out that Congress could nullify such arrangements, most of which were signed before the coming of deregulation, or ban them in the future.

Figuring out a better way to allocate slots at the nation's four most congested airports.

At Washington National, Chicago O'Hare, New York LaGuardia and New York Kennedy airports, a commercial airliner cannot land or take off without government permission—a slot. There are only so many slots. And all of them are in the semi-permanent custody of the airlines now serving those airports.

Current federal policy, called the "buy-sell" rule, allows those airlines to buy and sell slots as if they owned them, which they don't.

So if a new airline wants to enter one of those airports, it must buy a slot from the airlines that have them. Often that price is in the millions—even though the government originally issued the slots for free. More often, though, slots are not for sale.

This situation, even though it exists at only four airports, has an anti-competitive impact throughout the country: An entrepreneur cannot expect to build a significant airline without the ability to take passengers to New York, Washington and Chicago.

The airport operators, as well as executives of the smaller airlines, want a better way for slots to be distributed. Under the Danforth-McCain bill, the Department of Transportation would take back all the slots and auction them off—making certain that some be reserved for new entrants.

Changing the ownership of computerized reservation systems (CRS).

There are five such systems, all of them owned by individual airlines or small groups of airlines. Travel agents rely on computerized reservation systems almost exclusively. And American and United, the nation's two biggest carriers, own the two biggest systems.

The Danforth-McCain proposal to force the airlines out of the computer reservations business entirely is backed by some economists and by some of the airlines that either do not have their own systems or have small ones.

Outlawing frequent-flyer programs.

The programs, in which passengers accumulate credits toward free trips by using a single airline, have succeeded beyond the carriers' wildest dreams.

They have generated brand loyalty and given customers a reason, other than price and service, to choose a particular airline. They have created legions of mileage junkies. They have dampened price competition, economists say, and worked to reinforce the power of dominant airlines in hub cities.

Congress could move to outlaw the popular programs, although no lawmaker has

been daring enough to put such a proposal in the form of legislation. Some lawmakers wish the Internal Revenue Service would take them off the hook by deciding to tax as income any frequent-flyer benefits earned by travelers not paying for their own tickets.

Limiting airline takeovers.

When Congress reconvenes in January, it will take up various bills limiting airline takeovers.

Behind the proposals is the fear that such buyouts leave major airlines burdened with so much debt that airline managers become more concerned with generating cash to make interest payments than with serving the public.

The congressional viewpoint is that the Transportation Department needs explicit authority to review transaction before they happen—the department reviewed the Northwest takeover after the fact. And it needs additional enforcement measures so that officials need not use the only one they have now—the authority to ground the airline altogether.

Grounding an airline to force it to restructure its financing is like "using a howitzer to go deer hunting," said Rep. James L. Oberstar, D-Minn, chairman of the House Public Works subcommittee on aviation.

But the Bush administration has threatened to veto any such bill and Skinner has said that the Northwest episode demonstrated that this current authority is appropriate.

In any event, the climate for future mergers between two major airlines now appears relatively hostile; analysts doubt that the government would approve any major deal.

That is because the authority over airline mergers has passed to the Justice Department from the Transportation Department which approved nearly every merger the airlines proposed during the first 10 years of deregulation.

Assistant Attorney General James F. Rill, who heads the Antitrust Division of the Justice Department, has pledged to take a hard look at airline mergers and to "seek to prevent mergers between airlines with overlapping hubs."

In a speech last month, Rill noted that the Justice Department could effectively block a deal just by announcing its opposition. It has done so twice this year—stopping the proposed merger between the computer reservations systems owned by American Airlines and Delta Airlines and the proposed sale of Eastern's gates at Philadelphia to USAir.

Encouraging competition between foreign and domestic airlines.

Current federal policy bans foreign carriers from picking up passengers in one American city and depositing them in another, even if the carrier flies that route. For example, British Airways flies a Pittsburgh-Washington-London route but is not allowed to carry passengers just between Pittsburgh and Washington.

Giving foreign carriers the right to do that—known as cabotage—is popular among free-market economists but not among politicians and airline executives.

With Europe moving toward its own version of airline deregulation in 1992, there is the chance that international carriers might be granted limited rights to carry passengers on domestic routes in exchange for U.S.-flag carriers being given similar rights in Europe.

Setting ceilings on certain types of fares.

In all but its final version, the Airline Deregulation Act of 1978 had a provision allowing the Civil Aeronautics Board to set fare ceilings on any route on which one carrier controlled more than 90 percent of the traffic. Giving such power now to the Department of Transportation is one possibility being discussed.

Economist Alfred E. Kahn, former chairman of the Civil Aeronautics Board and the father of deregulation, says that he cannot "in principle" rule out such ceilings. Pevsner proposes a ceiling on all full coach fares, based on a mileage formula.

In his bill, Metzenbaum proposes a five-member, independent Aviation Policy Board to set fares and routes.

Paul Stephen Dempsey, a transportation law expert at the University of Denver, would establish a National Transportation Commission with power to impose fare ceilings and floors—to set up a "zone of reasonableness."

"In time," Dempsey said, "a consensus will develop that deregulation has been a failure. . . . Sooner or later, we will re-regulate the airline."

But many industry analysts believe that Congress will do so such thing.

"Maybe the best the Federal government can do is to promote competition at every opportunity," said Patrick V. Murphy, a deputy assistant secretary of transportation. "Secretary Skinner has already done more in promote competition since he took office than was done in the last few years."

The thrust toward even the most modest sort of airline re-regulation is dampened by the fear that any attempt to fix one problem might create another problem.

The lower fares paid by vacationers might not exist without the higher fares paid by business travelers. The hub airports, with their bounty of non-stop flights, could not exist without the spoke airports, which get service mainly through the hubs.

"I think a few regulations here and there would be good," said Michael E. Levine, a former executive with New York Air who now runs the management school at Yale University. "But I worry about saying something like that to a Congress that . . . is likely to go for a quick fix that would do more harm than good."

Kahn has a similar outlook.

"If there were any simple solutions," said Kahn, "we would long ago have found them."

#### SOUTHERN BELL: A CORPORATE HERO IN HUGO'S WAKE

Mr. HOLLINGS. Mr. President, 5 months ago, Hurricane Hugo smashed into South Carolina, leaving a path of destruction like nothing seen in my State since the Civil War. In previous floor statements, I have saluted the many heroes to emerge in the wake of Hugo: Courageous individuals, public servants who rose magnificently to the occasion, corporations that pitched in with donations and private relief initiatives. Today I rise to pay special tribute to Southern Bell for its remarkable performance during and after that fateful evening of September 21-22. Simply put, for the men and women of Southern Bell, this was their finest hour.

Perhaps the most eloquent tribute to Southern Bell is the fact that ap-

proximately 90 percent of its customers in the impacted areas never lost service. Only two of the telephone network's central offices—at Edisto Beach and Seabrook Island, both on the barrier islands east of Charleston—were disabled by the hurricane.

This incredible resiliency within the network was the result of years of foresight and modernization by Southern Bell, specifically the company's aggressive efforts to bury more than three quarters of its cable, as well as its efforts to switch from copper wiring to fiber optics. In the days after Hugo hit, more than one instance was noted of a public phone booth, submerged in sand and debris, but with its receiver still giving a dial tone, loud and clear. Now that truly is a system that takes a lick'n and keeps on tick'n.

Even so, there was tremendous destruction to BellSouth's above-ground equipment—with thousands of downed cables and telephone poles. To repair this damage and restore full service, the company mobilized a small army of engineers and technicians, bringing to South Carolina some 600 specialists from Florida, Georgia, and elsewhere to supplement the local personnel. It was an impressive, round-the-clock effort that restored virtually 100 percent service in relatively short order.

Mr. President, I extend my congratulations and gratitude to all the men and women of Southern Bell for the outstanding job they did throughout this crisis period. They worked long hours, and performed with exceptional skill and professionalism. They served the people of South Carolina superbly at our time of greatest need.

#### FEDERAL TAX AMNESTY ACT

Mr. DIXON. Mr. President, yesterday IRS Commissioner Fred Goldberg testified before the House Ways and Means oversight subcommittee on a serious and continuing problem confronting his agency—and more importantly, confronting our Nation. During a decade in which the Federal deficit has grown to appalling levels, compliance with our Federal tax laws has actually declined.

The IRS estimates the tax gap—that is, the difference between what is owed to the Federal Government and what is actually collected—to be \$87 billion. \$87 billion of uncollected taxes is nothing less than scandalous. It exacerbates our mounting budget deficit, as well as increases the burdens upon all honest taxpaying citizens.

It is an alarming fact that almost 9 percent of the taxes legally owed and due the Government are not being collected. In 1983, the tax gap was estimated to be \$24 billion. By 1992, lost revenue to the Government could reach as much as \$114 billion.

Mr. President, every year billions and billions of dollars are lost to our

tax collection system. Part of the problem lies within the Internal Revenue Service itself. Its procedures are outdated and inefficient. At the same time, its enforcement staff has dwindled to a point where increased staff is urgently needed. Contained in the President's budget for fiscal year 1991 is an increase in funding for IRS enforcement. This is an important first step. Such a step, however, speaks only to future compliance. Merely increasing IRS collection efforts alone will not recover the vast majority of these outstanding delinquent balances.

Since I first came to the Senate, I have repeatedly argued for, and introduced legislation to institute, a Federal tax amnesty program. It is my belief that such a program is an essential step to recover the lost revenues from prior years.

A number of States—including my State of Illinois, Massachusetts, New York, Connecticut, Kansas, Alabama, Texas, Missouri, Minnesota, North Dakota, New Mexico, Arizona, California, Idaho, and Maryland—have enacted tax amnesty programs. In my State alone, approximately \$150 million was collected—far more than the Illinois Department of Revenue originally estimated. These were revenues that Illinois would otherwise not have been able to collect. The success of these State tax amnesty programs has demonstrated the potential of this idea at the national level.

It is true that Federal tax collection efforts are more sophisticated than those of the States. The Federal Government, however, is losing billions of tax dollars—\$87 billion this year. Of this \$87 billion, underreported income—that is, overstated deductions and credits, as well as unreported income—represents roughly \$40 billion. The largest portion of this unreported income is from sole proprietorships, informal supplier income, and capital gains.

Mr. President, the results of State amnesty programs have been impressive. These programs have demonstrated that many individuals and companies will come forward if they can pay their back taxes, and not be prosecuted. The State programs have also revealed that amnesty programs have enabled the States to collect significant amounts of currently uncollectable revenue with a minimal amount of resources. Over 130,000 delinquent taxpayers came forward in California—Illinois collected approximately \$150 million—and over \$72 million was collected in Massachusetts.

The State programs were not giveaways: they did not reward tax cheaters. Rather, the State programs were balanced. Following the amnesty period, compliance efforts and penalties for noncompliance were increased. However, the State programs have re-

sulted in placing additional taxpayers back on the rolls. These are additional revenues that otherwise would not have been collected.

At the Federal level, revenues from a tax amnesty/enforcement package can be utilized to help reduce our budget deficit. At the same time, these revenues can help preserve high-priority Federal programs that are currently facing drastic cuts or elimination.

The bill that I reintroduced during the first session of this Congress, S. 387, would establish a tax amnesty-tough enforcement package. This legislation would institute a 6-month amnesty period, to begin on July 1 after the bill is enacted. The amnesty period would cover all tax years through 1987 still subject to collection by the IRS. The bill would include amnesty from criminal and civil penalties, and from 50 percent of any interest penalty owed. All Federal taxes would be covered by the amnesty, not just the Federal income tax. The tough enforcement side of the package would increase all tax-related civil and criminal penalties by 50 percent. In addition, the bill would authorize such funds as are necessary to add 3,000 additional revenue agents to the IRS.

As we battle headlong to reduce our uncontrollable budget deficit, debating over whether to cut essential programs or impose unwanted taxes on our citizens, we should take advantage of the benefits that a tax amnesty program yields. I urge my colleagues to carefully examine the amnesty concept.

#### TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,803d day that Terry Anderson has been held in captivity in Beirut.

#### POSTHUMOUS CITIZENSHIP FOR ACTIVE DUTY SERVICE ACT

Mr. PELL. Mr. President, I am delighted that the Senate has passed and sent to the President the Posthumous Citizenship for Active Duty Service Act.

Although this legislation provides for the granting of posthumous citizenship to any alien killed in hostilities while serving in the Armed Forces of the United States, the bill in my view is a special tribute to Cpl. Ivan Perez of Central Falls, RI.

Corporal Perez served with the United States Army during the recent hostilities in Panama. Just after midnight, on December 20, 1989, Cpl. Ivan Perez was shot and killed during the U.S. takeover of Gen. Manuel Noriega's headquarters.

Corporal Perez was a U.S. soldier but he was not a U.S. citizen at the time of his death. The road that any immi-

grant follows toward U.S. citizenship is full of twists and turns. Tragically, this road came to an abrupt end for Corporal Perez. There is currently no law that recognizes the unique contribution made to our Nation by individuals such as Corporal Perez. There is no law that enables a noncitizen resident of the United States, who is killed under fire as a member of the U.S. Armed Forces, to be recognized as a U.S. citizen.

The Posthumous Citizenship for Active Duty Service Act provides such a system. Under this act, a simple procedure will be created to grant citizenship to any alien or noncitizen national who dies while serving honorably while on active duty in the U.S. Armed Forces.

The Posthumous Citizenship for Active Duty Service Act was introduced in the House of Representatives by Congressman BRIAN DONNELLY on January 3, 1989. The House of Representatives subsequently passed the Posthumous Citizenship for Active Duty Service Act on November 13, 1989. Congressman DONNELLY introduced the bill because one of his constituents, Cpl. Wladyslaw Staniszewski of Brockton, MA, was killed in the Vietnam war. Corporal Staniszewski was not a U.S. citizen, but deserved citizenship. A private bill was introduced to make him a citizen, but it took 3 years before this very simple bill was passed. Clearly, there had to be a better way to honor the contribution of individuals like Corporal Staniszewski and Corporal Perez. That way is provided by the Posthumous Citizenship for Active Duty Service Act.

Under this act, the Attorney General will now be allowed to grant posthumous citizenship to a noncitizen resident of the United States who is killed while on active duty service with this Nation's Armed Forces. The request for citizenship can be made by the next of kin. This new process for citizenship will negate any need for the cumbersome and time consuming process of introducing a private bill. The Posthumous Citizenship for Active Duty Service Act will apply to any individual killed in service to this country since World War I.

This bill was introduced before the hostilities in Panama took place, but it was the death of Corporal Perez that proved to be the catalyst behind rapid Senate passage of this bill. After learning that this legislation was pending in the Senate Judiciary Committee, I spoke to Judiciary Committee chairman, Senator JOSEPH BIDEN and Immigration and Refugee Affairs Subcommittee chairman, Senator EDWARD KENNEDY, and told them about Corporal Perez and the need to move quickly to create a mechanism allowing our Nation to bestow citizenship promptly on Corporal Perez and others like him. I also informed the re-

spective senior minority members of the full committee and the subcommittee, Senator STROM THURMOND and Senator ALAN SIMPSON, about Corporal Perez. I wish to thank all of these Senators, especially Senators BIDEN and KENNEDY, for moving this bill through the Judiciary Committee and to the floor of the Senate in such rapid fashion.

All that remains for this legislation to become the law of the land is the signature of the President and I am confident that will be forthcoming. We are all saddened by the deaths of young men and women in the service of our country. I hope this legislation, recognizing the debt of gratitude we owe to those who gave their lives even though not citizens—men like the two young corporals, one from Massachusetts, the other from Rhode Island, one in Vietnam, the other in Panama—is of some comfort to their families.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. I thank the Chair.

(The remarks of Mr. KERREY pertaining to the introduction of S. 2155 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### AMERICA'S OUTBACK

Mr. DASCHLE. Mr. President, on October 9, 1989, Newsweek published an article entitled, "America's Outback." Under the subheading, "Amid scarcity and broken dreams, six Western States mark 100 hard years at the end of the cracked whip," this article takes a look at North Dakota, Wyoming, Montana, Idaho, Washington, and my home State of South Dakota as they reach their centennials.

Many South Dakotans were disturbed by national misunderstanding of the portrait this article painted of their State and region—and understandably so. Our region faces problems and challenges as it always has, but the view that we will fail to meet those challenges ignores our 100-year history and underestimates our peoples' strength of character and will.

"America's Outback" concludes that, "As this moment of celebration, the promise of 1989 is far bleaker than the promise of 1889. The breathtaking Centennial West may return to what it was: Vast silent spaces where wild game stare at the passing horseman." Those of us who were born and raised in the Centennial West, those who live there now, and those who live in other parts of the country but visit the Black Hills or Yellowstone during their vacations have confidence in the region's future. However, regrettably, many Americans simply do not realize what a beautiful and unique place the

Centennial West is, and how much it has to offer.

Perhaps no one knows South Dakota better than the youth of our State who represent its future. Shortly after "America's Outback" appeared, Cari Skogberg, a high school sophomore from Belle Fourche, a rural community of 4,500 people in western South Dakota, drafted a response to Newsweek. In a letter to me, Cari wrote, "I take great pride in the State and area of the country that I live in. I feel very sorry for [those] who don't see the real things that make life beautiful."

I share Cari Skogberg's feelings for our home, and I would like to share her eloquent statement with my colleagues.

Mr. President, I ask unanimous consent that Cari Skogberg's response to Newsweek be printed in the CONGRESSIONAL RECORD.

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

BELLE FOURCHE, SD,  
November 19, 1989.

DEAR NEWSWEEK MAGAZINE: I was shocked and appalled to read your article entitled "America's Outback" (Oct. 9, 1989 issue.) I could hardly believe that you would print such an erroneous article? Perhaps all that "city smog" has clouded your brain, but I'd like to give you some facts—the true ones!!

First of all, the Midwest is one of the most beautiful areas of our country. We have clean, fresh air, wide open spaces, a natural beauty that surpasses that of any other area. How many New Yorkers have ever watched a golden South Dakota sunrise or have awakened to the sound of meadowlarks singing outside their window? How many have watched the birth of a newborn calf or experienced the serenity of listening to a field of wheat hum in the wind? These are the priceless things that no amount of money could ever replace. I feel sorry for those who have never experienced these things, and for those who think that life is made up of offices and paperwork.

Another point to think about is that less than 2% of our country's population produces food for the other 98%. Where does that 2% come from? "America's Outback!" We are the backbone of this country. It is our hard-working farmers and farmwives that dedicate their lives to feeding you! I think that deserves a lot of credit!!

Last of all, take a good look at the people of the Midwest. Are they really the sad, sorry people that you made them out to be? Not at all! The people of our region are hard-working, good natured men and women who know the meaning of the word work! They aren't afraid to lift a finger to get something done. They care about their neighbor, be it a friend or stranger, and are always willing to lend a hand. People like this aren't always easy to find. I'm proud to say that it is in the Midwest that they make their homes.

Perhaps our part of the country doesn't have lots of factories and smokestacks, but what we've got here is far more important. We have lives filled with beauty and love. We know that those around us care about us, and help to make us the warm and caring people that we are!! And most of all, we have the pride that we contribute something to our country which helps to make it

the superpower it is today!! Things aren't always easy for us, but that hasn't knocked us down. We just keep on going, trying to make this a better world for everyone!!

No, we aren't America's outback!! We are a region that puts America in the forefront. I hope that your readers see through the misconceptions and realize how wonderful the Midwest really is!!!

I sincerely hope that your other articles don't distort the real picture the way this one did. America deserves to know how rich it is with the wealth of regions like ours.

Sincerely,

CARI L. SKOGBERG,  
High School Sophomore.

#### JOE CLARK: POLITICAL GIANT

Mr. HATFIELD. Mr. President, I rise today to remember one of our boldest, most tenacious, and most dedicated colleagues—Joseph S. Clark, who died last month in Philadelphia after a distinguished career in public service.

I served just 2 years in the Senate with Joe Clark—from 1967 to 1969—but in those 2 short years I got a crash course in courage and independence. He was a Senator who feared nobody and who acted on conviction rather than a party label or political favor. He was the kind of Senator we like to remember—and the kind we like to emulate.

In his tenure as mayor of Philadelphia and a two-term Senator from Pennsylvania, Joe Clark had a brilliant political career as a government reformer, as a civil rights leader, and as a "New Frontier" legislator. But it was as a leader for peace and an opponent of the war in Vietnam that I best remember him.

Joe Clark was a leader, a reformer, a visionary. Whether it was voting against funds to implement the war in Vietnam or fighting to control the sale and distribution of guns, he was willing to take unpopular positions even if it meant high political risk. In these early days of 1990 as we watch the cold war breathe its last and we seek to take advantage of a rare opportunity to end the arms race, we are reminded of leaders like Joe Clark who dared—years ago—to challenge the world to new thinking.

Joe came to Congress in large part, I believe, to work for peace and for a vision of the world in which the rule of law would dominate petty rivalries of nations and in which the United States would lead the world in taking steps toward general and complete disarmament under enforceable world law. Unfortunately, when he got here, he found, much to his dismay, that he was expected to rubberstamp the cold war view of the world. Denied committee assignments which kept him from these issues, and not amenable to accepting a fate imposed by others, he founded his own organization of Members of the Senate and House committed to a different vision of the world.

So began Members of Congress for Peace through law, now known as the Arms Control and Foreign Policy Caucus.

I am proud to have chaired the group which Joe founded—and watched it expand from a group of a few Senators and House Members meeting over lunch to discuss efforts at disarmament and world law, to its present configuration of over 140 Members of Congress with a professional staff, which provides a wealth of legislative research, issue discussions and policy initiatives on topics relating from the nuclear arms race to our relations with the developing world. Most important, as chairman of the caucus in both the 92d Congress and the 100th Congress, I can attest to its ongoing commitment to the goals that Joe Clark envisioned, and can pledge that we will continue to work for those goals in the future.

On behalf of my colleagues who served with him, and on behalf of the Members who continue to promote the ideals he stood for, I send condolences to Joe's wife, Iris, and to his family.

Mr. President, I also ask unanimous consent to have printed in the RECORD the obituaries from the Philadelphia Inquirer and the New York Times. They capture the spirit of a fine man and a truly distinguished Senator.

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

[From the Philadelphia Inquirer, Jan. 15, 1990]

POLITICAL GIANT JOSEPH CLARK DEAD AT 88  
(By Steve Neal, Burr Van Atta, and Julia Cass)

Joseph Sill Clark, 88, one of the most effective champions of political reform in Philadelphia's history, died Friday at his home in Chestnut Hill.

His wife, Iris Clark, said the former mayor and U.S. senator died peacefully in bed. She was with him, she said, along with his stepdaughter and a nurse.

An urbane Chestnut Hill patrician, Mr. Clark in 1951 became Philadelphia's first Democratic mayor since 1884. His election, coupled with a reformed City Charter, ended the corruption-ridden Republican organization's 67-year control of City Hall.

Five years later, in 1956, Mr. Clark was elected to the first of two Senate terms. There, he gained distinction as an intelligent and forceful civil rights advocate, one of the earliest critics of the Vietnam War and a proponent of congressional reform.

"Joe Clark, Richardson Dilworth and Walter Phillips were the three musketeers of the reform movement. They were responsible for the halycon days of 1952 to 1960, when the quality of municipal government in Philadelphia was so high," said Thacher Longstreth, the Republican city councilman and a longtime friend.

Mayor Goode called Mr. Clark "an outstanding mayor of the city at a very crucial time. He was an outstanding U.S. senator and public servant. No public servant has done more for the city than Joe Clark."

Mr. Clark was a Social Register liberal whose political philosophy was a compound

of *noblesse oblige* and New Deal idealism, a combination that inclined him to view his principal duty as that of righting wrongs.

Mr. Clark was at first dismissed as a lightweight by old-line politicians, partly because of his private-school background and partly because of his slight build. But he demonstrated an inner toughness that won their respect, if not their approval.

Mr. Clark's tenacity was never more evident than at his May 7, 1951 confrontation with the barons of Philadelphia's Democratic party—Albert M. Greenfield, John B. Kelly, Matthew McCloskey, Frank J. Myers and James Finnegan—at the old Ritz-Carlton Hotel.

Their message was blunt. Mr. Clark, though he had earlier been promised support for the mayoral election, should step aside in favor of Richardson Dilworth, his longtime ally in reform politics. Dilworth, they pointed out, was older, more experienced and better known.

Dilworth, they told him, was the man they wanted to run for mayor. Warned earlier of their strategy, Mr. Clark cut them short.

"Before we proceed any further," he began, "I think I ought to tell you that less than an hour ago, I released to the press a statement of my irrevocable decision to run for mayor. I intend to run whether or not I have your backing—even if my only supporters are me and my wife. I think our discussion ought to proceed on that basis."

Clearly outfinessed, the aging party leaders finally gave Mr. Clark their support.

Mr. Clark's wealth and formidable vote-pulling powers enabled him to remain free of all political organizations throughout his career. To the distress of some of his admirers, he was not only independent, but he was intolerant of party leaders and their machinery, treating them with an imperious disdain.

In *The Challenge of Urban Reform*, a comprehensive history of the Clark mayoral years, professor Kirk F. Petchek wrote, "Clark's most important shortcoming was his failure to appreciate politicians and his tendency to act as if they were beneath him. Too often he made it clear that he thought ward leaders unimportant."

Mr. Clark's dislike of backroom political bosses was effective in his anti-organization campaigning in the city, but it rebounded against him in his unsuccessful 1968 re-election campaign for the U.S. Senate. In Western Pennsylvania, many party leaders withheld their support. Montgomery County Republican Richard S. Schweiker, who ran as a liberal, defeated him with ease.

Mr. Clark, the son of Joseph Sill Clark Sr. and Kate Richardson Avery Clark, was born to "the good life." The elder Clark was a wealthy lawyer and a celebrated tennis champion.

"My father had a wonderful life," Mr. Clark once recalled. "He loved to shoot birds and drink port wine, and he was utterly untroubled by social conscience."

Mr. Clark attended the proper schools, Chestnut Hill Academy and the Middlesex School in Massachusetts, where he played football and baseball, and was graduated in 1919 as class valedictorian.

He went on to study at Harvard, specializing in government, history and economics. He was a member of the baseball and track teams, made Phi Beta Kappa and was graduated magna cum laude in 1923.

Three years later, Mr. Clark was graduated from the University of Pennsylvania's Law School, where he was editor of the Law

Review. After passing the bar exams, in December 1926 Mr. Clark joined his father's law firm.

And in 1926, Mr. Clark made his first political race—as a progressive candidate for Republican committeeman. He lost.

He broke the Clark family's Republican tradition in 1928 by voting for Democratic presidential candidate Alfred E. Smith, and shortly afterward changed his registration to Democratic. He joined Dilworth, another fledgling lawyer and Democratic convert, in organizing the Warriors, a reform Democratic club.

"We couldn't get anything done as Republicans," Mr. Clark explained.

"Dick [Dilworth] and I were anomalies in city politics," Mr. Clark said. "We both came from well-to-do families and we knew each other as kids. I like to say that we learned the American way of life together on the beaches of Southampton, Long Island, before World War I."

Dilworth managed Mr. Clark's campaign for City Council in 1934. And in 1936, Mr. Clark managed Dilworth's bid for the state Senate. Both races were unsuccessful and both men turned to their legal practices.

At the age of 39, Mr. Clark entered the Army Air Corps as a captain in August 1941. Mr. Clark first served in the Army Air Corps Planning Headquarters in Washington. When America entered the war, he was transferred to the China-Burma-India theater of operations as Gen. George E. Stratemeyer's senior administrator officer.

Of his war service, Mr. Clark often joked. "I fought most of the war on the grass tennis courts of Delhi." But he was awarded the Bronze Star, the Legion of Merit and the Military Order of the British Empire.

Upon his return to Philadelphia, Mr. Clark planned another venture in politics with Dilworth. The two men were convicted that they had to do something about city government, where the description given by Lincoln Steffens in 1904 still held: "Other American cities, no matter how bad their condition may be, point with scorn to Philadelphia as worse—the 'worst governed city in the country.'"

In 1947, Mr. Clark managed Dilworth's campaign for mayor. The Democratic organization, surprisingly, endorsed Dilworth. Though Republican incumbent Bernard Samuel defeated Dilworth by 93,000 votes, the campaign marked the beginning of the end for the GOP.

Dilworth waged a vigorous street-corner campaign, arguing that corruption governed City Hall and loudly naming names. Enough people listened that a grand jury was convened and scandals were investigated. A group of civil-minded businessmen organized the Greater Philadelphia Movement.

Then, in 1949, Mr. Clark ran for city controller and Dilworth for treasurer. Both were elected by 100,000-vote pluralities.

As controller, Mr. Clark had two years to probe Republican scandals and report his findings to the public. With relish, he exposed bribes, assorted forms of graft, and inefficiencies in the Samuel administration. Many were impeached and indicted. Nine committed suicide.

When he became a mayoral candidate in 1951, Mr. Clark began his campaign on what his investigation had revealed. Using a broom as his symbol, Mr. Clark pledged to sweep out corruption.

His Republican opponent was the Rev. Daniel A. Poling, a well-known Protestant clergyman, whom party leaders hoped would dilute the corruption issue.

But Mr. Clark was elected by 124,700 votes as the Democrats also swept 15 to 17 seats on the new City Council. The new charter eliminated the legislature's control over city government and gave the mayor significant administrative, legislative and investigative powers.

Mr. Clark's election gave Philadelphians a sense of belief in their government that they had not held in years. He replaced the city's spoils system with a Civil Service system. He hired lawyers, business executives and academicians for the top positions.

Mr. Clark said that a mayor can attract such talent "only if he holds a high conception of the purpose of political leadership. . . . A good political leader must have the ability to look ahead for the best way to the ideal future of his city and try to lead his community a short distance in the right direction."

Mr. Clark said, years later, that his major achievements as mayor were "the reform of the police—taking them out of politics" and "the opening of a career service in city government to blacks."

Mr. Clark's strict enforcement of Civil Service regulations, which made it possible for thousands of black people to find jobs for the first time in city government, won him strong support in the black community.

So did his willingness to challenge racist traditions. He took several black friends to lunch at the Philadelphia Cricket Club near his home in Chestnut Hill—the first time in the club's 100-year history that blacks had been guests there.

"If I hadn't been a life member by my father the day I was born, they probably would have asked for my resignation," Mr. Clark observed.

Mr. Clark pushed through a \$20 million tax increase and put the city on a pay-as-you-go fiscal system. This enabled him to increase and improve many city services neglected by previous administrations.

City planners from New York, Chicago, Detroit, New Haven and Newark studied the Clark administration to see if its successful programs could be transplanted in other cities.

Although Mr. Clark was a masterful administrator, one who knew how to use all the proper channels, some of his top staff members found him difficult to work for.

"He was a hard taskmaster," a former aide said. "He was abrupt and aggressive, if opposed. Those reporting to him or suggesting new ideas had better know the answers if they wanted to keep his respect."

His impatience sometimes caused him problems even among his admirers.

Dilworth, an ex-Marine with an explosive temper, sometimes found Mr. Clark "difficult," and the men came close to a public break in 1955, over who would run for mayor.

While Mr. Clark, in his first news conference was mayor, had said he would run for the Senate in 1956 rather than seek re-election, he later changed his mind. And he didn't tell Dilworth.

Dilworth learned of Mr. Clark's intention to run again with the mayor announced he would run for a second term because, he said, Democratic Chairman William J. Green was trying to "gut the City Charter."

Dilworth felt betrayed by the announcement. He reminded the mayor that Mr. Clark had promised to support him for mayor.

Using much the same tactic as Clark in 1951, Dilworth resolved the problem head on. Tired of waiting for a decision, Dilworth

said he simply "announced my candidacy and he supported me." Dilworth was elected mayor in a landslide.

As Mr. Clark's term ended, he began maneuvering for the Senate race. He won the Democratic nomination over the opposition of Philadelphia's Democratic organization.

Mr. Clark was taking on Sen. James H. Duff, a former Republican governor and one of the state's most successful politicians. Duff was a close friend of President Eisenhower and expected to benefit heavily from his coattails.

Mr. Clark defeated Duff by a razor-thin margin—17,000 votes—but he ran 600,000 votes ahead of the national ticket, and some columnists began to promote Mr. Clark as a potential Democratic presidential candidate in 1960.

A Clark-for-President drive never really got under way, and Mr. Clark later said that he understood himself. "I could not stand up under the pressures of the presidency. The Senate was my true ambition."

Shortly after his election to the Senate, Mr. Clark asked Sen. Hubert Humphrey of Minnesota how to succeed in Washington. "Don't let your ideology embitter your personal relationships," Humphrey counseled. "It won't, if you behave with maturity."

But Mr. Clark soon clashed with Senate Majority Leader Lyndon B. Johnson. He was offended by Johnson's habit of pawing at the man he was talking to, by his salty language and by his hard-sell tactics.

And, more importantly he believed Johnson was not pushing for much of the social legislation written into the national Democratic platform—housing, federal aid to education and civil rights.

Mr. Clark prepared a detailed policy statement, based on the 1956 Democratic platform, and asked Johnson to consider its adoption as Senate Democratic policy. Johnson ignored him.

Mr. Clark antagonized John F. Kennedy during the 1960 campaign when he charged that Kennedy was neglecting his Senate responsibilities.

"I think the Senate will pass a minimum wage increase if we can just get Sonny Boy [Kennedy] back from the cricks and hollers long enough to report it out of his committee," Mr. Clark said on the eve of the West Virginia primary. The remarks were widely quoted in Republican campaign literature.

He further alienated Kennedy by threatening to support Stevenson during the hotly contested national convention that year.

But once Kennedy was nominated, Mr. Clark campaigned hard for him. His work for Kennedy did not go unnoticed. He was sounded out for cabinet position, but indicated a preference to remain in the Senate. Kennedy later asked Mr. Clark to draw up a civil rights program for his "New Frontier."

Mr. Clark enjoyed new status in the Senate with a liberal Democratic president and a new majority leader. He wrote and sponsored such major pieces of legislation as the Manpower Development and Training Act and the Area Redevelopment Act.

Kennedy repaid Mr. Clark by making several campaign appearances for him in 1962. Mr. Clark was reelected by 104,000 voters over Republican James Van Zandt.

Once re-elected, Mr. Clark was appointed to the Democratic steering committee, which determined all committee assignments. But Southern conservatives continued to dominate Mr. Clark's proposals to involve more liberals in the committee were repeatedly voted down.

Frustrated by his inability to change the Senate and impatient with committee proce-

dures, Mr. Clark took his fight to the Senate floor. In February 1963, he gave a series of speeches, later published in book form as *The Senate Establishment*.

He asserted, "The Senate Establishment is almost the antithesis of democracy. . . . It is what might be called a self-perpetuating oligarchy, with only mild overtones of a plutocracy."

James MacGregor Burns, the Pulitzer Prize winning historian from Williams College, called Mr. Clark's speech " . . . of historical significance because it aims squarely at this century-old coalition as it operates quietly in the Senate. He has moved the power process out of dim and musty committee and caucus rooms into the spotlight of the Senate floor."

Mr. Clark continued his one-man assault on congressional leadership in spite of the obvious penalties.

Mr. Clark's influence at the White House declined after the Kennedy assassination. His relations with Johnson, his old adversary, fluctuated from cool to hostile.

In 1964, Mr. Clark voted for Johnson's Gulf of Tonkin resolution—along with such future Vietnam War critics as J. William Fulbright, Eugene McCarthy and George McGovern. But within a year, Mr. Clark broke with the Johnson Administration's war policy.

In the meantime, Mr. Clark faced political problems back home, largely of his own making.

During the 1963 primary elections, Mr. Clark had vigorously supported challenges to the Democratic Party organizations in far reaches of the state, asserting, "It's time to knock sleazy government out of the box in Western Pennsylvania."

It was not a winning campaign. Most of the Clark-supported candidates were beaten, and party stalwarts vowed to help defeat him in 1968.

They were helped by the National Rifle Association, which had singled Mr. Clark out as a major target since he endorsed strong gun registration laws. In rural Pennsylvania, literature was distributed to hunters and farmers solemnly warning that, "Clark Wants to Take Away Your Guns."

For the first time, he found himself opposed by a younger man, one who seemed equally progressive. In a series of televised debates, Richard S. Schweiker held his own against the aging reformer.

Unable to overcome the opposition of Western Pennsylvania Democratic leaders and the gun enthusiasts, Mr. Clark lost to Schweiker by 280,000 votes.

Mr. Clark took the loss gracefully, although he admitted later that he was "quite flabbergasted with the results."

Longstreth said he believes Mr. Clark was "very hurt" by the defeat.

Following his defeat, he spent two years as president of World Federalists U.S.A., a Washington-based group seeking to foster interest in development of world government. He also was chairman of the Coalition on National Priorities and Military Policy. And he continued to attend Capitol Hill luncheon meetings of Members of Congress for Peace Through Law, a group he organized.

He lectured at the University of Minnesota, Michigan State University, Temple University, Haverford College, Chestnut Hill College and the University of Pennsylvania.

Even in retirement, Mr. Clark continued to support quixotic causes. He returned to Philadelphia politics during the 1971 mayoral campaign, determined to prevent the elec-

tion of Frank L. Rizzo. Mr. Clark actively supported Bill Green's losing effort in the Democratic primary, and, in the fall, supported Republican Longstreth.

In 1975, when Rizzo won the Democratic nomination, Mr. Clark became chairman of Charles Bowser's independent campaign. "I, for one, am not prepared to live in a fascist city," he said.

Mr. Clark's financial as well as political fortunes declined in recent years. His 1967 divorce from Noel Hall Clark, his wife of 31 years, drained much of his wealth. Before the divorce, Mr. Clark had listed his net worth at more than \$1.1 million.

His wife, wealthy in her own right, received a large settlement. In 1968, Mr. Clark placed his net worth at \$523,454. Five years later, his assets had dwindled to "around \$250,000."

Mr. Clark married public relations executive Iris Cole Richey, 20 years his junior, shortly after the divorce. She shared his interests in politics and the outdoors. The Clarks often played mixed-doubles tennis and occasionally went horseback riding together.

And in odd moments, Mr. Clark tried his hand at writing again, but without marked success. He expressed disappointment at publishers' rejection slips for an autobiography, which he planned to call *The Six Lives of Joseph Sill Clark*.

No one familiar with Mr. Clark's political life could doubt that he had an ego. Associates suggested that his civility was maintained out of an inbred sense of noblesse oblige and the social expectation that anyone with his background would quite naturally be a "gentleman."

Those who dealt with him on a daily basis often found him cold, severe, somewhat imperious. Critics called him a snob. But free of pressures of the day, secure in his home, he became a different man.

Reporters who covered his administration and knew him during his years in Washington, often expressed shock to find that at night he exuded a friendly warmth, offered a boyish charm and exhibited a degree of understanding that countered his persona of the day.

In recent years, Mr. Clark has not been well. "He had many physical problems as a result of age, and he had his good days and his bad days," said Gregory Harvey, a lawyer involved in politics and a longtime friend.

Mr. Clark is survived by his wife, Iris; his son, Joseph S. Clark Jr.; his daughter, Mrs. Edward T. (Noel) Miller; a stepdaughter, seven grandchildren and three great grandchildren.

A private funeral was held for family members yesterday afternoon. A memorial service will be held at 11:30 a.m. Saturday at the Unitarian Church of Germantown, 6511 Lincoln Drive.

[From the New York Times, Jan. 16, 1990]

JOSEPH CLARK, FORMER SENATOR AND PHILADELPHIA MAYOR, DIES

Former U.S. Sen. Joseph S. Clark, 88, a Pennsylvania Democrat who swept the old guard out of Philadelphia's City Hall and tried to do the same in the halls of Congress, died Jan. 12 at his home in Philadelphia. The cause of death was not reported.

Mr. Clark is remembered for changes in the civil-service system during the 1950s as Philadelphia's first Democratic mayor in 67 years and for his advocacy of civil-rights

issues and changes in Congress in Washington.

A series of speeches he gave in 1963, later published in book form as "The Senate Establishment," he attacked the upper chamber of Congress as "a self-perpetuating oligarchy." He also wrote another book, "Congress: The Sapless Branch."

In 1956, Mr. Clark was elected to the first of two Senate terms.

He sponsored the Manpower Development and Training Act and the Area Redevelopment Act, but was often frustrated by the chamber's ruling powers.

"The Senate establishment is almost the antithesis of democracy," Mr. Clark told his Senate colleagues in 1963. "It is what might be called a self-perpetuating oligarchy, with only mild overtones of a plutocracy."

James MacGregor Burns, the Pulitzer Prize-winning historian, called Mr. Clark's speech "of historical significance, because it aims squarely at this century-old coalition as it operates quietly in the Senate. He has moved the power process out of dim and musty committee and caucus rooms into the spotlight of the Senate floor."

Mr. Clark didn't initially support John F. Kennedy's 1960 presidential campaign, but he campaigned hard after the Massachusetts senator was nominated. Kennedy asked him to draw up a civil-rights program for his New Frontier program.

Mr. Clark eventually rose in the Senate, gaining seats on the Foreign Relations, Labor and Public Welfare and Rules and Administration committees.

His relationship with President Johnson was cool at best.

Although he supported Johnson's Vietnam War policy in the 1964 Gulf of Tonkin resolution in the Senate, he broke with the administration within a year.

A native Philadelphian, Mr. Clark graduated from Harvard and received a law degree from the University of Pennsylvania. During World War II, he was chief of staff for the Eastern Air Command in the China-Burma-India theater.

In 1951, he was elected mayor, ending a corruption-ridden Republican administration. He replaced the city's spoils system with civil service regulations.

Mr. Clark said later his major accomplishments as mayor were "the reform of the police—taking them out of politics" and "the opening of a career service in city government to blacks."

Mr. Clark earned many political enemies in his own party when he declared during the 1963 primaries: "It's time to knock sleazy government out of the box in Western Pennsylvania."

When he sought reelection to the Senate in 1968, local Democratic leaders failed to work enthusiastically for him and he lost to Republican Richard Schweiker.

Mr. Clark later spent two years as chairman of World Federalists U.S.A., a Washington-based group that promotes an effective world government.

Survivors include his wife, Iris, a son, a daughter and a stepdaughter.

#### STATE DEPARTMENT HUMAN RIGHTS REPORT

Mr. PELL. Mr. President, today I joined with Congressman DANTE FASCELL, chairman of the House Foreign Affairs Committee, in releasing the Country Reports on Human Rights Practices for 1989 prepared by the De-

partment of State pursuant to sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. These reports, which have been issued for more than 10 years, have become an indispensable tool for evaluating the progress—or lack of progress—in human rights performance throughout the world. They provide detailed information not only on the general human rights situation but also on specific categories of civil, political, economic, and social rights.

At times, past administrations have allowed foreign policy considerations to overcome objectivity in the preparation of these reports. In general, that does not appear to be the case this year. The section on China describes a systematic and continued abuse of human rights in that country despite efforts by the administration to improve our bilateral relations. The June 1989 massacre in Beijing and its aftermath are presented in detail, as is the Government's "indiscriminate and excessive use of force" in suppressing demonstrations in Lhasa, Tibet, last March. The section on Cambodia cites credible reports of human rights violations by the two factions of the non-Communist resistance to which the United States provides an assistance. It also describes the continued grievous abuses of human rights by the Khmer Rouge that is in political coalition with the non-Communist resistance, and serious human rights violations by the present Cambodian Government in Phnom Penh. The South African section is comprehensive, blunt in its discussion of Government abuses of power against antiapartheid groups, and balanced in its presentation of the Government's reform efforts.

The utility and effectiveness of these annual human rights reports correlate directly with the degree of objectivity. The more objective the reports, the brighter the spotlight on the offending countries and the stronger the message of U.S. concern about human rights violations throughout the world.

#### CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, has morning business been closed?

The PRESIDING OFFICER. Morning business has not been closed.

The time for morning business has expired. Therefore, morning business is now closed.

#### ARMENIAN GENOCIDE DAY OF REMEMBRANCE

##### MOTION TO PROCEED

The PRESIDING OFFICER. The pending question is on agreeing to the motion to proceed to Senate Joint Resolution 212 designating April 24,

1990, as a National Day of Remembrance of the 75th Anniversary of the Armenian Genocide of 1915 to 1923.

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

The PRESIDING OFFICER. The Senator from West Virginia suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, the evidence of ethnic tensions in the Balkans and in a number of Republics of the Soviet Union over the last few weeks is disturbing. The number of reported incidents is mounting, and we should be concerned about the trend toward violence and more violence, communal hatred, and lack of personal responsibility for mature tolerance and actions by those communities and their leaders. We should be taking whatever steps we can to mitigate these events, to emphasize the positive, to turn the restlessness and newly flexing muscles of political freedom into productive directions.

Cooperation among nations and among diverse peoples is essential if we are to turn away from the historic pattern of Western European wars. The essence of the difference between the Europe of the 1990's and that of the 1920's is the existence of a growing and vibrant transnational community, the Common Market, as well as other transnational institutions spawned by the Helsinki Final Act. The Europe of today is at a crossroads—will it prosper through enlightened integration and increased cooperation among many fronts, particularly economic, financial, and cultural, or will rivalries and ambitions feed competition and conflict?

The new Czechoslovak leader, Mr. Vaclav Havel, who delivered an inspired and inspiring address to a joint meeting of the Congress just a few hours ago, reminded us of our responsibilities in an era when as he stated, "history has accelerated." In an era when events are seeming to leap ahead of our control and even our understanding, he, a new leader and an old playwright, reminded us that the only reliable foundation for our actions is for us to accept responsibility for the consequences of our actions, and to accept responsibility for what we perceive as the probable outcomes of our decisions and, that may be applied to those of us who are Senators as we speak and act on this floor.

He reminds us that we are still a long way from being truly a "family of man." Earlier, this past Monday, he was quoted by the New York Times,



saying that Czechoslovakian society "has awakened, from the human and civic point of view. But it has slept for so long and so deeply that on waking it still feels a little groggy, not yet in full command of its capacities. It is necessary somehow to watch over this awakening, to arouse the people to take charge of their spirit, to lead them back to a state of calm, mature, daytime vigilance." Mr. Havel said that he was coming to the United States to learn. "We are going there to learn," he said. "We are going there to learn from a democratic system like the one we enjoyed for only so brief a period, only 20 years, and lost." While this Czechoslovakian leader has come here to learn, we can also learn from him about taking the high road of responsibility for our actions, and for caring for the results of our actions as they might pertain to minorities which make up all these newly emerging states and societies.

That is a great lesson. Just before the recess I signed a letter authored by the distinguished minority leader, Mr. DOLE, regarding the problem of minority rights in Yugoslavia. Mr. DOLE indicated in his letter, which I joined, that ethnic Albanians have suffered from "extreme oppression at the hands of Serbian authorities." He indicated that the current Yugoslav political authorities are repressive and tyrannical, and despite that, that "democratic forces are emerging in various Yugoslav republics." The letter went on to say that "we are heartened by the development of democratic political parties in Yugoslavia and hope that these parties are given a chance to prosper." The letter encouraged the administration to be "more aggressive and public in its support for peaceful democratic change in Yugoslavia." I agree with the assessment of the minority leader, and I joined him in that letter.

I would point out, Mr. President, that no such repression exists today in Turkey. Democracy is working well. The rights of minorities are being respected. Yet, Mr. President, evidence of tensions and conflicts abounds on Turkey's borders. Ethnic tensions in Greece and Bulgaria have recently been heightened. According to the New York Times of February 7, 1990, Western diplomats in Athens said that there was growing concern in Athens and Sofia over unrest among Muslim minorities. Bulgaria, as is well known, has tried to force their departure. Far worse in the situation in the Soviet Union. Rioting was reported last Saturday, February 17, 1990, in the Soviet Republic of Uzbekistan as Muslims clashed with ethnic Armenians in Samarkand. It was reported that "the outbreak of violence in Uzbekistan follows 7 days of unrest in a neighboring Republic of Tadzhikistan, a mostly Muslim region bordering China and

Afghanistan, where 20 people were killed and 568 wounded by Interior Ministry count." So there are three separate regions now which have recently experienced this type of ethnic violence in the Soviet Union.

Mr. President, a pattern of instability has clearly developed, having as its basis the treatment of minorities, and having a religious basis which needs to be cooled off, needs to be mediated, and efforts to nip it in the bud must now be made. I would strongly suggest we turn our attention to diplomacy and peacemaking, knowing that religious wars are the most brutal of wars, as we have witnessed throughout the ages, and knowing that the Middle East and South Asia are regions where we will have to exercise long-term patient diplomacy to protect our interests during the 1990's.

Mr. President, has the statement of the Czechoslovakian leader been placed in the RECORD?

The PRESIDING OFFICER. Apparently, the Chair addresses the distinguished President pro tempore; the statement has not been printed in the Senate RECORD.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that the address of the President of the Czechoslovak Republic to a joint meeting of the United States Congress of today, February 21, 1990, be printed in the RECORD at this point.

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

ADDRESS OF THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC TO A JOINT MEETING OF THE UNITED STATES CONGRESS, WASHINGTON, DC, FEBRUARY 21, 1990

Dear Mr. Speaker, Dear Mr. President, Dear Senators, and Members of the House, Ladies and Gentlemen:

My advisors have advised me, on this important occasion, to speak in Czech. I don't know why. Perhaps they wanted you to enjoy the sweet sounds of my mother tongue.

The last time they arrested me, on October 27 of last year, I didn't know whether it was for two days or two years.

Exactly one month later, when the rock musician Michael Kocáb told me that I would probably be proposed as a presidential candidate, I thought it was one of his usual jokes.

On the 10th of December 1989, when my actor friend Jiri Bartoska, in the name of the Civic Forum, nominated me as a candidate for the office of President of the Republic, I thought it was out of the question that the parliament we had inherited from the previous regime would elect me.

Twelve years later, when I was unanimously elected President of my country, I had no idea that in two months I would be speaking in front of this famous and powerful assembly, and that what I say would be heard by millions of people who have never heard of me and that hundreds of politicians and political scientists would study every word I say.

When they arrested me on October 27, I was living in a country ruled by the most conservative Communist government in

Europe, and our society slumbered beneath the pall of a totalitarian system. Today, less than four months later, I am speaking to you as the representative of a country that has set out on the road to democracy, a country where there is complete freedom of speech, which is getting ready for free elections, and which wants to create a prosperous market economy and its own foreign policy.

It is all very strange indeed.

But I have not come here to speak of myself or my feelings, or merely to talk about my own country. I have used this small example of something I know well, to illustrate something general and important.

We are living in very odd times. The human face of the world is changing so rapidly that none of the familiar political speedometers are adequate.

We playwrights, who have to cram a whole human life or an entire historical era into a two-hour play, can scarcely understand this rapidity ourselves. And if it gives us trouble, think of the trouble it must give to political scientists, who spend their whole lives studying the realm of the probable.

Let me try to explain why I think the velocity of the changes in my country, in Central and Eastern Europe, and of course in the Soviet Union itself, has made such a significant impression on the face of the world today, and why it concerns the fate of us all, including you Americans. I would like to look at this, first from the political point of view, and then from a point of view that we might call philosophical.

Twice in this century, the world has been threatened by a catastrophe; twice this catastrophe was born in Europe, and twice you Americans, along with others, were called upon to save Europe, the whole world and yourselves. The first rescue mission—among other things—provided significant help to us Czechs and Slovaks.

Thanks to the great support of your President Wilson, our first President, Tomas Garrigue Masaryk, could found our modern independent state. He founded it, as you know, on the same principles on which the United States had been founded, as Masaryk's manuscripts held by the Library of Congress testify.

At the same time, the United States was making enormous strides. It became the most powerful nation on earth, and it understood the responsibility that flowed from this. Proof of this are the hundreds of thousands of your young citizens who gave their lives for the liberation of Europe, and the graves of American airmen and soldiers on Czechoslovak soil.

But something else was happening as well: the Soviet Union appeared, grew, and transformed the enormous sacrifices of its people suffering under totalitarian rule, into a strength that, after World War Two, made it the second most powerful nation in the world. It was a country that rightly gave people nightmares, because no one knew what would occur to its rulers next and what country they would decide to conquer and drag into their sphere of influence, as it is called in political language.

All of this taught us to see the world in bipolar terms, as two enormous forces, one a defender of freedom, the other a source of nightmares. Europe became the point of friction between these two powers and thus it turned into a single enormous arsenal divided into two parts. In this process, one half of the arsenal became part of that nightmarish power, while the other—the free part—bordering on the ocean and

having no wish to be driven into it, was compelled, together with you, to build a complicated security system, to which we probably owe the fact that we still exist.

So you may have contributed to the salvation of us Europeans, of the world and thus of yourselves for a third time: you have helped us to survive until today—without a hot war this time—but merely a cold one.

And now what is happening: the totalitarian system in the Soviet Union and in most of its satellites is breaking down and our nations are looking for a way to democracy and independence. The first act in this remarkable drama began when Mr. Gorbachev and those around him, faced with the sad reality of their country, initiated their policy of "perestroika". Obviously they had no idea either what they were setting in motion or how rapidly events would unfold. We knew a lot about the enormous number of growing problems that slumbered beneath the honeyed, unchanging mask of socialism. But I don't think any of us knew how little it would take for these problems to manifest themselves in all their enormity, and for the longings of these nations to emerge in all their strength. The mask fell away so rapidly that, in the flood of work, we have literally no time even to be astonished.

What does all this mean for the world in the long run? Obviously a number of things. This is, I am firmly convinced, an historically irreversible process, and as a result Europe will begin again to seek its own identity without being compelled to be a divided armory any longer. Perhaps this will create the hope that sooner or later your boys will no longer have to stand on guard for freedom in Europe, or come to our rescue, because Europe will at last be able to stand guard over itself. But that is still not the most important thing: the main thing is, it seems to me, that these revolutionary changes will enable us to escape from the rather antiquated straitjacket of this bipolar view of the world, and to enter at last into an era of multipolarity. That is, into an era in which all of us—large and small—former slaves and former masters—will be able to create what your great President Lincoln called "the family of man". Can you imagine what a relief this would be to that part of the world which for some reason is called the Third World, even though it is the largest?

I don't think it's appropriate simply to generalize, so let me be specific:

(1) As you certainly know, most of the big wars and other conflagrations over the centuries have traditionally begun and ended on the territory of modern Czechoslovakia, or else they were somehow related to that area. Let the Second World War stand as the most recent example. This is understandable: whether we like it or not, we are located in the very heart of Europe, and thanks to this, we have no view of the sea, and no real navy. I mention this because political stability in our country has traditionally been important for the whole of Europe. This is still true today. Our government of national understanding, our present Federal Assembly, the other bodies of the state and I myself will personally guarantee this stability until we hold free elections, planned for June. We understand the terribly complex reasons, domestic political reasons above all, why the Soviet Union cannot withdraw its troops from our territory as quickly as they arrived in 1968. We understand that the arsenals built there over the past twenty years cannot be dismantled and

removed overnight. Nevertheless, in our bilateral negotiations with the Soviet Union, we should like to have as many Soviet units as possible moved out of our country before the elections, in the interests of political stability. The more successful our negotiations, the more those who are elected in our places will be able to guarantee political stability in our country even after the elections.

(2) I often hear the question: How can the United States of America help us today? My reply is as paradoxical as the whole of my life has been: you can help us most of all if you help the Soviet Union on its irreversible, but immensely complicated road to democracy. It is far more complicated than the road possible to its former European satellites. You yourselves know best how to support, as rapidly as possible, the non-violent evolution of this enormous, multi-national body politic towards democracy and autonomy for all of its peoples. Therefore, it is not fitting for me to offer you any advice. I can only say that the sooner, the more quickly, and the more peacefully the Soviet Union begins to move along the road towards genuine political pluralism, respect for the rights of nations to their own integrity and to a working—that is a market—economy, the better it will be, not just for Czechs and Slovaks, but for the whole world. And the sooner you yourselves will be able to reduce the burden of the military budget borne by the American people. To put it metaphorically: the millions you give to the East today will soon return to you in the form of billions in savings.

(3) It is not true that the Czech writer Vaclav Havel wishes to dissolve the Warsaw Pact tomorrow and then NATO the day after that, as some eager journalists have written. Vaclav Havel merely thinks what he has already said here, that for another hundred years, American soldiers shouldn't have to be separated from their mothers just because Europe is incapable of being a guarantor of world peace, which it ought to be, in order to make some amends, at least, for having given the world two world wars. Sooner or later Europe must recover and come into its own, and decide for itself how many of whose soldiers it needs so that its own security, and all the wider implications of that security, may radiate peace into the whole world. Vaclav Havel cannot make decisions about things it is not proper for him to decide. He is merely putting in a good word for genuine peace, and for achieving it quickly.

(4) Czechoslovakia thinks that the planned summit conference of countries participating in the Helsinki process should take place soon, and that in addition to what it wants to accomplish, it should aim to hold the so-called Helsinki Two conference earlier than 1992, as originally planned. Above all, we feel it could be something far more significant than has so far seemed possible. We think that Helsinki Two should become something equivalent to the European peace conference, which has not yet been held; one that would finally put a formal end to the Second World War and all its unhappy consequences. Such a conference would officially bring a future democratic Germany, in the process of unifying itself, into a new pan-European structure which could decide about its own security system. This system would naturally require some connection with that part of the globe we might label the "Helsinki" part, stretching westward from Vladivostok all the way to Alaska. The borders of the Euro-

pean states, which by the way should become gradually less important, should finally be legally guaranteed by a common, regular treaty. It should be more than obvious that the basis for such a treaty would have to be general respect for human rights, genuine political pluralism and genuinely free elections.

(5) Naturally we welcome the initiative of President Bush, which was essentially accepted by Mr. Gorbachev as well, according to which the number of American and Soviet troops in Europe should be radically reduced. It is a magnificent shot in the arm for the Vienna disarmament talks and creates favorable conditions not only for our own efforts to achieve the quickest possible departure of Soviet troops from Czechoslovakia, but indirectly as well for our own intention to make considerable cuts in the Czechoslovak army, which is disproportionately large in relation to our population. If Czechoslovakia were forced to defend itself against anyone, which we hope will not happen, then it will be capable of doing so with a considerably smaller army, because this time its defense would be—not only after decades but even centuries—supported by the common and indivisible will of both its nations and its leadership. Our freedom, independence and our new-born democracy have been purchased at great cost, and we will not surrender them. For the sake of order, I should add that whatever steps we take are not intended to complicate the Vienna disarmament talks, but on the contrary to facilitate them.

(6) Czechoslovakia is returning to Europe. In the general interest and in its own interest as well, it wants to coordinate this return—both politically and economically—with the other returnees, which means, above all, with its neighbors the Poles and the Hungarians. We are doing what we can to coordinate these returns. And at the same time, we are doing what we can so that Europe will be capable of really accepting us, its wayward children. Which means that it may open itself to us, and may begin to transform its structures—which are formally European but de facto Western European—in that direction, but in such a way that it will not be its detriment, but rather to its advantage.

(7) I have already said this in our parliament, and I would like to repeat it here, in this Congress, which is architecturally far more attractive: for many years, Czechoslovakia—as someone's meaningless satellite—has refused to face up honestly to its co-responsibility for the world. It has a lot to make up for. If I dwell on this and so many important things here, it is only because I feel—along with my fellow citizens—a sense of culpability for our former reprehensible passivity, and a rather ordinary sense of indebtedness.

(8) Last but not least, we are of course delighted that your country is so readily lending its support to our fresh efforts to renew democracy. Both our peoples were deeply moved by the generous offers made a few days ago in Prague at the Charles University, one of the oldest in Europe, by your Secretary of State, Mr. James Baker. We are ready to sit down and talk about them.

Ladies and gentlemen, I've only been president for two months and I haven't attended any schools for presidents. My only school was life itself. Therefore I don't want to burden you any longer with my political thoughts, but instead I will move on to an area that is more familiar to me, to what I would call the philosophical aspect of those

changes that still concern everyone, although they are taking place in our corner of the world.

As long as people are people, democracy in the full sense of the word will always be no more than an ideal; one may approach it as one would a horizon, in ways that may be better or worse, but it can never be fully attained. In this sense you too are merely approaching democracy. You have thousands of problems of all kinds, as other countries do. But you have one great advantage: you have been approaching democracy uninterruptedly for more than two hundred years, and your journey toward that horizon has never been disrupted by a totalitarian system. Czechs and Slovaks, despite their humanistic traditions that go back to the first millennium, have approached democracy for a mere twenty years, between the two world wars, and now for the three and a half months since the 17th of November of last year.

The advantage that you have over us is obvious at once.

The communist type of totalitarian system has left both our nations, Czechs and Slovaks—as it has all the nations of the Soviet Union and the other countries the Soviet Union subjugated in its time—a legacy of countless dead, an infinite spectrum of human suffering, profound economic decline, and above all enormous human humiliation. It has brought us horrors that fortunately you have not known.

At the same time, however—unintentionally, of course—it has given us something positive: a special capacity to look, from time to time, somewhat further than someone who has not undergone this bitter experience. A person who cannot move and live a somewhat normal life because he is pinned under a boulder has more time to think about his hopes than someone who is not trapped in this way.

What I am trying to say is this: we must all learn many things from you, from how to educate our offspring, how to elect our representatives, all the way to how to organize our economic life so that it will lead to prosperity and not to poverty. But it doesn't have to be merely assistance from the well-educated, the powerful and the wealthy to someone who has nothing and therefore has nothing to offer in return.

We too can offer something to you: our experience and the knowledge that has come from it.

This is a subject for books, many of which have already been written and many of which have yet to be written. I shall therefore limit myself to a single idea.

The specific experience I'm talking about has given me one great certainty: Consciousness precedes Being, and not the other way around, as the Marxists claim.

For this reason, the salvation of this human world lies nowhere else than in the human heart, in the human power to reflect, in human meekness and in human responsibility.

Without a global revolution in the sphere of human consciousness, nothing will change for the better in the sphere of our Being as humans, and the catastrophe towards which this world is headed, whether it be ecological, social, demographic or a general breakdown of civilization, will be unavoidable. If we are no longer threatened by world war, or by the danger that the absurd mountains of accumulated nuclear weapons might blow up the world, this does not mean that we have definitively won. We are in fact far from definitive victory.

We are still a long way from that "family of man"; in fact, we seem to be receding from the ideal rather than drawing closer to it. Interests of all kinds: personal, selfish, state, national, group and, if you like, company interests still considerably outweigh genuinely common and global interests. We are still under the sway of the destructive and vain belief that man is the pinnacle of creation, and not just a part of it, and that therefore everything is permitted. There are still many who say they are concerned not for themselves but for the cause, while they are demonstrably out for themselves and not for the cause at all. We are still destroying the planet that was entrusted to us, and its environment. We still close our eyes to the growing social, ethnic and cultural conflicts in the world. From time to time we say that the anonymous megamachinery we have created for ourselves no longer serves us, but rather has enslaved us, yet we still fail to do anything about it.

In other words, we still don't know how to put morality ahead of politics, science and economics. We are still incapable of understanding that the only genuine backbone of all our actions—if they are to be moral—is responsibility. Responsibility to something higher than my family, my country, my firm, my success. Responsibility to the order of Being, where all our actions are indelibly recorded and where, and only where, they will be properly judged.

The interpreter or mediator between us and this higher authority is what is traditionally referred to as human conscience.

If I subordinate my political behavior to this imperative mediated to me by my conscience, I can't go far wrong. If on the contrary I were not guided by this voice, not even ten presidential schools with two thousand of the best political scientist in the world could help me.

This is why I ultimately decided—after resisting for a long time—to accept the burden of political responsibility.

I'm not the first, nor will I be the last, intellectual to do this. On the contrary, my feeling is that there will be more and more of them all the time. If the hope of the world lies in human consciousness, then it is obvious that intellectuals cannot go on forever avoiding their share of responsibility for the world and hiding their distaste for politics under an alleged need to be independent.

It is easy to have independence in your program and then leave others to carry that program out. If everyone thought that way, pretty soon no one would be independent.

I think that you Americans should understand this way of thinking. Wasn't it the best minds of your country, people you could call intellectuals, who wrote your famous Declaration of Independence, your Bill of Human Rights and your Constitution and who—above all—took upon themselves the practical responsibility for putting them into practice? The worker from Branik in Prague that your President referred to in his State of the Union message this year is far from being the only person in Czechoslovakia, let alone in the world, to be inspired by those great documents. They inspire us all. They inspire us despite the fact that they are over two hundred years old. They inspire us to be citizens.

When Thomas Jefferson wrote that, "Governments are instituted among Men deriving their just Powers from the Consent of the Governed", it was a simple and important act of the human spirit.

What gave meaning to that act, however, was the fact that the author backed it up

with his life. It was not just his words, it was his deeds as well.

I will end where I began: history has accelerated. I believe that once again, it will be the human mind that will notice this acceleration, give it a name, and transform those words into deeds.

Thank you.

Mr. BYRD. Mr. President, the matter before the Senate is of great significance and deserving of fuller and more careful treatment than it has been accorded. Under the guise of a commemorative resolution we are considering a measure which may have grave policy consequences for the United States and the West.

Furthermore, Mr. President, we are dealing with a country that has been among our closest of allies for many years, but which few of us understand a great deal about. It is true that many of us realize that Turkey has played an important role in the defense of the West, but we probably have—at least some of us—little idea as to how this all came to be. In addition, Turkey's history, predominant religion, and culture are very different from our own and, hence, the matter of information or a lack thereof has a tendency to lead to misunderstanding, and some prejudice.

Let me add, as well, that this is before us at a time of welcomed change, rapid change in the world, and none of us can reliably predict the consequences of that change. Even President Bush, with all of the facilities of the executive branch of the Government at his disposal, said just recently, on Monday, February 9, in a press conference, that it is impossible to predict the outcome of some of these changes.

I would say, therefore, that supporting one faction or another faction in a troubled place at a critical time—and this is a critical time—is also an unwelcome consequence of this resolution.

This point was made recently in a Wall Street Journal editorial on October 19, 1989, after the Senate Judiciary Committee voted out this resolution. And I shall read the editorial into the RECORD. It is titled, "Turkey Today":

One of the most remarkable features of the forced marches of the ethnic Turks out of Bulgaria over the past 5 months has been the lack of international attention. The deportation of more than 315,000 men, women, and children by the Bulgarian regime adds up to one of the largest migrations seen in the postwar years. Yet, some people are advancing a chilling casuistry: that what we are seeing is somehow the understandable result of the historical sins committed by the Turks in the 16th century. Today's Turks in Bulgaria, in other words, deserve what is coming to them 4 centuries later.

As if this weren't enough, the Senate Judiciary Committee is getting into the act. On Tuesday it approved Senator BOB DOLE's proposed commemorative resolution designating April 24, 1990, as the National Day of

Remembrance of the 75th Anniversary of the Armenian Genocide of 1915-1923, suffered at the hands of the warring Ottoman Empire.

There can be no quibbling that the Armenians endured terrible suffering, but one has to wonder what possible good such a resolution will achieve. It puts great strain on a longstanding U.S. friendship with Turkey, a country that has been one of America's strongest allies in NATO. The resolution also comes at a time when Turkey has been seeking help from the United States in resolving its Bulgarian emigration controversy and pursuing democratic reforms that may lead to membership in the European Community.

Turkey has been fighting its past for years and, this far, has been only partially successful. Must it now accept that one of its strongest allies—

Meaning the United States, of course—

blames it for the genocide of another people? Such sentiment only encourages the adverse feelings toward Turkey that surfaced when Turkey asked for assistance in dealing with its Bulgarian emigration crisis.

Still reading from the Wall Street Journal editorial of October 10, 1989:

Mr. Dole's odd effort notwithstanding, most of Turkey's political problems lie with the Europeans. Part of the problem some Europeans have with Turkey seems to stem from its location—Turkey is not really a part of Europe.

That is what the editorial says:

Why, they wonder, should it belong to the EC? Another anti-Turkish hook is the Islamic faith of the majority of the Turkish people: Turkey, we are told, is not a Christian nation; its people simply won't fit in with the Western European Judeo-Christian tradition. It is when these rationalizations fall on deaf ears that the old standby of retribution for treatment at the hands of the Ottoman Empire, comes to the fore.

No one has to accept the sins of the Ottoman Empire to reject that argument. Turkey, in any event, is long past it. The country has in recent years accepted more than 500,000 refugees from at least four bordering nations.

Kurds, suffering what many people consider to be a current extermination campaign at the hands of Syria, Iran, and Iraq have inundated eastern Turkey. Now it is their fellow Turks arriving as refugees from Bulgaria.

The Turkish refugee tragedy and the ongoing crisis cannot be ignored and shuttled off to that notorious dustbin of history that has become so convenient recently. Surely, the past suffering of any people at any time cannot be simply filed away and forgotten. But what the Senate Judiciary Committee had done in supporting the strongly worded Armenian resolution achieves no useful end; it merely produces more controversy and embittered memories.

Congress has enough difficulty dealing with the realities of the world as it currently exists. Bulgaria's government has been behaving beyond the pale for months, and the U.S. does its values no credit by ignoring that while casting its votes into the past.

Therefore, Mr. President, in keeping with an old proverb: "He who does not express his problems will not find a solution," I feel compelled to speak. However, I hope that in the course of my remarks about this unfortunate commemorative resolution to head the admonition of another proverb which says "Open your mouth only for good news," an admonition against nay saying.

So in that spirit, Mr. President, I wish to speak today about Turkey and its people, about the founding of the republic, which is our valued ally, and about some of the remarkable achievements of that republic.

I also intend to speak about what is going on in the Soviet Union and in Eastern Europe, about what this means to Turkey, and what it means to us.

Mr. President, I believe that few Americans genuinely understand that Turkey is a vibrant, modern nation that has incorporated Western Values and melded them into her own fascinating culture, rooted in Central Asia and in the Islamic world. Because of this, Turkey is not only in a position to encourage and to promote those Western values which she has adopted and which are symbolized by her way of life and her commitment to such institutions as the European Common Market and NATO, but she also stands as a unique model for the Middle East and other part of the Muslim world.

With firm national purpose and a growing economy now operating according to the principles of the free market, there is great hope that the recent economic expansion will continue. I believe that Turkey will be one of the greatest of success stories of the early 21st century, just as she has come so far since the founding of the republic early in this century.

There is another point that I will attempt to emphasize as well, Mr. President. Especially since we in the Senate and many other Americans tend to think about Turkey as a military ally and know little perhaps beyond that, we should ponder for a moment how different Turkey's experience is from that of East Europe or Latin America.

On three occasions since World War II, most recently in 1980, the Turkish army at the highest levels of command found itself constrained to take the reins of the government and then to return authority to civilians.

It should remind us of Lucius Quinctius Cincinnatus who was a great Roman general and statesman in 458 B.C.

Cincinnatus was sent for by the Roman Senate. He was a patriotic man of wealth, and he is a part of the great legend of the Roman Republic. Rome was beset by the forces of the Aequians when the Senate sent messages to Cincinnatus and asked him to take over the country and be its dictator

and rid it of the forces that were attacking it. So he left his plow, organized the military forces, surrounded the Aequians and defeated them, and he then went back to Rome laden with the spoils of victory.

After 16 days he gave up the dictatorship and went back to the plow in his fields.

Nineteen years later, in 439 B.C., he was asked again to come to Rome and be the dictator. He was 80 years old or thereabouts, but he went and he defeated the forces of Spurius Melius, and then again gave up the dictatorship and went back to his farm.

So it was, we may say, that in the spirit of Cincinnatus, the Turkish military three times took over the operation of the government and the country of Turkey, and after restoring stability and order, gave the government back over to civilian control, a kind of rare thing these days, perhaps as rare as was the example set by Cincinnatus in 458 B.C. and again in 439 B.C.

The Turkish military did so consistently, and this is, indeed, a measure of their dedication to democracy and proof of their high regard for the tenets of Ataturk which he himself described as republicanism, populism, etatism, secularism and nationalism.

(Mr. ADAMS assumed the chair.)

Mr. BYRD. I believe this remarkable phenomenon shows that Turkish society really does wish to be the western-oriented friend of the United States and Europe which Ataturk envisioned and which his country has indeed become.

Perhaps some of us remember reading about the famous battle at Gallipoli in World War I, where Turkish soldiers fought the Allied Forces to a standstill. They do not lack for bravery, Mr. President, they have got it. They are not lacking in courage. It is inherent. Some of us may have seen a cinema film made a few years ago about that campaign, as horrible as any in the First World War for its loss of life on all sides. Few of us know, however, that Ataturk was the Ottoman general who commanded that campaign, one of the few successes of the Ottoman armies in World War I.

That very same man, who emerged from a military staff college education, led the forces which overthrew the old Empire and paved the way for a modern, secular, pro-western democracy in Turkey. The present day Turkish Army, which seems to be the institution in Turkey which seems most familiar to many Americans, remains firmly in that democratic tradition.

The struggle to establish democracy in Turkey provides a remarkable example of national will and useful lesson for all of us in a time when we are trying to decide how the world will look after the upheavals we are currently witnessing in so many places.

Perhaps there is even more of us to learn from Turkey than simply studying her example. The Turks have had a long involvement with those countries which are now in upheaval. For more than seven centuries the Turks have fought some of them, ruled many of them, and been defeated by yet others of them.

Today's Turkey sits in the middle of upheaval—she borders Eastern Europe, the U.S.S.R., Iran, and Iraq—and all around her is turmoil. That alone should tell us how ill-timed this resolution is, but I think there is a much more important lesson to be learned. Since we are trying to figure out what comes next in Europe and in the Soviet Union as part of Europe and part of Asia, including Turkish-speaking Russians, perhaps we can also learn the Turkish experience more than just what it means to build democracy in that kind of environment under such circumstances, surrounded by countries in such great turmoil, to plant the seed in the soil where it has never survived before.

Mr. President, rather than casting opprobrium on a friend and all in an ill-considered way, we should be looking to that friend and ally for help and advice. We should talk with that friend whose people have been dealing with Europe, yes, and with Russia since before the Europeans even discovered the continent on which we live. Perhaps the Turks will have some sage advice, based on their 700 years of foreign policy experience, about what might be coming in Europe and in central Asia, an area where they may again be a principal actor.

Therefore, Mr. President, I will speak about what the Turks have learned from us—democracy and the way to a free-market economy—and about what we can learn from them—history, at a time when the world is struggling to open a new chapter of peace and prosperity.

I believe it will also be evident, Mr. President, how little most of us know of this place called Turkey. Few Senators go to Turkey often. Perhaps none of us do. I first visited Turkey in 1955, 35 years ago, as a member of the House Foreign Affairs Committee. I was on the Subcommittee of the Far East, chaired by Mr. Zablocki. And on that occasion we went around the world in an old Constellation, a four-engine propeller craft.

We were gone, I do not recall whether it was 68 days or 72 days, but it was thereabouts. We left in early to mid-October and came back in December.

And on that trip was Mrs. Marguerite Stitt Church and Ross Adair, John Jarman, Mr. Wigglesworth, Dr. Judd, and myself, a delegation of seven. And we visited France, Italy, Turkey, Lebanon, Syria, Jordan, Israel, Egypt, Iraq, Iran, Thailand, Burma, Ceylon, India, Sumatra, Indo-

nesia, Malaysia, Vietnam, Cambodia, Korea, Hong Kong, and Japan; we came back by Hawaii. That was before Hawaii became a State of the United States. And back to Washington.

It was my first trip abroad. We were in Afghanistan; also, Pakistan and India. But I remember on that trip, as I have been on subsequent trips to Turkey—yes, we were in Greece. I may not have missed any country when I traveled, that was in our itinerary.

But I marveled at the Turks. We went out and watched some of their soldiers: tough, with great esprit de corps.

I forget what they were paid, but it seems to me it was something like 18 cents a day. I would have to review my notes to be sure.

But it was a mere pittance of a pittance. And, yet, they were dependable, courageous fighting people.

So we do not know a great deal about that place called Turkey, one of our best allies. It should also be clear how little we, in what we proudly call the world's greatest deliberative body, how little we have deliberated about this resolution. And it is the world's greatest deliberative body. I hope to publish before this year of our Lord 1990 is gone, the second volume of "The Senate 1789-1989."

This will be a topical history, the first volume having been a chronological history. It will be a topical history. There, we will study about the rules of the Senate and about the vestigial roots of those rules being deep in the soil of the English Parliament, even the Congress under the Confederation and the rules of the First Congress.

We will talk about the committee system. There will be three chapters on the committee system. There will be four chapters on the filibuster. Filibuster, the bane of majority leaders, but without which this Senate would not be the Senate, a remarkable institution.

Gladstone, who was Prime Minister of England four times, the greatest statesman during the reign of Queen Victoria, who reigned from the year 1837 to the year 1901, 64 years. Someday, I will talk a little about English history. It has been a matter of great interest to me, the history of England. I want to talk about the English monarchs, going back to the time of the heptarchy, when there were provinces, Anglo-Saxon provinces, the heptarchies of Sussex and Essex and Kent and Wessex and Mercia and East Anglia and Northumbria; go back to the kingship of Cerdic, 519-534, almost 1,500 years ago, almost 80 monarchs ago. But that can wait for another time.

But Gladstone referred to the Senate as "that remarkable body," the most remarkable of all the inventions of modern politics; "that remarkable body."

And so it is a great deliberative body. As I say, there will be four chapters on the filibuster, and this is a very mild kind of filibuster that I may be carrying on here.

And there will be two chapters on impeachment. I had to await the wrapping up of my work on impeachment until the Senate completed its two trials of last October and November when, within a period of 15 days, it convicted and ordered removed from office, and they were removed from office, two Federal judges.

So I had to await final chapter, the final action and removal of those two judges before completing my work on the two chapters on impeachment.

And then there will be three chapters on the meeting places of the Senate; a chapter on the press galleries; a chapter on the Capitol Police, and a chapter on Richard Russell, who was a Member of this Senate when I came to the Senate 31 years ago; a chapter on Aaron Burr, who was a Member of the Senate before I came here but who on March the 3d or 4th, I have to recall, 1805, made his last speech to this body. He presided over this body for 4 years, and although he had been indicted in the States of New York and New Jersey for the murder of Alexander Hamilton, he had come back to the Senate to preside over this body when it met in other precincts of this Capitol.

He had presided as though nothing had ever happened. He had shot Alexander Hamilton, delivering a fatal wound at Weehawken, NJ. And then after visiting his daughter, Burr's daughter, Theodosia, he had come back to Washington to preside over the impeachment trial of Samuel Chase. He presided with such skill and dignity and fairness that even his enemies commended him. As he made that last speech, he said, "This House is a sanctuary, a citadel of law, of order, and of liberty. And it's here, here in this exalted refuge, here, if anywhere, will resistance be made to the storms of political frenzy and the silent march of corruption. And if the Constitution be destined ever to perish at the sacrilegious hands of the demagog or the usurper which God averts, its expiring agonies will be witnessed on this floor."

Many times have I thought of what Burr said. "If the Constitution be destined ever to perish, its expiring agonies will be witnessed on this floor." For this is truly a deliberative body, Mr. President. I have learned a great deal since the first day that I walked into this Chamber. I am still learning.

It was not too many years ago that I recommended that there be a nondebatable motion to proceed to the consideration of bills and resolutions; that it be perhaps a debate of motion subject to 1 hour or 2 hours' debate. I was

majority leader then. I said that those who wish to debate a matter can have ample time after the matter is before the Senate to debate it.

There is no need to have debate, certainly unlimited debate, on a motion to proceed because those who are opposed to a bill or resolution have many opportunities: there are many opportunities for Senators who oppose a bill or resolution to debate, or, yes, even filibuster a bill or resolution. They can filibuster it when it is before the Senate. They can filibuster it three times: When the motion is made to insist upon the Senate's amendments, to ask for a conference, and that the Chair appoint the conferees on behalf of the Senate. Three opportunities as a divisible motion, three opportunities to filibuster right there, and then when the message comes back from the House in whatever form, or, if it is a conference report, the opportunity is there again to filibuster. So why filibuster a motion to proceed?

As I say, I was looking through the eyes of the majority leader. But I have been minority leader as well, and I have been a Senator without the portfolio of leadership. So I see the Senate through many different eyes. I stand here today and confess my erring ways, confess to the sin of having been indistinct, confess to the faulty judgment of which all men are at times capable.

I would not support a change in the rules that provide for a nondebateable motion to proceed. One can already be had in today's rules if one can make the motion after morning business is completed or after the first hour has run its course in a new legislative day and before the second hour. But except for that and in those instances in which we have perhaps again failed in our judgment and provided for expedited action in certain areas and circumstance, I would not want to give my support to a nondebateable motion to proceed because I can see the wisdom of having debate itself, lengthy debate, on the motion to proceed. That is where we are today.

I do not know whether the opposing forces will be able to invoke cloture. They may be able to do it. They may not. But there is no doubt in my mind that there probably will be a majority in the Senate that will support cloture.

And then, if that is the case and we get the resolution before us, this is not the kind of legislative matter that makes the blood boil, that excites the flow of adrenalin, not the kind of measure that would invite numerous amendments from all quarters of these four walls. It is the kind of measure which, if cloture is finally invoked, probably will not be subjected to many amendments certainly.

And so our only hope to defeat this resolution is to prevent its ever coming

up, prevent its ever being called up. And to do that under the Senate rules will require that the supporters of cloture muster 60 stalwart Senators. But therein lies a tale.

The fact that this resolution is not the kind of measure which would be considered an earthshaking measure in this body belies its true significance and makes it all the more important that cloture not be invoked on it. So it bears the guise of an innocent commemorative.

Mr. President, Turkey is a large and diverse country whose population is 98 percent Moslem. However, the great majority of that Turkish population has a secular political orientation—that is remarkable, a secular political orientation—and a population that is 98 percent Moslem resolutely committed to a secular democracy and resolutely committed to being part of our Western world on the basis of equality and mutual respect.

And there are radical, fundamentalist forces in Turkey that would like to see it turned the other way, that would like to see it turn its back upon the West, and would like to see this resolution adopted by the Senate. It would become an arrow in their arsenal, their goal of turning Turkey away from a pro-Western orientation.

But the great majority of that Turkish population does not want to turn the other way, and it is to be hoped that they will not be provoked to turn the other way. The fact that they are resolutely committed to a secular democracy and oriented toward the West is no accident. It did not come about simply by coincidence. When Ataturk founded the Turkish Republic in 1923, there was no single example in the world to suggest that the adventure on which she was launched might succeed, but succeed it did.

When the Turkish Republic emerged from the ashes of the Ottoman Empire after World War I, everywhere its borders were drawn had been crossed recently by warring armies. Even the basic institutions of government had collapsed and much had to begin anew.

The early years were spent on building the institutions that would make for a new country and a new viewpoint. Western dress was adopted; men gave up the fez and women gave up the veil. The Latin alphabet was modified slightly and it replaced Arabic script.

In the villages and in the towns, traditional dress was replaced by Western suits, to go along with those Western hats and Western caps. And the alphabet reform marked the beginning of a village literacy program and a push for universal education.

In the place of the religious establishment, which had been headed by the Ottoman sultan and which had had a major role in governing society,

came the separation of religion and state. That achievement, Mr. President, is worth a careful look. When we think about a similar attempt in Iran, which began about the same time but finally ended with the overthrow of the Shah; or when we think about other countries in the troubled Middle East, based on those principles of separation of state and religion, Turkey has created a society which does, indeed, reconcile many values which would seem to appear to be contradictory and which have proved to be contradictory in many societies. Turkey has achieved a success which so far has eluded some other countries.

There has been a widespread belief that a Moslem country could not preserve its religious and cultural identity while at the same time striving for democracy and a free market economy. The case of Turkey suggests otherwise. That does not mean the path in Turkey has been easy or that it has been clear, free of stones and steep places.

But we must not lose sight of the magnitude of the task their people confronted; nor should we neglect to remember the failures of the other countries in the Islamic world, where religious reaction and fanaticism have regained control. Turkey has shown what can be achieved. Turkey is an encouraging example for other countries in the region to seek their own democratic framework.

Perhaps part of the explanation is in the early history of the Turks. It may have to do with the human material and cultural traditions which Ataturk had to work with when he set about rebuilding a state for the Turks on the ashes of the defeated and dismembered Ottoman Empire. It may not be very obvious to us, immediately, but Ataturk's was a piercing analysis of what had come before and where the world was going.

Ataturk obviously saw clearly the implications of the collapse of the world order of old ancient Empires. The Ottoman Empire, the Austro-Hungarian Empire, the German Empire, and the Russian Empire, had each fallen to war or revolution. Ataturk also must have understood very well the goals of the British and the French victors in the Middle East.

Ataturk rejected a League of Nations mandate unless the United States agreed to be the mandatory power, and led a successful war of independence to assure that Turkey would not be colonized by Britain or France, as happened in the rest of the region.

It is not so much an irony of history, Mr. President, as a lesson to be borne in mind, that the countries in great upheaval today, the countries of Eastern Europe and Central Europe and the U.S.S.R., are exactly those countries

that were parts of the great Empires which met their end in World War I.

Compare the history of Turkey since 1923 with that of Germany or Poland, or Russia, or Hungary. How remarkable, indeed, was that vision of Atatürk's, Mr. President.

As I said, part of that success must have depended on the Turks themselves. Although they were Muslims, and ruled most of the Arab World until the end of World War I, they had an identity which was tied to the West as well. They wanted to be tied to the West.

Their origins were as nomads in the Central Asian steppes, speaking the languages of those areas. They came into the Islamic world as soldiers, and, in time, established their own dynasties, and by the late 1300's had not only conquered much of the East, but also a great deal of southeastern Europe.

In 1453, Constantinople, which the Turks now call Istanbul, was conquered by them as well, and they became the successors to the Roman Empire.

Constantinople was the old crossroads of the world, where Asia met Europe and where the travelers from Afghanistan, Samarkand, and other faraway places brought their laces, their jewels, their fragrant ointments to the West. There it sat astride the Bosphorus and the Dardanelles. The Bosphorus is that strait that separates Europe from Asia and connects the Sea of Marmara with the Black Sea. The Dardanelles constitute that strait that separate India and Asia from Europe and connects the Sea of Marmara with the Aegean Sea. Constantinople—today Istanbul.

The Turks continued to expand into Europe, ruling Rumania, Hungary, reaching as far as Vienna, which they came within a hair's breadth of conquering in 1683.

This brief historical discourse in which I have encapsulated the wars of centuries into just a few words is simply meant to point out that the Turks have been tied to the West in many ways, many ways, for centuries. But in Europe they were seen for very long as the dreaded infidel, the enemy, the threatening.

This observation is worth bearing in mind as we consider today how we ourselves view them. We too have our prejudices and our cultural predilections which are often hard to break. We, in this Senate here, many of us, fully aware of how hard it can be to break through old beliefs and create a changed order in society, let alone a new one.

Mr. President, I ask unanimous consent that I may yield to the Senator from Georgia [Mr. NUNN] or other Senators, for remarks; that I retain my right to the floor following the conclusion of their remarks; that my

speech not show an interruption in the RECORD nor be considered a second speech on this subject when I resume.

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

The Senator from Georgia.

Mr. NUNN. Mr. President, I rise to support the Senator from West Virginia in what I think is a very important stand that he is taking. I believe that he is absolutely correct in his analysis of the resolution, which is now called Senate Joint Resolution 212, because I believe that if this resolution is passed in its present form we will harm the United States-Turkish relations. I believe we will weaken the southern flank of NATO in a period of time when we certainly do not need to be causing problems in that area of the world and in that area of our alliance, and I also believe that we will undermine our military capabilities in an area of the globe that is very important, vital indeed, to our national interest.

I understand the desire of the Armenian community to commemorate the Armenian victims of the period from 1915 to 1923. I am very sensitive to that. I am also sensitive to the tragic, bloodstained pages in the lengthy and proud history of the Armenian people. There is no question that innocent Armenian men, women, and children lost their lives in Europe some 70 years ago. There is no question that the recent earthquake in Soviet Armenia brought death and terrible suffering to the Armenian and other peoples in the area, and there is no question that in the past few weeks and months, as we witnessed with great sadness on television, innocent Armenian men, women, and children lost their lives in the southern Republics of the Soviet Union.

It is certainly true that the Armenian people have known injustice and suffering. It is also true that injustice and suffering have not been unique to the Armenian people. All continents of our planet witnessed injustices inflicted by one group of people upon another. That is the tragedy of history, whether the injustices have been caused by tribal or ethnic or religious or economic or ideological or some other set of reasons. Many of these injustices involve terrible tragedies, bitter memories, and deep aches that do not fade.

I believe we must speak out when fundamental human rights are being violated, and I believe that this Senate does that frequently with effect. But I also think we should be restrained in looking back through the pages of history to specify injustices of past generations that revive bitter memories and deep passions in a way that can cause new problems for this generation. We have to be very careful here that we do not create more problems than we solve.

I do not see any problems that this resolution is going to solve, but I see a lot of problems it could cause. If I thought this resolution could wipe out the tears and the suffering and tragedy of the Armenian people then my perspective on it would be different, but I am afraid we are going to inflame a situation now that does not need inflaming and I think we are going to cause additional problems if this resolution passes.

Mr. President, the Turkish Government has made it clear that passage of the resolution before us will cause serious damage to the partnership between the United States and Turkey that we worked so hard to build.

The question of characterizing events that took place some 70 years ago as genocide may at first glance seem rather remote and academic to us, and it did to me when I first saw the resolution. Yet no one can doubt this issue has immediate emotional relevance to both the Armenian and the Turkish people. The current bloodshed in the southern Soviet Republics provides tragic evidence of the current relevance of this sort of historical enmity.

I believe that emotionally charged questions about complex historical events are better left to qualified scholars than addressed by us in well-intentioned but counterproductive legislative action.

I believe that Senate Joint Resolution 212 falls short because in using the term "genocide" it appears to endorse a highly controversial view, unacceptable to Turkey, of what happened in the confusion surrounding the fall of the Ottoman Empire more than a half century ago.

How many scholars do we have here on that period of history? How many of the people cosponsoring this resolution could get up and without notes give us an historical recitation of this period? How many could go back and say with any kind of certainty what really happened then and who was to blame?

I am afraid we are now debating a resolution and pretending we are historians when our real role is to try to protect the future by learning from the past. I think we ought to learn from the past and I think we ought to have great sympathy for those who suffered in the past, but I want to make it abundantly clear I do not think we should create present-day problems and perhaps cause a great deal more suffering in order to comment on something, as tragic as it was, that happened 70 years ago, of which we are not historical scholars.

The Republic of Turkey today makes an important contribution to the success of the NATO Alliance and is a key country for support of United States strategic interests in Europe,

Southwest Asia, and the Middle East. For example, the United States has access to military facilities in Turkey that play a major role in common defense, and not simply against the Soviet threat which is now altering before our very eyes, but also in the key position that relates to the Middle East where we are going to continue to have very important interests for years to come. These facilities in Turkey include air bases for deployment of United States forces, logistic depots, and vital intelligence collection facilities.

If anyone thinks that we can monitor arms control agreements in this modern period of time on conventional or strategic forces without having friends in that part of the world, they simply have not been involved in intelligence and have not been involved in national security matters in very much detail.

I believe we must avoid unnecessary harm to our relationship with Turkey, particularly at a time when the threat to our strategic interests in that region of the world is in flux and probably will remain so for some time to come.

I, therefore, again commend the Senator from West Virginia for taking this position. It is not one that is going to be popular with many people in the United States who are focusing on this issue because not many people are focusing on this issue, and perhaps they should be. It is not one that is going to gain the Senator from West Virginia many votes in his home State, probably none. But it is an important matter for the security of our country.

Too often there are no Senators who take enough time and who are willing to put in the effort to study a matter like this to understand the sensitivity, to understand the impact that a resolution like this can have on very important American relationships that indeed could involve our own security in the years to come.

I have watched the Senator from West Virginia because I have been with him on the floor of this Senate, I have been with him on the Armed Services Committee, I have been with him when he was majority leader, and I have been with him on trips to NATO. He has studied this situation and I will venture that he knows more about this matter right now than anyone else in this Congress, because he has that kind of diligence when he goes into a problem.

I know he has been to Greece and he has been to Turkey and he has paid a great deal of attention to the southern flank of NATO, and I know he also recognizes the intelligence aspect in our relationship. I know that he is very well aware of the importance of being able to monitor a geographic location and also of the relationship between being able to successfully monitor activities in that part of the world

and whether we can afford to enter into arms control agreements and cut back our own forces pursuant to those agreements.

So I commend the Senator from West Virginia for his leadership role here.

I have no idea where the votes are. I do not know whether there will be a successful cloture vote on Thursday or on the second vote, but I do know that the Senator from West Virginia is doing the Nation's business, that he is taking care of the Nation's security. I commend him for that, and he will have my support as long as this debate lasts because he is right in our national security perspective and right from the point of view of what is in the best interests of America.

Frankly, although some may not recognize it, I think he is right in not bringing this historical matter, as tragic as it was, to the current situation in a way that could be tragic in itself.

So I think from all of those points of view the Senator from West Virginia is serving this body well. He knows the Senate rules. He knows the security interests of our country. He places our security interests before any other consideration. And I commend him for it.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Georgia [Mr. NUNN] for his eloquent statement in opposition to the resolution.

The Duke of Wellington said that he considered the presence of Napoleon on the field to be equal to 40,000 men. I consider the presence of Senator SAM NUNN on the floor on this question to be very important and weighty indeed.

I have said many times, and I certainly do not mind saying again and again, that when it comes to national security matters, defense matters, military matters, there is none in this Chamber who is a peer, the equal to Senator SAM NUNN of Georgia. And there are some very highly qualified experts indeed on this floor when the Chamber is full qualified to speak on military matters.

Senator SAM NUNN is superior, in my judgment, to any other Senator in the field of military security. And that is because he has applied himself to his job. One of Benjamin Franklin's favorite passages from the Scripture was: "Seeth thou a man diligent in his business? He shall stand before kings."

Senator SAM NUNN is diligent in his business and that is why we all respect him and have faith in what he says. I have had, perhaps, in some ways the unequalled opportunity to sit on this floor and see two great Senators from Georgia, one right after the other, almost, as it were, who were great leaders in this Senate, who were great leaders in the area of armed services.

When I came here 31 years ago, Senator Richard Russell was the man who

sat right at this desk and who, when he spoke, attracted the ears, the minds, and the faith of other Senators about him. He spoke on military matters as the calm, coolheaded, level-headed sage of the Senate, and people listened.

He was the chairman, as I say, of the Armed Services Committee, later the chairman of the Appropriations Committee, and later the President pro tempore of the Senate. He died on January 21, 1971. I admired Senator Russell, and it was I who offered the resolution to name the old Senate office building the Richard Brevard Russell Building.

I predict that here is a man who is certainly equal, and equals today, in the minds of many of us, the great mind of Richard B. Russell when it comes to military matters.

I am grateful for the support of Senator NUNN. This resolution before the Senate does not matter one whit to me insofar as votes are concerned. I have no sizable Turkish constituency. And as I said on yesterday, if there are a dozen Turkish Americans in West Virginia, I do not know the name of one of them.

So, as far as politics are concerned, I will probably lose on this one. But that is not the point: We are Senators. We are supposed to give our best judgment and exercise our best judgment, and certainly in matters that affect our national interest.

I talked to a good many Senators about this resolution. Some have said, "Well, I have an Armenian constituency in my State. They are small but they are active politically, and I promised them I would be for the resolution and be for cloture." I can understand that.

I am in a difficult position. If any Armenians who may have listened to what I have said may be constrained to feel that I am anti-Armenian, that is not the case at all. I do not know whether I have any Armenians in West Virginia or not, but that is not the point.

I admire the man who keeps his word, but I admire even more greatly the man who commits his word and then who finds out that he is wrong, if he finds out he is wrong, and in the face of additional facts that constrain him to believe other than he believed when he made the commitment, I admire the man who has the courage and the intellectual honesty to say: "I was wrong, and I cannot keep a mistaken commitment. I am sorry, but I just cannot keep it. I only saw through a glass darkly, as did the apostle Paul, when I made that commitment. I see things otherwise today." Like the worm that crawled upon the clod of dirt, he saw the world; and the squirrel who climbed the tree saw the world; the eagle from the highest mountain



saw the world; each saw a different world.

So there are commitments we make at times that we will keep even though we felt like we were wrong at the time. But when they are momentous and can be of considerable magnitude in the scales of the interests of these United States, then I say it is time to take a new look and to come down on the side of our country.

Politics is one thing; patriotism is another. So I thank my friend, Senator NUNN, for what he has said. He said as much in 10 minutes as I said in an hour and a half. Because he is who he is, chairman of the Armed Services Committee and one who speaks carefully, thoughtfully and who, when he speaks, other people listen.

So, I have been rather desultory and wandering in my remarks, but my heart is there.

Mr. WIRTH. Mr. President, I rise to join the distinguished President pro tempore of the Senate, Senator BYRD, in opposition to the resolution offered by the distinguished Republican leader and others. While the issue being debated here is certainly not a burning issue for most Americans, the events of 1915-23 raised by Senate Joint Resolution 212 are of deep emotional importance to many people, Armenians and Turks alike.

Despite the emotions that are involved in this, Mr. President, I think what we have to do is step back and take a dispassionate approach. In doing so, any kind of a careful dispassionate approach would lead one to believe, I feel, that this resolution would be ill-advised for a variety of reasons.

First, as has been clearly outlined by the distinguished chairman of the Armed Services Committee, we cannot ignore the extraordinarily important role that Turkey plays in Western defense. The chairman of the committee asked me to spend a good deal of time last year looking at the southern flank of NATO, coming to understand many of the issues there. You cannot come away with anything but the very deep impression of the commitment the Turks have made.

Turkey has been a bulwark, and a very important one for us, against Soviet expansion for a long, long time and has certainly been an extraordinarily staunch friend of the United States. I think this relationship between the United States and Turkey may well be the most undervalued relationship that we have anywhere in the world today. I think passing the resolution in front of us would only do very severe harm to that special, important and, unhappily, undervalued relationship.

If you look at a map, Mr. President, Turkey lives in a very, very unfriendly neighborhood. If you look at what goes on around Turkey, surrounded by Syria, Iraq, Iran, the Soviet Union,

Bulgaria, in addition to their NATO ally Greece going to the West. If you look at that neighborhood Mr. President, it is not exactly Mr. Rogers' neighborhood. It is a very tough place to survive.

Turkey has done so with a force for stability that has been very important to much of the world. Turkey shares the Islamic faith with her Arab and Persian neighbors but has stood at the same time against the kind of fundamentalist pressures coming out of that part of the world that have consumed the passions of so many people there. It is remarkable to me, looking at that region, what a stable force this has been.

I might add also that one only has to go a little south from Turkey down the Mediterranean coast to understand that Turkey is not only important to our security, but important to the security of Israel as well.

The distinguished chairman of the Armed Services Committee, Senator NUNN, described very well our defense establishment and our relationship with the Turkish military, which is, of course, among one of the most important that we have. They have the longest border of any NATO country with the U.S.S.R. They defend 37 percent of the land territory of NATO in Europe and maintain the largest army in NATO outside the United States and, perhaps most important, they control that extraordinarily important strait, which is the choke point for Soviet naval operations in the Mediterranean.

Of course, our relationship with the Soviet Union is changing. But, goodness knows what is going to happen down the line and I think we ought to continue to maintain our concern for our national security interests and overall stability in that region.

Given the importance of Turkey to our national security and the ongoing relationship that we have under the defense and economic agreement with that nation, it seems to me that it is increasingly clear that we should not needlessly antagonize Turkey.

Second, beyond the military relationship, I do not think that it is appropriate at all for this body to get into an intense historic dispute. The genocide charge is a hotly contested one and I think immediately the assumption is: "Something happened; the Turks were guilty; the Armenians were the ones wronged in this situation." That I think, has been the conventional wisdom.

In preparing for this, Mr. President, however, I discovered, to my surprise, that there is a very significant division and a great deal of scholarship about the charges of genocide. The issues, given this division, are certainly better left to historians and not to politicians and governing bodies like the U.S. Senate.

The relevant documents in the Ottoman archives are being made accessible to researchers. That commitment that has been made by the Turkish Government. The Turkish Government has responded to calls for these documents and has invested significant resources into cataloging 4 centuries of archives relating to the Armenians. All documents are available for review by scholars, although only documents through 1895 have so far been catalogued. This process is ongoing. I think the Turkish Government has certainly been forthcoming on this front.

Let me read you a quote from Mr. Heath W. Lowry, who is the editor and cofounder of the Journal of Ottoman Studies, executive director of the Institute of Turkish Studies, an educational foundation originally endowed by the Turkish Government but managed by an independent board, including prominent American scholars. Mr. Lowry wrote the following:

What did happen in 1915? Four years ago, the majority of American academic experts on late Ottoman history declared their opposition to another Armenian genocide resolution. Specifically, those 69 scholars wrote: "The weight of evidence so far uncovered points in the direction of serious inter-communal warfare (perpetrated by Moslem and Christian irregular forces), complicated by disease, famine, suffering and massacres." They appealed to the Turkish political authorities to open the relevant Ottoman archives, which have been classified since 1914, so that they could "identify the causes for the events which resulted in the death or removal of large numbers of the Eastern Anatolian population, Christian and Moslem."

Mr. President, here are 69 distinguished American scholars saying let us sit back and look at what truly happened in this situation. I am not about to suggest that I can substitute my judgment for that of a number of very well trained historians.

Third, while the terrorism which has been endemic to this issue for the last 15 years is supported by only a tiny fraction of the Armenian community, we cannot ignore it. It is one reason why the resolution is so very sensitive a matter in Turkey. Seventy-three people, many of them Turkish diplomats, have been killed since 1973 in the name of avenging Armenian dead; 467 have been wounded and 4 of the killings, Mr. President, were right here in the United States.

I think that is further evidence that this resolution will just inflame passions more in an area where we should be seeking calm. Armenians and Azaris of Turkish dissent have fought pitched battles in the Transcaucasus. Soviet troops have been mobilized to intervene as these age-old ethnic passions boil over again.

Let us not throw more fuel onto that fire. This area of the world has too much hatred now. There is every

reason for the United States to avoid further inflaming these passions. Consideration and adoption of this resolution, Mr. President, would run exactly counter to this goal. The U.S. Senate should not become a vehicle for reopening old wounds and igniting smoldering hatreds.

This whole approach was very well outlined by the distinguished senior Senator from West Virginia yesterday. While this resolution cannot change the past, it may well bring grave damage to our relations in a critical region of the world. All of us clearly have the deepest sympathy for the Armenians who suffered in the years 1915 to 1923 but this resolution is not the answer, and I oppose its consideration.

I thank the distinguished Senator from West Virginia for his leadership on this issue. I hope the Senate does, in all of its wisdom, discuss this issue. But, let us leave it at that and not further exacerbate problems that already exist in a difficult region of the globe, and certainly one, as the distinguished Senator from West Virginia knows, is not going to become easier in the future. It is going to become more difficult, more explosive and more unstable. Let us not contribute to that with what we do on the Senate floor. I thank the distinguished Senator for yielding.

Mr. BYRD. I thank the distinguished Senator from Colorado [Mr. WIRTH], for his very cogent, lucid, well-thought-out remarks in opposition to the resolution. He is a member of the Senate Armed Services Committee, a former Member of the House of Representatives and his opinion carries great weight in the area of which he has spoken, the area of national security and military affairs. I thank him for his timely observations.

Mr. President, may I ask if the distinguished Republican leader wishes to have the floor. If he does, I will be happy to yield it for ever so long as he wishes.

Mr. DOLE. Fine. I would like to speak.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield now to the distinguished Republican leader for whatever time he may wish to consume, and that I be permitted to resume the floor when the distinguished minority leader yields it.

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

The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the Senator from West Virginia. I thank my colleagues. I thank those who participated in the debate yesterday. I will be responding to the 69 scholars' argument here a little later, blow that out of the water. There were not 69 scholars on the genocide period, only about 4. But in any event, we will come to that later.

I want to thank my colleagues who joined in debate to support my resolution, Senators PRESSLER, LEVIN, WILSON, SIMON, and PELL, yesterday. I expect that others will join today's debate in support of the resolution. I also want to commend the distinguished President pro tempore, Senator BYRD. As usual, he spoke his mind with clarity, conviction, and effect. As he has indicated, we do disagree on this issue, but I have the greatest respect for his sincerity and for his effectiveness as an opponent.

I would make one observation. So far at least, it seems the distinguished Senator from West Virginia has been doing most of the heavy lifting on that side. I hope there will be other Members who will be coming over to speak soon. Senator BYRD is an army by himself, so even if we get a lot of people on this side, he may not be outnumbered. I am not certain.

We have just had the distinguished Senator from Colorado express his views. I hope we have a good debate from people on each side of the issue. I think if we have the time—and I think we will have the time—once we get on the resolution itself, we can change some minds around this place.

Yesterday, I make some comment about Turkish lobbyists. I did not mean lobbyists from Turkey. I meant American lobbyists who are working for Turkey. The Senator from West Virginia said he had never seen a Turkish lobbyist. I do not know if we have met a Turkish lobbyist, but I have met a lot of Americans who are lobbying for Turkey.

I think sooner or later we are going to vote—I hope sometime tomorrow—on the motion to proceed. I cannot say that I have 60 votes. I should have 100 votes on this issue. I think there is going to be a sizable number for this Senator, a sizable number of votes for Senator BYRD. So it seems to me for those who will be voting yes or no, it would be very helpful if they would come to the floor.

First I would make a small but important point. In response to remarks that I made saying threats had been made by opponents of the resolution, the Senator from West Virginia said he had not heard of any threats. But I remind the Senate that this Senator also included in his statement what we all know, that Turkey has already retaliated against us for just our consideration of this resolution.

I would also inform the Senate that President Ozal indicated to me—and I do not know whether to characterize it as a threat or not. I am not casting any aspersions on him—he was quite clear—he indicated to me that further positive action on the resolution would lead Turkey to take additional actions in terms of our bilateral relations.

I know of one Senator at least, maybe there are others, who has been

threatened with loss of important business to companies in his State. So at least there have been strong representations made.

As I said yesterday, this is sort of David and Goliath. You have this small country of Armenia which has been wracked by earthquakes, 50,000 dead, 500,000 homeless, a country of 3.5 million. They do not have any strength at all. But we have, I think, a sense of fairness in this body. We have upheld time after time human rights actions, and that is what this really is all about. People may say: "Oh, well we certainly do not want to harm our relations with the Turks." But we are talking about the Ottomans, not the modern Turkish Republic. And keep in mind, they were on the side of the Germans. They were not helping us in World War I.

As I said yesterday, there was no effort or attempt to in any way implicate the Republic of Turkey. So I would hope that we understand—as it would be a sign of maturity in this democracy of Turkey if they would accept, as Germany accepted—the fact of the Holocaust.

I might also add that, as I tried to say yesterday, some were saying this is an inducement for terrorism by so-called Armenian extremists. I reject that argument. A respected scholar named Susan Blair, who was a principal researcher and editor of the book titled *The Slaughterhouse Province*, which makes a compelling case that there was, indeed, an Armenian genocide, received a death threat upon the recent publication of her book. I have no idea, and neither do the police, who made the threat, but it reminds us again that there are extremists in every community and we must join together to condemn their acts, whatever, their motive, whether they be Armenians, Turks, Americans, whatever.

Let me speak to some other arguments that have been raised. At one point the distinguished Senator from West Virginia said: "The Senate should not be the vehicle for reopening old wounds."

Mr. President, as I said, I deeply respect my friend, the Senator from West Virginia, but I think in this case he has it backwards. Action on this resolution will not open old wounds. For the millions of Armenians around the globe, including nearly 1 million in this country, the wounds have been open for almost 75 years, and they remain open. They have not been closed. The hurt has not been able to heal because the world has not faced up to the truth of the suffering of the Armenian people in this period from 1915 to 1923.

As the distinguished Senator from Michigan [Mr. LEVIN] pointed out yesterday, it may have been because the

world stood by and did nothing so far as the Armenians were concerned that led to the Holocaust and the genocide that started against the Jews in Germany in 1939.

Constructing a Holocaust memorial museum does not keep open old wounds of the Nazi genocide against European Jews. It helps the world close those wounds, and is a part of a renewed determination we can never let another genocide occur.

Writing about, and speaking about, and remembering the Cambodian genocide does not keep open old wounds, but causes us to remember the hundreds of thousands of innocent victims of the Khmer Rouge, and again reinforces our determination to stamp out the threat of genocide wherever it threatens to recur.

Mr. President, ignoring the fact of Armenian genocide does not reopen old wounds. Dealing with it straightforwardly with this resolution can start the process of closing those old wounds. We are never going to heal them if we keep our heads in the sand, and fail to open up the doors and let in a little ventilation.

It is said that if we act on this resolution, it is going to spur ethnic tensions, especially those which are so manifest today in Armenia and Azerbaijan. So we ought to lay off the resolution. The Senate should not act. The present situation is just too tense and too sensitive. And somebody pointed out, to buttress the argument the ongoing tensions. There are ongoing tensions, between the Turks and Bulgarians, Serbs and Croats, and the Armenians and the Azerbaijanis. The distinguished Senator from West Virginia made the same points in his opening remarks today.

I would again say that wherever we have had a very sensitive situation—and some have argued we should not act on these things because it might stir up tensions—we have usually taken action in the Senate of the United States.

In fact amendment No. 279 to the fiscal 1990 Foreign Relations Authorization Act was an amendment to condemn Bulgaria for its vicious attacks on the expulsion of ethnic Turks. One of the very instances cited by the Senator from West Virginia as evidence that the situation in that region is too sensitive for us to act.

I think the vote was 99 to zero. I voted for it. It was a worthwhile amendment. I supported the Turks. The amendment was offered by a most respected Member of this body, the Senator from West Virginia. The amendment was not dealing with a matter that was too sensitive. Someone could have said: "Do not deal with that, it is too sensitive there are ethnic problems the Bulgarians and the Turks." As I said, the vote was 99 to

zip. Everybody present voted for the resolution.

The record on other issues is the same. They are very sensitive—no doubt about it. They are sensitive. But they are important because they deal with human life, and human rights, and human conflicts between people of vastly different cultural and political values. That is why they are sensitive. And that is exactly why the Senate has chosen to deal with them.

So in my view, this is an appropriate debate. Some said: "Why do you not deal with today's problems? Why are you worrying about something that happened 75 years ago?" As I said yesterday, I heard that same argument when we finally acted on the Genocide Convention which had been languishing in the Senate for 38 years.

As the Senator from West Virginia pointed out, this Senator was majority leader when we passed that convention, ratified it, and he was majority leader when they did the enabling legislation. We both believed that we had waited too long, 30-some years before we acted in the U.S. Senate.

So it was important we reach back, as we did in 1986 and 1988, and it is important that we discuss now this resolution. We cannot duck the tough, sensitive issues. I think we ought to deal straightforwardly with the Armenian genocide.

The Senator from Georgia, I think, referred earlier to the strategic importance of Turkey. There is doubt about it. I made the same statement myself, have been to Turkey, and I have visited with the then president and prime minister, now the president. I am certainly aware of the strategic role Turkey plays in the southern flank of NATO. I know about its border. I know its importance with reference to Iran and the Soviet Union, the fact that we have bases there and will have base negotiations soon. The fact is to quote one speaker, that it is also "important to Israel," and other similar observations. Turkey is important to the United States. No one doubts the importance of it.

But I want to remind the Senate of what I said yesterday. The importance of Turkey cuts two different ways. Sure, Turkey is important to the United States, but I think we are equally important to Turkey. Sometimes there is a feeling around this place that you cannot disagree with your friends because they might not like it. We can disagree with each other, and we are friends. But we cannot disagree with some country even though they ought to be disagreed with—because, oh, that is too sensitive.

The United States has never made the facts of the 1915-1923 period an issue in its U.S. Turkish relations and the reason is simple. Those events, in our view, have nothing to do with the

modern Turkish Republic, with the current Turkish Government, or the contemporary Turkish people. It is the Turkish Government which insists on making this a live, all too bitter bilateral issue. We do not see our action as anti-Turkey. We say that. We mean it. Why does Turkey insist on taking it that way? Why does Turkey insist on making a crisis out of a commemorative resolution? It is not necessary.

I have said time and time again that I am willing to work with the administration, with the Turkish Embassy, anybody, to try to find language that does not offend but still states some facts. Oh, you can write something that does not offend. Just leave out Turkey. That will not offend anybody in Turkey. Leave out the word "genocide" or any reference to the word "genocide."

I understand some believe there is no compromise. I would also indicate that if the argument we are hearing from some today is accurate, I guess they just did not hear the argument we made when we were talking about the Chinese student issue, because that was sort of the argument then used by some of us about the strategic importance of the People's Republic of China.

We all heard all sorts of outrage expressed about China, about the gross human rights abuses of the Chinese Government, the government killed thousands of people. We heard the outrages. They were pouring forth for hours.

Time and time again during the debate I heard my colleagues on the other side of that issue say what happened in Tiananmen Square is a matter of right and wrong, not strategic importance. The fact that there are 1.1 billion people in China did not make any difference. The fact China might be an offset to the Soviet Union did not make any difference. "We are talking about right and wrong." They said it again and again.

The majority leader this morning indicated that China's people comprised nearly a quarter of the world's population. But what was the argument? We cannot let the importance of China stand in the way of Senate action on an issue of right and wrong. That is the issue here today, right or wrong. That was the view they held about China. It was a human rights disaster. We do not know how many were killed, how many were jailed, how many are still in jail. But compared to what happened in Armenia, in a period of 1915 to 1923, there is no comparison. Almost an entire nation of people were wiped out. It was not a tragedy. It was genocide.

So I would guess there is a question of right and wrong here. That is really what we are debating here,

what happened in the Ottoman Empire between 1915 and 1923.

Listen to what the majority leader decried in his statement on China this morning. And let me say he is right to decry. These are his words:

Political and other extrajudicial killing, torture, or other inhuman, degrading treatment, or punishment, arbitrary arrests, detention, exile, excessive force in violation of humanitarian law in internal conflicts.

Again he was right to decry those gross violations of human rights. But every one of those charges can be made and proved a thousandfold against the authorities of the Ottoman Empire.

Let us make it clear. If we are going to have one set of rules for the People's Republic of China, and another set of rules for Turkey, maybe another set of rules for some country somewhere in the Mideast, and another set of rules for some other country, then I am not certain by what kind of a standard we are going to judge human rights abuses.

So if we should speak out against the current Chinese Government—and we should—how can you make a case that we cannot raise our voice about the Ottoman Empire and the crimes committed by the leaders of the Ottoman Empire, committed against an entire nation of people, and to boot by a government long since relegated to the trash can of history? Is China strategically important or not? Most people would say yes. Turkey is strategically important. Okay. Everybody will stipulate that. But it does not make sense to apply one standard to one country, and a different standard to another country.

Mr. President, I want to respond to the argument just made about the 69 scholars. That has a nice sound to it. All you have to do is tell people, well, we have 69 scholars to back up the case of the Turks. We want to make a record. So whatever the vote may be, the record will be here. This issue will not go away.

The inference is that 69 or a majority of U.S. or leading scholars challenge the genocide. In 1985 the American Turkish Association ran a newspaper ad, questioning whether the Armenians actually suffered a genocide and calling for the opening of the Ottoman Archives. We have a copy of the Ottoman what are now sent to be the Ottoman archives. I am showing you what the Ottoman archives is. It does not take long to leaf through it. The last entry is in 1894. The self-described Ottoman archives are right here. It has a letter which accompanies it. It is from the Center of Cultural Publication and Distribution from Turkey:

I am pleased to present to you and your staff a new release of our foundation entitled "Ottoman Archives, Collection, the Armenian Question."

As you are well aware, the repeated allegations of some Armenian interests in the U.S.

is that a genocide occurring during the period of 1915 to 1923 has caused this mundane issue to be considered in the Congress numerous times during the last few years. S.J. Res. 212 is a most recent attempt on this issue. Historians repeatedly indicated that in the absence of clear, specific evidence which substantiates such an allegation, it would be an attempt to rewrite history on distorted facts on which the U.S. Congress should not be expected to play a role.

Our foundation took this professionalism as a mandate and started an expensive multi-year project to publish the original Ottoman Archives of the Middle East Institute, the first volume which is presented to you today, and 14 additional volumes are coming.

When? This goes to 1894.

I placed in the RECORD yesterday—no one has refuted it, as far as I know—a report about the archives, and about what may be remaining to see, and about all the other archives in Germany and the United States and the Vatican; I read excerpts from Turkish papers that the Turks have been spending years taking out any part of the archives that might have an adverse impact. So this is volume 1, up to 1894. Fourteen more volumes are coming—but long after the debate on this particular issue will have ended. It's planned that way.

Let me get back to the 69 scholars, leading scholars. Of the 69, only 4 actually focus their studies on the historical period of the genocide: Stanford Shaw and his Turkish wife, Ezal Kural Shaw, their former student, Justin McCarthy, and Philip Stoddard, director of the Middle East Institute; all are financially subsidized by Turkey. Their work is routinely and roundly criticized by other scholars, who say none has credibility on the issue.

The other 64 signatories specialize in the areas of general history, Turkish language, Islamic carpets, architecture, political science, anthropology, and Turkish folklore. That does not exactly mean they are experts on genocide.

Since 1985 this ad has never reappeared, and the signatories have not responded to calls from Armenian historians to discuss the issue. After the ad ran, the Armenian Assembly contacted many of the signatories. In private some claimed they had not authorized use of their names and some readily acknowledged the Armenians suffered genocide. We have excerpts from some of the letters.

Bernard Lewis from Princeton signed the ad, and because he is well known, took on a special role in the Senate debate on the resolution. However, Lewis' prior work establishes his lack of credibility as a "69 scholars" signatory.

In his seminal book "The Emergence of Modern Turkey," Lewis actually wrote that the Armenians suffered "the terrible holocaust of 1915, where

a million and a half Armenians perished." That is his language, not mine.

None of the 69 has ever acknowledged the overwhelming primary evidence of the genocide—that is, hundreds of unimpeachable international eyewitnesses; boastful admissions by Ottoman Government officials; the obvious fact that an entire race was removed from its homeland; incriminating Ottoman documents; United States, British, German, Austrian, Italian, French, Soviet, and other dispositive archival records; and the post-war trial and convictions for "exterminating the Armenian nation." It has been suggested that maybe some of those who did sign did so as the price of continued access to resources in Turkey.

I ask unanimous consent to have material printed in the RECORD which contains statements and the retractions, in some cases, and information on many of those who supposedly signed an ad in 1985 as "69 scholars." Let me remind you that 10 U.S. Presidents, Ronald Reagan, Jimmy Carter, Herbert Hoover, Warren G. Harding, Woodrow Wilson, William Howard Taft, Theodore Roosevelt, William McKinley, Grover Cleveland, and Benjamin Harrison, all spoke of the tragedy of the Armenians.

I have a list of the scholars and their affiliation and their specialization and their area of expertise, which I ask unanimous consent to have printed in the RECORD at the appropriate point. I have copies of resolutions previously addressed in the Congress of the United States, and to include in the RECORD at this point a paper about how, over the years, a number of my colleagues in the Senate, Republicans and Democrats, have generally in the month of April, sometime around the 24th of April, which is the anniversary date, made statements in support of the so-called Armenian position.

I ask unanimous consent also to have printed at this point a listing of those Senators who have made statements over the years. Also the statement by the late Senator Scoop Jackson, which I will discuss at some length later, which addresses the strategic importance of Turkey, which he recognized, but also the question of right or wrong, which he recognized.

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

69 OR A "MAJORITY" OF U.S. OR LEADING SCHOLARS CHALLENGE THE GENOCIDE

Issue: In 1985, the American Turkish Association ran a newspaper ad questioning whether the Armenians actually suffered a genocide and called for the opening of the Ottoman Archives. This ad has become one of the most often used weapons against the genocide resolution—opponents argue that if 69 scholars dispute the genocide, Congress should not legislate it into history. In fact,

this ad has little substance and no value as a statement of credible scholars.

#### POINTS AND AUTHORITIES

1. Of the sixty-nine, none are recognized in genocide studies and only four actually focus their studies on the historical period of the genocide: Stanford Shaw, his Turkish wife Ezal Kural Shaw, their former student Justin McCarthy, and Phillip Stoddard, Director of the Middle East Institute. All four are financially subsidized by Turkey, their work is routinely and roundly criticized by other scholars, and none has credibility on this issue.

2. The other 64 signatories specialize in the areas of history, Turkish language, Islamic carpets, architecture; political science, anthropology, and Turkish folklore.

3. Since 1985, this ad has never reappeared and the signatories have not responded to calls from Armenian historians to discuss the issue.

4. After the ad ran, the Armenian Assembly contacted the signatories. In private some claimed that they had not authorized use of their names and some readily acknowledged the Armenians suffered a genocide. In writing, we received letters, excerpted in the attachment.

5. Bernard Lewis, from Princeton, signed the ad and, because he is well-known, has taken on a special role in the Senate debate on the resolution. However, Lewis' prior work establishes his lack of credibility as a "69 scholars" signatory. In his seminal book, "The Emergence of Modern Turkey," Lewis actually wrote that the Armenians suffered "the terrible holocaust of 1915, where a million and a half Armenians perished." (Note, the term "holocaust" is usually reserved for the unique Jewish experience during World War II.)

6. None of the sixty nine has ever distinguished or even acknowledged the overwhelming primary evidence of the genocide—i.e., hundreds of unimpeachable international eyewitnesses; boastful admissions by Ottoman government officials; the obvious fact that an entire race was removed from its homeland; incriminating Ottoman documents; U.S., British, German, Austrian, Italian, French, Soviet, and other dispositive archival records; and the post-war trials and convictions for "exterminating the Armenia nation."

7. Finally, it is clear that many of those who did sign their names did so as the price of continued access to resources in Turkey. Turkish sources confirm that cooperation with the government pays high dividends and criticism exacts a high price. Recently, an Armenian-American obtained a rare copy of the Turkish Official Gazette recording the post war trials; he offered it to Cornell Fleischer at Washington University in St. Louis for the school's Ottoman materials. Initially, Fleischer agreed to accept the copies if there were no publicity, but then refused to accept them in fear of the Turkish government's reaction if it heard. As another example, in a more recent edition of Lewis' book, he has edited out his previous statement on the Armenian holocaust.

#### SUPPORTING MATERIALS ATTACHED

1. 1985 Ad
2. Chart of 69 Scholars
3. Passages from Lewis' "Emergence of Modern Turkey" (2d ed.)

#### AMERICAN ACADEMICIANS AND LOBBYING ON THE ARMENIAN GENOCIDE RESOLUTION

##### INTRODUCTION

"The political control of knowledge goes deeper than censorship and is more subtle

than outright propaganda. It includes the conditions under which research will be funded and given a forum, and also the designation of legitimacy to be conferred or withheld in specific fields of inquiry. Jobs, tenure, professional advancement, all can come to depend on taking the approved line.

"Adjacent to these disturbing developments in the academy, the high-pressure phenomenon of the 'institute' and 'think tank' proliferates, with, in most cases, government backing of one sort or another. What all this scrambling means, finally, is that the struggle of memory against forgetting must compete with official versions and special interests, with public and private demands for serviceable knowledge, with the kinds of on-line information geared to expedient needs. Amid this din the scholar's independent voice is hard to hear, unless, of course, it too is 'backed.'"—Terrence Des Pres, Professor of English, Colgate University, Member of the United States Holocaust Council.

In 1985, 69 American academicians became part of a lobbying effort organized by the Assembly of Turkish American Associations to defeat congressional approval of a resolution to commemorate the Armenian Genocide.

The scholars, who hailed from such prestigious institutions as Columbia University and the University of Chicago, signed their names to an advertisement that ran in *The New York Times*, *The Washington Post*, and *The Washington Times*. The advertisement, which was directed at members of the U.S. House of Representatives, characterized language in the House Resolution, H.J. Res. 192, as "misleading and/or inaccurate."

Since 1985, some of the scholars have privately expressed regret that they ever signed the ad. Others have seemingly contradicted the conclusions of the ad in correspondence on the topic with the Armenian Assembly of America.

Dr. Bernard Lewis, a professor at Princeton University, was even found to have acknowledged the massacre of the Armenians in one of his books, "The Emergence of Modern Turkey." Lewis wrote that at the beginning of the 19th century a desperate struggle began between the Turks and the Armenians, "a struggle between two nations for the possession of a single homeland, that ended with the terrible holocaust of 1915, where a million and half Armenians perished."

The 1985 ad illustrates how academicians can become players, wittingly or unwittingly, in a shrewd political maneuver. To date, Turkish government officials and Turkish organizations in the United States continue to use this ad as a tool in a far-reaching campaign to convince American political leaders and the American people that an Armenian Genocide in Turkey between 1915 and 1923 never occurred.

Terrence Des Pres wrote pointedly that scholarship today has become besieged by political pressures. One can only hope that the scholarly community will recognize the damaging effects of this type of pressure and move to reject similar tactics in the future.

#### AFFILIATIONS

Although 69 names appear under the ad, eleven have no current academic affiliation. Of the eleven, five are retired, one is with the Middle East Institute, one is with the Institute for Turkish Studies, and four are not affiliated with any institution.

Two specific examples of non-academics are Phillip Stoddard and Elaine Smith, both

former U.S. Foreign Service Officers. Mr. Stoddard was a Ford Foundation research fellow in Turkey from 1955 to 1957. He joined the U.S. State Department in 1963, working in intelligence research as Chief of the Greece-Turkey-Iran Division and went on to head the Near East Division. He is currently the Executive Director of the Middle East Institute in Washington, D.C.

Ms. Smith studies Turkish at the Foreign Service Institute in 1958 and 1959. In 1960, she was assigned as political officer to the U.S. Embassy in Ankara, Turkey, where she remained for nine years. After that, she was transferred to Istanbul, where she served another three years. She was later assigned in Washington, D.C. to the Department of Commerce.

#### AREAS OF EXPERTISE

All of the signatories of the ad have at some time studied, taught or written about some aspect of Turkey—history, anthropology, linguistics, literature, political science, or folklore.

But an analysis of their areas of expertise reveals a striking fact: of the 69 signatories, only 8 are concerned solely with the 20th century, the period encompassing the Armenian Genocide. Another 10 are scholars of the 19th and 20th centuries. Put together, only 26 percent of the signatories are scholars on the broad subject of pre-Republic Turkish history during the 19th and 20th centuries.

Closer analysis reveals that only 4 of the 18 scholars of the 19th and 20th century history have dealt with the specific topic and period of history in question, i.e. Turkish Ottoman policy towards the Armenians during and before World War I. These four are Phillip Stoddard, Justin McCarthy, Ezal Kural Shaw and her husband, Stanford Shaw.

Of the remaining 14 scholars of 19th and 20th century Turkish history, 9 have dealt with issues peripheral to the Armenian theme, and five with topics irrelevant to Armenian issues. One example is Heath Lowry, the current director of the Institute of Turkish Studies in Washington, D.C. His area of expertise is the 16th century Ottoman Empire.

The remaining 74 percent of the signatories have dealt with various aspects of Turkish history, language and anthropology ranging from the 13th to the 18th centuries. Some of the scholars have been involved in such aspects of the Ottoman Empire as Arab affairs, Islamic carpets, and patronage of architecture.

#### TURKISH SUPPORT FOR RESEARCH

A significant number of the signatories of the ad have received fellowships and/or grants from pro-Turkish organizations to conduct their research. The two most active organizations were the Institute of Turkish Studies, headquartered in Washington, D.C., and the American Research Institute in Turkey, based in Ankara, Turkey.

In total, 40 of the scholars who signed the ad received a total of 65 grants from these two organizations. In addition, departments or universities with which those 40 scholars are affiliated have received more than 170 grants from pro-Turkish institutes. (See the attached chart for specific grants.)

#### THE SCHOLARS RESPOND

After publication of the ad, the Armenian Assembly wrote to the signatories to determine their personal views on the Armenian Genocide. Twelve of them responded and made the following points:

All 12 signatories agreed that archives everywhere, especially in Turkey, should be opened to all scholars.

Some objected to the U.S. Congress singling out the Armenians as an example of man's inhumanity to man, while ignoring the plight of Blacks and Indians.

One raised the concern of a damaged NATO alliance and possible disruption in U.S.-Turkish relations.

One expressed displeasure that the ad had been reprinted without his permission, and agreed with the resolution.

One decried blaming today's Turks for "what happened 70 years ago," but another noted that the Turkish public has not addressed the "victimization of the Armenians."

Following are excerpts from some of the letters. The names of the scholars have been withheld at their request.

"I am well familiar with the events of 1915-16 and with the events up to 1923 and I am aware of the death, suffering and massacres of the Armenian people during this period . . . I shall never become part of any attempt to deny the victimization, massacres, or genocide of the Armenian people perpetrated between 1915 and 1923."—June 11, 1985.

"Let me first say that I do not question that massive numbers of Armenians perished during World War I as a result of criminal and even genocidal intents. Whenever I teach courses on this period, I always devote these events specific attention. It is also my personal opinion that high Ottoman officials pursued policies that were aimed at the effective elimination of the Armenian population in Anatolia."

"It is also my opinion that the Turkish public—unlike the German public with regard to the Holocaust—has not yet forthrightly addressed the victimization of the Armenians during World War I. I believe that Turkish democracy will be much stronger when this has been accomplished."—June 14, 1985.

"You ask me what my understanding is of the treatment of Armenians during the period between 1915 and 1923 . . . I cannot authoritatively answer that question. First, that period is not the subject of my own scholarly expertise. Second . . . official Turkish archives of the period in question have not so far been opened for scholarly analysis."—June 14, 1985.

"I sincerely believe that hundreds of thousands of Armenians lost their lives in the 1915-1923 period. I have no doubt that the three upstarts who led the Empire up to 1918 had the capacity to give orders to murder Armenians *qua* Armenians."—July 3, 1985.

"As scholars, we acknowledge that there were terrible sufferings undergone by the Armenians at this time. To deny this would be unjust. Even the word 'genocide' is not wholly inappropriate here."—June 10, 1985.

#### THE U.S. HISTORICAL RECORD

Some 70 years after the terrible sufferings endured by the Armenians in Turkey, 69 scholars have urged Congress to oppose a resolution that would set aside a day to remember and reflect on those tragic events.

Nearly three-fourths of the signatories are not academicians of the historical period and topic in question, and many of them have received direct or indirect support for their academic research from the Republic of Turkey.

The signatories say that the archives of the Soviet Union, Syria, Bulgaria and Turkey must be opened to historians so that

the events of 1915-23 can be "adequately known." But thousands of historical documents on the Armenian Genocide already exist in the archives of the United States. The tragic events of that period have been affirmed by several sources (See Fact Sheet #2 for specific citations):

Ten U.S. Presidents—Ronald Reagan, Jimmy Carter, Herbert Hoover, Warren G. Harding, Woodrow Wilson, William Howard Taft, Theodore Roosevelt, William McKinley, Grover Cleveland, and Benjamin Harrison.

Congressional resolutions adopted by the 54th and 66th Congresses.

Official files of U.S. consular reports from Ottoman Turkey, including the correspondence of U.S. Ambassador to the Ottoman Empire, Henry Morgenthau.

In light of this material, and much more documentation that can be found in the British, French and German archives, contemporary scholars have a wealth of information already at their disposal on the events of 1915-1923.

Richard Hovannisian, a renowned scholar of modern Armenian history, talks pointedly about the problems surrounding scholarly research into the Genocide in a new book titled "The Armenian Genocide In Perspective":

"Perhaps the main reason for the general disregard for scientific study was the feeling that there was neither need for, nor purpose in, dwelling upon that which the entire world accepted as common knowledge, that is, the systematic dislocation and annihilation of the Armenian population by a dictatorial regime bent on creating a radically different political order with a radically different ethno-religious composition.

"With the humiliating but accurate phrase 'starving Armenian' broadcast the world over, the survivors would have found it unimaginable that within a generation there might be those who would either deny or else try to minimize the scope of their victimization by casting it into the context of the general horror and havoc of war. Ironically, however, that is exactly what happened. And with the great new international crises gripping the world in the 1930s and 1940s, the Armenian experience in World War I became the 'forgotten genocide.'"

While the evidence of the Armenian Genocide is incontrovertible, the Armenian community looks forward to increasing study of this subject to assist in the prevention and punishment of the crime of genocide.

[From the Washington Times, Dec. 2, 1985]

#### ATTENTION MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES

Our reservations focus on the use of the words "Turkey" and "genocide" and may be summarized as follows:

From the fourteenth century until 1922, the area currently known as Turkey, or more correctly, the Republic of Turkey, was part of the territory encompassing the multi-national, multi-religious state known as the Ottoman Empire. It is wrong to equate the Ottoman Empire with the Republic of Turkey in the same way that it is wrong to equate the Hapsburg Empire with the Republic of Austria. The Ottoman Empire, which was brought to an end in 1922, by the successful conclusion of the Turkish Revolution which established the present day Republic of Turkey in 1923, incorporated lands and peoples which today account for more than twenty-five distinct countries in South-eastern Europe. North

Africa, and the Middle East, only one of which is the Republic of Turkey. The Republic of Turkey bears no responsibility for any events which occurred in Ottoman times, yet by naming "Turkey" in the Resolution, its authors have implicitly labeled it as guilty of the "genocide" it charges transpired between 1915 and 1923.

As for the charge of "genocide:" No signatory of this statement wishes to minimize the scope of Armenian suffering. We are likewise cognizant that it cannot be viewed as separate from the suffering experienced by the Muslim inhabitants of the region. The weight of evidence so far uncovered points in the direction of serious intercommunal warfare (perpetrated by Muslim and Christian irregular forces), complicated by disease, famine, suffering and massacres in Anatolia and adjoining areas during the First World War. Indeed, throughout the years in question, the region was the scene of more or less continuous warfare, not unlike the tragedy which has gone on in Lebanon for the past decade. The resulting death toll among both Muslim and Christian communities of the region was immense. But much more remains to be discovered before historians will be able to sort out precisely responsibility between warring and innocent, and to identify the causes for the events which resulted in the death or removal of large numbers of the eastern Anatolian population, Christian and Muslim alike.

Statesmen and politicians make history, and scholars write it. For this process to work scholars must be given access to the written records of the statesmen and politicians of the past. To date, the relevant archives in the Soviet Union, Syria, Bulgaria and Turkey all remain, for the most part, closed to dispassionate historians. Until they become available the history of the Ottoman Empire in the period encompassed by H.J. Res. 192 (1915-1923) cannot be adequately known.

We believe that the proper position for the United States Congress to take on this and related issues, is to encourage full and open access to all historical archives, and not to make charges on historical events before they are fully understood. Such charges as those contained in H.J. Res. 192 would inevitably reflect unjustly upon the people of Turkey, and perhaps set back irreparably progress historians are just now beginning to achieve in understanding these tragic events.

As the above comments illustrate, the history of the Ottoman-Armenians is much debated among scholars, many of whom do not agree with the historical assumptions embodied in the wording of H.J. Res. 192. By passing the resolution Congress will be attempting to determine by legislation which side of a historical question is correct. Such a resolution based on historically questionable assumptions, can only damage the cause of honest historical enquiry, and damage the credibility of the American legislative process.

#### ARMENIAN ASSEMBLY OF AMERICA, FACT SHEET #2, U.S. RECOGNITION OF THE ARMENIAN GENOCIDE

During the second half of the nineteenth century, the Armenian population of the Ottoman Turkish Empire became the target of heightened persecution by the Ottoman government. These persecutions culminated in a three-decade period during which the Armenians were systematically uprooted

from their homeland of 3,000 years and eliminated through massacres or exile.

Few events have evoked American sympathy and concern as did the Armenian Genocide in Ottoman Turkey. Eight U.S. Presidents spoke out against the treatment of the Armenians, and the 54th and 66th Congresses adopted resolutions deploring the massacres. In recent years, President Reagan, President Carter, the House of Representatives, and other officials reaffirmed American recognition of this tragedy.

U.S. REAFFIRMATION

President Ronald Reagan

Days of Remembrance of Victims of the Holocaust, Proclamation 4838, April 22, 1981.—“Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten.”

President Jimmy Carter

White House Ceremony, May 16, 1978.—“... it is generally not known in the world that in the years preceding 1916, there was a concerted effort made to eliminate all the Armenian people, probably one of the greatest tragedies that ever befell any group. And there weren't any Nuremberg trials.”

President Herbert Hoover

The Memoirs of Herbert Hoover, 1952.—“The association of Mount Ararat and Noah, the staunch Christians who were massacred periodically by the Mohammedan Turks, and the Sunday School collections over fifty years for alleviating their miseries—all cumulate to impress the name Armenia on the front of the American mind.”

President Warren G. Harding

Letter to Secretary of State Charles Evans Hughes, November 22, 1921.—“If it is believed that a warship can be sent to an Armenian port on the Mediterranean I should have very little hesitancy in making such a suggestion on behalf of these stricken people. Surely there must be some way in which to utter the admonition of the five great powers to restrain the hands of assassins in that unfortunate land.”

President Woodrow Wilson

Letter to Acting Secretary of State William Phillips, September 18, 1919.—“... get into communication with ... the appropriate committees of Congress with regard to our being authorized to send

troops to Armenia. I am heartily in favor of such a course if the Congress will authorize it \* \* \*

President William Howard Taft

Taft Papers on the League of Nations, 1920.—“On the whole, it is not to much to say that the people of the Jewish race have suffered more in this war, as noncombatants, than any other people, unless it be the Serbians and the Armenians.”

President Theodore Roosevelt

Letter to Cleveland Moadley Dodge, May 11, 1918.—“... the Armenian massacre was the greatest crime of the war, and failure to act against Turkey is to condone it \* \* \* the failure to deal radically with the Turkish horror means that all talk of guaranteeing the future peace of the world is mischievous nonsense \* \* \*

Annual Message of the President, December 6, 1904.—“... it is inevitable that (the United States) should desire eagerly to give expression to its horror on an occasion like \* \* \* such systematic and long-extended cruelty and oppression as the cruelty and oppression of which the Armenians have been the victims, and which have won for them the indignant pity of the civilized world.”

President William McKinley

Annual Message of the President, December 5, 1898.—“... press for a just settlement of our claims \* \* \* during the Armenian troubles of 1895 \* \* \*

President Grover Cleveland

Annual Message of the President, December 7, 1896.—“... it would afford me satisfaction if I could assure the Congress that the disturbed condition in Asiatic Turkey had during the past year assumed a less hideous and bloody aspect and that \* \* \* as a consequence of the awakening of the Turkish Government to the demands of humane civilization \* \* \* the shocking features of the situation had been mitigated. Instead, however \* \* \* we have been inflicted by continued and not infrequent reports of the wanton destruction of homes and the bloody butchery of men, women, and children, made martyrs to their profession of Christian faith.”

Annual Message of the President, December 2, 1895.—“Occurrences in Turkey have continued to excite concern. The reported massacres of Christians in Armenia and the development there and in other districts of a spirit of fanatic hostility to Christian influences naturally excited apprehension \* \* \*

President Benjamin Harrison

Letter to Robert J. Thompson, Esq., December 14, 1894.—“My indignation and sympathy have been greatly roused by the press reports of the fearful outrages practised on the Armenians.”

House Joint Resolution 247

September 10, 1984.—“... April 24, 1985 is hereby designated as ‘National Day of Remembrance of Man's Inhumanity to Man’ \* \* \* for all victims of genocide, especially the one and one-half million people of Armenian ancestry who were victims of the genocide perpetrated in Turkey between 1915 and 1923 \* \* \*

House Resolution 148

April 8, 1974.—“... April 24, 1975 is hereby designated as ‘National Day of Remembrance of Man's Inhumanity to Man’ \* \* \* for all victims of genocide, especially the one and one-half million people of Armenian ancestry who succumbed to the genocide perpetrated in 1915 \* \* \*

Senate Resolution 359

May 13, 1920.—“... the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered.”

Concurrent Resolution of Congress: ‘Armenian Outrages’

January 27, 1896.—“Whereas the American people, in common with all Christian people everywhere, have beheld with horror the recent appalling outrages and massacres of which the Christian population of Turkey have been made the victims \* \* \*

U.S. Holocaust Memorial Council Chairman Elie Wiesel

Days of Remembrance Commemoration, Capitol Rotunda, April 30, 1981.—“Before the planning of the final solution, Hitler asked, ‘Who remembers the Armenians?’ He was right. No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history.”

U.S. Ambassador to the Ottoman Empire Henry Morgenthau

Telegram to the Secretary of State, July 16, 1915.—“Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.”

AMERICAN TURKISH SCHOLARS: A CLOSER LOOK

Scholar	Affiliation	Specialization	Area/period of expertise	Grants (Number)	Grants to departments/universities
Abu El Haj, Rifaat	California State University, Long Beach	History	Arab-Ottoman, 17-18th centuries	ITS (1)	
Atis, Sara	University of Wisconsin at Madison	Language/Literature	Turkish literature	ITS (1)	ITS (8)
Barbir, Karl K.	Siena College (New York)	History	Arab-Ottoman, 18th century		
Basgoz, Ihan	Indiana University	Folklore	Turkish folklore	ITS (3); ARIT (2)	ITS (8)
Bates, Daniel	Hunter College, University of New York	Anthropology	Cultural anthropology of Turkey		ITS (1)
Bates, Ulku	Hunter College, University of New York	Art History	Seljuq & Ottoman period art/architecture	ARIT (1)	ITS (1)
Bayeler, Gustav	Indiana University	History/Philology	Ottoman history, 16th century	ARIT (1)	ITS (8)
Bodrogigetti, Andras	University of California, Los Angeles	Philology/Literature	Turkic & Iranian	ITS (1)	ITS (4)
Burrill, Kathleen	Columbia University	Philology/Linguistics	Turkic/Persian, 14th century	ITS (8); ARIT (1)	ITS (9)
Childs, Timothy	SAIS, Johns Hopkins University	History	Ottoman, 19-20th centuries		
Daulet, Shafiga	University of Connecticut	Political Science	Politics, government of Mideast		ITS (4)
Davison, Roderic	George Washington University, Washington, DC	History	Ottoman, 19th century	ARIT (1)	
Denny, Walter	University of Massachusetts	Art History	Ottoman art	ARIT (1)	
Duben, Alan		Anthropology			
Ervin, Ellen	New York University	Language/Literature	Turkish language	ITS (1)	ITS (6)
Farah, Caesar	University of Minnesota	History	Arab-Ottoman, 18-19th centuries	ITS (1)	
Findley, Carter	Ohio State University	History	Ottoman, 19th century	ITS (2); ARIT (1)	ITS (3)
Finefrock, Michael	College of Charleston	History	Turkish, 20th century		
Fisher, Alan	Michigan State University	History	Ottoman-Russian, 16-17th centuries	ARIT (1)	ITS (1)
Fleischer, Cornell	Washington University, Missouri	History	Ottoman, 16-17th centuries		
Golden, Peter	Rutgers University	History	Ottoman-Slavic relations		

## AMERICAN TURKISH SCHOLARS: A CLOSER LOOK—Continued

Scholar	Affiliation	Specialization	Area/period of expertise	Grants (Number)	Grants to departments/universities
Goodrich, Tom	Indiana University of Pennsylvania	History	Ottoman, 16th century		
Gould, Andres		History			
Griswold, William	Colorado State University	History	Ottoman, 17th century	ARIT (1)	
Halasi-Kun, Tibor	Columbia University	Philology/Linguistics	Turkish/Hungarian	ITS (3)	ITS (10)
Hickman, William	University of California, Berkeley	Philology		ARIT (1)	ITS (3)
Hurewitz, J. C.	Columbia University, retired	Political Science	Arab-Turkish, 20th century		ITS (10)
Hynes, John	Glennville State College, W.Va.	History	Ottoman, 19-20th centuries		
Inalcik, Halil	University of Chicago	History	Ottoman, 15-17th centuries	ITS (1)	ARIT (9)
Jaecel, Ralph	University of California, Los Angeles	Languages	Turkish		ITS (4)
Jennings, Ronald	University of Illinois	History	Ottoman-Cyprus, 16-17th centuries	ARIT (1)	ITS (3)
Kelly, James	University of Utah	Linguistics	Turkic, Central Asian	ITS (2); ARIT (1)	ITS (5)
Key, Kerim	Southeastern University	History	Ottoman, 19-20th centuries		
Kunt, Metin		History	Ottoman		
Latimer, Frederick	University of Utah, retired	History	Ottoman		
Levy, Avigdor	Brandeis University	History	Ottoman, 19th century	ARIT (1)	ITS (7)
Lewis, Bernard	Princeton University	History	Ottoman; modern Turkey; Arab		ITS (3)
Lowry, Heath	Institute of Turkish Studies	History	Ottoman, 16th century	ARIT (2)	
McCarthy, Justin	University of Louisville	History/Demography	Turkey/Arab world, 19-20th centuries	ITS (1); ARIT (1)	
Mandaville, Jon	Portland State University	History	Arab/Ottoman, 16-17th centuries	ARIT (1)	ITS (2)
Meeker, Michael	University of California, San Diego	Anthropology	Turkey		
Murphy, Thoas	Columbia University	History/Language	Ottoman, 17th century	ITS (1); ARIT (1)	ITS (10)
Naff, Thomas	University of Pennsylvania	History	Ottoman, 18th century		ITS (9)
Oberling, Pierre	Hunter College of the City University of New York	History	Europe-M.E., 19-20th centuries	ITS (1)	ITS (1)
Ochsenwald, William	Virginia Polytechnic Institute	History	Modern Middle East, mainly Arab	ARIT (1)	
Olson, Robert	University of Kentucky	History	Turkish, 18-20th centuries		
Peachy, William	Ohio State University	Language/Literature	Judaic, Near Eastern	ARIT (2)	
Quataert, Donald	University of Houston	History	Ottoman, 19-20th centuries	ITS (2); ARIT (1)	ITS (2)
Reed, Howard	University of Connecticut	History	Ottoman, 19-20th centuries	ITS (1)	ITS (5)
Rustow, Dankwart	City University Graduate School, New York	Political Science	Europe		
Shaw, Ezel Kural	California State University, Northridge	History	Ottoman, 19th century		
Shaw, Stanford	University of California, Los Angeles	History	Ottoman, 19-20th centuries	ITS (1); ARIT (2)	ITS (4)
Smith, Elaine	Retired Foreign Service Officer	History	Modern Turkey		
Smith, Grace	University of California, Berkeley	History/Folklore Language	Turkey, 14th century	ITS (1); ARIT (1)	ITS (3)
Smith, John Masson	University of California, Berkeley	History	Ottoman, 13-14th centuries	ARIT (1)	ITS (3)
Soucek, Svat		Turcology	Arab/Ottoman	ARIT (1)	
Staab, Robert	University of Utah	History	Ottoman/Balkans, 16th century		ITS (5)
Starr, June	SUNY Stony Brook	Anthropology	Turkey		
Stewart-Robinson, James	University of Michigan	Literature	Turkish		ITS (3)
Stoddard, Phillip	Middle East Institute, Director	History	Ottoman, 19-20th centuries		ITS (3)
Tachau, Frank	University of Illinois	Political Science	Internat'l Rel., modern Turkey	ITS (1); ARIT (2)	ITS (3)
Tamkoc, Metin	Texas Tech	International Law and Relations	Turkey		ITS (1)
Thomas, David	Rhode Island College	History/Philology	Turkey/Turkish	ARIT (2)	
Yenzke, M. L.	Dickinson College	History	Ottoman, 16th century	ARIT (1)	
Walker, Warren	Texas Tech	English	Turkish/American/Nigerian Lit		ITS (1)
Webster, Walter	Rutgers University	Political Science	Turkey, 1930s		
Woods, John	University of Chicago	History	Islamic/Middle East/Iranian History		ITS (9)
Madeline	University of Maryland	History	Ottoman, 18th century	ARIT (2)	

Key: ARIT—American Research Institute in Turkey. ITS—Institute of Turkish Studies.

Sources for chart: Middle East Studies Association Bulletins, Directory of American Scholars, and Ottoman Studies Directory.

### 1983-87 SENATOR'S FLOOR STATEMENT ON THE ARMENIAN GENOCIDE

Issue: In recent years, before the Armenian Genocide Resolution was seriously pressed in the Senate, several Senators made floor statements commemorating April 24. A list of names and dates is attached.

#### POINTS AND AUTHORITIES

1. The statements of Senators Metz-enbaum and Specter are interesting because they both switched sides in the October Judiciary Committee meeting.

2. Senator Scoop Jackson's statement is important because as a staunch supporter of national defense and NATO, he saw nothing wrong with commemorating the Armenian genocide.

#### SUPPORTING MATERIAL ATTACHED

1. Metz-enbaum, Specter, and Jackson statements.

#### SENATORS WHO HAVE MADE STATEMENTS ON THE ARMENIAN GENOCIDE

April 1983: Levin, Riegle, Jackson, Metz-enbaum, Pell, Lautenberg, Biden, Specter, Sarbanes, Dole, Kennedy, Hollings, Bradley, Lugar, Glenn, Helms, and Dodd.

April 1985: Levin, Cranston, Glenn, DeConcini, Metz-enbaum, Riegle, Wilson, Heinz, Mitchell, Kasten, Sarbanes, Lautenberg, Chafee, Bingaman, Pell, and Dodd.

April 1986: Levin, Wilson, Bradley, Simon, DeConcini, Lautenberg, Dodd, Boschwitz, D'Amato, Glenn, Metz-enbaum, Sarbanes, Hollings, and Moynihan.

April 1987: Levin and Lautenberg.

### [From the Congressional Record]

#### ARMENIAN GENOCIDE, 1915-23

Mr. BIDEN. Mr. President, the 19th and 20th centuries have been an era of nationalistic upheavals. In the name of nationhood or of a supposed greatness attached to a particular people, millions of human beings have suffered because their own ethnic background or religious beliefs did not conform to those of the ruling authority of the time.

A particularly cataclysmic instance of this occurred from 1915 through 1923, when the Ottoman Empire massacred an estimated 1.5 million Armenians living for the most part in Asia Minor. Whole villages were wiped out, thousands of individuals were deported, and countless others fled into the desert, where many perished from exposure or disease. The property was sequestered, and centuries of culture destroyed.

It has come to my attention that the August 1982 issue of the Department of State Bulletin carried a statement describing the record of the massacres as "ambiguous," and further declaring that "the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people."

Mr. President, there is nothing "ambiguous" about the murder of 1.5 million human beings. The massacres were brutal, concerted, and blatantly systematic. There were numerous eyewitness accounts. Our own archives contain reports from Henry Morgenthau, our Ambassador in Constantinople from 1913 to 1916, who recounted direct

conversations with Turkish Government officials who admitted the atrocities.

And I emphasize that this is not the same government that exists now. This was the aftermath of the Ottoman Empire.

Spokesmen for the State Department have promised for months to review and clarify the statement printed in the Bulletin. My hope is that Department officials will retract the statement and issue an explicit acknowledgement of the historical record of the genocide.

Throughout history, there have been too many examples of denials that events of such horrible dimensions have occurred, perhaps because their immensity is so incomprehensible or because rationalizations or intentional ignorance are the easier path to follow. In our own country, there have been those who have contended that slavery was beneficial to the blacks who lived under it. More recently, in the memory of many of those in this Chamber today, there have been denials that the Holocaust effected by Nazi Germany ever occurred. The revisionists are at work.

Today, there are elderly survivors of the genocide which took place in Armenia nearly 70 years ago. They still bear the emotional scars of those events, as do their descendants. Many Armenians throughout the world maintain the cultural traditions of their ancestors and venerate the memory of those who died at the hands of others not so very long ago.

No individual who values human life should ever forget this example of the ultimate danger of persecution. Though the



events which I have spoken of today were regional, in a place far away, the conscience on the matter the conscience of the world must be global. I hope that my colleagues will join with me today in the annual commemoration of Armenian Martyrs Day, which is today.

#### ANNIVERSARY OF THE ARMENIAN MASSACRES

Mr. SPECTER. Mr. President, this past Sunday, April 24, marked the 68th anniversary of the massacre of nearly 1.5 million Armenians by the Turks between the years of 1915 and 1923. Today I offer my tribute to these early victims of 20th century genocide. The ill-fated Christian Armenians were repeatedly brutalized, having suffered attempts at wholesale annihilation during the Ottoman Empire and the rise of Kemal Ataturk. It is only fitting that this body pause to honor their memory on April 27, Armenian Martyrs Day.

Mr. President, the deportation, starvation, and horrible extermination sustained by innocent Armenians during these years are not the sole instances of man's incredible inhumanity to man in this blood-soaked region of the world. Yet, how ironic it is that these crimes were often committed by people who shared, or would soon share, the same persecution at the hands of a venomous majority.

How ironic that many of the participants in these campaigns of slaughter were Kurds, who were themselves an oppressed people yearning for self-determination. How equally ironic that many of the same Turks who perpetrated the genocidal acts against the Armenians would see their own descendants suffer similar massacres in Cyprus, while others would be objects of discrimination and scorn in several Western European cities, where Turks are an immigrant work force.

While a pitiful few learn from the vindictive turns of the wheel of history, let the U.S. Senate never be afraid to loudly decry acts of atrocity, wherever and whenever they are committed. Let not the Armenian holocaust be a mere occasion for commemoration, but rather let this day serve as a reaffirmation of America's intent to oppose tyranny with its every ounce of strength, and its equal intent to preserve freedom and the spirit of humanity.

Mr. PERCY. Mr. President, today the Senate commemorates the 68th anniversary of Armenian martyrs. Beginning in 1915, an estimated 1.5 million Armenians were killed, or died of disease and hunger, in an enforced dispersal and elimination of the Armenian population of the former Ottoman empire. Perhaps half a million survived by fleeing abroad.

This century has been great progress for the self determination of peoples, but the century has also seen unprecedented slaughter of whole ethnic identities. The Armenians we remember today were the first, tragically followed by the Nazi Holocaust that sought to exterminate the Jews, and in our day by the mass slaughter of Cambodians.

Today we must rededicate ourselves to work to insure that there is never another genocide, and that all nationalities have an opportunity to live in peace and security.

We pay special tribute to the Armenian national heritage, which continues to flourish, and to the Armenian Americans who have found a new home here, and so enriched our lives and communities in the United States.

Mr. QUAYLE. Mr. President, today I want to join a number of my fellow colleagues in

paying homage to and recognizing the 68th anniversary of Armenian Martyrs Day.

Recently here in Washington there was a gathering of the survivors of the Jewish Holocaust. Their tragedy is something we as a nation and as a world cannot and must not forget. Yet all too often we do forget other such similar atrocities, the Armenian genocide especially.

As President Reagan stated so clearly in his proclamation issued on April 22, 1981, to proclaim April 26 to May 3 as "Days of Remembrance of Victims of Holocaust."

"Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten."

This is a solemn occasion for all of us who believe in human rights and in the goodness of man. It still is incomprehensible to me that 1.5 million Armenian men, women, and children were massacred in their own homeland. Yet it happened.

What is as mind boggling is that less than a quarter of a century later another holocaust took place. Now, some 60 years after the Armenian tragedy the world is still learning of the horrors of the Cambodian people endured under Pol Pot.

Mr. TSONGAS. Mr. President, April 24, 1983, marked the 67th anniversary of one of the most dreadful episodes in history: the massacre of more than 1 million Armenians in Turkey between 1915 and 1923. Because I believe there is value in reminding Americans of this period of atrocities, last week I introduced a resolution calling on the President to designate April 24, 1984, a day of remembrance for all victims of genocide, especially those of Armenian ancestry. However, today I rise to protest the August 1982 Department of State bulletin, which takes an official position that—

"The Department of State does not endorse allegations that the Turkish government committed a genocide against the Armenian people."

The Armenian genocide is a well-established historical fact. The genocide perpetrated against the Armenian people must never be forgotten. It is imperative that we who value human life and dignity acknowledge such tragedies and strive to prevent them from happening again.

Regardless of short-term political consideration, the State Department should acknowledge the facts of the Armenian genocide. To do otherwise would set a precedent for other nations that tamper with their history for political advantage.

I am appalled by State Department's attempt to overlook the arrests, deportations, torture, and murder that occurred with the complicity of the Turkish Government in the early part of this century.

The State Department's position is unsatisfactory and inconsistent with President Reagan's Proclamation 4838, which states, in part:

"Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten."

Further, the State Department's statement does a disservice to people of Armenian descent living in the United States and other countries. By compiling an accurate record of the facts of the past, these people can maintain a sense of ethnic identity and alert future generations about evil in the

past so as to avoid it in the future. The State Department is wrong to mislead these people regarding the atrocities committed against their ancestors. For these reasons, I strongly object to the action of the Department of State denying the part played by the Turkish Government in the Armenian genocide.

Mr. President, an article appeared in the New York Times Monday, April 15, 1983, expressing the sentiments of the Greek Government urging Turkish acknowledgement of the 1915 massacre. I ask that this article be printed in the Record.

The article follows:

"[From the New York Times, Monday, Apr. 25, 1983]

#### "POLITICIANS IN GREECE DEMAND TURKS ADMIT ARMENIAN DEATHS

"ATHENS, April 24 (Reuters).—Greek political parties from both the right and left called on Turkey today to acknowledge that as many as 1.5 million Armenians met death at the hands of Turks in 1915.

"Turkey has denied the charge in the face of extensive documentation.

"The party representatives were speaking at a meeting of more than 1,000 of Greece's 10,000 Armenians to mark the 68th anniversary of what historians say was a massacre by the Ottoman authorities during World War I."

Mr. HEINZ. Mr. President, I rise today to join with my distinguished colleagues from Michigan, Senators Levin and Riegle, in commemorating the 68th anniversary of Armenian Martyrs Day. This day marks the events that took place between 1915 and 1923 in which more than 1.5 million Armenians were systematically deported and murdered by a declining Ottoman Empire.

The rich heritage of the Armenian people dates back over 3,000 years and it is only through sheer courage and determination that their culture survives today. Located at what is commonly referred to as "the crossroads of the world", between the Caspian, Black, and Mediterranean Seas, Armenia has fought off foreign aggressors and domination throughout its history.

It was on the night of April 24, 1915, that 200 intellectuals, community leaders, and prominent citizens of Armenian ancestry were executed, signifying the beginning of the plan to exterminate the entire Armenian Christian population located within the Ottoman borders.

The heinous acts committed against the Armenians were clearly the result of a brutally calculated plan which has come to be known as the first genocide of the 20th century.

It is our responsibility to recall this tragic event in the same fashion that we recall later acts of genocide such as that committed against the Jews by a repressive and uncontrolled Nazi regime. It is our responsibility to make this Nation and the world aware of the atrocities of the past, of the injustice and human suffering of entire races of people, so that we can be on the watch. So that we can guarantee as best we can that it shall never happen again.

Mr. METZENBAUM. Mr. President, I want to express to Senators Levin and Riegle my appreciation for providing us with this opportunity to remember and to mourn the systematic, barbaric and unspeakably cruel massacre by Turkey of the 1.5 million martyrs of Armenia, and I wish also to express my outrage at the fact that it took 8 months for the Department of State to formally retract an insulting and demeaning note that

appeared at the conclusion of an article in the August 1982 Department of State Bulletin.

"Because the historical record of the 1915 events in Asia Minor is Ambiguous," the note reads, "the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people."

Mr. President, I cannot imagine how anyone could find the slightest bit of ambiguity about this unspeakably cruel brutal slaughter of a gentle cultured people.

I cannot imagine how anyone who has read the dispatches sent to Washington at the time by then-U.S. Ambassador Henry Morgenthau could describe as "allegations" what Ambassador Morgenthau called "A Campaign of Race Extermination."

I cannot imagine how our State Department could have permitted this contemptible sentence to appear in official print.

And above all, Mr. President, I am truly appalled by the fact that the State Department has only now seen fit to retract this language. I believe that the Department should also apologize—humbly—to the Armenian-American community and to the public at large.

Not long ago, President Reagan expressed his dismay at the fact that there exist today groups and individuals who deny the reality of the Nazi genocide against the Jews.

The President was right to speak as he did. But consider the feelings of the Armenian-American community—of people whose parents and grandparents are in many cases the survivors of the terrible events of 1915 and the years thereafter.

Armenian history is not being distorted by the kinds of hate groups who soil the memory of the Jews of Europe. Instead, Armenian-Americans have confronted a denial of their history by the Government of the United States.

There is nothing ambiguous Mr. President about the headlines in the New York Times at the time the genocide was in progress.

March 20, 1915: Whole Plain Strewn With Armenian Bodies.

April 28, 1915: Appeal to Turkey to Stop Massacres.

June 6, 1915: More Armenian Massacres.

June 29, 1915: Wholesale Massacres of Armenians by Turks.

August 4, 1915: Report Turks Shot Women and Children.

August 6, 1915: Armenian Horrors Show.

August 18, 1915: Armenians Are Sentenced to Perish in Desert.

August 20, 1915: Burn 1,000 Armenians.

August 27, 1915: Turks Depopulate Towns of Armenia.

September 3, 1915: Turks Massacre Armenians of Isnid.

September 5, 1915: 1,500,000 Armenians Starve.

September 16, 1915: Answer Morgenthau by Hanging Armenians.

September 21, 1915: Bryce Asks U.S. To Aid Armenia; says that all the Christians in Trebizond, numbering 10,000 were drowned.

These are just a few of the headlines, the chronicle of horror goes on and on.

September 29, 1915: Armenian Women Put Up at Auction.

October 11, 1915: Spare Armenians, Pope Asks Sultan.

October 13, 1915: Massacres Renewed, Morgenthau Reports.

October 22, 1915: German Says She Cannot Stop Turks.

October 26, 1915: Slay All Armenians in City of Kerasunt.

November 1, 1915: Aid for Armenians Blocked by Turks.

The record could not be more clear.

The Armenians were slaughtered.

They were slaughtered by order of the Turkish authorities.

And they were the first victims in a century that may someday be described by historians as the age of genocide.

The agony of Armenia must not be forgotten.

It must not be trivialized, minimized, or distorted for political purposes.

And, Mr. President, the descendants of the Armenian martyrs must not be made to suffer the grief and pain that have been inflicted upon them by a cynical note in a State Department publication.

As a Senator, I apologize to Armenians everywhere for this outrage, and I call upon the Secretary of State to act immediately to make full amends for a gratuitous and patently false insult to everyone who believes in facing the truth.

#### THE ARMENIAN GENOCIDE

Mr. PELL. Mr. President, earlier this month, over 10,000 Jewish survivors of the Holocaust gathered in Washington to honor those who were murdered by the Nazis and to remember the pain, the suffering and the lessons of that heinous experience. The Holocaust is a sad reminder that those who forget history are condemned to repeat it. The tragedy of the Holocaust might well have been prevented in the world had recalled an earlier, equally dark episode in the 20th century history of mankind: The willful massacre of 1.5 million Armenians at the hands of the Turks during World War I.

Before World War I, Armenians, a gentle, highly cultured people, lived alongside the Turks and demanded only tolerance and freedom from their Turkish rulers. In response, the Turkish Government launched a coordinated drive to round up and eliminate every Armenian man, woman, and child. Today, on the 68th anniversary of the Armenian genocide, we honor those courageous individuals who were exterminated for no other reason than that their national heritage was considered alien by the Turkish leadership.

The Armenian genocide and the Holocaust remind us that man possesses the pernicious quality of bigotry and the capacity to be cruel. We must never forget the despicable, inhuman treatment suffered by the Armenians and the Jews at the hands of their fellow men. We must keep the memories of these solemn and painful events alive in order that history will not repeat itself yet again.

If we are truly concerned about eliminating the evil of genocide from the heart of mankind; if justice and compassion are values which we sincerely cherish; if the death of 1.5 million Armenians is to be more than a tragic footnote to our times; then we must not forget the brutal assault on human dignity which was the Armenian genocide.

Mr. LAUTENBERG. Mr. President, man's inhumanity to man has been an all too prevalent occurrence throughout the centuries. Persecution, banishment, and enslavement of peoples are well-known and well-documented in almost every civilization and every period of history.

But these violations and abuses of basic human rights take on particular importance for us when we consider the most terrible occurrences of our own 20th century. In recent weeks, Americans here in Washington and throughout the United States,

again took note of the Holocaust in which 6 million Jews and tens of thousands of other Europeans were simply murdered as a matter of policy of the Nazi government of Germany. As the survivors of that Holocaust and their children gathered in Washington earlier this month, the cry most often heard was, "We must not forget."

We must not and will not forget, Mr. President, for there is to be a Holocaust Museum in Washington, D.C., just a short distance from the Mall and the center of our political life. An important part of the museum will be devoted to another tragedy in an earlier part of this century, the massive massacre and systematic persecution of the Armenian people by the Ottoman Empire and the Turkish Government almost 70 years ago.

The killing of over 1.5 million Armenians in Turkey and the scattering of tens of thousands more, particularly in 1915 and the months that followed, was the world's first genocidal experience of this century. How horrible it is to contemplate that a second genocidal policy would follow on even a greater scale only 25 years later. But to the Armenians and those who filed endless numbers of eyewitness accounts of the massacres and mass death following forced deportation of Armenians across Asia Minor in 1915, there could be no set of circumstances imaginable more completely depraved or corrupt or inhumane.

The American Committee on Armenian Atrocities called the genocide, "the greatest, most pathetic, and most arbitrary tragedy in history."

The American Ambassador to Turkey, Henry Morgenthau, Sr., called it a "plan of extermination" in telegrams back to the State Department.

News reports of 1915 quoted eyewitness accounts of the systematic and deliberate nature of the killings of thousands of men, women and children simply because they were Armenian or Christian or both.

On the floor of the House of Lords in London, Lord Crewe brought the attention of the Crown to "wholesale massacre and wholesale deportations" of Armenians carried on under the noise and distraction of another tragedy, the European war we now know as World War I.

As Cicero once noted, "Laws are silent amid the clash of arms." So this was true for the Armenian nation.

The United States was not involved in World War I in 1915, Mr. President, and as the leading neutral nation received numerous appeals to intercede with the Turkish Government on behalf of the Armenians and to provide assistance to the Armenians if possible.

Secretary of State William Jennings Bryan explained our representations and protests as "a matter of humanity." But Ambassador Morgenthau reported no satisfaction from our official protests and appealed for private funds and relief for the Armenians from the injustice, grief, poverty, and starvation; that continued.

The United States and many other countries opened their hearts then, Mr. President, and we must not now close our minds.

We heard excuses then about the needs of the Ottoman Empire, of the requirements of nationalism and of the necessities of development. We have heard these same excuses since then in other contexts—from other states at other times.

But there has never been, nor can there ever be, any acceptable excuse for the systematic murdering of civilian populations.

To know that this has occurred and has been condemned is vital to our determination not to see it happen again or to tolerate any indifference to it.

I salute those of Armenian descent who have worked hard to ensure that the genocide of their people does not fade into historical irrelevance but remains a shocking lesson and horrendous example of the inhumanity of man to man. And I make common cause with them in remembering today the victims of the Armenian genocide and in pledging our every effort to ensure that such a tragedy is never again visited upon any people anywhere on this Earth.

Mr. DECONCINI. Mr. President, today I join my colleagues on Armenian Martyrs' Day in commemorating the 70th anniversary of the beginning of the genocide in the Ottoman Empire. It is a day of remembrance for victims of all genocides, but especially for the nearly 1.5 million Armenians who were mercilessly persecuted for 8 long years between 1915 and 1923.

The senseless persecution and slaughter of Armenians during the outbreak of World War I, resulted in the banishment of thousands more Armenians, scattered into a diaspora, forming a worldwide community who, today, urge all people of good faith and conscience never to forget this tragedy. We must never lend credibility to the all too frequently lamented remark that the Armenian genocide is the "forgotten genocide." Because of the war and the isolationist attitude of the United States, at that time, our Government did not, unfortunately, more forcefully protest the actions of the Ottoman Empire. Sadly, the Armenian genocide was not the last but the first of many—too many—acts of genocide which have been perpetrated in this century. Six million Jews under Hitler, untold numbers of Soviet citizens in the Gulag under Stalin, and countless Cambodians under Pol Pot were also victims of the atrocity of genocide. To remember these victims is to make a statement. It is to say, I will not shut my eyes to the pleas of my brethren, for to stand by is to be an accomplice to a crime as serious as the act of genocide itself. To remember these victims is, most importantly, to move toward a better future, a safer future, for our children and the generations to come.

While I look forward to the future, I am concerned. I am concerned that President Reagan's upcoming trip to Germany, which includes a visit to the Bitburg Cemetery where so many Nazi-SS men are buried, overlooks the fact that when the lesson of history's mistakes is not learned well, history becomes reality once again. President Reagan's visit to Bitburg negates a statement which he himself made in a proclamation for the Days of Remembrance for Victims of the Holocaust on April 22, 1981. He said: "Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other people—the lessons of the Holocaust must never be forgotten." Let us not forget and let us not lay a wreath on the graves of those who committed the heinous crime of genocide against innocent people.

It is also a great disappointment to me that the Reagan administration cannot support a resolution, indeed in active lobby against a resolution, which recognizes and condemns man's inhumanity to man. To say that this would harm relations with an ally does not recognize the extent of the atrocity that we gather here today to remember.

The purpose of Armenian Martyrs' Day is just that—to never allow the atrocity of

genocide to be forgotten. And so, on this day, I honor those innocent dead. I extend my sincerest sympathy to those Armenians who were victims of ruthless murder, and to their descendants and the descendants of all people who have fallen to genocide. And I pledge that we never will forget.

Mr. METZENBAUM. Mr. President, April 1985 may someday be recorded as the month in which the current administration established an all-time record for callous insensitivity.

April 1985 is the cruel month in which the President of the United States equated the murdered innocents of the Holocaust with the brutal executioners of the Waffen SS.

And it is also the month in which the President opposed a congressional resolution commemorating the terrible massacre in the early years of this century of 1.5 million Armenian men, women, and children at the hands of the Ottoman Turks.

Why is the President opposed to this resolution?

Because, he says, passage of the resolution "might inadvertently encourage or reward terrorist attacks on Turks and Turkish Americans."

And also, says the President, the resolution "could harm relations with an important ally."

That is an outrageous statement.

Yes, there have been terrorist attacks by Armenian extremists against Turkish individuals and installations.

These attacks are insane—they are criminal—and they ill-serve the Armenian cause.

I condemn without equivocation the perpetrators of those atrocities—and so do the leading Armenian-American civic and religious organizations.

But to say that because of these terrorists, we should ignore the historical reality of the Armenian genocide—that is totally unacceptable.

We have in Northern Ireland today groups that are addicted to the politics of the gun and the bomb.

Does that mean that we should ignore or deny the tragic history of Ireland?

Of course it does not.

And it is a disservice to the American people and, in fact, to our Turkish friends to go along for political reasons with the sadly misguided efforts of the Turkish Government to deny a monumental atrocity—but one for which the Turks of today cannot be held accountable.

The President describes Turkey as "an important ally."

But, Mr. President, the Federal Republic of Germany is also an important ally.

And just as we cannot for political reasons deny that today's democratic Federal Republic was built on the ashes of the Third Reich, we cannot diminish, deny or demean the agony, suffering, and death inflicted by Ottoman Turkey upon the Armenian people.

I am very much ashamed, Mr. President, that the leaders of our Government have once again paid more attention to politics and to lobbyists than to the cause of justice and truth. And I hope that the Senate will demonstrate by passing this commemorative resolution that we, at least, respect the memory of the martyrs of Armenia.

#### COMMEMORATING THE ARMENIAN GENOCIDE

Mr. RIEGLE. Mr. President, today we pay tribute to all the victims of genocide, particularly the 1.5 million Armenians who suffered at the hands of the Turkish authorities. As part of that tribute, today has been designated as a "National Day of Man's In-

humanity to Man." The leadership of my colleague from Michigan, Senator LEVIN and his staff member, Steve Serkaian, in focusing the Senate's attention on this important issue year after year is commendable. For only through commemoration of these victims can we educate the American people about the Armenian experience and prevent history from repeating itself.

This year is particularly significant because it marks the 70th anniversary of the beginning of the genocide perpetrated in the Turkish Ottoman empire between 1915 and 1923. As many of the survivors of the genocide travel to Washington on this day, we join with them in honoring the memory of those who perished.

The genocide began on April 24, 1915, when hundreds of Armenian religious, political and intellectual leaders were rounded up, exiled and eventually murdered in remote places in Anatolia. Within several months, the approximately 250,000 Armenians serving in the Ottoman Army during World War I were disarmed and placed in forced labor battalions where they were either starved or executed. The Armenian people, deprived of their leadership and young able-bodied men, were disarmed under threat of severe punishment, and then deported from every city, town, and village of Asia minor and Turkish minor. The majority of the deportees died on the marches from starvation, disease, and massacre. Approximately 500,000 refugees escaped to the north across the Russian border, south into Arab countries, or to Europe and the United States.

Mr. PELL. Mr. President, this week marks the 71st anniversary of the genocide perpetrated against the Armenian people by the Ottoman Empire during World War I. Today, I am pleased to join Armenians throughout the world in paying tribute to the victims and survivors of this evil crime.

Before World War I, Armenians, a gentle and highly cultured people, demanded only tolerance and freedom from the rulers of the Ottoman Empire. In response, Ottoman rulers launched a coordinated drive to round up and eliminate every Armenian man, woman, and child. In 1915, the empire began deporting Armenians and from that time until the empire collapsed, an estimated 1.5 million Armenians—some 60 percent of the Armenian population—were killed or died of disease or exposure. Today, we honor those courageous individuals who were exterminated for no other reason than that their national heritage was considered alien by those who ruled the Ottoman Empire.

The modern state of Turkey bears no responsibility for the tragic acts committed by the Ottoman Empire against the Armenian people. It should, however, acknowledge that these events took place. Kemal Ataturk did so many years ago when he condemned the massacres of millions by his Ottoman predecessors. The present government should do no less.

The Armenian genocide reminds us that man possesses the pernicious quality of bigotry and the capacity to be cruel. We must never forget the despicable, inhuman treatment suffered by the Armenians at the hands of their fellow men. To do so, as the tragedy of the Holocaust shows, is to invite a repetition of what may be man's most reprehensible crime, genocide.

The way to commemorate the suffering of the Armenian people is to keep the memory of the Armenian genocide alive and to reaffirm our commitment to human life and dig-

nity. The Senate recently took an important and in my view much delayed step toward reaffirming this commitment by approving Genocide Convention. Now we must eliminate the evil of genocide from the heart of mankind so that the victims of the Armenian genocide did not die in vain.

Mr. METZENBAUM. Mr. President, I rise today to recall the systematic execution of more than 1½ million Armenians at the hands of the Ottoman Turks. This first act of genocide in the twentieth century has too often been relegated to the footnotes of history and conveniently forgotten. It is our duty to recognize this horrific act of man's inhumanity to man and once again pledge our Nation's commitment to prevent future crimes of genocide.

On February 19 of this year, the Senate finally voted to ratify the Genocide Convention. In the humane spirit of this action, I believe it is fitting to remember the suffering of the Armenian people.

Between 1915 and 1923, the Ottoman Government sanctioned the murder of over 1.5 million Armenian Christians and drove hundreds of thousands more permanently away from their ancestral homeland under the guise of Pan-Turkism. Entire villages of Armenians were forcibly deported, thousands more peasants were kidnaped and exiled. Many or most of the deportees died of starvation, disease, or exposure. Large portions of the Armenian intelligentsia and professional classes were abducted and simply slaughtered.

After the First World War, the Armenians sent a delegation seeking justice to the peace conference at Versailles. However, the great powers gathered there failed to act against those responsible for the Armenian genocide. One hundred and fifty Turks who were among those allegedly involved in the genocide were released unpunished from British jails. No war crimes trials followed World War I. There were no opportunities for the victims of the Armenian genocide to gain some semblance of legal retribution. There was no Nuremberg.

Fortunately, one man, Prof. Raphael Lemkin, championed the cause of the Armenian people. At the International Conference on the Unification of Criminal Law, held in Madrid in 1933, Lemkin proposed "to declare the destruction of racial, religious, or social collectivities" a crime under international law. Raphael Lemkin coined the word "genocide" in 1944 to describe the Nazi Holocaust of World War II. He ceaselessly fought to instill in the human conscience an abhorrence of genocide calling for international participation in the Genocide Convention.

Turkey today, unlike Germany, refuses to admit responsibility for its act of genocide. The Turkish denial needlessly perpetuates bitter animosity on the part of Armenians in the United States and elsewhere. It is time for the Government of Turkey to officially acknowledge its responsibility for its crimes of 1915 to 1923 and publicly apologize to the Armenian people.

We cannot purge history of its ugly chapters. Lessons of terror are just as important as lessons of compassion and valor. An enlightened knowledge of our barbaric past is the only weapon we may bear to prevent future acts of genocide. Should another mad man ask the question, as Hitler did—"who remembers the Armenians?"—we must all be able to answer—"I do."

Mr. SARBANES. Mr. President, 2 months ago the Senate of the United States gave its advice and consent to the International

Convention on the Prevention and Punishment of the Crime of Genocide, a document signed by the United States in 1948 and submitted to the Senate the following year. Ratification of the convention after nearly 37 years is a symbol of our commitment to the future; it is also a remembrance of the past, our commemoration of genocide's tragic victims.

Our century, so notable for progress in other ways, has been profoundly scarred by genocide, a crime of such magnitude that it is difficult to grasp its dimensions or determine precisely the number of its victims. Indeed, the word genocide is itself a mid-twentieth-century word, coined in an effort to come to terms with the tragedy of deliberate mass extermination.

We do not live in the past, but we cannot live without it. To ignore or forget the past is to remain its captive; remembrance and understanding are the means of coming to grips with its legacy.

That is why we take time today to mark the appalling, systematic assault committed 71 years ago against the Armenian people. The Armenian massacres, as they were called, uprooted an entire nation, deliberately eliminated its leaders and intellectuals and left the survivors homeless, scattering them around the world. One and one-half million persons are estimated to have perished in a train of events of which the then-U.S. Ambassador, Henry Morgenthau, wrote:

"I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

This day has special meaning for Armenians everywhere. Having lived with tragedy—few families were unaffected by it—they are committed to the proposition that their experience has meaning for all of us. And indeed, in the face of such tragedy remembrance and understanding are universal imperatives, essential to decent people and decent societies; they cannot be the special province only of the survivors.

Americans of Armenian descent, who have distinguished themselves in every aspect of our national life, have at the same time kept alive the rich traditions of their unique heritage. Consider the story of Dr. Vartan Gregorian, President of the New York Public Library, who came to this country in 1956 in search of an education because, in the words of a recent profile by Philip Hamburger.

"Some instinct told him that America was the place for him."

In my own State of Maryland, Armenian Americans play a vital role in our pluralistic and democratic society, and their contributions to our cultural, social, political and economic life are varied and unique.

We join our Armenian American friends, neighbors and colleagues in marking this day. The Armenian tragedy has meaning for all of us. As citizens of a free nation, founded on the ideals of human dignity and freedom, we commemorate the Armenian genocide to pay tribute to the memory of its victims, and above all to reaffirm our own determination to see that so terrible a crime shall never be repeated.

We still do not have justice. We still have a situation in which an accounting has not been made, and we must maintain the pressure until it is made. I intend to be part of the effort to continue that struggle until, finally, justice is done.

#### THE ARMENIAN TRAGEDY

Mr. JACKSON. Mr. President, I want to join my colleagues today in honoring the concern of the Armenian people who suffered the tragedy of mass destruction between 1915-1923.

The terrible events of those years testified to the fact that modern societies and governments can be a mask for ancient brutalities. This truth helps explain the strong interest of the American people in human rights on a worldwide basis. It underpinned the spirited campaign of Eleanor Roosevelt and the American Government for the adoption by the U.N. General Assembly of the 1948 Universal Declaration of Human Rights. It was influential in the decision by the U.S. Holocaust Memorial Council, of which I am a member, to give the Armenian catastrophe a place of prominence in the projected Holocaust Museum to be built here in Washington on the Mall.

The story of the Armenian tragedy should not be buried and forgotten. It should be told. It should be told, like others that have followed it, not to stir up division, but to encourage reconciliation; not just to recall the suffering of the past, but to strengthen the commitment to standards for today and tomorrow which exclude racism and genocide.

Mr. BOSCHWITZ. Mr. President, I rise today to join a number of my Senate colleagues in paying tribute and recognition to the 68th anniversary of Armenian Martyrs Day. At about this time every year we take time to honor the memory of the 1.5 million Armenians who perished during the years 1915-1923 at the hands of the Ottoman Turkish Empire.

Near the close of the 19th century, the Armenian population of the Ottoman Empire became the target of increased persecution by the government. This persecution reached truly gruesome proportions during the 1915-1923 period and serves as yet another tragic reminder of how cruel human beings can sometimes be to one another.

Mr. President, I am very pleased that the U.S. Holocaust Memorial Council, of which I am a member, has unanimously resolved to include the Armenian genocide in its museum and educational programs. The reason why was stated eloquently by council chairman Elie Wiesel in 1981:

"Before the planning of the final solution, Hitler asked, 'Who remembers the Armenians?' He was right. No one remembered them, as no one remembers the Jews. Rejected by everyone, they felt expelled from history."

We were wise in establishing the Holocaust Memorial Council to commemorate the suffering of the Jewish people under the Nazi regime, and we are also wise to remember the persecution of the Armenians. After all, the same evil instinct in the human spirit which was responsible for the Jewish Holocaust was also at work in the case of the Armenians and more recently in Cambodia.

Mr. President, if we continually remind ourselves of these events perhaps we can prevent future holocausts. In this sense, Armenian Martyrs Day is both a commemoration and a warning. I therefore offer my thanks to my colleagues, Senator RIEGLE and Senator LEVIN, for organizing this special order in the Senate.

Mr. WILSON. Mr. President, I am pleased to join my distinguished colleague from Michigan in sponsoring a resolution which recognizes the terrible fate of over 1.5 million Armenians. Though this tragedy oc-

curred over 65 years ago, it is important to recognize that history cannot be rewritten or forgotten. To this end, I join Senator LEVIN in offering this resolution.

Mr. President, I would also ask unanimous consent that a statement on this issue by the Honorable Governor of California, George Deukmejian, be printed in the RECORD. Governor Deukmejian is the Nation's first Governor of Armenian descent. His remarks, which appeared in the Sunday, April 24, edition of the Los Angeles Times, reflect the concern which members of the Armenian community share about the recognition of this horrible demonstration of inhumanity.

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

**"OUR DEBT TO THE PAST WILL SECURE OUR FUTURE**

*(By George Deukmejian)*

"The observance of Armenian Martyrs Day has always been a deeply moving experience for me. This year it has new meaning. I know that I would not be here at today's observance as governor of the nation's most populous state if it were not for this great country—the land of hope, freedom and opportunity for so many, regardless of their background. President Theodore Roosevelt expressed it very well when he said: 'America is not a matter of birthplace or creed or line of descent. America is a matter of principle, of idealism, of character.'

"We can be thankful that, for us, America is the free and beautiful homeland that our parents, grandparents, brothers and sisters only dreamed of. It was a dream for which many of our loved ones died. They suffered so that we could have the opportunity to provide a future of hope and prosperity for ourselves and our children.

"And so I urge all Americans of Armenian descent: As we share the painful memories that bring us together today, let us remember how fortunate we are to live in this land and to have a place we can call home.

"Much of the world's population is not so fortunate, including millions of Armenians who still live under oppression and discrimination. It is for them, as much as for the victims of unspeakable atrocities, that we gather and pray today.

"As Armenian-Americans, we share many strong bonds of pride. But we also share bonds of pain. Few of our families escaped murder, violence and terror that marked one of history's darkest chapters. We hurt together, we cry together and yes, we are angry that, year after year, decade after decade, the wrongs inflicted upon our people have gone unanswered and largely ignored.

"But tears and anger alone accomplish nothing. Instead, it is our duty to share the lessons of our painful past with a world that seems to have learned little about common human decency.

"Let's remember that we are hardly alone in our suffering. Violence in many forms has become a part of the daily diet of most of mankind. How many Americans have been victimized by criminals? How many millions of people around the world live under the constant threat of death or imprisonment simply because they seek freedom, self-determination and a homeland they can call their own?

"To be free from violence and the fear of violence is a basic human right, and I consider it the first responsibility of government. That is why restoring public safety here in California has been the central con-

cern of my public life and is my top priority as governor.

"Yet throughout this century, beginning with the planned murder of 1.5 million Armenians, it has been government that has committed the worst crimes of violence and the worst violations of basic human rights.

"That is why we must never lower our voices—as individuals or as a nation—in support of people around the world who are struggling to break the yoke of totalitarianism and violence. We must never lower our guard against potential enemies, both foreign and domestic, who would infringe on our own precious gifts of freedom and democracy.

"We are often asked why we are so insistent on calling attention to atrocities that occurred many years ago. Why do we bring upon ourselves the pain of recalling the loss of families and friends and homes?

"The answer is very simple. If the decent, humane people of this world don't remember, you can be sure that the tyrants will—and history will go on repeating itself, just as it has in recent years in Cambodia, Iran, Poland and Afghanistan.

"Who can ignore the chilling words of Adolf Hitler, who felt he could get away with the elimination of Polish Jews during World War II because, as he put it, 'Who still talks nowadays of the extermination of Armenians?'

"It is with both profound sorrow and a sense of pride that I, as governor of California, have issued a proclamation designating today as a state Day of Remembrance. Let us mark this observance not only by memorializing the loved ones we have lost, but also by rededicating ourselves to the ideal for which they persevered: the right of all people to live and work and raise their children in peace and freedom."

*(Mr. REID assumed the Chair.)*

Mr. DOLE. Mr. President, I would also at this time like to give you some headlines from stories that appeared in the New York Times, a fairly credible newspaper. I do not always agree with it philosophically, but these were news reports, news reports from around the world, news reports from Turkey at the time of the genocide. And let me refer to some of those.

These are not anything this Senator compiled. They are public records.

The New York Times, September 17, 1915: "Mission Board Told of Turkish Horrors."

September 17: "The Death of Armenia."

September 18: "Several American Missionaries Dead."

September 21: "Bryce Asks United States To Aid Armenia."

September 24: "500,000 Armenians Said To Have Perished."

November 25: "Extermination Menaces Armenia."

September 29: "Armenian Women Put Up at Auction." "800,000 Armenians Counted Destroyed." "Already Has 75 Fundraisers for Armenians." "Spare Armenians, Pope Asks Sultan." "Turkish Official Denies Atrocities." "Thousands Protest Armenian Murders." "Only 200,000 Armenians Now Left in Turkey." "Aid for Armenians Blocked by Turkey." "American's Death Laid to Turks."

"Turks Wipe Out Entire Population in Town on the Black Sea." "Armenians Heroic Stand in Mountains." "A Million Armenians Killed or in Exile. Some Armenians Drowned in Groups."

This is how they killed them.

"Armenian Tells of Death Pilgrimage." "Armenian Girls Tell of Massacres." "Still Murder Armenians." "Saw Turkish Atrocities."

They are all news stories in the New York Times.

I have not seen anybody refute any of these.

"Whole Plain Strewn with Armenian Bodies." "Allies to Punish Turks Who Murder." "Wholesale Massacre of Armenians by Turks." "Turks Depopulate Towns of Armenia." "Reports Turks Shot Women and Children." "Armenians Are Sent To Perish in the Desert."

You get out your map; you can see where they were taken.

"Burned 1,000 Armenians." "One and a Half Million Armenians Starved."

Again, take it or leave it.

You know, there was a triumvirate in Turkey of Talaat, Djemal and Enver, and this was a ciphered telegram sent by Enver, who was High Command Minister of War, from the War Office, sent to all the commanding officers of the army, February 27, 1918.

In view of present circumstances, the Imperial Government has issued an order for the extermination of the whole Armenian race. The following operation ought to be made with regard to them. All the Armenians in the country or Ottoman subjects from 5 years of age upwards will be taken out of the towns and slaughtered.

All the Armenians serving in the Imperial armies are to be separated from the divisions without making any disturbance, taken into the solitary places away from the public eye, and shot.

Armenian officers in the army are to be imprisoned in the barracks belonging to their regiment until further orders. Forty-eight hours after these three orders are communicated to the commanders of each regiment, a special order will be issued for their execution.

You are not to take any other operation except those indispensable for the execution of these orders.

Representatives of the High Command, Minister of War, Mr. Enver, who was leader of the Young Turk movement which came to power in 1909. As Minister of War and codictator of Turkey with Talot and Jermal, he was the principal author of the plan to exterminate Armenians.

We have had reference to statements by our Ambassador in Turkey, an honorable man, Mr. Morgenthau. In 1915, July 16, he sent the following telegram.

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in

progress under a pretext of reprisal against rebellion.

Protests as well as threats are unveiling and probably incite the Ottoman Government, not the Republic of Turkey, to do more tragic measures. They are determined to display responsibility for absolute disregard for capitulations. And I believe nothing short of actual force, which obviously the United States is not in position to exert, would adequately meet the situation.

Suggest you inform the belligerent nations and missions boards of this.

Signed by the U.S. Mission Ambassador Morgenthau. He was Ambassador from 1914 to 1916.

We have already seen what Hitler had to say. I think it was quoted yesterday by the distinguished Senator from Illinois. He talked about his strength. He said it did not matter to him what anybody else said about him in the West. He said:

I issued the command and anyone who utters one word of criticism is going to be executed by the firing squad.

He said in conclusion:

Who after all speaks today of the annihilation of Armenians? I have not seen that refuted. I have not seen any evidence.

This is Adolf Hitler speaking, not really a guy you want living next door.

What did the Ottoman Minister of the Interior have to say? He was sort of in charge. He was sort of head of this triumvirate. January 15, the Government of Aleppo—that happens to be Syria. That is where they were driving all these people. January 15, 1916:

We hear that certain orphanages which have been opened receive also the children of Armenians. Whether this is done through ignorance of real purpose or through contempt of it, the government will regard the feeding of such children or any attempt to prolong their lives as acts entirely opposed to its purpose, since it considers the survival of these children as detrimental.

Starve the children. Starve the children.

I recommend that such children shall not be received into the orphanages and no attempts are to be made to establish special orphanages for them.

Minister of the Interior Talant

Another order, earlier, September 16, 1915.

It was first communicated to you that the government, by order of Djemal, I think it had committed, had decided to destroy completely all Armenians living in Turkey. Those who oppose this order and decision cannot remain on the official staff of the Empire. An end must be put to their existence, however criminal these measures taken may be, and no regard must be paid to either age or sex or to conscientious scruples.

Again, that was an instruction of the Government of Aleppo from the Minister of the Interior, who in effect was in charge of this destruction of the Armenian race, the Armenian people.

Now again it seems to me that somebody from the Turkish Embassy or someone who may be representing Turkey could tell us that all these sto-

ries are false, all these stories that appeared in the New York Times—and there are similar articles in the Los Angeles papers and Washington papers. These are from only one paper at the time, the New York Times. Let me make certain nobody misunderstands. I am not saying everything that is printed is accurate. I read a lot of inaccurate stories. Some even have my name in them. So I know there are a lot of inaccurate stories.

But is anybody going to stand up and refute the content of these stories: "Wholesale Massacres"; "Turks Depopulate Towns in Armenia"; "Turks Starve Children"; "Women Are Sold at Auction"? When are we going to get down to the business of refuting what appears to be overwhelming evidence that there was a deliberate attempt to wipe out a race, the Armenian Christians?

Let me confess that I never paid much attention to this tragedy until I met an Armenian doctor in Chicago after World War II.

He did not dwell on the genocide. He dwelled on healing me. But he did indicate he was born in Turkey and members of his family were victims of the genocide. I never paid much attention to it at the time. I was trying to get out of the Army and get well, and he was operating on me a number of times, but I sort of kept that in the back of my mind.

I must confess, even after I came to Congress, I never focused much on what was called the Armenian genocide. But I guess the longer I was around, the more I saw other Senators stand up and speak about it, I must confess I guess my personal relationship with Dr. Kelikian may have had an impact, but it was not anything that sort of drove me to this position. But I heard other Senators, Republicans and Democrats, stand up on this floor condemning this atrocity. So one day I made a speech and I pointed out what little I knew about it then.

It just seems to me that here we have a commemorative resolution where the principals and the people in the Ottoman Empire are right or wrong. Now, if somebody can refute all of this evidence, go ahead. But I think we pretty much proved our case beyond a reasonable doubt.

I have some other material that I want to put in the RECORD briefly because I think this is an important debate, an important resolution. It is important for Senators and members of their staffs, who may not be able to come to the floor now, to know precisely what evidence we are producing. If we cannot make our case, no one should vote for the resolution. Let them open up the archives. As I said yesterday, you open up most archives in 50 years. These have not been opened yet, and it is going to be 75 years come April 24. How long do you

wait? People say let history be the judge. Well, we have waited, and history has been the judge. We put in the RECORD yesterday the resolution passed by the European Parliament. They made a finding that it was genocide. We do not do that in the language that I will offer as a substitute.

Let me refer again to what the late Senator Scoop Jackson had to say on February 27, 1983.

I want to join my colleagues today in honoring the concern of the Armenian people who suffered the tragedy of mass destruction between 1915-1923.

He said in his conclusion:

The story of the Armenian tragedy should not be buried and forgotten. It should be told. It should be told, like others that have followed it, not to stir up division, but to encourage reconciliation; not just to recall the suffering of the past, but to strengthen the commitment to standards for today and tomorrow which, exclude racism and genocide.

And I think Senator Jackson, in fact I know Senator Jackson spoke for a number of Senators in that statement.

I have included in the RECORD or have asked permission to include in the RECORD statements by Senators who have spoken on the issue in April 1983, April 1985, April 1986, and April 1987. I think, as I made a rough count, it was 26 or 27 different Senators who made statements on the Armenian genocide, eloquent statements by Senator SPECTER and Senator LAUTENBERG, Senator GLENN, Senator METZENBAUM, Senator BRADLEY, and many, many others.

Mr. DOLE. I have already made reference to the Hitler quote. Some say, well, it never happened. Well, it can be found in the British archives, documents on British foreign policy, third series, volume vii, 1939, page 257 and the New York Times, November 24, 1945, edition.

We had yesterday, and I will include additional material in the RECORD, statements by Ataturk and his acknowledgment of the genocide. The other side said, "Oh, it is nothing but a Swiss journalist's fabrication." But there is another news source, the memoirs of a future Turkish Prime Minister, Rauf Orbay.

I ask unanimous consent that the quote be printed in the RECORD at the appropriate point.

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

MUSTAFA KEMAL'S (ATATURK'S)  
ACKNOWLEDGMENTS OF THE GENOCIDE

Issue: The founder of the modern Republic of Turkey acknowledged the prior government's massacres several times. Resolution opponents may claim that the best known quote is a fabrication of a Swiss journalist, Hildebrand, but another (new) source is the memoirs of a future Turkish Prime Minister, Rauf Orbay.

## POINTS AND AUTHORITIES

1. In a June 1926 interview with Swiss journalist Emile Hildebrand, Ataturk said that the responsible Young Turk government "should have been made to account for the lives of millions of our Christian subjects who were ruthlessly driven en masse from their homes and massacred." *Los Angeles Examiner* 8/1/26. Opponents now claim the quote is a fabrication because Turkish records and Ataturk's diary do not record the interview, but the Turkish government and Ataturk did not dispute the quote when published. On the other hand, when a small U.S. paper published an account alleging that Ataturk was a sexual deviate, the Turkish government vigorously pursued the State Department to punish the writer and newspaper.

a. The memoirs of Rauf Orbay, future Turkish Prime Minister and Ataturk's close colleague, report that in 1919 Ataturk acknowledged to U.S. General Harbard "the massacre by the Turks of 800,000 Armenians". In March 1919 the Ministry of Interior had compiled the figure of 800,000 deaths.

b. In May 1988, a Turkish newspaper reported the following Ataturk quote from his April 24, 1920 address to the Grand National Assembly: "the massacres of the Armenians are a scandal that belongs to the past." 2000 e dogru No. 23 May 9—June 4, 1988, edition; other sources are Sacak January 1987; and "Ataturk's Speeches and Statements" vol. I (Institute for the Study of the History of the Turkish Revolution).

c. Finally, in a November 1918 interview with Maurice Prax, published in *Petit Parisien* Ataturk complained that the Allies were delaying in hanging the leaders of the Young Turk party (the Committee of Union and Progress;) including, Enver, Talaat, and Jemal Pasha. These men were the architects of the Genocide.

Mr. DOLE. I have touched on the scholars.

I did not mention Leslie Davis, but I will mention Leslie Davis now. Leslie Davis was United States counsel to the Interior of Turkey when the United States was neutral in World War I, between 1915 and 1917. He said he witnessed the extermination of over 100,000 Armenians in his province. His firsthand account is yet another irrefutable source on the genocide and has been published with the title he coined, "The Slaughterhouse Province."

The Slaughterhouse Province is remarkable for several reasons. The body of the book consists of a previously confidential report by the U.S. Consul, Leslie Davis, to the interior of Turkey during the Genocide. Davis actually witnessed the Armenians being taken from their homes to be killed. He also rode horseback to the sites where people were slaughtered to see the bodies. His testimony explicitly refutes claims that the government did not order the massacres as well as claims that only Armenians fomenting rebellion were killed. Government officials asked him to sign a statement on Armenian insurrection, but when Davis asked for substantiation, the officials had only twelve cases (out of over 100,000 deaths in his province) of Armenians resisting the massacres and "only four or five instances where any Turks had been killed or even injured by Armenians." (72-75).

I ask unanimous consent to have printed in the RECORD a brief statement from the book review on mass killing of Armenians which appeared in the *New York Times*.

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

[From the *New York Times*, Nov. 15, 1989]

## KILLING OF ARMENIANS

A small publisher in New Rochelle, N.Y. is shipping copies of a book that could play a role in the debate over American foreign and domestic policy. The book is entitled "The Slaughterhouse Province: An American Diplomat's Report on the Armenian Genocide, 1915-1917" (Aristide D. Caratzas Publisher). It is said to be the first published eyewitness report by a diplomat about the killing of hundreds of thousands of Armenians who lived in the Ottoman Turkish Empire.

Last month, the Senate Judiciary Committee approved a resolution designating April 24, 1990, as a day of remembrance "of the Armenian Genocide of 1915-1923" at the hands of the Ottoman Turks. The resolution, now before the full Senate, is opposed by the Bush Administration and others on the ground that it could jeopardize relations with Turkey.

The eyewitness report—by Leslie A. Davis, the United States consul in eastern Asia Minor—was uncovered in the National Archives by Susan K. Blair, a historian and editor. Ms. Blair has written a 35-page introduction to the book, and in her acknowledgements she says that she was guided and encouraged by Barbara Tuchman, the Pulitzer Prize-winning historian, whose grandfather, Henry Morgenthau, Sr., was the United States Ambassador to the Ottoman Empire at this time.

Mr. Davis submitted his report to the State Department for internal use, and it was classified as confidential. The full text of that report is in the book, as well as copies of Mr. Davis's consular dispatches to the United States Embassy in Constantinople, his photographs of victims and his letters to Mr. Morgenthau. In one of those letters, Mr. Davis—who retired from the foreign service in 1941, at age 65, after having also served in Russia, Portugal and Scotland—says the punishment inflicted upon the Armenians "is so severe, the tragedy is so terrible, that one cannot contemplate it and certainly cannot live in the midst of it without being stirred to the depths of one's nature."

Daryal Batibay, deputy chief of mission at the Turkish Embassy, said he had not seen the book. But he added that during World War I, "there was an armed insurrection by Armenian groups within the Ottoman Empire against their state, supported by Czarist Russia," the country with which the Ottoman Empire was at war. "There was large-scale suffering on both sides, Turks and Armenians alike," he said, "but there was no genocide."

Mr. DOLE. Mr. President, I understand the distinguished Senator from Arizona wishes to speak. Maybe the Senator from Illinois, also, I am speaking under the consent agreement of the distinguished President pro tempore. Would there be any objection to my yielding to the Senator from Arizona?

Mr. BYRD. Mr. President, I have promised the Senator from Nebraska that I would yield to him after the distinguished Republican leader completes his statement, and I have seen another Senator on the floor that I intend to yield to. I will be happy to yield to Mr. DeCONCINI at some point whenever the distinguished Republican leader finishes his statement. Certainly, I am not pressing him to hurry to complete it by any means. But I have promised Mr. Exon some time.

Mr. DOLE. Mr. President, if the Senator from West Virginia will yield, I do not want to keep others here. They have other things to do. I will yield at this point and maybe at a later time, after everybody else has spoken and there are no other speakers, then maybe I can regain the floor and not have my remarks interrupted. I will try to join them together later on, if that is satisfactory.

Mr. BYRD. Yes, Absolutely. Mr. President, may I say to the Republican leader, he may speak as long as he wishes, right now. But, certainly he has the right to get the floor later and continue his speech and have it all put together in the CONGRESSIONAL RECORD and not show any interruptions.

Mr. DOLE. I do want to defer to my colleagues who have been waiting, but I would not want to be called for making a second speech, if I do that.

Mr. BYRD. Mr. President, there will be no intention on my part to attempt to charge the distinguished Republican leader with a second speech.

Mr. DOLE. Mr. President, I yield the floor.

Mr. BYRD. I have guarded against that myself earlier today, asking consent that my own speech of the day not constitute a second speech, because I spoke on the calendar of the day on yesterday.

But when the distinguished Republican leader completes his speech I do want to return to my statement and I will yield at this time to Mr. Exon.

The PRESIDING OFFICER. The Senator has yielded the floor. The Senator from West Virginia under the previous order is now recognized.

Mr. BYRD. Very well, Mr. President. Before I yield to Mr. Exon and while the distinguished Republican leader is on the floor, I have listened with great interest to his comments. And what I say in regard to the *New York Times'* stories, as the distinguished Republican leader pointed out, is not meant to denigrate either the stories or what the distinguished Republican leader is saying.

But, I shall say, and I will say it in what I hope is the right spirit: The distinguished Republican leader, in demonstrating what happened in those years as—Mr. President, may there be order in the Senate? There is plenty of room on the couches for our

aides to sit, so they will not be conversing while some of us are trying to make a coherent statement. The distinguished Republican leader points out these stories. We do not argue with those. I do not argue with those.

So, I have to say that his stories miss the point. I, and others, have accepted as a fact that there were thousands and thousands and thousands of Armenians who were murdered, many, many years ago, some of which years were before I was born.

I was born during the First World War in the administration of President Wilson, 1917. So, some of these atrocities occurred before I was born. And they occurred before a great many others who are Members of this body were born.

So, we accept that. I have not argued, and I do not think anyone who has spoken on my side of the question has argued, that there were not atrocities. We have accepted that. We have conceded that.

But that is not the point. The point is that the determination is of the commission of a crime called genocide, which is a serious crime, and the Senate is not in a position to make that determination.

That determination is not to be made in this body. We have not conducted hearings. We have not conducted investigations. We do not have the records before us. We are politicians. We are not historians. And we should not put ourselves in the position of making the Senate an instrument of determination of what is genocide and what is not genocide and what race or what nation now or in the far distant past committed the inexplicably horrific crime of genocide. That is the point and I hope that Senators will keep their eyes on that ball.

So, with all due respect to my friend—and he makes a very impressive case here, it touches all of us—but, having said that: It is beside the point. The point, as I say, being that we approved the ratification of the Genocide Convention. And we passed implementing legislation. We created the instrument and the road map whereby guidance should be given in the determination of what constitutes genocide and what nation or race is guilty of it.

The Senate is in no position to do that. We are politicians. We are not historians. Some of us try to be scholars of history. I think we all try to be scholars of history. There are no historians in this body that I know of. And, if there are, they have not studied the records which need to be opened and studied and evaluated before any such criminal determination can be made.

Mr. President, I restate: The Senate cannot and should not conduct a genocide trial against the country of Turkey. That is what we are trying to

do here today. We do not have the equipment. We are not equipped ourselves to do it. We are not qualified to do it, and it is a political decision that should not be made. That is what it would be, it would be a political decision.

Mr. President, I yield to the distinguished Senator from Nebraska, Mr. EXON, for such time as he may consume.

I ask I be permitted to resume the floor once he has yielded it and that my resumption of the floor not constitute a second speech and that my speech in the RECORD not show an interruption by virtue of my yielding to him.

Mr. DeCONCINI. Will the leader yield before the request is granted? I am sorry to impose on the leader but I wonder if it is possible, assuming the Senator from Nebraska is finished before the hour of 5 o'clock, if I might have 5 minutes on this matter?

Mr. BYRD. Absolutely. I ask unanimous consent that following the statement of the distinguished Senator from Nebraska [Mr. EXON] I may yield, then under the same terms and circumstances, to the distinguished Senator from Arizona.

Mr. DeCONCINI. I thank the President pro tempore.

I think, really, the Senator from Illinois was here even before I was. I would be glad to wait, if the President pro tempore would give him 5 minutes ahead of me?

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I will be happy to yield under the same terms and circumstances to the distinguished Senator from Illinois.

Mr. SIMON. I think, in fairness to my colleague from Arizona who does want to get out of here by 5 for sure, I would yield to him and then, if I could have 7 or 8 minutes after that I would appreciate it.

Mr. BYRD. Mr. President, I will do the yielding, with all due respects, because I have the floor. I will be happy to yield to either one of the two, Senator DeCONCINI or the Senator from Illinois, following the Senator from Nebraska.

May I say I do not intend to hold the floor all day long but I have a speech here that is 59 pages in length and I have only delivered 10 pages of it.

Mr. LEVIN. While the President pro tempore is interrupting that speech for others, I wonder if he might add me to that?

Mr. BYRD. Yes. Mr. President, under the same terms and circumstances, I add the Senator from Michigan [Mr. LEVIN].

Mr. DeCONCINI. I will thank the President pro tempore.

The PRESIDING OFFICER. The Senator from West Virginia has pro-

pounded a unanimous-consent request. Is there objection? Hearing none, that will be the order.

The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair, and I thank my friend and colleague from West Virginia, the former distinguished majority leader, now President pro tempore of the U.S. Senate.

Mr. President, I rise to oppose Senate Joint Resolution 212, and I will be as brief as I can to make the remarks that I would like to make.

I listened with great interest to the very interesting presentation made by the Senate minority leader. I listened very intently because he was giving us some information that happened 70 or 80 years ago, sometime in that time-frame. As I listened to him, I felt in that tragedy that things like this happen, but I must agree with my colleague from West Virginia that as bad as that is, and it was a terrible tragedy, it is beside the point with what we are attempting to do if Senate Joint Resolution 212 becomes law.

I suspect this terrible tale of tragedy has been repeated throughout history on many occasions. While I feel badly about that, I hope that no one will accuse the Senator from Nebraska of being a supporter of genocide if I vote against this resolution.

I am reading from a note that was on my desk explaining some of the major issues pro and con on this particular resolution. Under the pro issues is listed this phrase: "Passing the resolution would not endanger U.S. national security interests nor should it endanger U.S. relations with Turkey. The resolution concerns the Ottoman Empire, not the Republic of Turkey."

I hope none of the Members will see fit to vote for this resolution if they believe that statement, because I think that statement is grossly erroneous and is the heart and soul of the reason that I will oppose Senate Joint Resolution 212.

Mr. President, I do not know whether genocide occurred 70 or 80 years ago or not. That is one of the issues that has been talked about a great deal here, but it is an issue I believe the U.S. Senate, with the current information that we have, is not in a position to make a determination as to whether or not this was genocide. But even all that aside, Mr. President, somewhere along the line the U.S. Senate must recognize what its current responsibilities are. I repeat, Mr. President, what its current responsibilities are.

The phrase that I just read from the proposition on this resolution I think is totally false. If this resolution passes, from what I have been able to ascertain, and I talked to many people about this in whom I have a great deal of confidence, including my colleague



and friend from West Virginia, if this resolution passes, it is going to be to the detriment of the national security interests of the United States now. I do not know whether it would have been detrimental to the national security interests of the United States 80 years ago or not, but let us talk about now, and let us talk about the future.

There is not any question that the Republic of Turkey is strongly opposed, without equivocation, to any type of a resolution such as this, even if it were further "watered down."

I do not know all of the reasons that the Republic of Turkey is opposed to this, but I think it is safe to say that they would consider this an affront to a very important military ally of the United States, the Republic of Turkey.

The Republic of Turkey, I hope all know and understand, is a member of NATO. I suspect that with the recent development in Europe, with the decline and the tearing down of the Berlin Wall, with what appears to be a significant victory that we have obtained over at least the satellite nations of the Soviet Union, I think most people would agree while we hope it is not true, that very likely the next hot spot, as far as international tensions are concerned, will be in Southwest Asia. And there is Turkey, in a particularly strategic position, a key military ally of the United States, a member of NATO. Is it in the security interests of the United States to chance the displeasure of an important military ally as we look down the road to what we might be confronting in the future?

Mr. President, I simply say that at best this is the wrong time and the wrong place for the U.S. Senate to be spending its time on this particular matter.

Let me just sum up, if I might, Mr. President, by saying I think that while this amendment is not intended as such, this is a mischievous resolution, mischievous in about every way that you could imagine, if you look at what is in the national security interests of the United States. It is mischievous because I think few of us fully understand what is the motivation behind this resolution. I suspect you could dismiss that and say the motivation is that if genocide happened last year, or 80 years ago, why should not the U.S. Senate jump in and say that was a bad thing to do?

As the Senator from West Virginia has clearly indicated, we do not know for sure what happened. If for no other reason, that should give us pause to having a chance of this passing the U.S. Senate. So I simply say, Mr. President, I cannot think of a better word than "mischievous," and I think that is putting it mildly, which is a key point that I make. It is mischievous from a whole series of areas. Most important, it is probably an un-

derstatement, but I think it is extremely mischievous from the standpoint of the national security interests of the free world.

I hope that my colleagues will consider this very carefully before they vote to support Senate Joint Resolution 212. I thank the Chair. I thank my friend from West Virginia, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized for 5 minutes.

Mr. DECONCINI. I thank the Chair and I thank my friend from West Virginia. I am pleased to have the opportunity to speak for a few minutes today on Senator DOLE's resolution commemorating the 75th anniversary of the tragic genocide of the Armenians by the Government of the Ottoman Empire between 1915 and 1923.

During these years hundreds of thousands of Armenians were systematically killed by a government which opposed their political views and their religion. It is an event which has been heatedly debated over the years and subjected to many unfortunate and confusing claims and counterclaims.

Historians may argue, yet they cannot deny the facts. In a time of chaos, social strife, and political upheaval, the Government of the Ottoman Empire—the "sick man of Europe"—was crumbling. It had overestimated its ability to control the territories it had conquered. The Empire was breaking up, but still it tried desperately to cling to its holdings in Eastern Europe. This was the historical context in which the Ottoman Government allowed the killing of thousands—perhaps even 1.5 million—Armenian men, women, and children in and around their villages between the Black and Caspian Seas. They were herded together and forced to march into exile in Syria. These poor Christians were left without food, water, or shelter. They were left defenseless during their long march before lawless gangs. Also, during this difficult time of global war, thousands of Turks and others under the umbrella of the Ottoman Empire also lost their lives.

The Ottoman Government had a long history of religious and ethnic hatred of the Armenians. As we have recently witnessed in Soviet Armenia and Azerbaijan, as well as other places too numerous to mention, these instances of religious and ethnic animosity continue to this day.

One of the most quoted documents from that time of turmoil is the telegram sent by the U.S. Ambassador to the Ottoman Government, Henry Morgenthau, to the Secretary of State on July 16, 1915. It states:

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in

progress under a pretext of reprisal against a rebellion. Protests as well as threats are unavailing and probably incite the Ottoman government to more drastic measures as they are determined to disclaim responsibility for their absolute disregard of capitulations and I believe nothing short of actual force which obviously United States are not in a position to exert would adequately meet the situation. Suggest you inform belligerent nations and mission boards of this.

Beginning in 1915 and continuing for the next 8 years, a campaign of violence and fear was carried out in Armenia and other parts of the Ottoman Empire. The violence was so intense that on May 11, 1920, our predecessors in this body, after hearings by the Senate Subcommittee on Foreign Relations, passed Senate Resolution 359, a resolution condemning the massacre of the Armenian people.

At that time, the term "genocide" did not exist. It was not until 1946 that Raphael Lemkin coined the term "genocide" in reaction to both the Holocaust in Germany as well as the events in Armenia. Eli Weisel, the U.S. Holocaust Memorial Council Chairman, has spoken out about the massacre of the Armenians and the Board of the Holocaust Memorial here in Washington has determined that the genocide of the Armenians should also be commemorated as part of that special museum.

In the past, the House and Senate have considered and passed resolutions commemorating the tragic events in Armenia and elsewhere. On April 8, 1975, a resolution on the Armenian genocide introduced by Congressman Helstoski and Congressman Tip O'Neill was passed under suspension of the House rules by a vote of 332 to 55. Then, on September 10, 1984, a nearly identical resolution was passed by the House under suspension by a voice vote.

In the 98th Congress, I was a co-sponsor of another Armenian resolution. Senate Resolution 241, introduced by Senator LEVIN on October 7, 1983, expressed the sense of the Senate that the foreign policy of the United States should take into account the genocide of the Armenian people. That resolution was reported by the Senate Foreign Relations Committee and was placed on the Senate Calendar, but was never considered by the full Senate.

In addition to the Senate resolution passed 70 years ago, the Congress each year has passed a resolution calling for a day of remembrance for the victims of the Holocaust. At that ceremony in the Capitol Rotunda, we pledge "never to forget" the Holocaust of the Jews. It was also at that ceremony in 1981 that Eli Wiesel pledged to remember the Armenians because he knows that "no one remembered the Jews." As he stated on that day, "Rejected by ev-

eryone, they felt expelled from history."

Congress has not been the only branch of government which has spoken with a strong voice on this issue. Presidents from Benjamin Harrison to Ronald Reagan, including William Howard Taft, Woodrow Wilson, Warren G. Harding, Herbert Hoover, and Jimmy Carter have issued statements and proclamations deploring the loss of life under the Ottoman Government. As former President Reagan said so eloquently,

Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten.

I have spoken on at least two occasions with the Turkish Ambassador and I have assured him that my strong support for Turkey will continue. My intention in supporting this resolution is not to embarrass the Turkish people, or harm our relationship. I sincerely hope that this will not occur.

But we have to look history square in the face if we do not want to repeat the tragic mistakes of the past. The German Government of Conrad Adenauer had to face the facts of the Holocaust under the Nazi government and say "never again." The United States had to face that racial injustices it had perpetuated for most of its history before it could enact civil rights legislation.

Should we make an exception for past human rights abuses that occurred under the Ottoman Empire? I say we should not.

In conclusion, I would like to note that this resolution is supported by the American Hebrew Congregation and the Churches for Middle East Peace, a coalition of churches including the American Baptist Churches, U.S.A., the Episcopal Church, the Presbyterian Church (U.S.A.), and the National Council of Churches.

I want to congratulate Senator DOLE and my colleagues who are supporting him in this effort. I urge the Senate to once again stand firmly on the side of respect for human rights and vote for this resolution when the time comes.

In summary, Mr. President, I have been and will continue to be a strong supporter of the Republic of Turkey. Last year in the Appropriations Committee, I offered two amendments to attempt to add additional funds to the Republic of Turkey for their humanitarian actions toward refugees. One amendment that was adopted with the assistance of the President pro tempore was for \$10 million to deal with the Bulgarian Turks that were being expelled from Bulgaria. This is a tremendous human rights violation in itself. The other amendment was for \$5 million which we added in the Senate to assist the Turks because of their hu-

manitarian approach in accepting the Kurds fleeing from chemical warfare by Iraq. President Ozal stuck his neck out for an unpopular ethnic group to help the Kurds that fled Iraq during the war. I also supported Turkish military funding last year and intend to support the military again this year. I am, however, going to vote for cloture so that we might get this resolution before us.

I think, Mr. President, we are getting a little bit off the track here. We are letting—the Turkish lobby, and they have a right to lobby, and Turkish Government officials, who have lobbied me, which they have every right to do—we are letting them say that if we pass this we are waiving a red flag; that we are insulting them; that we are slapping a friend in the face. I submit that that is not what we are doing. We are talking to friends. If we cannot talk to friends about history, if we cannot be realistic about the history of our own country, about the tragedies our Government perpetrated toward the native Americans, about the tragedy toward blacks, about admitting those things and being willing to say, yes, we made mistakes, then what kind of a democracy are we? If another government wants to pass a resolution saying we made mistakes, are we going to say, "What are you doing, slapping us in the face?"

No. It is a reality, and that is what this resolution recognizes. It goes back to the inhumanity that occurred not under this Turkish Government, not by these Turkish people, but by an Ottoman Empire that was carried away with itself, that was willing to starve 1½ million men, women, and children and march them 1,000 miles, and allow them to die. They died because nobody gave a darn, nobody gave them any food. The Ottoman Government wanted them to die.

Now, the President pro tempore is right; we are not here to judge or to determine genocide. I do not think we are determining genocide by this resolution. Let me read the resolution. It is very clear. It says that "April 24, 1990, is designated as a National Day of Remembrance of the 75th Anniversary of the Armenian Genocide of 1915 to 1923."

We make reference to what I think is a genocide. Now, we are not a court of law chosen to prosecute somebody. This is not a statement that we are bringing charges against anybody, not even the old Ottoman Empire. That Empire no longer exists.

The resolution further states that "the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day as a day of remembrance of the 1½ million people of Armenian ancestry who were victims of the genocide perpetrated by the Ottoman Empire from 1915 to 1923."

Again, this has nothing to do with the present Turkish Republic.

The resolution continues, "Prior to the establishment of the Republic of Turkey, and in their memory, this date is commemorated by all Armenians and their friends throughout the world."

I am one of those friends of the Armenians as is everybody else in this Chamber. For it to be said that by voting to bring this resolution up or to cut off debate, we are somehow dismantling NATO, that we are destroying a relationship, is nonsense.

Turkey is a big country. It is a democracy. It has problems just like we do. It can take any criticism of its history. The democracy of today had nothing to do with this history and there is no reason we should not go on record by recognizing this history.

If you think of this tragedy—and nobody denies the tragedy occurred—why do we not want to stand up and say that we know it was a tragedy? Indeed, we should go on record expressing the view of the Senate that this was a tragedy, that it was in our opinion, a genocide. We are not determining guilt. We are saying that in our opinion, these events should be memorialized.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DeCONCINI. I ask unanimous consent that I have 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I have no objection under the same terms and circumstances which were earlier outlined.

The PRESIDING OFFICER. The Senator will be recognized for 2 minutes.

Mr. DeCONCINI. I thank the Chair.

Let me say in conclusion, Mr. President, I hope that this great body can continue its long history of facing humanitarian and human rights issues because the head of one government says that this is insulting to us, that this is not going to improve our relationship. What are we to do if tomorrow the Government of Korea or the Government of the Philippines or some other friendly government takes some atrocious action toward its people in violation of human rights? Are we going to say, "My gosh, we cannot do anything; we cannot pass a resolution."

No; we have passed resolutions in the past, many resolutions. We have gone forward expressing our view on the Holocaust time and time again, and there is no reason that we cannot now express our views. Human rights is what makes this great democracy. I believe it has had an important and significant effect on the changes we are seeing in Eastern Europe and the Soviet Union. The United States has

never altered its human rights position in that part of the world. We have done it toward China. Goodness knows, we have seen that. Now we are afraid, I think, to say what history says and to resurrect something that is difficult for us to think about. Not to point the finger at the present Turkish Government or the people there, but to say up front that this was a tragedy, that it was a genocide in our opinion, that we want to memorialize that day, so that, God forbid, this will not happen again. Is that not what we are here for? Is that not really what human rights is about?

I hope that the Senate will express itself on this issue. I reiterate that this resolution has no bearing on our good relationship with the Turkish Government and the Turkish people.

I thank the Chair and I thank the President pro tempore for letting me speak at this time. I also thank the Senator from Illinois.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 8 minutes.

Mr. SIMON. Mr. President and my colleagues, no matter what happens on this vote, I think something good has happened in that we have had a real discussion for the first time that I can remember on this whole question of the slaughter of innocent Armenians. If the Turkish Government, candidly, had had the good judgment just to let this pass quietly, no one would have paid any attention to this particular resolution. I think they made a mistake. I think they made a mistake tactfully also because, frankly, all nations, virtually all nations, make mistakes. We have done it. We have had slavery in this country. We have abused American Indians, our native Americans. We perpetrated a horrible deed against Japanese-Americans back in 1942. We are not accusing the present Government of Turkey or the people of Turkey today of having done this deed, but let us not ignore history.

I have great respect for my distinguished colleague from West Virginia when he says we are politicians, not historians. The Senator from West Virginia is both a politician and a historian. The Senator from Kansas is both. I have even written a little bit in the field of history myself. But let us just assume that none of us is a historian. While it is true we are politicians rather than historians, I think it is also true, as Harry Truman told us, that politicians dare not ignore history. That is really the question that we confront.

Let us not ignore history, not on the question of the Armenians. There is a book which I would recommend to my colleagues, written by a Presbyterian by the name of David S. Wyman. It is called "Abandonment of the Jews."

It tells what happened in this country in the late 1930's and early 1940's—

how we did not stand up as people, Jews and Christians, as we should have, in behalf of the Jews in Germany and Poland and that area. Let us not repeat history. That is what this resolution is asking very simply.

I hear a lot of talk about the national interest. All of us are interested in the national interest. But the national interest is best served when we stand up for the ideals of this Nation. And you can go through history and see that time and time again.

Let me tell you a story that Clark Clifford, the distinguished attorney here in Washington, formerly counsel to Harry Truman, tells. Harry Truman was President of the United States, and the Secretary of State, General Marshall, came in and said, "We should not recognize Israel." And he went through the numbers in the Middle East. President Truman thanked him, and then the Secretary of War—we now call it the Secretary of Defense—James Forrestal, came in. He said the security interests of this country are very, very clear. He went through the numbers and said we should not recognize Israel. After both of them had left, Harry Truman turned to Clark Clifford and said, "You do not decide issues like this on the basis of numbers. You decide issues like this on the basis of right and wrong."

My friends, I believe that. I believe that strongly.

I think clearly you had a people, and there was a genocide. We can argue about it. But genocide is an attempt to eliminate a people. That happened. Fortunately, in the case of the Armenians, it was not successful. But there was a massive slaughter. We do not know the precise number, but there was a massive slaughter of people. We are saying let us not forget that.

I have heard the argument: Well, Turkey has problems with refugees from Bulgaria and other things. It is really not an issue here. I heard my colleague, Senator DeCONCINI, say he would support aid to Turkey for the refugees. So will I. I would like to see Turkey move a little more constructively working with Greece and working with the Government of Cyprus to get the Cyprus situation solved. But I am willing to vote tomorrow.

The distinguished chairman of the Appropriations Committee comes in here, and says we need more dollars for refugees for Bulgaria and Turkey. I am going to be there voting for it. That is not the question. Nor is the question the numbers involved. There are not very many Armenians in the United States. There are not very many Armenians in West Virginia, Michigan, Illinois, Nevada, or any of the States. There are not very many Turks. The question is not numbers. The question is, what is right and wrong.

I think clearly it is right for us to stand up and say let us remember these innocent people who were slaughtered; not just to remember them but to remind ourselves how inhuman humanity can be once in awhile.

I hope we will adopt the motion for cloture and, if we can, adopt the resolution.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Chair, and I thank my good friend from West Virginia for also yielding and interrupting his own speech to make it possible for us to interject a few thoughts and words.

Mr. BYRD. Mr. President, will my friend yield to the Senator who has the floor for just a couple of minutes to respond to my good friend from Illinois?

Mr. LEVIN. Of course.

Mr. BYRD. The distinguished Senator from Illinois is a good man. He is a good Senator. He was a good Member of the House of Representatives. And he puts forth an argument that it is difficult to assail when he says the question is what is right and what is wrong.

Again, Mr. President, may I say to my dear friend that that is not the point. If that were the point, Mr. President, we would be discussing the business of the courts of this land as to who shot whom, who stole what from whom, who was right and who was wrong.

But unlike the English parliamentary system in which the great council, originally the Anglo-Saxon wit en ag emote, later the magnum Presidium, the great council of thanes and earls and barons, constituted parliament in its early and fluid beginnings. There was a smaller council that was a permanent council that was also called the curia regis but to whom a great council met.

It later became what is called the parliament.

In the years 1341, 1339-1341, parliament became a bicameral body when the knights and the burgesses split off from the ecclesiastical lay lords and began holding their separate meetings to decide decisions separately in Westminster Abbey. And the ecclesiastical lay lords continued to meet in the parliament and in the halls of parliament.

So that great council was the judicial body, and the House of Lords in England continues to be the highest court in the land. They decide on great problems.

But in the United States the upper body of the legislature is not a court. We do not decide what is right and what is wrong. Our constitutional forbears provided for that instrument

when they created the Supreme Court consisting at that time of six members, and provided for a court system. The Senators in the first Congress created that Supreme Court. As they fulfilled their role under the Constitution, they created the Supreme Court of six members, and they created certain courts and district courts to determine what is right and what is wrong.

So under our system of parliamentary law and under our parliamentary system, the only time the Senate deems what is right and what is wrong is when it acts as the court in a trial of impeachment, and also when it acts under the Constitution to expel another Member by a two-thirds vote. Then to agree, it determines what is right and what is wrong.

We are not here today, Mr. President, to determine what is right and what is wrong, unlike the British House of Lords. That is the point I keep trying to make.

I agree with my friend from Illinois, who has a big heart and who is a compassionate man, that based on what I have been able to read and hear, there were some atrocious things that happened in the period which this resolution covers. So there is no argument there. Those things are wrong. Thou shalt not kill.

But, Mr. President, we are not here to determine what is right and what is wrong. That is for the court to do. We have created an instrument under the Genocide Convention to determine what is right and what is wrong; what will be designated as genocide and what will not; what country, what group will be charged with the crime of genocide.

I am simply saying to my friend from Illinois that I agree that what was done was wrong, but that is not the point here. The point is, is this Senate going to set itself up as the instrument whereby genocide is to be determined and where the crime of genocide is to be determined, whether the nation or group that commits the crime is to be labeled and is to be accused of a crime called genocide?

Mr. SIMON. Will my colleague yield for a brief response to his statement?

Mr. BYRD. May I yield to the Senator from Michigan, and I hope that he will in turn yield on my time to the distinguished Senator from Illinois.

Mr. SIMON. If I may have 2 minutes from my friend from Michigan.

Mr. LEVIN. I am happy to yield.

Mr. SIMON. The distinguished President pro tempore has just to some extent negated his earlier statement saying we are politicians, not historians, when he goes through history. And earlier today, I happened to be on the floor when I heard him refer to Aaron Burr, and he said: I did not serve in the Senate with Aaron Burr. But he speaks about that time period

almost as if he served with Aaron Burr.

I agree with much of what my distinguished leader says when he talks about our being a court. But, in fact, we decide issues of right and wrong day after day after day. We sit as a court not only when we impeach, but when, for example, we voted reparations for Japanese-Americans, we in fact made a decision of what was right and wrong, and we do that every day in this body. We make these judgments.

I think here again on this issue, we have to assume some historical judgments, and I think the historical evidence is overwhelming, and that is that in this period genocide occurred. We ought to adopt this resolution on that basis.

I thank the distinguished President pro tempore, and I thank my colleague from Michigan.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. First, it should be clear, Mr. President, from the wording of the resolution itself, that this resolution is reaching a conclusion to commemorate events which occurred before the existence of the Republic of Turkey. This makes no judgment relative to the Republic of Turkey whatsoever. It reaches a judgment by its own terms on events from 1915 to 1923—I am quoting from the resolution—"prior to the establishment of the Republic of Turkey."

Why the current Turkish Government opposes this resolution is not clear. Whatever their reasons or motives, they are surely not binding on us or the rest of the world. They are a good ally. Germany is a good ally. The current German Government did not oppose the commemoration of the Holocaust.

Would we be bound in any way or feel somehow or other we could not commemorate the Holocaust if the current German Government opposed that commemoration in the United States? The current German Government does not oppose recognition or commemoration of the Holocaust. They have acknowledged it. The world is better off with that acknowledgment. NATO is better off with that acknowledgment.

The world would be better off if the current Government of Turkey either acknowledged this genocide or took no position in opposition to other people commemorating this genocide. Surely, we are not bound by its decision to oppose our joining in the commemoration of a historical event, something which occurred.

The evidence is overwhelming that there was a genocide against the Armenian people during the years 1915 to 1923. There is evidence in the CONGRESSIONAL RECORD, the in Presidential

archives, in the ambassadorial archives in the State Department. There is evidence in the German archives. There is evidence in the European Community. There is evidence everywhere.

Senator King, in 1920, before the Senate adopted a resolution on this matter, quoted from a telegram that he had received in which the writer, a witness, said that the Turkish Government is "executing their purpose to destroy the Armenian people," and that "it is a pitiful thing to see an entire people destroyed."

Shortly following that, the Congress adopted a resolution, Senate Resolution 359, on May 11, 1920, which stated that the hearings conducted by the Senate Committee on Foreign Relations have clearly established the truth of the reported massacre and other atrocities from which the Armenian people have suffered.

The person who headed the German Embassy's Armenian desk at the time in Istanbul wrote his Government that Turkey was "intent on taking advantage of the war in order to thoroughly liquidate its internal foes without thereby being disturbed by foreign intervention."

Another German Vice Consul in Turkey said that: "Measures undertaken by the Turkish Government are tantamount to the total destruction of the Armenians." These are contemporaneous statements by officials of other governments.

We have thousands of eyewitnesses who survived the million or more who died. The million or more did not survive to describe it. But others did, and we have that testimony, and it has been acknowledged over and over again by this Government and by Presidents of this Government that there was a genocide against the Armenian people.

This Senate has acknowledged that there was a genocide against the Jewish people. We reached a judgment on that. It was called the Holocaust. We created a Holocaust Memorial Council. We have reached a judgment even though some deny the existence of the Holocaust that in fact the Holocaust existed.

Our Government repeatedly, our Presidents, repeatedly have acknowledged the existence of a genocide against the Armenian people. And this resolution simply commemorates that genocide.

Winston Churchill wrote in 1929 the following:

In 1915 the Turkish Government began and carried out the infamous general massacre and deportation of Armenians in Asia Minor and the clearance of the race from Asia Minor was about as complete of such an act, on a scale so great, could be.

Then he wrote the following:

There is no reasonable doubt that this crime was planned and executed for political reasons.

That is Winston Churchill in 1929.

Our consul, a man named Jackson, wrote contemporaneously that there was an effort to "extinguish the Armenian race."

These are contemporaneous comments by officials who are either our officials, or Winston Churchill, or even officials that were connected to the Government of Germany.

President Reagan, in commemorating the Days of Remembrance of Victims of the Holocaust made reference to the genocide of the Armenians when he said:

Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it, and like too many other such persecutions of too many other peoples, the lessons of the Holocaust must never be forgotten.

A Presidential reference to the genocide of the Armenians.

The U.S. Holocaust Council, created by the Congress, has approved the inclusion of the "Armenian genocide" in the museum that is being built right next to the Mall here in our Nation's Capital.

The American Bar Association has recognized it. In February 1988 they submitted to our Judiciary Committee a statement in support of the implementation legislation for the Genocide Convention which has now been approved, in which the American Bar Association said that:

As familiar as we are with the historic examples of genocide against the Armenians and the Jews, genocide is a contemptible crime of shocking magnitude, and we must prepare ourselves to fight it.

The European Parliament has adopted the following statement:

It believes that the tragic events of 1915 to 1917 involving the Armenians living in the territory of the Ottoman Empire constitute genocide within the meaning of convention on the prevention and the punishment of the crime of genocide adopted by the U.N. General Assembly.

That is the statement of our other European allies, part of NATO, which is the European Parliament, and they have indicated that the failure of Turkey to acknowledge this genocide is an "insurmountable obstacle" to Turkey's admission to the European Community at that time. These are allies of ours. Indeed, these are allies of Turkey as Turkey is an ally of ours and will remain so.

So there are people who have been in these key positions who have rendered judgments based on personal firsthand knowledge, based on documents. I have done a tremendous amount of reading in this area, and I think many of us have in this body. Each of us are going to reach his or her own conclusion as to whether or not it is appropriate that we commemorate the Armenian genocide.

Our Ambassador to Turkey, Ambassador Morgenthau, back in 1915, telegraphed the Secretary of State:

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.

In his book, our Ambassador to Turkey said:

When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well and in their conversations with me, they made no particular attempt to conceal the fact.

Our Congress, our Presidents, Ambassadors, the European Parliament, President Reagan, the Holocaust Council, on and on. The evidence is there.

Mr. President, there are those who would rather not be reminded of this tragedy. Sadly, Orwell's vision of history being rewritten for the convenience of current geopolitical strategy has become a modern day reality and I wonder what future historians will say of this practice. George Santayana gave dire warning that those who do not learn from history are doomed to repeat it, has proven all too true over this century.

We have not learned from our mistakes and history has been repeated. The Armenians were the first people to suffer genocide in this century but not the last. The Ukrainians, under Stalin, the Jews under Hitler, the Cambodians under Pol Pot offer mute testimonials to the price of ignoring history.

I just pray that never will more names be added to this ignoble list. That is why it is so important to join in this commemoration to remember this historic event.

We must not forget the lessons of the past no matter how uncomfortable they make us. We must confront the horrors of the past and vow not to repeat mistakes and never let these tragedies such as the Armenians suffered ever happen again.

Mr. President, Hitler asked, when he was planning the final solution to the Jews, "Who remembers the Armenians?" Let us prove Hitler wrong again and by adoption of this resolution remember the Armenian genocide.

Again, I want to thank my friend from West Virginia for yielding to me for a few minutes. I appreciate his willingness to interrupt his own remarks to allow some of us to speak.

Mr. BYRD. Mr. President, I understand my good friend and distinguished Senator from Massachusetts [Mr. KENNEDY] wishes me to yield to him. I yield to him for such time he may desire, 10 minutes or more if he needs it under the same terms and conditions that have prevailed today in the course of my yielding.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, today, we are asking the Senate to take the long overdue step of providing a simple measure of justice and remembrance for the Armenian people who died in their homeland in one of the worst atrocities of the 20th century.

I support the Armenian genocide resolution, and I am proud to be among the sponsors of this proposal to designate April 24, 1990, as the national day of remembrance for the 1.5 million people of Armenian ancestry who died between 1915 and 1923.

It is fitting on this 75th anniversary of the beginning of this monumental massacre that the U.S. Senate should at long last commemorate the suffering of the Armenians.

In so doing, we are following the wise example already set by others in the world community. In August 1985, the United Nations Subcommittee on Human Rights recognized the tragedy which befell the Armenian people earlier in this century. In June 1987, the European Parliament did so as well.

It is regrettable that the United States—a country which prides itself on its traditions of liberty and justice—should take so long to recognize the suffering of a people who have contributed so much to our own Nation.

America is blessed with an extraordinary Armenian heritage. The Armenian commitment to hard work and dedication to family reflect essential American values. Armenian-Americans are eminent in many fields and have enriched every State in our American Union. The resolution before us is an appropriate demonstration of our appreciation of the outstanding accomplishments of the Armenian people and a clear statement that we remember their suffering.

I urge the Senate not to ignore the savage cruelty that Armenians have suffered in the past. Few peoples in the history of the Earth have endured so much murderous persecution for their faith, or borne their enormous tragedy with such great courage.

We must not forget the cruel truth of Armenian suffering.

We must not forget the 1½ million men, women, and children who perished in their homeland at the beginning of this century under an empire that has long ceased to exist, but that was responsible for one of the worst crimes against humanity in recorded history.

As the writer H.G. Wells observed, "Human history becomes more and more a race between education and catastrophe." That is why the Armenian genocide resolution in Congress is so important. Unless America speaks the truth, unless the world comes to terms

in the present with the horrors of the past, we may well stand condemned to repeat those horrors in the future. We must not let that happen.

Reminding our own day and generation of man's past inhumanity to man is our best hope to prevent similar atrocities in the future, and to avoid what could be the ultimate atrocity for all humanity—a nuclear catastrophe.

This commemoration in no way reflects adversely on the Republic of Turkey or our friends, the Turkish people. To the contrary, it is a recognition of events in the final brutal years of the Ottoman Empire, over which no person or country existing today had any control.

America at its best has always stood for the great goals of liberty and justice. Tolerance and compassion, human rights and human dignity—for our own citizens and for all peoples everywhere. We must never be silent or avert our eyes in the face of the cruelty and suffering, the bigotry and repression that still infect too much of our planet, and that cast such a deep shadow over the dream we share of peace on Earth.

In recognizing the tragic suffering of the Armenian people, we can do our part to insure against atrocities in the future. At a time when deplorable new examples of murderous discrimination against the long-suffering Armenian people are all too familiar in the world, it is especially appropriate for the Senate to go on record in support of the Armenian genocide resolution and I urge the Senate to approve it.

I thank the Senator from West Virginia and I yield back what time I did not use.

Mr. BYRD. Mr. President, I understand the distinguished Senator from Maryland [Mr. SARBANES] wishes to speak at this time. How much time would the Senator like?

Mr. SARBANES. I think 6 minutes would probably be sufficient.

Mr. BYRD. Mr. President, may I say that I am not acting as a traffic cop on the floor today. I came to the floor quite some time ago with a speech that is 65 pages in length or so and I have used 11 pages. I say that only to explain that I do not intend to be here all day. But I am very happy to yield to the distinguished Senator from Maryland [Mr. SARBANES]. I yield to him for 10 minutes, more than that if he wishes, under the same terms and conditions by which I have yielded previously today.

The PRESIDING OFFICER. The Senator from West Virginia yields to the Senator from Maryland for such time as he may require.

Mr. SARBANES. Mr. President, I appreciate the courtesy of the very distinguished Senator from West Virginia.

Mr. President, I rise in support of the resolution that is before us. I very much hope that the Senate will in the next day decide to move to consider the substance of this resolution. At the moment, we are simply engaged in the debate over whether to proceed. I think we should proceed to the resolution. I think we should consider it and I think we should pass it.

Mr. President, 75 years ago this coming April began one of the great martyrdoms of modern history. In an age which is tragically inured to acts of barbarism, we consider here the systematic and methodical campaign in 1915 to exterminate an innocent people, the Armenians living within the borders of the Ottoman Empire. That terrible campaign meant the death of 1½ million men, women, and children, and suffering almost beyond description for those who survived it. Anyone who has talked with the survivors of that genocide knows from their descriptions of the unspeakable horrors, virtually impossible to describe that were experienced by 1½ million people.

On the night of April 23-24, 1915, 75 years ago—75 years ago—the intellectual, religious and political leaders of the Armenian people were summarily arrested in Istanbul, to be sent to exile and death. Those arrests were quickly followed in every Armenian community by the arrests of local leader, the segregation of Armenian soldiers into separate battalions which were then condemned to death, and the deportation of entire Armenian communities, defenseless women and children, into the remote deserts in the eastern region of Anatolia.

This campaign against the Armenian people occurred in the face of a world opinion that unfortunately was largely indifferent. It did not pass unnoticed however, and the historical record cannot be rewritten. It should be a matter of deep concern to all of us that in recent years an effort has developed, not in this Chamber so much, but elsewhere, in effect to revise or rewrite the history of this tragic period and to blur our understanding of the full tragedy of the massacres we must remind ourselves after all, that once we acquiesce to the revision of the historical version and one period, we open the doors to revisions of the record of others.

But the documentary essence of the Armenian tragedy exists, we have numerous exhibits of contemporaneous newspaper articles from the New York Times, and other major newspapers as well. The British press, the French press, and so forth.

Let me read just a sampling of the headlines from mid-1915: "More Armenian Massacres"; "Armenian Horrors Grow"; "Tales of Armenian Horrors Confirmed"; "800,000 Armenians Counted Destroyed"; "Spare Armeni-

ans, Pope Asks Sultan"; "Massacres Renew, Morgenthau Reports"; "Thousands Protest Armenian Murders." These headlines alone speak volumes.

Our Ambassador to the Ottoman Empire at the time was Henry Morgenthau, later a very distinguished Secretary of the Treasury under President Franklin Roosevelt. Morgenthau has written at length about the genocide visited on the Armenians. In his book, he discussed the tragic events which we are talking about here today, and for which we are seeking this national day of remembrance. He said, and I quote him:

Whenever crimes the most perverted instincts of the human mind can define and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915. The killing of the Armenian people was accompanied by the systematic destruction of churches, schools, libraries, treasures of art and of history, in an attempt to eliminate all traces of a noble civilization some 3,000 years old.

What Ambassador Morgenthau wrote in the years following the great tragedy was consonant with his reporting at the time the events took place. For on July 16 of the first year of the massacres, 1915, he sent the following message by telegraph to the Secretary of State:

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under pretext of reprisal against rebellion.

Reports to Ambassador Morgenthau by consul generals in the field, consular dispatches, substantiated the Ambassador's experience of what was taking place with respect to the massacre of the Armenians.

We know, and it has been alluded to here, that the European parliament has passed a resolution on this matter; that the United Nations Commission on Human Rights has passed a resolution reaffirming the Armenian genocide as a historical fact; and that the United Nations Commission on Human Rights has recognized the Armenian genocide in its report.

Perhaps Elie Wiesel expressed most eloquently for us the critical importance of recognizing the Armenian genocide when in April 1981 he spoke at a Holocaust memorial service, the Days of Remembrance, here in this Capitol Building.

At that solemn ceremony of remembrance—remembrance of past horror, he said:

Before the planning of the final solution, Hitler asked, "Who remembers the Armenians?" He was right. No one remembered

them. As no one remembered the Jews. Rejected by everyone, they felt expelled from history.

As our very distinguished colleague from Michigan stated only a few minutes ago, the purpose of remembrance, of refusing to forget, is to make certain that we are not doomed to repeat the past. Those who do not learn from history are doomed to repeat it.

That is why, as part of coming to terms with ourselves, we seek to acknowledge what has occurred in the past. We cannot turn our backs on history. Coming to terms with the past is part of building for the future.

We have sought to do that in our own country. Much of our own history is an effort to come to terms with the past; who would now urge us to otherwise? We have struggled to come to terms with slavery. In recent years we have sought to come to terms with the treatment of Japanese-Americans at the beginning of World War II. With respect to native Americans we have begun to acknowledge a brutal history that was ignored too long. Facing history is indeed a matter of facing ourselves.

Would the West Germans be better off today had they not come to terms with the Holocaust? And does that challenge not lie ahead for the East Germans, whose postwar history has largely overlooked it as they seek to become part of a modern democratic society?

The resolution before us promotes sober reflection, not only on the Armenian tragedy, but on broader questions of aggression and inhumanity. I cannot understand why our acknowledgement of a day of remembrance, our recognition of an historical event, does not give us a foundation for moving ahead. In my view, one of the most important aspects of this resolution is that it would establish that foundation.

There have been other occasions on which this Senate has affirmed the proposition that the actions taken against the Armenian people constituted genocide.

In fact, in April 1981, on the day of remembrance of victims of the Holocaust, President Reagan issued a proclamation in which he stated,

Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it, and like too many other such persecutions of too many other people, the lessons of the Holocaust must never be forgotten.

We should not now be deterred by the emergence of a handful of revisionist historians who seek to deny a well-documented historical event. There are a handful of revisionist historians who are trying today to deny the authenticity of the Holocaust. Ten years from now, 20 years from now, will we be asked to accept their arguments that contemporary accounts are

to be denied, that the record is not as clear as it seems?

This resolution makes clear, by establishing a National Day of Remembrance on the 75th anniversary of the Armenian genocide, that the human tragedy which occurred beginning in 1915, terrible almost beyond description, will not be forgotten.

I strongly urge my colleagues to vote to consider the substance of the resolution when the motion to proceed is before us tomorrow, and then to move forward from there to pass this resolution.

The PRESIDING OFFICER. The Senator from West Virginia retains the floor.

Mr. BYRD. Mr. President, I have promised to yield to the distinguished Senator from Arkansas. I yield to the Senator from Arkansas with the understanding that I not lose my right to the floor, the understanding that the statement of the Senator from Arkansas not to show as an interruption in the RECORD, and that I not be charged with a second speech upon resuming my speech once the Senator yields.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia yields to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will be rather brief because I see other Senators on the floor wishing to speak on one side or the other on this issue.

Mr. President, first of all let me say when I was first presented this resolution for cosponsoring, I almost immediately signed on. I considered it a commemorative resolution which most of us around here sign without really giving much thought to it.

At the time, I thought the resolution was designed simply to commemorate the suffering of the Armenians. And they have indeed, suffered greatly. And if that were what the resolution said, then I would continue to cosponsor it, and strongly support it. Sadly, that is not the case.

I did not come from a family where my parents told me to eat everything on my plate and think about the starving Armenians. My parents did not know where Armenia was, and they knew little or nothing about their suffering in that period, between 1915 and 1923.

I would not for an instant try to revise history by suggesting that the Armenians did not suffer a terrible, terrible injustice. They did, and there were great atrocities. There was a revolution going on, and I would leave it to the scholars to come to a definitive, scholarly conclusion about that unhappy period in the history of Armenia and Armenians. Turkey was a part of the Ottoman Empire, described in the resolution. There is no question but many of us are opposing this resolution because we feel it is, an unjust attack on or insult to one of our

strongest NATO allies, namely Turkey.

But it goes deeper than that. As I say, I think we are trying to make a scholarly determination here today, which this body is ill-equipped to make. But we are also being asked to indict present-day Turkey for what happened in that 8-year timeframe over 70 years ago.

As a matter of fact, I do not know whether it was 1915 to 1921 or 1915 to 1923. This resolution, I think, maybe adds a couple of years to it.

But, in any event, I have risen today to take my stand in opposition to the resolution because it has been 70 years since that happened.

There was a fight by the Armenians for independence and over a million Armenians lost their lives. As we all know now, of course, Kemal Ataturk became the first President of Turkey when the Ottoman Empire was broken up and Turkey and the U.S.S.R., as was not too uncommon in those days, just split Armenia up.

But the point I want to make is, there is another factor that disturbs me, and it is that we are asking this body to blame present-day Turkey and the Turkish people for what happened to Armenians many years ago.

I am a son of the South. But I never owned a slave. My father never owned a slave. The South paid a big price for its rebellion for an unjust cause. I always say about democracy, Mr. President: Just because we live by majority rule does not mean the majority is always right. Ninety-five percent of the people in the South thought slavery was a fine institution. But, bear in mind, the 95 percent I am talking about were white, were free men and women.

I think there is something basically unfair about a resolution that indicts modern Turkey and children and grandchildren of whoever might have committed those injustices. My sons, not necessarily my daughter, but my sons think it is a pretty big burden to be children of a Senator—at least until they need football tickets or something that they know I can usually provide them. But I do not want my children to suffer for my sins.

Mr. DOLE. Will the Senator yield? Would he feel the same way about Germany when we ratified the Genocide Convention in this Chamber about 2 years ago? I think the Senator voted for it. Or was that a different case?

Mr. BUMPERS. Absolutely.

Mr. DOLE. There were a million and a half Armenians slaughtered. I do not see any other difference. How can you say today, you do not want Turkish children to suffer for the sins of their fathers, and you say that is different from what we did about the German

children of the perpetrators of the Holocaust?

I might add there are statements in the Genocide Convention debate which bring in Armenia—I want to refer to those statements and make them a part of the RECORD later—by a number of Senators on each side who said when we ratified that convention that we were not only talking about the Jews but the Armenians. I do not know how the Senator from Arkansas can make a distinction—maybe because Armenia is a small, powerless country. Maybe that is the distinction.

Mr. BUMPERS. I want to say to my colleague that if my vote for the Genocide Treaty said I was implicating the grandchildren of the people who committed atrocities in the past, then I will try to rescind my vote. I apologize for having voted for it if that is what that treaty said. But I'm sure the treaty didn't say that.

I took part in that debate. The Senator is perfectly welcome to look at my participation, though I am not sure I spoke on the floor. I know the Senator from Wisconsin, Mr. Proxmire, spent his entire life in the Senate getting that treaty approved for ratification. But I also want to say that I did not interpret the Genocide Treaty as meaning anything except that we are opposed to genocide under any guise, and that we were not giving up any constitutional rights when we voted for the Genocide Treaty. Those were the issues on that as I recall.

Mr. DOLE. If the Senator will yield further, I think that is all we say on this commemorative resolution. In fact, we added a clause to make certain nobody can say it is the Turkish Republic. We are talking about the Ottoman Empire. That was added because we knew nobody in the Turkish Republic, the democracy, our friend, our ally was responsible. Keep in mind that the Ottomans were on the side of the Germans in World War I, not on our side. They were on the side of the Germans.

Mr. BUMPERS. We are now too, Senator.

Mr. DOLE. Pardon?

Mr. BUMPERS. We consider Germany probably the strongest ally, militarily, we have and yet we all recognize the Holocaust was perpetrated by the Nazi regime in Germany.

Mr. DOLE. That is because the Germans were willing to accept history. I do not know if the Turkish Republic is not responsible, why do they not say it is true? We are talking about right or wrong. That is all there is to it. Is it right?

I invite the Senator on his way out to read some of the stories from the New York Times—not stories from me—but read the headlines in the New York Times in 1915, 1916, 1917 when they drowned the people, when they starved the children. They say 800,000

exterminated. That is not my language, it is a news story.

Mr. BUMPERS. This a friendly debate and I am happy for you to discuss this. If I may just inject myself into this, this is what American scholars say about Armenian allegations. I guess it appears as an ad in the New York Times. I am sure the Senator has seen it. But here are a great number of the best scholars in the country.

Mr. DOLE. We already answered the scholar argument. It turns out there were not 69 real scholars on this issue.

Mr. BUMPERS. However many there are, there are obviously a lot of scholars in this country who feel they have not been given access to all the records they need in order to come to a definitive conclusion that you can consider this genocide. Genocide is probably as harsh a word as there is in the English language.

Mr. DOLE. It was not coined until 1946, after the Holocaust, after the Turkish slaughter of the Armenians, and we define genocide in the Genocide Convention. But we have addressed the question of these so-called 69 scholars. It turns out some are scholars of folklore and of carpets. Only about four or five knew anything about the Armenian genocide.

You also make reference to the archives that are open. The archives are not open. We addressed that issue yesterday.

I just say to the Senator from Arkansas who was a cosponsor of the resolution, we are prepared to even go further in an effort to satisfy some of the concerns, to not offend the Turkish Republic, by additional language that I will offer if I have the opportunity, if we have a right to proceed, and I hope the Senator will keep an open mind on that. I am only here to make a case.

It just happened that when I was majority leader, after 38 years, we brought up the Genocide Convention. It was brought up while I was majority leader; it was implemented by the distinguished Senator from West Virginia, who was majority leader 2 years later. For 38 years, it languished around the Senate. Nobody wanted to touch it. They did not want to offend anybody. But we finally decided to do the right thing. That is all we are asking here. We are not picking a fight with the Turkish Republic.

Again, I submit, do not take my word for it. Read the stories, read the references the distinguished Senator from Illinois referred to. They are in the German archives, the Vatican archives, United States archives. We have 25,000 pages on this period in our archives.

The Senator from West Virginia has as much as conceded these atrocities happened, and all we are saying is they happened, let us urge the American people to join those who believe

they happened in commemorating April 24th as the Armenian martyrs day. I hope I can show the Senator the modified language.

Mr. BUMPERS. Let me say to the Senator, the Genocide Treaty was something I began to get mail on when I first came to the Senate from—you cannot call it anything else—right wingers who said this is a terrible violation of the U.S. Constitution. "We are giving up our rights under the Constitution to world courts" they wrote.

I read the Genocide Treaty and I could not find one thing in there that I objected to. One thing I also found was that hearings had been held on that treaty for 38 long years before we advised and consented to it. So far as I know, not one single hearing has ever been held on this resolution. I am not suggesting that if we had hearings that we could render a definitive conclusion. But I could tell you that if we had held hearings on it, in my opinion, the language of this resolution would not be the way it is right now.

Go ahead.

Mr. DOLE. I do not want to quarrel with the Senator. We are friends. I am not here to argue with anyone. I want to get back to the term "genocide." It was coined by Raphael Lemkin, a Holocaust survivor and attorney. He created the term genocide and applied the term to the Armenian atrocities. He developed a Genocide Convention on the basis of the Armenian and Jewish experience and he said it was important to outlaw genocide on an international basis.

I quote from an autobiography called "Totally Unofficial" of Raphael Lemkin:

In 1915, the Germans occupied the city of W. and the entire area. I used this time to read more history, to study and to watch whether national, religious or racial groups are being destroyed. The truth came out only after the war. In Turkey, more than 1,200,000 Armenians were put to death for no other reason than they were Christians.

He went on to say:

I identified myself more and more with the sufferings of the victims, whose numbers grew, as I continued my study of history. I understood that the function of memory is not only to register past events, but to stimulate human conscience. Soon contemporary examples of Genocide followed, such as the slaughter of the Armenians in 1915.

And again:

... A bold plan was formulated in my mind. This consisted (of) obtaining the ratification by Turkey among the first twenty founding nations.

This would be an atonement for the genocide of Armenians but how could this be achieved.

And so forth.

The only thing I want the RECORD to show is that the person who coined the term "genocide" said it applied to



the Turkish atrocities, not just the Holocaust.

I ask unanimous consent to include in the RECORD a paper on this subject.

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

**RAPHEAL LEMKIN AND THE WORD GENOCIDE**

Issue: Raphael Lemkin, a Holocaust survivor and attorney, created the term "genocide," and applied the term to the Armenian atrocities.

*Points and Authorities*

1. Raphael Lemkin coined the word genocide and applied it to the Armenian atrocities.

2. Lemkin developed the Genocide Convention on the basis of the Armenian and Jewish experience.

3. Lemkin showed that it was important to outlaw genocide on an international basis and to expose past horrors in order to prevent the recurrence of genocide.

*Supporting Material Attached*

1. Statements by Lemkin.

**ARMENIAN ASSEMBLY OF AMERICA FACT SHEET  
#8 RAPHAEL LEMKIN, THE ARMENIAN GENOCIDE,  
AND THE GENOCIDE CONVENTION**

Professor Raphael Lemkin, a lawyer who escaped Poland during the Nazi invasion of 1939, was the key figure in the history of making genocide a crime under international law. Having lost 49 members of his own family in the Holocaust, he coined the term "genocide" in 1944 and worked tirelessly until his death in 1959 toward the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide.

Having been profoundly affected by the extermination of the Armenians in Ottoman Turkey from 1915 to 1923, Lemkin first proposed "to declare the destruction of racial, religious, or social collectivities" an international crime at the International Conference on the Unification of Criminal Law held in Madrid under the auspices of the League of Nations in 1933. Although at first rejected, his proposal gained new significance after the destruction of European Jewry in World War II and led to the drafting of the Genocide Convention by a United Nations committee in 1947-48.

After coining the term "genocide" to describe the deliberate destruction of a people, Lemkin became the first person to characterize the atrocities of 1915-23 as the "Armenian Genocide." In his decade-long effort to obtain ratification of the Genocide Convention, Lemkin repeatedly noted the Armenian Genocide, together with the Holocaust, as a prototype of the crime of genocide.

*Quotations by Raphael Lemkin:*

(1) From letter to Mrs. Thelma Stevens, Methodist Women's Council, July 26, 1950:

"This Convention is a matter of conscience and is a test of our personal relationship to evil. I know it is very hot in July and August for work and planning, but without becoming sentimental or trying to use colorful speech, let us not forget that the heat of this month is less unbearable to us than the heat in the ovens of Auschwitz and Dachau and more lenient than the murderous heat in the desert of Aleppo which burned to death the bodies of hundreds of thousands of Christian Armenian victims of genocide in 1915."

(2) From Totally Unofficial, the autobiography (unpublished) of Raphael Lemkin:

(a) "In 1915, the Germans occupied the city of W. and the entire area. I used this

time to read more history, to study and to watch whether national, religious or racial groups are being destroyed. The truth came out only after the war. In Turkey, more than 1,200,000 Armenians were put to death for no other reason than they were Christians. . . . After the end of the war, some 150 Turkish war criminals were arrested and interned by the British Government on the island of Malta. The Armenians sent a delegation to the peace conference at Versailles. They were demanding justice. Then one day, the delegation read in the newspapers that all Turkish war criminals were released. I was shocked. A nation was killed and the guilty persons were set free. Why is a man punished when he kills another man? Why is the killing of a million a lesser crime than the killing of a single individual? (p. 12)

(b) "I identified myself more and more with the suffering of the victims, whose numbers grew, as I continued my study of history. I understood that the function of memory is not only to register past events, but to stimulate human conscience. Soon contemporary examples of Genocide followed, such as the slaughter of the Armenians in 1915. It became clear to me that the diversity of nations, religious groups and races is essential to civilization because every one of these groups has a mission to fulfill and a contribution to make in terms of culture. . . . I decided to become a lawyer and work for the outlawing of Genocide and for its prevention through the cooperation of nations." (p. 2)

(c) ". . . A bold plan was formulated in my mind. This consisted [of] obtaining the ratification by Turkey among the first twenty founding nations. This would be an atonement for [the] genocide of the Armenians. But how could this be achieved? . . . The Turks are proud of their republican form of government and of progressive concepts, which helped them in replacing the rule of the Ottoman Empire. The genocide convention must be put within the framework of social and international progress. I knew however that in this conversation both sides will have to avoid speaking about one thing, although it would be constantly in their minds: the Armenians." (p. 32)

(Sources: Congressional Research Service: The Raphael Lemkin Papers, N.Y. Public Library.)

**MR. BUMPERS.** Mr. President, I can only reiterate what I have already said, and that is, No. 1, there have been no hearings. No. 2, there has been no scholarly, definitive conclusions that this would qualify as genocide. No. 3, there is not any question but that we are imposing a gross insult on the Turks, and if the proof were absolutely conclusive perhaps that would be acceptable.

No. 4, I will always have difficulty any time we accuse a nation of present day people who had nothing to do whatever with atrocities that were perpetrated by their forebears. Few of the people who live in Turkey today could possibly have been involved. They are the children and the grandchildren and the great-grandchildren of those who committed whatever atrocities they did on the Armenians.

Now, if you want to commemorate the suffering of the Armenians, count me in. They have suffered. There are

many Armenians in the United States and they make great contributions. In my statements here, I know you probably can't tell what kind of a bent somebody is going to put on what a Senator says here. The press dictates that. But my intent is to say that the Armenians make great contributions to our security. When the Armenians earthquake hit in the Soviet Union, Protestant, Catholic, and, Jewish people pulled together, but the Armenian churches in this country were the first to take up money and clothing offerings for the relief of Armenia.

So this is in no way intended to denigrate the suffering that they went through or, for that matter, the contributions that they make to our country. There are big Armenian enclaves in a lot of our cities. It is just that I think the working is much to harsh, it is insulting, and it is based on a word that has never been conclusively determined to be applicable in this particular case.

Mr. President, it is one of those things in which I would not have been involved, frankly, if the chairman of the Appropriations Committee, our former majority leader, the distinguished Senator from West Virginia, had not called me and asked me to take a second look at the resolution and to study it and see if I would consider changing positions. I came to the conclusion that he is right in resisting it. If you want to change the language of this resolution—in my opinion you probably could not please Turkey by making much, if any, change in this resolution, but if you want to say the Armenians suffered untold misery, that is fine.

Bear in mind that the Armenians in this country whose parents and grandparents suffered still feel some of the pain, just as blacks in this country still feel the results of slavery; some of the hangover from those days is not gone. I have voted every time I had a chance to try to balance the scales and provide all the kind of help I could to redress the injustices that black people have suffered in the past, and I will continue to do so. But as I say, I think this resolution goes too far and therefore, Mr. President, I will vote against cloture.

**THE PRESIDING OFFICER (MR. CONRAD).** The Senator from West Virginia has the floor.

**MR. BYRD.** Mr. President, I understand that the distinguished Senator from California [Mr. WILSON] wishes to address the Senate for 10 minutes. Did I so understand?

**MR. WILSON.** Yes.

**MR. BYRD.** Mr. President, I shall yield to the distinguished Senator under the same terms and conditions as before. But before I yield and while the distinguished Senator from Arkansas is on the floor, I want to thank

him for his statement, for the decision which he came to after carefully considering the resolution, and in the context of what he believes to be our country's security interests and in the context of what he believes to be the point that I have been trying to make, namely that this Senate is not the place to make this determination.

With respect to the Genocide Convention—there has been much said today about the Genocide Convention—I wonder how many Senators have read it lately. That is one thing I often wonder when I hear people talk about the Constitution, how recently have they read it.

The implementation of the Genocide Convention is something that I think should be injected right here because much has been said about Genocide Convention. It is true that Mr. DOLE was the leader of the Senate when the Senate approved the ratification of the Genocide Convention, and I was the leader of the Senate when the Senate passed the implementing legislation. It became public law November 4, Public Law 100-606.

Mr. President, the purpose of the international convention was to codify international law respecting the crime of genocide. The convention also in article 8 identified a mechanism for the contracting parties to bring the question of genocidal behavior as identified in the convention before various organs of the United Nations including directly to the Security Council, the General Assembly or other parts of the United Nations. Article 9 of the convention also provides that disputes between the contracting parties relating to the interpretation of the convention, including the question of responsibility of the state for genocide "shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

I am not advocating action on the convention on this matter, but I am pointing out that resolutions of the type pending on the Senate floor could be used for political reasons or any reason to charge the state or a group with the crime of genocide.

Is genocide being perpetrated today in the Caucasus against the Armenians? Is genocide being perpetrated against Turks in Bulgaria today? It is a serious charge. That is why an international convention was negotiated. That is why the instrument has been created by the legislation that we passed and by the convention that was ratified.

That was the instrument. The Senate is not the instrument for determining what is genocide and what is not genocide and what nation shall be labeled with the crime of genocide. Resolutions of the type now on the floor circumvent the convention.

It is easy to hurl charges. And a good lawyer can hurl charges and any

good lawyer can make a case of some kind that justice is being done. Any good lawyer can take any side on a question and argue it. Any good lawyer can draft up a resolution and find a Senator to introduce it. That is the easy part.

And I am not impugning anybody's motives for pointing out that injustices have been done to any group. I have agreed. Everyone who has spoken is in agreement that injustices were perpetrated on Armenians. But there have been injustices perpetrated on Turks. There have been injustices perpetrated, and as someone has already said here, practically every group has had an injustice done to it.

Someone has said that every man, if he goes far back enough, will find that he has in his ancestry a king. He will also find an ancestry with slaves. So if we go back far enough, we can find where many wrongs have been committed.

There is no question that injustices were done. There is no question but that the stories, the news stories from the New York Times which have been brought before the Senate today, reveal great injustices. That is beside the point.

The point being the Senate, after having voted to approve the ratification of the convention, after having passed the implementing language, is now going to set itself up as the instrument whereby these decisions will be made as to what constitutes genocide; what country or what group has committed the crime.

It is easy to see what kind of road we could travel down on the matter of finding a party guilty of genocide. Having finally made the Genocide Convention the law of the land after 40 years, it is ironic that we are now faced with a resolution which approaches the general issue in a way that ignores or circumvents the convention.

So, Mr. President, it is dangerous and inappropriate for the Senate to act as a tribunal except in the trial of impeachments—or to act as some rump juridical body on the matter of the crime of genocide.

There are other subtle ways in which the international community as a whole has decided to address the question.

Mr. President, I yield, and I am not yielding time. I am yielding the floor for a period of time. I just fell into this situation of getting the floor today, and being prepared to make a somewhat lengthy speech but seeing other Senators coming to the floor, I have not hesitated to yield to anyone who wanted to speak.

But I do want to complete my own speech. But at the same time, as I say, I am conscious of the desires of others.

I yield to the distinguished Senator from California [Mr. WILSON] for not

to exceed 10 minutes, with the understanding that I retain my right to the floor, that upon my resumption of the floor it not be counted as a second speech against me, and that the speech by the distinguished Senator from California not constitute an interruption in my speech as it appears in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered. The Senator from California is recognized.

The Senator from West Virginia retains the floor.

Mr. WILSON. Mr. President, I thank the Chair. I thank my friend, the distinguished Senator from West Virginia, for his courtesy in relinquishing the floor for the purposes of allowing me to interject these remarks.

Mr. President, I listened with interest and respect to the remarks just made by my friend from Arkansas. I am not certain what document he has been looking at that has inspired in him the concern that we are going to give offense, that the language of the resolution is too harsh. The resolution that is before me is one that simply calls upon the President and the people of the United States to mark a day as a day of remembrance, commemorating what is the 75th anniversary of a tragedy that everyone seems to agree did in fact occur.

It was genocide, and there can be no lesser word for what occurred, slaughter of a million and a half people, innocent men, women, and children. It is language that simply calls upon us to observe with a day of remembrance that tragedy.

And the only offense it gives would be to those actually responsible for that genocide, those long dead, I might say, who were in fact part of a regime that existed prior to the establishment of the Republic of Turkey, and the language of this resolution makes that very clear.

It in no way reflects either upon the people of Turkey nor upon the Government, either the present or the prior Government of the Republic of Turkey, that which took effect under Kemal Ataturk, after 1923.

Rather, Mr. President, the focus of this resolution is upon the terrible deeds that were inflicted upon a million and a half Armenians who by the accident of their birth were guilty of no crime other than being Armenian. It was inflicted by officials of the Ottoman Empire.

And indeed we need not consult even the dozens of reports that appeared with datelines from Petrograd, the Transcaucasian, from Athens, from Constantinople, from London, from Washington. We do not even have to go to the extensive documentations to be found in the U.S. archives.

If anyone is in any doubt, I ask them to consult the Ottoman regime itself,

which admitted in documentation available to us the responsibility of Ottoman officials for planning and implementing that genocide.

In 1919, before the founding of the Republic of Turkey, the Ottoman Government that was in fact the successor to the regime, which was in power during the years of the Second World War which was generally identified as the Committee of Union and Progress—that successor Ottoman Empire actually placed the CUP Prime Minister, the War Minister, and the Marine Minister on trial and found each of them guilty of directing the deportation and massacre of the Armenian people. The indictment of those officials reads in part as follows:

The truth is that Tallat (Prime Minister), Enver (War Minister), and Jemal (Marine Minister), ordered the massacres fully. . . . They led criminal bands who murdered people, pillaged properties, money and valuables, burned homes, incinerated the dead, violated the honor of women and perpetrated all kinds of crimes and abominations. Many of these persons were subjected to these cruelties without regard to race or religion, including all the children of the country. Armenians comprised an important part of those victimized. They were unlucky.

It seems to me that is something of an understatement.

I continue to quote the language of that indictment:

The principal subject matter of this investigation has been the event of the disaster befalling the deported Armenians—an event which occurred at various times and places. Legal steps are now being taken against individuals responsible for that occurrence.

And:

The disaster visiting the Armenians was not a local or isolated event. It was the result of a premeditated decision taken by a central body composed of the above-mentioned persons; and the immolations and excesses which took place were based on oral and written orders issued by that central body.

Mr. President, that, it seems to me, should put to rest any concern as to whether or not the event occurred or as to who was responsible for it. In the judgment of that successor Ottoman regime, it was the named officials. I suspect that the named officials were indeed guilty, but that they were not alone.

But the point is, very clearly, neither the language nor the history of this tragic incident in any way indicts present-day Turks or the Government of the Republic of Turkey.

The second point that has troubled many on this floor is that the passage of this resolution would endanger our security relationship, one that we deeply and rightly value, with the Republic of Turkey.

Let me point out that Members of both the House and the Senate have introduced this measure annually since 1984 and as precisely, since that year, the Congress and the administration have approved repeatedly exten-

sive military aid packages for Turkey, as indeed we should. Foreign military sales and military assistance program appropriations totaling \$715 million were granted in fiscal year 1984; \$700 million in 1985; \$615 million in 1986; \$490 million in fiscal year 1987 and 1988, that is, in each of those years; \$500 million each in fiscal 1989 and 1990. The request for fiscal year 1991 is for \$545 million. Among the other initiatives, these appropriations have enabled Turkey to undertake critical M-48 tank and naval frigate modernization programs.

On November 14, 1986, the southern region amendment to the Department of Defense authorization bill for fiscal year 1987 became the law. This legislation allows the President to transfer excess defense articles at no cost to NATO, southern flank nations. In the 4 short years that have ensued, this amendment has permitted Turkey to obtain from the United States Government 40 F-4E fighter aircraft, 370 recoil rifles, 74 M-114 howitzers, and 16 leased ships. In December 1983, the Reagan administration concluded a letter of offer and assistance to Turkey for coproduction of 160 F-16 jet fighters.

Mr. President, over its entire life this arrangement will consume U.S. foreign military sale credits worth \$3.2 billion. These commitments in total have made Turkey the third largest recipient of United States military assistance in the world.

Mr. President, that is a very good thing. It benefits the United States and all the rest of our NATO allies, as well as the people of the Republic of Turkey. No one by this resolution, or by any other work or deed, is suggesting that we should depart from our prior course of conduct in providing this kind of military assistance to a valued, trusted military ally—very much to the contrary—any more than that we are visiting the sins of the fathers upon the sons in the case of West or, for that matter now, East Germany, as it relates to another terrible tragedy, another act of genocide that propelled the world, though too late, because of the years of indifference that permitted it to occur, and that, of course, was the Holocaust which we have commemorated many times upon this floor and in fact have certified a national commission for the purpose of commemorating genocide—specifically, the Holocaust Commission.

It is for that purpose, Mr. President, that my friend, the Republican leader, and the extensive coauthors who have joined as cosponsors of this resolution are asking nothing more than the simple justice that we spend a brief amount of time and set aside a day marking this terrible tragedy, as indeed we should, with the view not only to observing the past suffering,

but preventing any possible recurrence with any people ever again in the future.

The PRESIDING OFFICER. The Senator's time has expired under the agreement with the Senator who holds the floor.

Mr. WILSON. I wonder if I might ask to have a single minute more.

Mr. BYRD. Mr. President, I yield the floor for an additional 3 minutes under the same terms and conditions by which I have yielded heretofore.

The PRESIDING OFFICER. The Senator from California is granted an additional 3 minutes.

Mr. WILSON. I thank the Chair and I thank my friend from West Virginia for the generosity of his yielding the additional time. I will not require it all.

I simply want to make clear that the language of this resolution, which has been the subject of concern expressed by my friend from Arkansas, is language which is very careful, simply to ask that a day of remembrance be set aside to mark this tragedy, and the only identification as to responsibility is to state that the Ottoman regimes in power at the time of the First World War were, in fact, the ones responsible for bringing about the deportation and massacre, to quote the language of the Ottoman indictment of Ottoman officials. It is nothing more than that. It does not reflect upon the people of modern day Turkey, as has been claimed on this floor. That is simply inaccurate. I do not think that anyone wishes to do that, because to do that would be unfair and unjust, as much as it would be unjust to turn a blind eye and pretend that this never occurred or that no one was responsible for it.

Let us do, very simply, what the language enjoins us to do. It is little enough. If we do not do that, I submit that once again, it will be an instance of the kind that Edmund Burke warned us against when in the House of Commons he said, "All that is necessary for the triumph of evil is for enough good men to do nothing."

Mr. President, I thank the Chair, and I thank my friend from West Virginia and yield the floor back to him.

Mr. BYRD. Mr. President, the distinguished Senator from Arkansas [Mr. PRYOR], wishes to address the Senate on the subject for a period of 5 minutes. I ask unanimous consent that I may yield to Mr. PRYOR for 5 minutes without losing my right to the floor, without being charged with a second speech, or without his speech interrupting my speech in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, the Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Senator for yielding to me. In fact,

I may be able to do this with fewer than the 5 minutes allocated.

Mr. President, I think that one thing should be very clear in this debate, that there are not two views today in the U.S. Senate on genocide. I supported, in 1988 the Senate finally approved, the genocide convention. Yes, Mr. President, there is one view on genocide, which condemns it and holds it in contempt. There are, however, two heartfelt views held by the Members of this body on the practical effects of Senate Joint Resolution 212, the Armenian resolution, which is now before the U.S. Senate.

There are two divergent views on whether the Senate should take a legislative action that some believe will interpret an historical topic which is today the subject of scholarly debate.

First, I wish to address the practical implications of passing this resolution. This document appears to be short. It appears to be simple. It seems to simply commemorate the Armenian lives lost under the rule of the Ottoman government after 1915. Practically speaking, however, this simple act could well become, and probably will be, a bombshell on the Turkish political scene. We cannot begin to know what potential and emotional and political impact this resolution would have halfway around the world.

Mr. President, the proponents of this measure, whose good intentions no one can question, have conceded that their resolution will generate a very strong reaction in Turkey. Government officials and political leaders in Turkey have made it very clear that passage of Senate Joint Resolution 212 will be offensive and adversely affect the current good relations between the United States of America and Turkey. Turkey has been a trusted and a loyal NATO ally.

The political fallout will not stop at official levels in Turkey. News of the passage of this resolution will be run on the front page of every Turkish newspaper, played on every Turkish news program. Our well-intentioned resolution is likely to have serious unintentional political repercussions which will resound from the President of Turkey down to the average person in the street.

Mr. President, this leads me to a second point on the practical implications of this resolution—its emotional impact. The resolution today seems so innocuous but it opens up a Pandora's box of volatile ethnic issues that go back centuries. Very real manifestations of those ethnic issues are found today in the instability and ethnic conflict of the southern republics of the Soviet Union.

I fear, and many experts actually predict, that passage of this resolution will fan the flames of ethnic unrest and violence throughout the region. In our effort to take a stand on human

rights we may be engendering ethnic strife and human suffering.

Mr. President, I fully sympathize with the Armenians whose ancestors' lives were lost in conflicts under the Ottoman government, but I wonder if this resolution is the appropriate way at this time to recognize the dead.

Certainly the events in Turkey after World War I are a matter of great historical significance and a matter of understandable concern of the descendants of the Armenians of that era. However, the details of those events are a matter of continuing debate among distinguished historians and scholars.

Mr. President, this may seem a little academic but it is quite important to this resolution which puts the U.S. Senate, a political body, on record as supporting the definition of an Armenian tragedy as a genocide, which is a historical judgment at best.

I wonder whether we want to put the U.S. Senate in the position of making such a determination in light of the disagreement among so many respected scholars today.

Mr. President, I commend the supporters of this resolution. They seek to honor a proud people. They want to remember a tragic point in history and, Mr. President, I truly believe each of the supporter's values and wants to maintain our close ties with our ally Turkey.

These are commendable goals. They are commendable beliefs. Unfortunately the unintended and negative effects of this resolution outweigh the intended result. Accordingly, Mr. President, I am unable to support this resolution.

Mr. President, I yield back the remainder of my time and once again I thank the very distinguished Senator from West Virginia for yielding this amount of time to me.

Mr. BYRD. Mr. President, I thank the Senator from Arkansas for his excellent statement. It was brief. He said it would be brief, it was to the point. It was incisive, and I compliment him.

I also wish to thank Senator Exon from Nebraska, who earlier made a statement in opposition to the resolution and likewise his was an excellent statement.

Senator Exon is a member of the Armed Services Committee and I think that his insight into the resolution, the kind of mischief that it could cause unintentionally, on the part of any cosponsors or authors of the resolution or Senators who vote for it, would be regrettable.

Mr. President, to return to the main thread of my comments—and I will have more to say about Turkish history and Europe as we go along—the Turkish willingness and ability to absorb the influences of Europe and to life, East meets West, was a great asset for Atatürk. Among the many great

tasks that faced the new Republic of Turkey was a matter of developing an economic system.

With the great hinterlands of Eastern Europe having become independent states and the Arab provinces having become French League of Nations mandates or colonies, it was necessary to build a new economy in Turkey.

Mr. President, I see that my good friend, Senator BOREN, is on the floor. He is the chairman of the Senate Intelligence Committee. He has had great experience and lengthy service on that committee and as chairman of the committee.

I recall the visit to the NATO capitals back when I was the majority leader when we were considering a proposal of the ratification of the INF Treaty. During that visit, Senator BOREN, Senator NUNN, Senator PELL, and I talked with high government officials about the proposed treaty, about its impact on NATO and among those NATO capitals was that of Ankara. And we visited with then-President Evren and the then-Prime Minister, Mr. Ozal. And, as always, we came away with great impressions of our Turkish friends and assurances that they were our friends, assurances that they were supporters of the treaty, if they could indeed be sure that the treaty in all of its provisions were in the best interest of NATO, and the United States. And the Prime Minister then is the President of Turkey today, Mr. Ozal.

So, I want to yield to my friend, Mr. BOREN, because he sees through eyes that are somewhat different, from his vantage point on the Intelligence Committee, and I am eager to hear what he has to say. I know the Senate will profit by what he has to say about the resolution, about Turkey, about the possible impact of the resolution.

And may I say that it was only after the Senator from Oklahoma [Mr. BOREN] and the Senator from Georgia [Mr. NUNN] were fully satisfied as to that INF treaty, were fully assured that the bugs were worked out—and there were some bugs in it, that was evident by the fact that our Secretary of State went back to Moscow and with Mr. Shevardnadze worked out some of the problems to the complete satisfaction of the Senator from Georgia [Mr. NUNN] and the Armed Services Committee—and after the distinguished Senator from Oklahoma [Mr. BOREN] was fully satisfied that the White House had given him the kind of assurances that he felt were needed before the Senate gave its approval to the ratification of that treaty, it was after those two Senators were assured through their lengthy hearings, that I finally, as majority leader, said we will call up the treaty.

So that indicated the kind of faith I had in the Senator from Oklahoma and the Senator from Georgia as the chairmen of those two important committees, when I indicated that until they are satisfied and their committees are satisfied, I am not going to bring up that treaty.

There was a lot of pressure on me from the White House and the other side of the aisle and on my own side of the aisle at that time, but not until I was satisfied that those two chairmen and their ranking members were able to assure the Senate that the "i's" had been dotted and the "t's" crossed, was the treaty brought up.

So it is with that kind of faith that I had then, that I have today, that I am happy to express on the floor, and I will listen to what he has to say. I yield to the distinguished Senator from Oklahoma [Mr. BOREN] for such time as he may consume, with the understanding that I not give up my rights to the floor, that my resumption of my speech afterward will not constitute a second speech, and that no interruption will be shown in my speech as it appears in the RECORD.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma is recognized under the terms and conditions outlined by the Senator from West Virginia who retains the right to the floor.

Mr. BOREN. Mr. President, I thank the Chair and I thank my distinguished colleague from West Virginia, for whom I have so much respect, for the kind and generous remarks that he has just made. He has been a great leader of the Senate. He serves as our President pro tempore today and has a tremendous perspective about the proper role of this institution in our form of government.

One of the most educational experiences of my life was this mission that we had that the Senator from West Virginia just referred to, to NATO capitals, when we were discussing the INF Treaty.

We had the opportunity to meet with the leaders of all of those countries involved. We met with both the then Prime Minister, President now, Ozal of Turkey, and President Evren. We met with leaders, including President Mitterrand of France, the leader of Italy, Mr. Kohl and others of his associates of West Germany, and also with Mrs. Thatcher and the leaders of British Government. We had an opportunity to gain a real perspective about what was going on in the world about superpower relationships, about regional security interests.

One of the things that I learned from that trip, and I learned it with renewed understanding and deeper understanding than I had even before I made that trip, was the close relationship between the United States and the Government of Turkey, especially

close relationship between the current leadership of the Government of Turkey and the great friendship which they were demonstrating for the United States.

I had not known a good bit about our relationships before I went. I had known about important business in which the Turkish Government was acting in partnership with the United States, with our regional security interests, our economic interests, and indeed to try to maintain peace and stability in an area of the world which has been so troubled, an area that has been swept by religious and ethnic disturbances for many, many years and is certainly, of all of the areas of the world today, perhaps the area which runs the gravest risk of some sort of cataclysm because of the long-festered traditional animosities that have existed between groups and religious groups in that particular part of the world.

The current Government of Turkey and the present leadership of the Government of Turkey are an important force for good in that area of the world for trying to create understanding, for building bridges of understanding between the United States and those nations of the Middle East and the Balkan areas who have oftentimes been in an adversarial role with each other.

The Turkish Government has been able to move in a way that has reached out to all sides of conflicts and controversies of the Middle East. They have been very helpful to us and a friend in interpreting our interests, our motives, our desire to promote peace and stability in the region to others because they have credibility with neighboring countries and they were able to speak for us in our behalf in a way of great assistance to the United States.

There are few countries located any place on the globe that provide such an important level of cooperation and friendship and mutual help in terms of national security matters as do the leaders of the Turkish Government and the Turkish people today provide for the people and leaders of the United States.

So it is in that context that I think we have to think very carefully about what we are doing here. It would be real easy for Members of the Senate to simply say I have great sympathy for the fact that people have suffered, that wrong has been done to people in the past, and to express concern for that suffering. Because I do not think there is a single Member of the U.S. Senate in either party, certainly not the Senator from West Virginia, not other Senators that have spoken expressing concerns about proceeding with this resolution, not a single Senator that does not have a very deep feeling of sorrow and pain for what

has happened to the Armenian people over many, many years, for the terrible loss of life that occurred in the later part of the second decade of this century and the first part of the third decade of this century; terrible things that happened and things that remain in our consciousness, the consciousness of all of us.

Every Member of this Senate feels sympathy for those who suffered and for their families, and of course, those who died. In recent years Armenians especially in the Soviet Union have suffered a great deal from the tragic earthquake that decimated a large area of the Soviet Republic of Armenia and from recent ethnic clashes in Azerbaijan. All of us are sympathetic to the plight of Armenians in the Soviet Union in their drive for political freedom.

In our own country, the Armenian community has deep roots. Those of Armenian descent have made a great contribution to the political, social, and religious life of this country. They are good citizens. They are an important part of this rich fabric of tapestry of different races and religions that have come together and formed the real strength and quality of this country. We honor the contributions that they have made.

We understand fully the deep feelings that they have about their ancestors and family members in earlier years and earlier decades who suffered, who died, who suffered so much in the kinds of armed conflicts that occur at a time not unlike the time in which we are living now when the old order of world affairs was passing away and a new order was being created. There was a great deal of chaos in the world in the years 1915, 1916, 1917, and the years leading up to the First World War and the aftermath of the First World War, continued chaos, continued lack of definition of relationships, a lot of ethnic discord, discord between those of different races and different religions. Not unlike the times that we are going through right now.

In fact, Mr. President, I ask unanimous consent to have printed in the RECORD at this point two articles, one recently appearing in the Washington Post by Charles Krauthammer and another appearing in the New York Times by Alan Cowell which really catalog the kind of chaos that is going on in that particular region of the world at this time that we are living through right now, the time of political unrest, upheaval and rapid change, the kind of ethnic violence that is going on at this moment.

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

[From the Washington Post, Feb. 16, 1990]

THE NEW CRESCENT OF CRISIS: GLOBAL  
INTIFADA

(By Charles Krauthammer)

Pick up the newspaper, and look at the map. Where are the great explosions of ethnic and religious violence? Follow an arc from east to west then south: Kashmir, Azerbaijan, Kosovo (Yugoslavia), Lebanon, the West Bank. Along this new "arc of crisis" some of the most violent, volatile conflicts in the world are being played out. The explosions appear random. But a deep historical current runs through them all.

All of these conflicts are rooted in the same grievance: a Moslem population is demanding sovereign control over a piece of territory in which it constitutes a local majority. The Moslems are fighting for (1) dominion over their province and (2) domination over the local non-Moslem minorities. In all but Lebanon (which long ago achieved sovereignty), they demand (3) separation from the non-Moslem country to which they are now joined and (4) independence or unification with the Moslem heartland.

The obvious world-historical event of the day is the collapse of Soviet power. But there is another great movement going on as well, unnoticed but just as portentous: a global intifada. Consider:

Kashmir is the northern province of predominantly Hindu India, the only one with a Moslem majority. Its Moslems are in rebellion—"People of all ages," reports the local New York Times correspondent, "talk of jihads and intifadas, holy wars and uprisings"—demanding independence or unification with Moslem Pakistan, Indian forces sent to restore order have killed 133 Kashmiris since the newest flare up of this intifada began last month.

In Azerbaijan, the Soviet army was sent to crush a popular movement for secession and independence by Moslem Azerbaijanis.

In Kosovo province, Yugoslavia, the Albanian Moslem majority is demanding freedom from control by non-Albanian, non-Moslem Serbia.

In Lebanon, the Moslem majority backed powerfully by Syria surrounds and would subdue the now fratricidal Christian minority.

On the West Bank and Gaza, the local Palestinian majority and a strong Islamic movement are demanding their own separate Arab state (some say detached from, some say in place of Israel).

These are all long-standing conflicts. They are, of course, not centrally directed. They have their own origins and each its claim to justice. But they share not just a common political thread—the Muslim demand for hegemony—but a geographical unity. Look at the map. The Islamic heartland stretches contiguously from Morocco to Pakistan. These conflicts are all taking place at the edges of that heartland, precisely where the Moslem world meets the surrounding non-Moslems.

Kashmir is where the Moslem heartland meets Hindu India. Azerbaijan marks the border of Islam with the southern flank of the Soviet Union at the Caucasus, Kosovo (together with Bosnia, for now quiet) marks the farthest reach of Moslem populations into Christian Europe. In Lebanon and Israel, Islam confronts non-Moslem communities, one Christian, one Jewish, clinging to the edge of the Islamic world at the Mediterranean.

The Islamic heartland has gone through its period of decolonization. From Morocco to Pakistan these countries threw off Euro-

pean imperialism in a process that began earlier in the century and may be said to have culminated with the revolution in Iran. What we are seeing now is the further evolution of the Islamic awakening: the demand for local hegemony by Moslem populations at the borders of the Islamic heartland.

This demand is not without irony. In insisting upon self-determination, the activists demand what the Islamic world refuses to grant any of its ethnic and religious subgroups; neither its Kurds nor its Armenians nor its blacks (in southern Sudan, for example) are permitted sovereignty and territorial control over those lands in which they constitute a local majority.

Self-determination for whom? The Kashmiris are a minority within India. Kosovo Albanians are a minority within Yugoslavia. They demand political control of the subunit, Kashmir and Kosovo, where they constitute the local majority. But why does self-determination stop there? Will they grant similar autonomy, let alone independence, to the smaller groups within these territories? The Hindus of Kashmir and the Serbs and Montenegrins of Kosovo are hardly likely to enjoy very many civil rights, let alone national rights, under the rule of the separatists. (A reality that in the last decade has induced one-fifth of the non-Albanian population of Kosovo to flee.)

There is something arbitrary and nonreciprocal about these demands for independence. Nagorno-Karabakh is an overwhelmingly (Christian) Armenian province within Azerbaijan. It is demanding from Azerbaijan what Azerbaijan is demanding from the Soviet Union: freedom. Azerbaijan not only rejects that demand. It is prepared to go to war with Armenia to back that rejection.

What is being pursued, therefore, is not Wilsonian self-determination (though many of these intifadas have adopted its language), because in the Islamic world self-determination is permitted only to Moslems. What instead is being pursued is a pan-Islamic demand for sovereignty over any territory where Moslems form a local majority.

What does this mean? It is obvious that the turmoil in Eastern Europe, the Balkans and the Caucasus results from the collapse of communism. But history is being driven by another force as well: the political reawakening of the Islamic world. That reawakening is usually identified solely with fundamentalist, Koran-waving, Khomeinism. Not so. Khomeini's success may be in inspiration, but these movements (with the possible exceptions of Kashmir and Gaza) are driven not so much by religious fervor as by a sense of ethnic and national separateness that may derive from Islamic identity but is not entirely defined by it.

Our focusing on Iran as the engine of Islamic revolution is a mistake. There is a much wider and deeper movement for Moslem political independence and political dominion. Compared to Iran, it is more secular and more Western but still far from democratic, and consequently, as the Armenians of Azerbaijan will testify, still far from tolerant. Its power now shaking the borders of the Islamic world, is just beginning to be felt.

On Sunday, Soviet Tadzhikistan exploded. Anti-Armenian, anti-Russian, anti-government rioting by the Moslem Tadzhiks signals that the last major region of the Islamic periphery, Soviet Central Asia, is next. The arc of crisis grows.

[From the New York Times, Jan. 24, 1990]

TURKEY: CRACKDOWN IS CAUSING TURKS TO  
BE TORN BY ANGER AND DESIRE TO KEEP TIES

(By Alan Cowell)

ANKARA, TURKEY, January 23.—As Turkish officials contemplate the Soviet crackdown in Azerbaijan, they are torn between anger at what they call repression of ethnic kinfolk and a desire to avoid greater bloodshed or strains with the Soviet Union.

Diplomats and officials say the authorities here have been upset by United States and other Western support of the Soviet intervention in Azerbaijan, saying the responses show double standards—or no standards at all—and reflect what one official called "political and religious bias" against Muslims. The Soviet action has thus driven a wedge between Washington and a close ally.

Turkey, the easternmost member of the Western alliance, shares a 390-mile frontier with the Soviet Union, only eight miles of it bordering directly on areas populated by Azerbaijanis in the enclave of Nakhichevan.

But many Turks have a deep affinity with the Azeris, with whom they share a common language and a common heritage as descendants of the Turkic tribes that originated in Central Asia.

A CAUTIOUS DIPLOMACY

While most Azeris belong to the minority Shiite sect of Islam and most Turks are Sunnis, the distinctions seem to have been reduced in the shock of the Soviet intervention to crush Azerbaijani separatists and stem conflict between Azerbaijanis and the mostly Christian Armenians in the southern Soviet Union.

"You feel a bit broken when you see people on the television lying on the street, shot dead," said one official, speaking in return for anonymity. "This shouldn't be the way to handle the situation."

Turkish diplomacy is by tradition cautious, and the authorities here have maintained that style by characterizing the violence in Azerbaijan as an internal Soviet affair. But, officials said Ankara has intimated privately to the Soviet Union that is unhappy with the ferocity of the Soviet action.

"We have said we consider this problem as an internal problem of the Soviet Union," a high official said. "We have taken the utmost care not to give any incentive for unreasonable approaches to the problem," the official said, referring to Ankara's refusal to take public positions that might embolden Azerbaijanis to greater resistance at the risk of greater bloodshed. Turkey has withheld any public commitment to the Soviet Azerbaijanis' cause.

"PREFERRED IT MORE SUAVE"

But, the official said, "we have let the Soviets know our feelings" that "the Soviet way of handling the situation does not have our full support."

"We would have preferred that it be more suave," he said.

Turkey has long occupied an ambivalent position in this region, bridging Europe and Asia and the Arab world, yet fully at ease in none of lands once dominated for centuries by Ottoman forebears.

The crisis between Armenians and Azerbaijanis in the southern Soviet republics has an added twist here because Turkey has long faced accusations that Ottoman forces committed genocide against Armenians during the First World War in one of the many historical bouts of war between Turks and Russians. Turkish support for Azer-

janis, thus, is cast by some Western commentators as a renewal of hostility toward Armenians.

#### HISTORICAL COMPLEXITIES

And, as the crisis in Azerbaijan has shown, an emotional pull toward kinfolk in the East reflects one of the most profound strains in modern Turkey, pitting the long-standing urge for acceptance in the West as a secular nation against roots that some Westerners argue lie in the Islamic East.

The historical complexities have left Ankara facing equally complex quandaries.

"They don't want to be regarded in the West as the prototype of the Asiatic Turk, and they think that the way fighting in Azerbaijan is being reported reinforces the barbaric stereotype," a Western diplomat said. "That does not help their efforts to join the European Community."

As the crisis has unfolded, Turkish officials have been increasingly angered by what they consider biased assessments in the West of how the conflict began.

#### DOUBLE STANDARDS SEEN

"The feeling here is that any time the West can find a way to poke a Muslim in the eye, they'll do it," a Western diplomat said. "There's a sense that, as NATO is less important, and Eastern Europe gets more attention and Turkey becomes more marginal to Western security interests the West will try to push the Turks away. That was a widespread fear before what happened in Azerbaijan. And it's become much sharper since then."

The reason, a senior Turkish diplomat said, is that "there are double standards in the West."

"In this particular instance there were no standards at all," he said, because Washington and others endorsed the Soviet push on Azerbaijan, calculating that the action would not bring a public outcry in the West.

"There is a political and religious bias that makes it easier to support an invasion of Azerbaijan" than of other Soviet republics closer to the West where Christianity dominates, one official said.

Throughout the crisis, Turkish and Soviet officials have maintained close contact and, according to some officials, Ankara was appraised of Soviet intentions long before the military drive in Azerbaijan took place.

The dialogue reflects a mutual interest, diplomats said Azerbaijanis have appealed to both Turkey and Iran for support. But the Soviet Union is seeking to contain the crisis and has major economic ties with both. Neither wants the conflict to spill onto their own territory. Additionally, a historical legacy of Turk-Russian war has left Ankara reluctant to risk Soviet hostility.

**Mr. BOREN.** Mr. President, we do then understand and sympathize with and have very deep feeling about those that have suffered in the past, about the lives that have been lost during this particular time. But we have to realize also that the Armenian resolution is something very different than a mere expression of our sorrow for what happened, a mere expression of sorrow for loss of life.

The Senate, which ratified the Genocide Convention during the 99th Congress and the implementing legislation only last session, has a very special responsibility when debating about any legislative expression that

implicates any group with what would be called the practice of genocide. We have a very special responsibility to weigh all of the evidence with complete understanding of what has been done. Research and understanding of history is for historians and for scholars not for elected officials and politicians who are amateurs in this thick area of scholarly research.

The demise of the Ottoman Empire at the close of World War I led to a great deal of civil strife, as I have mentioned, in clashes throughout the region. And there is no question, no question in anyone's mind that many, many Armenians died during the period in question. It is also without question that members of other ethnic groups including Turks and others were also injured and killed during this particular period.

The crucial question posed by this resolution is its use of the term "genocide" which implies systematic and intentional mass extermination; a decision made by policymakers to carry out mass extermination as a matter of a very carefully contrived plan to wipe out a group of people. As lawmakers, all of us in the Senate, of course, understand the importance of having a full legal understanding of what is meant by the term "genocide" and what is meant by the intent and the level of the intent and deliberate organization and planning required before someone should be charged or some group of people should be charged with committing the practice of genocide.

I would simply say, Mr. President, that this is a matter that is just now really being opened for research in the kind of thorough way that should be done before any judgment is made on the question of using the term "genocide." Recently the Republic of Turkey, with urging from around the world, and also a strong feeling of wanting to have history accurately reported, opened the Ottoman archives of this particular period of time.

They are now being studied. Scholars from around the world are conducting the kind of careful research that is necessary to make a final judgment about whether or not the term "genocide" should accurately be applied to this tragic period of human suffering and loss of life in that region of the world.

For the first time, the deliberations of the Council of Ministers in that period are open for study, as are the records of non-Moslem people living in the region, through the so-called church registers.

American scholars, as I mentioned and those from other areas of the world, now have an opportunity to study and develop a full account of this period.

I think it is appropriate for those of us in Congress to encourage that

scholarly research. Let us learn all we can about that period. Let us learn all we can about the human tragedy so we can learn from it, so we can dedicate ourselves to promoting understandings between people and sensitivity between people and tolerance between different groups and respect for all groups, without regard to ethnic background, to race, to religion, and to other factors. Because, after all, that is the kind of world that we are all committed to build.

So, Mr. President, while all of us have deep sympathy for those who suffered during this terrible period of the history of our world in a region that has been so troubled and where so many were so suffering during this period of time, I think we have to act with great care before we use the term "genocide" in any kind of legislative expression. And, above all, we should give the scholars who now for the first time have the opportunity to research the issue in question with all available documentation that will help them make some final decisions about it, give the scholars an opportunity to conduct this research before we, in the political process, rush to a judgment about a consensus that has not yet developed in the scholarly community.

We have to ask ourselves when we undertake any kind of expression of opinion in this Chamber, is this an expression of opinion that will help bring stability to the world? Is this an expression of opinion that will further the national interests of the United States? Is this an expression of opinion that will cause people to understand each other, to work together in the world, is this an expression of opinion, as we are focusing on the issue of genocide, that will help bring a level of human understanding to all people that will help us prevent these kinds of actions from ever occurring again?

By taking these actions we should ask ourselves, will we create a worse situation in the world, and particularly in this region where only in the last few months we have had ethnic unrest and violence and tragic occurrences?

Or will our taking this action today have a constructive effect? Will it help save lives in the future? Will it help preserve the cultural and religious integrity of groups of people in the future? Mr. President, I sincerely doubt it.

I think, by taking this action, especially while scholars are still researching the issue, and by making this kind of condemnation of a country and friend that is playing a very constructive role in the world, not only in terms of friendship with the United States but also in trying to reach out to bring peace and stability to the whole region, we will be doing just the opposite.

It is sometimes easy to take a political action, especially when a position we might take may be misunderstood. I suppose it is easier for all of us, because of the interests of the Armenian community, especially in the United States, and the fact that so many are active in a laudatory way, commendable way in community affairs, and because some of them might not understand if we did not pass this resolution or if we said this resolution really should not be appropriately considered at this time, the easier course might be simply to say let us move ahead and pass it. We do not have to explain ourselves, then, to the Armenian community in the United States.

I know there are many of our colleagues who feel very sincerely that we should do just that. I do not question the sincerity or the motivation of the Senator from Kansas for introducing this joint resolution. I know deep in his heart he has very strong feelings about what happened. I know he has a very strong desire to work for a world in which this kind of tragedy will never occur again.

But, Mr. President, there are times when we are called to go beyond just taking positions that people will readily understand. There are times in this institution in which we have to go beyond what the public opinion polls might say. There are times in which we are called to lead.

One of the reasons why I am such an admirer of the Senator from West Virginia is that time and time again, from the days that I first came here as a junior Member of this body, I have seen the Senator from West Virginia not just try to follow the polls, not just take the easy road because it would be simpler to explain; I have seen him willing to take the other road, the road perhaps less traveled: The road of real statesmanship, the road of doing what is right, even if it is not immediately understood by everyone who might be watching his actions, the road which says, I am going to keep an eye on the history book. I am going to think about what is best in the long run, not what temporarily might be the best thing to do politically.

I admire him greatly for taking that stance now because, while, as I say, it might be easier to explain if we voted for this resolution and pushed it to passage because we can explain it very easily and say we were expressing our lament about a tragedy in history, a loss of life, action against a group of people and their cultural integrity—that would be easy to explain, but, Mr. President, it would not be right. Because it would not be fair to rush to judgment before the record has been completely examined. At the same time, we have to think about the result of our actions. That is the test.

Mr. President, I again assert that it will simply cause damage to peace and stability in this troubled region of the world. It will not help bring peace and stability. I had the opportunity to visit recently with the Ambassador of the United States to Turkey, Mr. Abramowitz, about this situation, last year.

He indicated to me that, even with all that was occurring around the world over the last year in Europe, that the people of Turkey, in terms of their focus and their understanding of this issue and how it would be received by them if we passed this resolution, have made it their number one foreign policy concern. Because they take it as an indictment of themselves, the current leadership of the country, as well as a comment about their ancestors, about those who have come before them.

Ambassador Abramowitz I hope will have a chance to meet with all Senators about this issue. He indicated to me he would not be able to accomplish anything as our Ambassador if this resolution is passed. His ability to deal with this important ally and to gain their cooperation on important matters, matters that will be helpful to all of the people of this region of the world, whether they are Turkish, whether they are Armenian, whether they are Christian or Moslem or Jewish or members of other religious faiths, it will do nothing to help. It will undermine his ability to gain cooperation and to build a partnership for the kinds of actions that are so important in that region of the world, for the economic development that is necessary to raise the living standards and improve the quality of life for all of the people in this area.

Turkey has been an important economic partner as well as an important political and military partner, an important Member of NATO. The current leader of the Turkish Republic is a brilliant man, an economist, formerly with the World Bank, a man who understands what is necessary for the economic development, not only of his whole country but the economic development for all the people in the region, not just people of Turkish descent.

So, Mr. President, I think we have to weigh very carefully the warning from Ambassador Abramowitz that this resolution, if we pass it, will not promote our interests. It will not promote a close friendship and cooperation with the people of Turkey. It will not help anyone in the region in terms of building toward peace and stability and economic development.

The White House, the State Department, and the Defense Department all have voiced their strong opposition to this resolution. I again emphasize, from my own perspective as chairman of the Senate Intelligence Committee,

we have an important partnership with Turkey on a whole range of matters—political, diplomatic, military and economic—that are of great importance and great strategic interest to the United States of America.

So, Mr. President, while I certainly feel deeply about what happened in the past, while I am concerned about the loss of life, while I deplore it, while I feel great sorrow for those, on all sides and from all groups who lost their lives in this period of time, and have particular feeling for the Armenian people because of the sufferings that they have gone through for many decades, and while I know the vast majority of the American people feel that same sympathy, and that while I am convinced every single Senator, whether they vote for or against this resolution feels the same, I am constrained to say that our higher obligation is to stop and say: Let us act not on the basis of what will be instantly and immediately understood by our constituents, but let us have the courage to lead, to inform and to act in what is really the best interests of all the people, not only of our country but all people in the region.

If, indeed, this resolution, is passed, would be a source of bitterness in the future, if it would bring ill will, if it would inflict pain, if it would cause itself misunderstanding, if it would rupture an important friendship between this country and a close ally, if it would make it more difficult for us to form a partnership to help all the people of this region, then, Mr. President, it is wrong for us to pass it.

It is not the right time to consider it. When in doubt, the U.S. Senate should not act on a matter of this importance, particularly of this importance, to a friend of the United States.

I have heard from a number of Americans who conduct business in Turkey. I have heard from the Turkish-United States Business Council about this resolution and the Aerospace Industries Association expressing their opinion about this joint resolution, urging us to postpone consideration of it, not to pass it in its current form.

Mr. President, I ask unanimous consent that there be printed in the Record a letter from Howard Wahl, chairman of the Turkish-United States Business Council, and also a letter from Mr. Don Fuqua, United States Aerospace Industries Association at this point.

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

TURKISH-U.S. BUSINESS COUNCIL,  
Washington, DC, February 14, 1990.

HON. DAVID L. BOREN,  
U.S. Senate, Washington, DC.

DEAR SENATOR BOREN: I write to you on behalf of the more than forty U.S. corporations which support this Council to urge



that you carefully weigh the following factors in considering your vote on SJR 212 (the Armenian Genocide Resolution):

There is the widespread perception in Turkey from the President to the man on the street that this is not a simple commemorative resolution, but a punitive measure designed to slander a people with callous disregard for 45 years of their unconditional support for American global objectives.

The Government of Turkey would view U.S. Senate approval of SJR 212 as a clear-cut violation of the Defense and Economic Cooperation Agreement which the U.S. recently negotiated with Turkey, and could be expected to review its obligations under that pact accordingly.

There is a strong consensus among the American corporate community that passage of this resolution would do untold, long-term harm to our commercial relationships with Turkey, a country with whom we have a positive trade balance and one which offers great promise as a trading and joint venture partner with U.S. firms.

Turkey's critical role in Western security will increase in the years ahead. As the U.S. reduces its foreign military presence, Turkey will be called upon to assume a larger proportion of continuing common regional defense burdens.

The historical premise of SJR 212 is questionable; its consequences are not. It would clearly undermine both U.S. commercial and geo-political interests.

We urge you to weigh these considerations in your deliberations on SJR 212, which is to be voted in the Senate in the very near future, and to oppose this resolution or any variations of it.

Sincerely,

HOWARD W. WAHL,  
Chairman.

AEROSPACE INDUSTRIES ASSOCIATION,  
Washington, DC, February 16, 1990.

Hon. DAVID L. BOREN,  
U.S. Senate, 453 Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR BOREN: I understand there is some likelihood that the Senate will take up S.J. Res. 212, the "Armenian Genocide Resolution", in the next few weeks. I hope that it will not do so.

The Aerospace Industry Association represents most of the major companies that produce aircraft, engines, missiles, and space craft (see attached membership list). Last year our industry exported \$31 billion in U.S. products, and had a positive trade balance of \$21 billion, a better record than any other U.S. economic sector. We are obviously concerned about an action which could undercut the ability of our members to continue that record.

AIA does not purport to be an expert on history. But we do note that each of the past Administrations has opposed this type of resolution. This Administration is no exception. The White House has stated that, as currently drafted, it would "vigorously oppose" S.J. Res. 212.

Turkey has long been a major customer for U.S. commercial and defense aerospace products. Its concern with the resolution has led to the suspension of several contract negotiations with U.S. firms involving hundreds of millions of dollars. As the products we sell tend to remain in inventory for two decades, a decision to turn to another supplier today will affect U.S. business and jobs for years to come.

By word and by deed, no country has in recent years taken a stronger stance than the United States when it comes to expressing condemnation for any violations of human rights in today's world, let alone for such a grievous crime as genocide. We need hardly turn to a tragic but disputed episode of seventy years ago to clarify U.S. attitudes on such matters.

I would therefore hope that the Senate would defeat the resolution if it is considered. It is more important that we address the critical problems currently confronting that troubled region of the world, than it is to inflame today's problems with yesterday's remembrances.

Sincerely,

DON FUQUA,  
President.

MEMBERSHIP OF AEROSPACE INDUSTRIES  
ASSOCIATION

Aerojet.  
Aeronca, Inc., A Fleet Aerospace Company.  
Allied-Signal Aerospace Company.  
Aluminum Company of America.  
Argo-Tech Corporation.  
B.H. Aircraft Company, Inc.  
The Boeing Company.  
Celion Carbon Fibers: A Division of BASF  
Structural Materials, Inc.  
Chrysler Technologies Corporation.  
Colt Industries Inc.: Chandler Evans,  
Menasco Aerosystems, Walbar.  
E-Systems, Inc.  
Fairchild Industries, Inc.  
Fairchild Space and Defense Corporation.  
Ferranti Defense & Space Inc.: Marquardt, Ferranti Defense Systems, Cardion  
Electronics, Ferranti Electro-Magnetic Processes, Ferranti Datacom/Microwave.  
FMC Corporation.  
General Dynamics Corporation.  
General Electric Company.  
General Motors Corporation—General  
Motors Hughes Electronics: Delco Electronics,  
Hughes Aircraft Company, Allison Gas  
Turbine Division.  
The BF Goodrich Company.  
Grumman Corporation.  
Harris Corporation.  
Health Techna Aerospace Company.  
Hercules Incorporated.  
Hexcel Corporation.  
Honeywell Inc.  
IBM Corporation: System Integration Division.  
The Interlake Corporation.  
ITT Defense, Inc.  
Kaman Aerospace Corporation.  
Lear Astronics Corporation.  
Lockheed Corporation.  
Lord Corporation.  
The LTV Corporation.  
Lucas Aerospace, Inc.  
Martin Marietta Corporation.  
McDonnell Douglas Corporation.  
Northrop Corporation.  
Ontario Corporation.  
Parker Hannifin Corporation.  
Precision Castparts Corp.  
Raytheon Company.  
Rockwell International Corporation.  
Rohr Industries, Inc.  
Smighs Industries Aerospace & Defense  
Systems, Inc.  
Sundstrand Corporation.  
Teledyne CAE.  
Texas Instruments Incorporated: Defense  
Systems & Electronics Group.  
Textron Inc.  
Thiokol Corporation.  
TRW Inc.

Unisys Corporation.  
United Technologies Corporation—Aero-  
space/Defense: Pratt & Whitney, Sikorsky,  
Hamilton Standard, Missiles and Space Sys-  
tems, Norden.

Westinghouse Electric Corporation: Elec-  
tronic Systems Group.

Williams International.

Mr. BOREN. Mr. President, I think I pretty well covered the ground I want to cover with my colleagues. I simply appeal to them again. Do what is right in this situation. Ask yourself this question: Will our acting at this point in time, before the historical research is completed, undo one bit of wrong that has been done in the past? Will it bring back to life one person who gave his life or her life needlessly, without purpose, tragically? Will it do anything to help bring back the cultural identity of those who were attacked during this period of time? Mr. President, I do not believe we can answer yes to any of those questions.

On the other hand, if we ask the question will the passage of this resolution lead to less tolerance, will it lead to more understanding, will it lead to more bitterness, will it lead to more conflicts of an ethnic nature in this region of the country, will it make it harder to lift the quality of life of the people, including Armenians, in the region, if we can answer yes to any of these questions, and I am fearful, Mr. President, the answer to all of them is yes, that it would be a serious mistake indeed for us to proceed.

So I hope my colleagues will think long and hard before they vote on this motion to proceed. I think if they do, they will join us in voting not to proceed on this matter at this time. They will join us in trying to take a constructive action to create a climate of understanding, a climate in which this kind of loss of life will never occur again, a climate of opinion in which the people of the world will come to respect each other and will guard against the practice of genocide, not only in this generation but for generations to come.

I urge my colleagues: Look at the facts, consider the implications. Ask yourself: Will the passage of this joint resolution do one thing to make this world more peaceful, more secure? Will it do one thing to promote understanding between people? I think when my colleagues reflect upon those questions they will make the decision to join the Senator from West Virginia and others in voting to delay consideration of this particular resolution.

Again, I want to salute my colleague from West Virginia for the position that he has taken in this matter. I know it has been difficult. I know him to be a man of great sympathy for those who have suffered. He is a person who constantly, time and time again, stands with the underdog in the U.S. Senate. I know it is not easy for

him to take the position that some people might misunderstand, because he is a man of sympathy, a man of deep feelings, and a man of great personal integrity who has respect for and tolerance for people of all races and religions and ethnic backgrounds.

I believe in opposing this resolution's consideration at this time, he is standing for those principles and he is trying to create a climate in the world that will bring back that kind of understanding that is the ultimate protection against genocide and against human suffering. I thank the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the able Senator from Oklahoma, the chairman of the Senate Intelligence Committee, for his very positive comments.

As I sat and listened, it was evident to me that he was speaking with compassion. He was speaking with concern for those who have been treated with injustice. His was a reasonable speech. I think that when the chairman of the Committee on Intelligence speaks to the Senate and asks rhetorically before we vote as to whether or not this indeed is the way to go to promote peace, understanding, and to promote good will among peoples and among nations, we ought to listen. We ought to think about those questions he asks.

So it was obvious to me that the Senator from Oklahoma was speaking as a matter of conscience and out of his concerns based on his intimate knowledge of our relations with Turkey and the importance of those good relations, the continuation of those good relations. I thank him for his statement. I commend him for his patriotism and for his ability to articulate points that we ought to ponder before we vote.

Mr. President, I understand that the Senator who is now presiding over the Senate, Mr. GRAHAM of Florida, wishes to speak. I will be happy to take the Chair while he speaks and then resume my speaking on the floor. However, may I say that if there are no other Senators who wish to speak following the Senator from Florida, I am quite willing to forgo the further making of my own speech. I have indicated prior to this moment a number of times that I came to the floor at 1:15 today and began speaking at 1:30 with a speech. I have another one down on my desk. This is 68 pages in length. I delivered 11 pages in an hour and a half. So at that rate, it would only take us six times that to deliver the 68 pages. That will be 9 hours. I have spoken an hour and a half. That would leave 7½, by the old math. But I will be happy to forgo finishing that speech and go home and see my wife, Erma, and my little dog Billy Byrd

who are waiting to see the old boy come home.

When I was a Member of the House of Representatives, I used to go home to the southern part of West Virginia. Sometimes I would get there at 1 or 2 o'clock in the morning. I would knock on the door. My mom would let me in. She always asked me if I wanted something to eat. She wanted to fix me something to eat at 1 o'clock, 2 o'clock in the morning. Then when I lie down to sleep, I heard her prayers in the other room. Always when I left, she would say to me, "Robert, you be a good boy." I came on back to Washington and was ready to vote in the House the next day. "Robert, you be a good boy."

Well, I am wanting to go home, to see my wife Erma and my little dog Billy, Billy Byrd. It is always a great reunion when I go in at night and see Billy Byrd. He is a Maltese. He figures that he should eat what we eat. He sleeps on our bed. We feel the same way about him. He should eat what we eat, and we love him and he loves us.

So I am willing to forgo the remaining 7½ hours of this portion of my speech and spare everyone present the time it would take for them to listen to this speech, although it would be eloquent. And if something should happen that I not make the rest of it, I am sure they will be sorry that I did not complete it tonight. But I cannot always please everybody around here.

So I will be happy to forgo the making of the rest of the speech, if other Senators do not want to listen or cannot come to the floor, or do not wish to speak.

Now, if there are other Senators who wish to speak, I may want to finish my speech. But I believe at this time, if the distinguished leader will permit me, I will take the chair and relieve the Senator from Florida so he can make a few remarks.

Mr. President, I yield to the distinguished majority leader.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM addressed the Chair.

The PRESIDENT pro tempore. The Senator from Florida is recognized, and, without objection, the rights of the Senator from West Virginia to retain the floor following the speech of the Senator from Florida will be protected under the same terms and conditions which heretofore have been provided in such instances.

The Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President. I wish to congratulate the President pro tempore, Senator BYRD, for the leadership that he has shown on this very sensitive issue that we are dealing with as we debate Senate Joint Resolution 212.

During the past almost 2 days, and particularly the last several hours this afternoon, Senator BYRD has shown a grasp of the issues which is truly impressive and a great asset to all of his colleagues in the Senate. Senator BYRD understands the ramifications which Senate action on this issue may have, and he has given this body very sound advice over these past 2 days. I hope that we will be wise enough to follow it.

Mr. President, the resolution which we are considering asks the President to declare April 24 to be a day of remembrance commemorating the 1915-23 genocide of the Armenian people. Many have cosponsored this joint resolution, Mr. President. I want to state that I was a cosponsor of this joint resolution. When I did so I thought that we were operating within our tradition of concern for human rights, that we were commemorating a tragic event of 75 years ago. I believed that this legislation, if enacted, would have no repercussions beyond the expression of congressional and executive concern.

Mr. President, the essence of this joint resolution is one with which we Americans can all identify. We are a nation which dates its very beginning from the Declaration of Independence. When Abraham Lincoln stood on that field in Gettysburg in 1863, and started his most famous of American addresses with the statement that, "Four score and 7 years ago," he was speaking of the history of this Nation with the Declaration of Independence, a great statement of our national commitment to universal human rights.

We are all aware of the stability of the Armenian people, a people who, for reasons that defy understanding, have suffered a series of tragedies throughout their existence, a people who have, once given the opportunity for freedom and liberty, made such enormous contributions in every nation in which they have settled, most particularly in the United States of America. So when a resolution such as this was presented, it had an immediate appeal to our traditions and to our sense of justice.

Mr. President, I have now reluctantly withdrawn my name as a cosponsor, and I believe it is appropriate to convey to my colleagues and to my constituents in Florida why I have done so.

I have done so because I have come to a recognition that there are real consequences of what we do in the U.S. Senate, that resolutions like this

can have a profound effect. They are not cost-free opportunities to go on the record. I was particularly made aware of this last August.

Last year the Senate approved a resolution criticizing Yugoslavia for its treatment of the ethnic Albanians living in the Kosovo Province. This was a joint resolution which was passed late one evening without even the kind of discussion that we are having now on Senate Joint Resolution 212. What were the implications of that resolution?

The resolution contributed to Yugoslavia recalling its Ambassador from the United States. Last August, when I visited in Yugoslavia for purposes of attending a conference on United States-European Soviet relations, we were accosted by Yugoslavs who felt that the United States had taken the Albanian side in what was obviously a highly emotional issue.

The Foreign Minister of Yugoslavia spoke to this gathering and focused a considerable amount of his attention on the strain that this resolution had created between Yugoslavia and the United States of America. Here we have a country that, long before the events of 1989, had been a country that had been proud to stand for some values of independence, sovereignty, and resist Soviet domination in a very contentious corner of the world, and which we, by a joint resolution passed without much appreciation of its consequences, had just condemned.

Of course, we want to speak out for human rights violations. The Senate has and will continue to do so, but in so doing we must speak knowledgeably, fairly, and with a full appreciation of the impact which our actions must have.

That action last year relative to the Yugoslavs, the Albanians, and Kosovo failed to meet those tests. I suggest that, if we were to take an affirmative action on Senate Joint Resolution 212, we would again fail to meet the test of acting knowledgeably, fairly, and with a full appreciation of the consequences of our actions.

There is no doubt that passage of this joint resolution would greatly harm relations with an important ally of the United States of America.

There are few issues around on which the Turkish people can achieve a consensus of opinion. Vigorously resisting the charge of genocide is one of those issues. This is true, despite however much the resolution sponsors deny its applicability to present-day Turkey. The Turkish Government is bound by history and public opinion to take action, should the United States enact this joint resolution.

The seriousness with which the Turkish Government views passage of this joint resolution is demonstrated by its reaction to approval last October of this resolution by the Senate

Judiciary Committee. What was that action? That action was to restrict United States military travel in Turkey. If they would take that action, Mr. President, just by the force of the committee vote to recommend this resolution to the full Senate, what action could we anticipate, should the full Senate then approve this resolution?

Turkey continues to be a key NATO ally. Joint United States-Turkish military installations are central to our ability to protect NATO's southern flank. A strong relationship between the United States and Turkey is an important component of the United States' ability to influence events throughout the Middle East. The United States-Turkish relationship remains paramount, even during a time of easing East-West tensions.

Congressional consideration of the resolution has moved far beyond commemorating a historical event. Congress is now conducting full-fledged foreign policy debates. To date, no one has seriously suggested weakening the United States-Turkish relationship. Yet, passage of this legislation would force the Turks to act contrary to United States world interests.

Mr. President, passage of this joint resolution threatens to increase ethnic violence. Recent events in the Soviet Union underscore the deep-seated hostilities which exist in the Transcaucasus.

The civil war being waged by the Azeris and Armenians demonstrates that national sentiments lie just below the surface. All nations should refrain from taking action that would widen that violence, that would lacerate old wounds.

Despite this considerable surface appeal, this resolution does far more than mark a tragedy. It unwittingly puts Congress in the position of becoming a court in a historical dispute. Its enactment will force Turkey to take actions weakening a key United States political and military alliance. I, therefore, urge my colleagues to accept the wisdom of conscious nonaction, to recognize the potential adverse impact of the adoption of this resolution, however well intended.

Mr. President, I congratulate the Presiding Officer on his leadership in this important issue. I trust we will follow.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina [Mr. HOLLINGS] is recognized without objection under the same terms and conditions that prevail as with the Senator from Florida [Mr. GRAHAM].

Mr. HOLLINGS. Mr. President, I thank the distinguished Presiding Officer, not just for his customary courtesy but more particularly for taking

on the lead in this Armenian resolution on behalf of Turkey, and on behalf, I think, of the right of the particular situation.

I remember one time back in South Carolina, I had the occasion at a lunch to introduce Capt. Eddie Rickenbacker, and he erected a statue in his talk to Joe McCarthy. Later that evening, I had to introduce Col. Bob Stevens, former Secretary of the Army, who promptly tore the statue down.

We had, earlier today, one of the world's great heroes, Vaclav Havel, the President of Czechoslovakia. He erected a statue to NATO, using the words contributing to the salvation of us Europeans and saving the world.

Now this evening, there are those who would take this great NATO ally and tear the statue down. I am back in the same situation. I resist that, and I want to join with the distinguished former majority leader in the sense that Turkey has been a very, very stalwart friend, loyal ally, a Moslem democracy. I visited there on several occasions.

Were it not for this particular strength on that underbelly, in this bipolarity referred to by our hero, Vaclav Havel, earlier today, I do not think that would have occurred, that we would have been hearing President Havel as the President today.

That is one of the contributions. I do not single that out as the only one. Let me say this with respect to this hero, which is the real purpose of my taking a minute here as we close this evening.

In November 1970, I had occasion, with Senator Javits of New York, Senator Jackson of Washington, and Senator CLAIBORNE PELL of Rhode Island, and other Senators, to visit Prague, Czechoslovakia. We were anxious to see this leader of the group of 77, which was leading the resistance. And we were told that we were not the only ones who were looking for him. The Czech authorities were, too. Seemingly, they always had some exceptions to him every meeting with visiting free-world citizens on the one hand or, on the other hand, something else that he may be charged with. So it would not be easy. We made three passes.

On the final pass on the way to the airport, they said there is still one chance. And we wound up the mountain out of the regular route to the airport into a little home, and we gathered around in a bedroom, and we were seated there for sometime waiting. And Havel came out of the closet and sat down on the bed and we started a conversation.

Senator Jackson, our senior member, immediately started explaining what we were doing, the United States of America, for freedom and specifically for arms control. He went into how we had gotten a SALT II agreement and

hoped to ratify that; that we will finally get an agreement with the Soviets.

Mr. Havel said we are not interested in that. He said—I am cutting the answer short due to the late hour—in substance that, look, the Soviets will negotiate, negotiate and negotiate. Generally, they will get an agreement favorable to themselves. But irrespective of its favorable or unfavorable nature, they would violate it at will. And he started listing the broken agreements.

In a recovery effort, Senator Jackson said, well, as you know, we are very, very strong and proud of you dissidents here in resisting, and we are trying to support you with all the economic pressure that we can possibly bring.

Mr. Havel looked him in the eye and said, Mr. Senator, we are not interested in that.

Senator Jackson said, to get out of the country, to help with those who wish to leave, and we have Jackson-Vanik—I never will forget that.

Havel said, I am totally familiar with that, but that is not our wish, to leave this country. He said, Czechoslovakia was raped in 1938, 1948, and 1968. He said, if my generation, our group, does not stick it out and see it through to freedom, the world will never know Czechoslovakia as we have known it.

That set not just Senator Jackson back, but all the Senators. We talked about it on the way to the airport. I reviewed it when Havel came to my attention again last fall. I noted this fellow was a real courageous individual, but somehow or other he was a little goofy, thinking there was a chance in his lifetime or mine to see the freedom of Czechoslovakia.

I noted today, because we refreshed our memories at the joint meeting, and then later at the luncheon, to say that this man is a true patriot. He is absolutely not just courageous, but committed. You can tell it from his speech, as delivered. Incidentally, he is very literate, and he wrote every word of this himself. I was told that many tried to change the wording, to leave out this or that, do not emphasize another thing; but this is his own selection.

I ask unanimous consent that the address be printed in the RECORD.

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

ADDRESS OF THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC TO A JOINT MEETING OF THE UNITED STATES CONGRESS, WASHINGTON, DC, FEBRUARY 21, 1990

Dear Mr. Speaker, dear Mr. President, dear Senators, and Members of the House, ladies and gentlemen: My advisors have advised me, on this important occasion, to speak in Czech. I don't know why. Perhaps they wanted you to enjoy the sweet sounds of my mother tongue.

The last time they arrested me, on October 27 of last year, I didn't know whether it was for two days or two years.

Exactly one month later, when the rock musician Michael Kocáb told me that I would probably be proposed as a presidential candidate, I thought it was one of his usual jokes.

On the 10th of December 1989, when my actor friend Jiri Bartoska, in the name of the Civic Forum, nominated me as a candidate for the office of President of the Republic, I thought it was out of the question that the parliament we had inherited from the previous regime would elect me.

Twelve days later, when I was unanimously elected President of my country, I had no idea that in two months I would be speaking in front of this famous and powerful assembly, and that what I say would be heard by millions of people who have never heard of me and that hundreds of politicians and political scientists would study every word I say.

When they arrested me on October 27, I was living in a country ruled by the most conservative Communist government in Europe, and our society slumbered beneath the pall of a totalitarian system. Today, less than four months later, I am speaking to you as the representative of a country that has set out on the road to democracy, a country where there is complete freedom of speech, which is getting ready for free elections, and which wants to create a prosperous market economy and its own foreign policy.

It is all very strange indeed.

But I have not come here to speak of myself or my feelings, or merely to talk about my own country. I have used this small example of something I know well, to illustrate something general and important.

We are living in very odd times. The human face of the world is changing so rapidly that none of the familiar political speedometers are adequate.

We playwrights, who have to cram a whole human life or an entire historical era into a two-hour play, can scarcely understand this rapidly ourselves. And if it gives us trouble, think of the trouble it must give to political scientists, who spend their whole lives studying the realm of the probable. And have less experience in the improbable than us playwrights.

Let me try to explain why I think the velocity of the changes in my country, in Central and Eastern Europe, and of course in the Soviet Union itself, has made such a significant impression on the face of the world today, and why it concerns the fate of us all, including you Americans. I would like to look at this, first from the political point of view, and then from a point of view that we might call philosophical.

Twice in this century, the world has been threatened by a catastrophe; twice this catastrophe was born in Europe, and twice you Americans, along with others, were called upon to save Europe, the whole world and yourselves. The first rescue mission—among other things—provided significant help to us Czechs and Slovaks.

Thanks to the great support of your President Wilson, our first president, Tomas Garrigue Masaryk, could found our modern independent state. He founded it, as you know, on the same principles on which the United States of America had been founded, as Masaryk's manuscripts held by the Library of Congress testify.

At the same time, the United States was making enormous strides. It became the

most powerful nation on earth, and it understood the responsibility that flowed from this. Proof of this are the hundreds of thousands of your young citizens who gave their lives for the liberation of Europe, and the graves of American airmen and soldiers on Czechoslovak soil.

But something else was happening as well: the Soviet Union appeared, grew, and transformed the enormous sacrifices of its people suffering under totalitarian rule, into a strength that, after World War Two, made it the second most powerful nation in the world. It was a country that rightly gave people nightmares, because no one knew what would occur to its rulers next and what country they would decide to conquer and drag into their sphere of influence, as it is called in political language.

All of this taught us to see the world in bipolar terms, as two enormous forces, one a defender of freedom, the other a source of nightmares. Europe became the point of friction between these two powers and thus it turned into a single enormous arsenal divided into two parts. In this process, one half of the arsenal became part of that nightmarish power, while the other—the free part—bordering on the ocean and having no wish to be driven into it, was compelled, together with you, to build a complicated security systems, to which we probably owe the fact that we still exist.

So you may have contributed to the salvation of us Europeans, of the world and thus of yourselves for a third time: you have helped us to survive until today—without a hot war this time—but merely a cold one.

And now what is happening is happening: the totalitarian system in the Soviet Union and in most of its satellites is breaking down and our nations are looking for a way to democracy and independence. The first act in this remarkable drama began when Mr. Gorbachev and those around him, faced with the sad reality of their country, initiated their policy of "perestroika". Obviously they had no idea either what they were setting in motion or how rapidly events would unfold. We knew a lot about the enormous number of growing problems that slumbered beneath the honeyed, unchanging mask of socialism. But I don't think any of us knew how little it would take for these problems to manifest themselves in all their enormity, and for the longings of these nations to emerge in all their strength. The mask fell away so rapidly that, in the flood of work, we have literally no time even to be astonished.

What does all this mean for the world in the long run? Obviously a number of things. This is, I am firmly convinced, an historically irreversible process, and as a result Europe will begin again to seek its own identity without being compelled to be a divided armory any longer. Perhaps this will create the hope that sooner or later your boys will no longer have to stand on guard for freedom in Europe, or come to our rescue, because Europe will at last be able to stand guard over itself. But that is still not the most important thing: the main thing is, it seems to me, that these revolutionary changes will enable us to escape from the rather antiquated straitjacket of this bipolar view of the world, and to enter at last into an era of multipolarity. That is, into an era in which all of us—large and small—former slaves and former masters—will be able to create what your great President Lincoln called "the family of man". Can you imagine what a relief this would be to that part of the world for some reason is called

the Third World, even though it is the largest?

I don't think it's appropriate simply to generalize, so let me be specific:

(1) As you certainly know, most of the big wars and other conflagrations over the centuries have traditionally begun and ended on the territory of modern Czechoslovakia, or else they were somehow related to that area. Let the Second War stand as the most recent example. This is understandable: whether we like it or not, we are located in the very heart of Europe, and thanks to this, we have no view of the sea, and no real navy. I mention this because political stability in our country has traditionally been important for the whole of Europe. This is still true today. Our government of national understanding, our present Federal Assembly, the other bodies of the state and I myself will personally guarantee this stability until we hold free elections, planned for June. We understand the terribly complex reasons, domestic political reasons above all, why the Soviet Union cannot withdraw its troops from our territory as quickly as they arrived in 1968. We understand that the arsenals built there over the past twenty years cannot be dismantled and removed overnight. Nevertheless, in our bilateral negotiations with the Soviet Union, we would like to have as many Soviet units as possible moved out of our country before the elections, in the interests of political stability. The more successful our negotiations, the more those who are elected in our places will be able to guarantee political stability in our country even after the elections.

(2) I often hear the question: how can the United States of America help us today? My reply is as paradoxical as the whole of my life has been: you can help us most of all if you help the Soviet Union on its irreversible, but immensely complicated road to democracy. It is far more complicated than the road possible to its former European satellites. You yourselves know best how to support, as rapidly as possible, the non-violent evolution of this enormous, multi-national body politic towards democracy and autonomy for all of its peoples. Therefore, it is not fitting for me to offer you any advice. I can only say that the sooner, the more quickly, and the more peacefully the Soviet Union begins to move along the road towards genuine political pluralism, respect for the rights of nations to their own integrity and to a working—that is a market—economy, the better it will be, not just for Czechs and Slovaks, but for the whole world. And the sooner you yourselves will be able to reduce the burden of the military budget born by the American people. To put it metaphorically: the millions you give to the East today will soon return to you in the form of billions in savings.

(3) It is not true that the Czech writer Vaclav Havel wishes to dissolve the Warsaw Pact tomorrow and then NATO the day after that, as some eager journalists have written. Vaclav Havel merely thinks what he has already said here, that for another hundred years, American soldiers shouldn't have to be separated from their mothers just because Europe is incapable of being a guarantor of world peace, which it ought to be, in order to make some amends, at least, for having given the world two world wars. Sooner or later Europe must recover and come into its own, and decide for itself how many of whose soldiers it needs so that its own security, and all the wider implications of that security, may radiate peace into the whole world. Vaclav Havel cannot make de-

isions about things it is not proper for him to decide. He is merely putting in a good word for genuine peace, and for achieving it quickly.

(4) Czechoslovakia thinks that the planned summit conference of countries participating in the Helsinki process should take place soon, and that in addition to what it wants to accomplish, it should aim to hold the so-called Helsinki Two conference earlier than 1992, as originally planned. Above all, we feel it could be something far more significant than has so far seemed possible. We think that Helsinki Two should become something equivalent to the European peace conference, which has not yet been held; one that would finally put a formal end to the Second World War and all its unhappy consequences. Such a conference would officially bring a future democratic Germany, in the process of unifying itself, into a new pan-European structure which could decide about its own security system. This system would naturally require some connection with that part of the globe we might label the "Helsinki" part, stretching westward from Vladivostok all the way to Alaska. The borders of the European states, which by the way should become gradually less important, should finally be legally guaranteed by a common, regular treaty. It should be more than obvious that the basis for such a treaty would have to be general respect for human rights, genuine political pluralism and genuinely free elections.

(5) Naturally we welcome the initiative of President Bush, which was essentially accepted by Mr. Gorbachev as well, according to which the number of American and Soviet troops in Europe should be radically reduced. It is a magnificent shot in the arm for the Vienna disarmament talks and creates favorable conditions not only for our own efforts to achieve the quickest possible departure of Soviet troops from Czechoslovakia, but indirectly as well for our own intention to make considerable cuts in the Czechoslovak army, which is disproportionately large in relation to our population. If Czechoslovakia were forced to defend itself against anyone, which we hope will not happen, then it will be capable of doing so with a considerably smaller army, because this time its defense would be—not only after decades but even centuries—supported by the common and indivisible will of both its nations and its leadership. Our freedom, independence and our new-born democracy have been purchased at great cost, and we will not surrender them. For the sake of order, I should add that whatever steps we take are not intended to complicate the Vienna disarmament talks, but on the contrary to facilitate them.

(6) Czechoslovakia is returning to Europe. In the general interest and in its own interest as well, it wants to coordinate this return—both politically and economically—with the other returnees, which means, above all, with its neighbors, the Poles and the Hungarians. We are doing what we can to coordinate these returns. And at the same time, we are doing what we can so that Europe will be capable of really accepting us, its wayward children. Which means that it may open itself to us, and may begin to transform its structures—which are formally European but de facto Western European—in that direction, but in such a way that it will not be to its detriment, but rather to its advantage.

(7) I have already said this in our parliament, and I would like to repeat it here, in

this Congress, which is architecturally far more attractive: for many years, Czechoslovakia—as someone's meaningless satellite—has refused to face up honestly to its co-responsibility for the world. It has a lot to make up for. If I dwell on this and so many important things here, it is only because I feel—along with my fellow citizens—a sense of culpability for our former reprehensible passivity, and a rather ordinary sense of indebtedness.

(8) Last but not least, we are of course delighted that your country is so readily lending its support to our fresh efforts to renew democracy. Both our peoples were deeply moved by the generous offers made a few days ago in Prague at the Charles University, one of the oldest in Europe, by your Secretary of State, Mr. James Baker. We are ready to sit down and talk about them.

Ladies and gentlemen, I've only been president for two months and I haven't attended any schools for presidents. My only school was life itself. Therefore I don't want to burden you any longer with my political thoughts, but instead I will move on to an area that is more familiar to me, to what I would call the philosophical aspect of those changes that still concern everyone, although they are taking place in our corner of the world.

As long as people are people, democracy in the full sense of the word will always be no more than an ideal; one may approach it as one would a horizon, in ways that may be better or worse, but it can never be fully attained. In this sense you too are merely approaching democracy. You have thousands of problems of all kinds, as other countries do. But you have one great advantage: you have been approaching democracy uninterrupted for more than two hundred years, and your journey toward that horizon has never been disrupted by a totalitarian system. Czechs and Slovaks, despite their humanistic traditions that go back to the first millennium, have approached democracy for a mere twenty years, between the two world wars, and now for the three and a half months since the 17th of November of last year.

The advantage that you have over us is obvious at once.

The communist type of totalitarian system has left both our nations, Czechs and Slovaks—as it has all the nations of the Soviet Union and the other countries the Soviet Union subjugated in its time—a legacy of countless dead, and infinite spectrum of human suffering, profound economic decline, and above all enormous human humiliation. It has brought us horrors that fortunately you have not known.

At the same time, however—unintentionally, of course—it has given us something positive: a special capacity to look, from time to time, somewhat further than someone who has not undergone this bitter experience. A person who cannot move and live a somewhat normal life because he is pinned under a boulder has more time to think about his hopes than someone who is not trapped in this way.

What I am trying to say is this: we must all learn many things from you, from how to educate our offspring, how to elect our representatives, all the way to how to organize our economic life so that it will lead to prosperity and not to poverty. But it doesn't have to be merely assistance from the well-educated, the powerful and the wealthy to someone who has nothing and therefore has nothing to offer in return.

We too can offer something to you: our experience and the knowledge that has come from it.

This is a subject for books, many of which have already been written and many of which have yet to be written. I shall therefore limit myself to a single idea.

The specific experience I'm talking about has given me one great certainty: Consciousness precedes Being, and not the other way around, as the Marxists claim.

For this reason, the salvation of this human world lies nowhere else than in the human heart, in the human power to reflect, in human meekness and in human responsibility.

Without a global revolution in the sphere of human consciousness, nothing will change for the better in the sphere of our Being as humans, and the catastrophe towards which this world is headed, whether it be ecological, social, demographic or a general breakdown of civilization, will be unavoidable. If we are no longer threatened by world war, or by the danger that the absurd mountains of accumulated nuclear weapons might blow up the world, this does not mean that we have definitively won. We are in fact far from definitive victory.

We are still a long way from that "family of man"; in fact, we seem to be receding from the ideal rather than drawing closer to it. Interests of all kinds: personal, selfish, state, national, group and, if you like, company interests still considerably outweigh genuinely common and global interests. We are still under the sway of the destructive and vain belief that man is the pinnacle of creation, and not just a part of it, and that therefore everything is permitted. There are still many who say they are concerned not for themselves, but for the cause, while they are demonstrably out for themselves and not for the cause at all. We are still destroying the planet that was entrusted to us, and its environment. We still close our eyes to the growing social, ethnic and cultural conflicts in the world. From time to time we say that the anonymous megamachinery we have created for ourselves no longer serves us, but rather has enslaved us, yet we still fail to do anything about it.

In other words, we still don't know how to put morality ahead of politics, science and economics. We are still incapable of understanding that the only genuine backbone of all our actions—if they are to be moral—is responsibility. Responsibility to something higher than my family, my country, my firm, my success. Responsibility to the order of Being, where all our actions are indelibly recorded and where, and only where, they will be properly judged.

The interpreter or mediator between us and this higher authority is what is traditionally referred to as human conscience.

If I subordinate my political behavior to this imperative mediated to me by my conscience, I can't go far wrong. If on the contrary I were not guided by this voice, not even ten presidential schools with two thousand of the best political scientists in the world could help me.

This is why I ultimately decided—after resisting for a long time—to accept the burden of political responsibility.

I'm not the first, nor will I be the last, intellectual to do this. On the contrary, my feeling is that there will be more and more of them all the time. If the hope of the world lies in human consciousness, then it is obvious that intellectuals cannot go on forever avoiding their share of responsibility for the world and hiding their distaste for

politics under an alleged need to be independent.

It is easy to have independence in your program and then leave others to carry that program out. If everyone thought that way, pretty soon no one would be independent.

I think that you Americans should understand this way of thinking. Wasn't it the best minds of your country, people you could call intellectuals, who wrote your famous Declaration of Independence, your Bill of Human Rights and your Constitution and who—above all—took upon themselves the practical responsibility for putting them into practice? The worker from Branik in Prague that your President referred to in his State of the Union message this year is far from being the only person in Czechoslovakia, let alone in the world, to be inspired by those great documents. They inspire us all. They inspire us despite the fact that they are over two hundred years old. They inspire us to be citizens.

When Thomas Jefferson wrote that, "Governments are instituted among Men deriving their just Powers from the Consent of the Governed", it was a simple and important act of the human spirit.

What gave meaning to that act, however, was the fact that the author backed it up with his life. It was not just his words, it was his deeds as well.

I will end where I began: history has accelerated. I believe that once again, it will be the human mind that will notice this acceleration, give it a name, and transform those words into deeds.

Thank you.

Mr. McCAIN. Mr. President, my appreciation for the good intentions of Senator DOLE and the supporters of Senate Joint Resolution 212 makes my opposition to this joint resolution not an easy matter. I understand their profound concern, and the profound concern of Armenians, that the tragedy which this resolution seeks to commemorate should not be forgotten or dismissed. And I fully agree with the general proposition that those who forget history are condemned to repeat it.

Also, I believe I can rightly be considered a friend of Armenians. My legislative record certainly testifies to my friendship. To cite a just a few examples of my support of Armenian concerns:

In this Congress, I cosponsored Senate Joint Resolution 178 expressing U.S. support for a peaceful settlement of the Nagorn-Karabagh dispute.

In the 100th Congress, I supported Senate Resolution 29 addressing the difficulties encountered by Armenian-Americans who seek to maintain regular contact with their relatives in the Soviet Union.

In the 99th Congress, as a Member of the House, I supported House Resolution 332 condemning the Soviet Government's persecution of Helsinki monitoring group members which included an Armenian organization.

Mr. President, I hope my support of these positions and many other positions of importance to Armenian-Americans is compelling evidence that I share their concerns and aspirations.

I hope my record of friendship for Armenians and my appreciation of their past and present suffering will afford me the understanding of Armenians and all the supporters of Senate Joint Resolution 212.

I have heard from literally hundreds of people on both sides of this issue. There is intense emotion invested in the opposition to the resolution and there is intense emotion invested in support of the resolution. After careful consideration, I have come to the conclusion that I cannot support Senate Joint Resolution 212.

Mr. President, there are compelling national security reasons for my opposition, but they are not my only reasons. Turkey is a treasured ally in NATO. Turkey's contribution to NATO's success has been enormous. For over 40 years we have led NATO, and it has been a bulwark against the advance of the Soviet empire. With that empire now in decline, we should be careful to maintain the stability of our own alliances.

Our relations with our loyal NATO partner have steadily improved and are now, generally, excellent. I do not want—and I am sure that no Senator wants—to impede the progress of Turkish-American friendship or undermine the stability of the Atlantic Alliance.

Yet, given Turkey's intense and total opposition to this resolution, I fear that such an unfortunate state of events may be the consequence of its passage. The common defense of our countries and the many benefits that accrue to the United States from expanding friendship with Turkey are too valuable to risk in this manner. I assure you, Mr. President, that I appreciate the suffering of Armenians in eastern Anatolia in the last days of the Ottoman Empire. That tragedy, like the tragedies that have afflicted so many people throughout the violent history of this world, should never be forgotten.

Nor do I oppose this resolution solely for reasons of Realpolitik: I acknowledge and mourn the sad history of Armenians in the years 1915 to 1923. But I concur with the Secretary of State, Mr. Baker, that history should be the judge of the Armenian tragedy. And the history, Mr. President, is not yet entirely settled on this question. With the recent opening of the historical archives of the period for scholarly research, it would be well to heed Secretary Baker's advice and await the consequent findings of historians.

Let me stress again, Mr. President, that I am sympathetic to the concerns of Armenian-Americans and the supporters of this resolution. Let me assure Senator DOLE that I appreciate the sincerity and convictions which attend his judgment on this issue. But

I must respectfully disagree and vote against this resolution out of respect for present-day Turkey—the Turkey that is our strong and valued ally—and I must vote against it in anticipation of some fuller future examination of the tragic events of 70 years ago.

Thank you.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. MITCHELL. I yield.

Mr. BYRD. Under the previous order I was to retain the floor. I yield to the majority leader.

Mr. MITCHELL. I thank the distinguished President pro tempore.

#### ORDERS FOR THURSDAY

RECESS UNTIL 10 A.M.; APPROVAL OF THE JOURNAL; RECOGNITION OF SENATOR ROBB

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m., on Thursday, February 22, and that following the prayer the Journal be deemed approved, that immediately thereafter Senator ROBB be recognized under the previous order to deliver President Washington's Farewell Address.

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

ORDER TO PROCEED TO MOTION TO PROCEED—SENATE JOINT RESOLUTION 212

Mr. MITCHELL. Mr. President, I further ask unanimous consent that at the conclusion of the Farewell Address or at 11 o'clock, whichever is later, the Senate return to debate on the motion to proceed to Senate Joint Resolution 212 for a period of 2 hours, to be equally divided and controlled by Senators BYRD or DOLE or their designees.

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

ORDER FOR VOTE ON CLOTURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 1 p.m. the Senate vote on the motion to invoke cloture on the motion to proceed to Senate Joint Resolution 212 and that the mandatory live quorum as required under rule XXII be waived.

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

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

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

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

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

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGES FROM THE HOUSE

At 2:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 472. Joint resolution to express support for Chile's transition to democracy.

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

H. Con. Res. 258. Concurrent resolution congratulating the President of Honduras, Rafael Callejas, on his election and offering good wishes for the success of his administration.

The message further announced that pursuant to the provisions of section 801(b) of Public Law 100-696, the Speaker on Monday, February 12, 1990, did appoint Mr. BENNETT as a member on the part of the House of the United States Capitol Preservation Commission.

The message also announced that pursuant to the provisions of section 2(b) of Public Law 98-183, the Speaker on Monday, February 12, 1990, did appoint Mr. Carl A. Anderson of Arlington, Virginia, as a member on the part of the House from private life of the Commission on Civil Rights.

#### ENROLLED BILLS SIGNED

At 2:41 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 150. An act to amend the Immigration and Nationality Act to provide a procedure for an alien who dies while serving on active-duty with the United States armed forces during certain periods of hostilities to be considered a citizen of the United States at the time of the alien's death; and

H.R. 2281. An act to amend the Elementary and Secondary Education Act of 1965 to extend the authorization for certain school dropout demonstration programs.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

#### MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 472. Joint resolution to express support for Chile's transition to democracy; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 258. Concurrent resolution congratulating the President of Honduras, Rafael Callejas, on his election and offering good wishes for the success of his administration; to the Committee on Foreign Relations.

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-2343. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, notice that the Defense Logistics Agency intends to exercise a provision of law providing for the exclusion of the examination of certain records by the Comptroller General; to the Committee on Armed Services.

EC-2344. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the annual report on each country to country or multinational agreement entered into by each Military Department during fiscal year 1989 and the total dollar value of purchases and sales for each agreement and brief descriptions of each agreement expected to be in effect by the Departments of the Army and the Air Force for fiscal year 1990; to the Committee on Armed Services.

EC-2345. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to repeal or modify certain reporting requirements relating to activities of the Department of Defense; to the Committee on Armed Services.

EC-2346. A communication from the Assistant Secretary of Defense (Force Management and Personnel), transmitting, pursuant to law, the Defense Manpower Requirements Report for Fiscal Year 1991; to the Committee on Armed Services.

EC-2347. A communication from the Secretary of Defense, transmitting a draft of proposed legislation to improve management of the Department of Defense by streamlining procedures to close or realign military installations, and for other purposes; to the Committee on Armed Services.

EC-2348. A communication from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain

construction at military installations for fiscal year 1991, and for other purposes; to the Committee on Armed Services.

EC-2349. A communication from the Chief, Program Liaison Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of the Air Force on experimental, developmental, and research contracts of \$50,000 or more, by company; to the Committee on Armed Services.

EC-2350. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on a study with respect to converting the aircraft maintenance function at Mather Air Force Base, CA, to performance by contract; to the Committee on Armed Services.

EC-2351. A communications from the Acting Administrator of General Services, transmitting, pursuant to law, the 10th quarterly report on Federal actions to assist the homeless; to the Committee on Banking, Housing, and Urban Affairs.

EC-2352. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit—Federal Housing Administration Fund's 1988 Financial Statements"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2353. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the progress report on rulemaking proceedings for the period September through December 1989; to the Committee on Commerce, Science, and Transportation.

EC-2354. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on financing, supply and installation activities of public utilities; to the Committee on Energy and Natural Resources.

EC-2355. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a notice on leasing systems for the Central Gulf of Mexico, Sale 123, scheduled to be held on March 1990; to the Committee on Energy and Natural Resources.

EC-2356. A communication from the Assistant Secretary of the Interior (Water and Science), transmitting, pursuant to law, notice of the deferment in time for certain construction charge installments; to the Committee on Energy and Natural Resources.

EC-2357. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayments of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2358. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on compensatory royalty agreements for oil and gas entered into during the previous fiscal year which involved unleased government lands; to the Committee on Energy and Natural Resources.

EC-2359. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2360. A communication from the Secretary of the Interior, transmitting, pursu-

ant to law, the 18th annual report on the operation of the Colorado River; to the Committee on Energy and Natural Resources.

EC-2361. A communication from the Chairman of the Inland Waterway Users Board, transmitting, pursuant to law, the third annual report of the Board covering calendar year 1989; to the Committee on Environment and Public Works.

EC-2362. A communication from the Policy and Analysis Staff, Environmental Protection Agency, transmitting, pursuant to law, the Environmental Protection Agency's final revisions to the National Oil and Hazardous Substances Pollution Contingency Plan; to the Committee on Environment and Public Works.

EC-2363. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Long-Ranch Research Agenda 1990-94; to the Committee on Environment and Public Works.

EC-2364. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the quarter ended December 31, 1989; to the Committee on Environment and Public Works.

EC-2365. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1991, and for other purposes; to the Committee on Environment and Public Works.

EC-2366. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, an initial report on assistance to Poland; to the Committee on Foreign Relations.

EC-2367. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the country reports on economic policy and trade practices required under the Omnibus Trade and Competitiveness Act of 1988; to the Committee on Foreign Relations.

EC-2368. A communication from the Acting Director of the Defense Security Assistance Agency, Department of Defense, transmitting, pursuant to law, a report on the status of each loan and each contract of guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability; to the Committee on Foreign Relations.

EC-2369. A communication from the Assistant Secretary (Legislative Affairs), U.S. Department of State, transmitting, pursuant to law, the Department's fourth report on Application of Travel Restrictions to Personnel of Certain Countries and Organizations; to the Committee on Governmental Affairs.

EC-2370. A communication from the Assistant Director of the National Science Foundation, transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2371. A communication from the Assistant Secretary (Management), Department of the Treasury, transmitting, pursuant to law, the Department's fifth annual Competition Advocacy Report; to the Committee on Governmental Affairs.

EC-2372. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report on appeals submitted to the Board

for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2373. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Bi-Annual Audit of Ward 5 ANCs" for the period October 1, 1986 to September 30, 1988; to the Committee on Governmental Affairs.

EC-2374. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Bi-Annual Audit of Ward 4 ANCs" for the period October 1, 1986 to September 30, 1988; to the Committee on Governmental Affairs.

EC-2375. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission on Competition in Contracting; to the Committee on Governmental Affairs.

EC-2376. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the annual report on the Foundation on Competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2377. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Department of Housing and Urban Development on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2378. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Department of Commerce on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2379. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, the annual report on agency activities under the Equal Access to Justice Act for fiscal year 1988; to the Committee on the Judiciary.

EC-2380. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a request for an additional judgeship to be added to a previously submitted request for an additional 75 Federal judgeships; to the Committee on the Judiciary.

EC-2381. A communication from the Joint Committee on Judicial Administration, District of Columbia Courts, transmitting, pursuant to law, a report summarizing the testimony presented to Congress by the Chief Judges on judicial resources available to the District of Columbia courts; to the Committee on the Judiciary.

EC-2382. A communication from the Chairperson of the Advisory Panel on Alzheimer's Disease, transmitting, pursuant to law, the first report of the Advisory Panel on Alzheimer's Disease; to the Committee on Labor and Human Resources.

EC-2383. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Management of HHS—Using the Office of the Secretary to Enhance Departmental Effectiveness"; to the Committee on the Labor and Human Resources.

EC-2384. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on an expected shortfall on the Presidential Election Campaign Fund during the 1992 Presidential election; to the Committee on the Rules and Administration.



EC-2385. A communication from the Acting Public Printer, transmitting, pursuant to law, the annual report of the Government Printing Office for fiscal year 1989; to the Committee on Rules and Administration.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-408. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Appropriations:

##### JOINT RESOLUTION

"Whereas the State of Maine is currently experiencing a drastic decline in sales and other tax revenues; and

"Whereas this Legislature and the people of Maine are curtailing state spending to conform to available revenues; and

"Whereas the imposition of new demands upon those who struggle for preservation of financial stability would be a hardship for our citizenry; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request the Congress of the United States not to pass any law or issue any federal mandate that has a fiscal impact on Maine without providing adequate funding; and be it further

"Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional delegation."

POM-409. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Veterans' Affairs:

##### JOINT RESOLUTION

"Whereas the United States Department of Veterans Affairs has a plan to consolidate the regional office facility located at Togus, Maine with a similar facility in Manchester, New Hampshire; and

"Whereas this transfer will impose hardships on the veterans of our large and diverse state and will result in a loss of benefits to many as services routinely provided at Togus will no longer be provided there, requiring some veterans to travel great distances to New Hampshire to apply for certain services and to receive others; and

"Whereas these new hurdles will discourage eligible veterans from obtaining benefits to which they are rightfully entitled and will predictably result in a reduction in benefits received by Maine veterans and place new burdens on state veterans services and benefit programs; and

"Whereas such a consolidation may result in fewer inpatient and outpatient visits to the Togus medical facility, thus resulting in a further reduction of operating funds and services; and

"Whereas many positions and services may be eliminated by this consolidation resulting in a reduction in the number of caring and experienced employees, a loss which will directly and indirectly affect Maine veterans, veterans' families and the other citizens of this State; now, therefore, be it

"Resolved, That We, your Memorialists, respectfully urge and request the President

and the Congress of the United States to intervene and take all appropriate actions to abandon any such consolidation plan; and be it further

"Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation."

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

John Wesley Bartlett, of Massachusetts, to be Director of the Office of Civilian Radioactive Waste Management; and

Robert H. Gentile, of Ohio, to be an Assistant Secretary of Energy (Fossil Energy).

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

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BOSCHWITZ (for himself and Mr. LIEBERMAN):

S. 2149. A bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes; to the Committee on Finance.

By Mr. SYMMS (for himself, Mr. McCLURE, and Mr. BAUCUS):

S. 2150. A bill to set aside a fair proportion of the Highway Trust Fund monies for use in constructing and maintaining off-highway recreational trails; to the Committee on Environment and Public Works.

By Mr. HEINZ:

S. 2151. A bill to permit the transfer of the obsolete submarine U.S.S. Requin to the Carnegie Institute in Pittsburgh, Pennsylvania, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer; to the Committee on Armed Services.

By Mr. McCONNELL (for himself, Mr. KERRY, and Mr. BRYAN):

S. 2152. A bill to provide for international negotiations to achieve agreement on regulation of certain precursor and essential chemicals critical to the manufacture and trafficking of illicit narcotics; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, and Mr. HATCH):

S. 2153. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. METZENBAUM (for himself, Ms. MIKULSKI, Mr. SIMON, Mr. ADAMS, and Mr. KENNEDY):

S. 2154. A bill to amend the provisions of the Occupational Safety and Health Act of 1970 relating to criminal penalties, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KERRY:

S. 2155. A bill to amend the Federal Home Loan Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE (for himself, Mr. KERREY, and Mr. EXON):

S. 2156. A bill to promote the planting and renovation of windbreaks, shelterbelts, wildlife corridors and trees, and for other purposes.

By Mr. GARN (for himself and Mr. HATCH):

S. 2157. A bill to prohibit the construction of a proposed natural gas pipeline in the Wasatch Variation Corridor, and to encourage the re-location of such pipeline in remote, less populated areas (National Forest Lands or otherwise) of Utah; to the Committee on Energy and Natural Resources.

By Mr. PRYOR (for himself, Mr. RIEGLE, Mr. SASSER, Mr. BURDICK, Mr. COHEN, Mr. CONRAD, Mr. SHELBY, Mr. JOHNSTON, Mr. WARNER, Mr. KOHL, and Mr. LEAHY):

S. 2158. A bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes; to the Committee on Finance.

By Mr. REID:

S.J. Res. 259. Joint resolution to designate the period commencing March 19, 1990, and ending March 25, 1990, as "National Angel Plan Week"; to the Committee on the Judiciary.

By Mr. WARNER:

S.J. Res. 260. Joint resolution to designate April 12, 1990, as a "National Day of Remembrance of the One Hundred Twenty-Fifth Anniversary of the Battle of Saylor's Creek, and the Stacking of Arms at Appomattox Court House"; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. PRYOR (for himself and Mr. HEINZ):

S. Res. 246. Resolution authorizing printing additional copies of Senate report titled "Developments in Aging: 1989"; to the Committee on Rules and Administration.

By Mr. GARN (for himself and Mr. HATCH):

S. Con. Res. 93. Concurrent resolution providing for acceptance of a statue of Philo T. Farnsworth presented by the State of Utah, for placement in National Statuary Hall, and for other purposes; to the Committee on Rules and Administration.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOSCHWITZ (for himself and Mr. LIEBERMAN):

S. 2149. A bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes; to the Committee on Finance.

### ENTERPRISE ZONE IMPROVEMENTS ACT

Mr. BOSCHWITZ. Mr. President, I join today with my distinguished colleague from Connecticut, Senator LIEBERMAN, in introducing the Enterprise Zone Improvements Act of 1990. For the past several years I, along with several colleagues in both the House and Senate, have worked to pass enterprise zone legislation. While we have met with modest success here in the Senate, we have been unable to obtain passage in the House.

I was pleased that President Bush included enterprise zone legislation among the list of initiatives he currently supports. As my colleagues know, an enterprise zone proposal is included in the President's 1991 budget. Consequently, I am convinced that this is the year when we have a good chance to get the legislation passed.

For those of my colleagues who are unfamiliar with the enterprise zone concept—though I think most are familiar with it—let me briefly describe it. An enterprise zone is a specific geographic area selected to receive special tax treatment by the Government with the goal of attracting business investment and development that might otherwise not occur. The zone designations are usually based on considerations such as unemployment, the poverty rate, and the quality of local and State government plans to reduce regulatory, tax, and other burdens in order to attract zone business and keep it. In other words, jobs will be taken to the neediest people through enterprise zone businesses located right in their neighborhoods. Some individuals, particularly in the inner city, simply do not have the capacity to travel to the suburbs and go to work where most of the jobs are created.

By offering Federal tax incentives and opening up the bidding process whereby State and local governments have to nominate potential enterprise zones and offer their own incentives in the process, a good package will be put together that will act as a magnet to bring jobs and revitalization into the areas where they are most needed. Past methods used to try to assist people, particularly in the inner cities, have not been terribly successful. The people who live there remain depressed, both economically and in

spirit. Far from achieving a measure of economic independence, many of our poor have instead been trapped in a self-perpetuating cycle of poverty. The enterprise zone concept takes on the challenges of the job creation and economic redevelopment through private enterprise and local community involvement. Again, it takes the jobs right to the people who need them, which is truly a worthwhile goal, and will be a worthwhile achievement when we can make it work.

It is appropriate that Housing and Urban Development Secretary, Jack Kemp, has assumed a position of leadership on this issue because it was Congressman Jack Kemp who introduced the House companion bill to my Urban Jobs and Enterprise Zone Act of 1980. He really deserves credit for the concept. That legislation was the seed from which the enterprise zone idea grew in this country. The full Senate passed my enterprise zone legislation in 1983 and 1984, but unfortunately, the matter was dropped in conference both times.

However, in 1987, the Housing and Community Development Act was signed into law. It provides for the establishment of 100 enterprise zones, with one-third allocated to rural areas. While the 1987 act was a step in the right direction, it did not provide any Federal incentives to complement State and local initiatives. But again, it was an encouraging movement in the legislative process.

The Enterprise Zone Improvements Act of 1990 will strengthen the 1987 law by adding the powerful tool of tax incentives. For example, there is a tax credit for enterprise zone employers. This credit can range from 10 to 50 percent of employees' pay. That is a very large credit, but it declines over a period of years and is an excellent incentive to encourage hiring unemployed or economically disadvantaged people.

There is also a tax credit that applies to the zone employees. It is a refundable tax credit of up to 5 percent of the first \$10,500 of wages.

Then, there is a third incentive; zero tax on capital gains that is realized on enterprise zone assets held for at least 2 years.

Finally, a fourth very important and appealing tax incentive is included in our bill. It is a deduction for the purchase of enterprise zone stock. In other words, if you buy stock in an enterprise zone company, you can deduct for tax purposes the cost of the investment up to \$250,000; \$50,000 annually, \$250,000 over a lifetime.

There are some costs to all of this. However, we believe the costs will be offset by the jobs that are brought to the enterprise zones, the people who are taken off welfare and other government programs, not to speak of the pride and achievement people can ex-

perience when engaged in truly productive work.

In addition to the tax incentives, Mr. President, there are provisions designed to facilitate business operation in enterprise zones. For example, executive branch agencies are given the authority to waive or modify rules pertaining to activities within zones when doing so will further the job creation, community development, or economic revitalization objectives of zone inhabitants. Also, enterprise zones are granted priority in application processing for foreign trade zone status.

Mr. President, if we are truly interested in enabling individuals to provide for themselves and allowing communities to grow and prosper, the time has come for us to give the enterprise zone concept, complete with appropriate tax incentives, the chance it deserves. I urge my colleagues to join Senator LIEBERMAN and me in supporting our legislation.

Mr. President, I ask unanimous consent that the full text of our legislation be printed in the RECORD.

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

S. 2149

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Enterprise Zone Improvements Act of 1990".

#### SEC. 2. PURPOSES.

It is the purpose of this Act to provide for the establishment of enterprise zones in order to promote revitalization of economically distressed areas, to stimulate entrepreneurship, particularly by zone residents, and to create new jobs, particularly for disadvantaged workers and long-term unemployed individuals primarily by providing or encouraging within such areas—

- (1) tax relief at the Federal, State, and local levels;
- (2) regulatory relief at the Federal, State, and local levels; and
- (3) improved local services and an increase in the economic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

#### SEC. 3. AMENDMENT OF THE 1986 CODE.

Except as otherwise expressly provided, whenever an amendment or repeal is expressed in this Act in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

#### TITLE I—DESIGNATION OF ENTERPRISE ZONES

##### SEC. 101. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 of subtitle F (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Designation of Enterprise Zones  
"Sec. 7891. Designation.

"SEC. 7891. DESIGNATION.

"(a) DESIGNATION OF ZONES.—

"(1) DEFINITION.—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior, designates as an enterprise zone.

"(2) AUTHORITY TO DESIGNATE.—The Secretary of Housing and Urban Development is authorized to designate enterprise zones in accordance with the provisions of this section.

"(3) LIMITATIONS ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—Before designating any area as an enterprise zone and not later than 4 months following the date of the enactment of this section, the Secretary of Housing and Urban Development shall prescribe by regulation, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area, and

"(ii) the procedures for designation as an enterprise zone, including a method for comparing courses of action under subsection (d) proposed for nominated areas, and the other factors specified in subsection (e).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 48-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) July 1, 1991.

"(C) NUMBER OF DESIGNATIONS.—

"(i) IN GENERAL.—The Secretary of Housing and Urban Development may designate—

"(I) not more than 50 nominated areas as enterprise zones under this section; and

"(II) not more than 15 nominated areas as enterprise zones during the first 12-month period beginning on the date determined under subparagraph (B), not more than 30 by the end of the second 12-month period, and not more than 45 by the end of the third 12-month period.

"(ii) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated as enterprise zones, at least one-third must be—

"(I) within a local government jurisdiction or jurisdictions with a population of less than 50,000 (as determined using the most recent census data available),

"(II) outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

"(III) in areas determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(D) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designations under this section unless—

"(i) the local government and the State in which the nominated area is located have the authority to—

"(I) nominate such area for designation as an enterprise zone,

"(II) make the State and local commitments under subsection (d), and

"(III) provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled; and

"(ii) a nomination therefor is submitted by such State and local government in such a manner and in such form, and containing such information, as the Secretary of Housing and Urban Development shall prescribe by regulation.

"(4) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local government with respect to such area.

"(b) TIME PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date specified by the State and local governments as provided in the nomination submitted in accordance with subsection (a)(3)(D)(ii),

"(C) such other date as the Secretary of Housing and Urban Development shall specify as a condition of designation, or

"(D) the date upon which the Secretary of Housing and Urban Development revokes such designation.

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary of Housing and Urban Development determines that the State or a local government in which the area is located is not complying substantially with the agreed course of action for the area.

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate a nominated area as an enterprise zone only if it meets the requirements of paragraphs (2) and (3).

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government;

"(B) the boundary of the area is continuous, or complies with criteria that the Secretary of Housing and Urban Development may prescribe by regulation which take into account topographic problems and the desirability of including abandoned industrial or manufacturing sites which are contiguous to the area and which are necessary for the development of the area; and

"(C) the area meets such other criteria as the Secretary of Housing and Urban Development may prescribe by regulation to ensure that the area is appropriate for enterprise zone treatment including, if the Secretary determines appropriate, regulations which prescribe that there are no minimum or maximum population or size limitations.

"(3) ELIGIBILITY REQUIREMENTS.—For purposes of paragraph (1)—

"(A) IN GENERAL.—A nominated area meets the requirements of this paragraph if with respect to such area—

"(i) the unemployment rate, as determined by the most recent available data, was at least 1½ times the national unemployment rate, and

"(ii) the average poverty rate (as determined by the most recent census data available) for the smallest census geographic area for which data is available within the nominated area was at least twice the national rate for the period to which such data relates.

"(B) CERTIFICATION.—A nominated area shall be treated as meeting the requirements of subparagraph (A) if—

"(i) the State or local government in which the nominated area is located certifies that such requirements are met, and

"(ii) the Secretary of Housing and Urban Development, after such review of supporting data as the Secretary determines appropriate, accepts such certification.

"(4) ELIGIBILITY REQUIREMENT FOR RURAL AREAS.—A rural area described in subsection (a)(3)(C)(ii) meets the requirements of paragraph (3) if it meets the requirements of either clause (i) or (ii) of paragraph (3)(A).

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—No nominated area shall be designated as an enterprise zone unless the State and the local government or governments of the jurisdictions in which the nominated area is located agree in writing that, during any period during which the nominated area is an enterprise zone, such governments will follow a specified course of action designed to reduce the various burdens borne by employers or employees in such area.

"(2) COURSE OF ACTION.—The course of action under paragraph (1) may include, but is not limited to—

"(A) the reduction or elimination of tax rates or fees applying within the enterprise zone,

"(B) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(C) an increase in the level or efficiency of local services within the enterprise zone, including crime prevention, and drug enforcement prevention and treatment,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the enterprise zone, including a commitment from such private entities to provide jobs and job training for, and technical, financial or other assistance to, employers, employees, and residents of the enterprise zone,

"(E) mechanisms to increase equity ownership by residents and employees within the enterprise zone,

"(F) donation (or sale below market value) of land and buildings to benefit low- and moderate-income people,

"(G) linkages to—

"(i) job training,

"(ii) transportation,

"(iii) education,

"(iv) day care,

"(v) health care, and

"(vi) other social service support,

"(H) provision of supporting public facilities, and infrastructure improvements,

"(I) encouragement of local entrepreneurship; and

"(J) other factors determined essential to support enterprise zone activities and encourage livability or quality of life.

"(3) LATER MODIFICATION OF A COURSE OF ACTION.—The Secretary of Housing and Urban Development may by regulation prescribe procedures to permit or require a course of action to be updated or modified during the time that a designation is in effect.

"(e) PRIORITY OF DESIGNATION.—In choosing nominated areas for designation, the Secretary of Housing and Urban Development shall give preference to the nominated area—

"(1) with respect to which the strongest and highest quality contributions have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief,

"(2) with respect to which the nominating State and local governments have provided the most effective and enforceable guarantees that the proposed course of action will actually be carried out during the period of the enterprise zone designation,

"(3) with respect to which private entities have made the most substantial commitments in additional resources and contributions, including the creation of new or expanded business activities, and

"(4) which best exhibits such other factors determined by the Secretary of Housing and Urban Development, including relative distress, as are consistent with the intent of the enterprise zone program and have the greatest likelihood of success.

"(f) GEOGRAPHIC DISTRIBUTION.—In making designations, the Secretary of Housing and Urban Development shall take into consideration a reasonable geographic distribution of enterprise zones.

"(g) DEFINITIONS.—For the purposes of this subchapter—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) STATE.—The term 'State' includes Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia."

(b) CONFORMING AMENDMENT.—The table of subchapters for chapter 80 of subtitle F is amended by adding at the end thereof the following new item:

"SUBCHAPTER D. Designation of enterprise zones."

#### SEC. 102. REPORTING REQUIREMENTS.

Not later than the close of the second calendar year after the calendar year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each second calendar year thereafter, the Secretary of Housing and Urban Development shall submit to the Congress a report on the effects of such designations in accomplishing the purposes of this Act.

#### SEC. 103. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) TAX REDUCTIONS.—Any reduction of taxes under any course of action described in section 7891(d) of the Internal Revenue

Code of 1986 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) COORDINATION WITH RELOCATION ASSISTANCE.—The designation of an enterprise zone under section 7891 of the Internal Revenue Code of 1986 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) COORDINATION WITH ENVIRONMENTAL POLICY.—Designation of an enterprise zone under section 7891 of the Internal Revenue Code of 1986 shall not constitute a Federal action for purposes of applying the procedural requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4341) or other provisions of Federal law relating to the protection of the environment.

(d) ENTERPRISE ZONES TREATED AS LABOR SURPLUS AREAS.—Any area designated as an enterprise zone under section 7891 of the Internal Revenue Code of 1986 shall be treated for all purposes under Federal law as a labor surplus area.

### TITLE II—FEDERAL INCOME TAX INCENTIVES

#### SEC. 201. TAX INCENTIVES FOR ENTERPRISE ZONES.

(a) GENERAL RULE.—Chapter 1 of subtitle A (relating to normal tax and surtax rules) is amended by adding inserting after subchapter T the following new subchapter:

##### "Subchapter U—Enterprise Zones

"Sec. 1391. Definitions.

"Sec. 1392. Credit for enterprise zone employers.

"Sec. 1393. Credit for enterprise zone employees.

"Sec. 1394. Enterprise zone capital gain.

"Sec. 1395. Enterprise zone stock."

##### "SEC. 1391. DEFINITIONS.

"(a) ENTERPRISE ZONE.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone' has the meaning given such term by section 7891(a)(1).

"(2) TERMINATION OF ENTERPRISE ZONE.—An area shall cease to constitute an enterprise zone once its designation as such terminates or is revoked under subsection 7891(b).

"(b) ENTERPRISE ZONE BUSINESS.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone business' means an activity constituting the active conduct of a trade or business within an enterprise zone, and with respect to which—

"(A) at least 80 percent of the gross income in each calendar year is attributable to the active conduct of a trade or business within an enterprise zone,

"(B) less than 10 percent of the property owned or leased by the business (determined on the basis of unadjusted basis) constitutes stocks, securities, or property held for use by customers,

"(C) no more than an insubstantial portion of the property owned or leased by the business constitutes collectibles (as defined in paragraph 408(m)(2)), unless such collectibles constitute property held primarily for sale to customers in the ordinary course of the active trade or business,

"(D) substantially all of the property owned or leased by the business is located within an enterprise zone, and

"(E) substantially all its employees work within an enterprise zone.

"(2) RELATED ACTIVITIES TAKEN INTO ACCOUNT.—Except as otherwise provided in regulations, all activities conducted by a taxpayer and persons related to the taxpayer shall be treated as one activity for purposes of paragraph (1).

"(3) SPECIAL RULES.—

"(A) RENTAL REAL PROPERTY.—For purposes of paragraph (1), real property located within an enterprise zone and held for use by customers other than related persons shall be treated as the active conduct of a trade or business for purposes of subparagraph (A) and as not subject to subparagraph (B).

"(B) TERMINATION OF ENTERPRISE ZONE BUSINESS.—An activity shall cease to be an enterprise zone business if—

"(i) the designation of the enterprise zone in which the activity is conducted terminates or is revoked pursuant to subsection 7891(b),

"(ii) more than 50 percent (by value) of the activity's property or services are obtained from related persons other than enterprise zone businesses, or

"(iii) more than 50 percent of the activity's gross income is attributable to property or services provided to related persons other than enterprise zone businesses.

"(c) ENTERPRISE ZONE PROPERTY.—

"(1) IN GENERAL.—For purposes of this subchapter, the term 'enterprise zone property' means—

"(A) any tangible personal property located in an enterprise zone and used by the taxpayer in an enterprise zone business, and

"(B) any real property located in an enterprise zone and used by the taxpayer in an enterprise zone business.

In no event shall any financial property or intangible interest in property be treated as constituting enterprise zone property, whether or not such property is used in the active conduct of an enterprise zone business.

"(2) TERMINATION OF ENTERPRISE ZONE.—

The treatment of property as enterprise zone property under paragraph (1) shall not terminate upon the termination or revocation of the designation of the enterprise zone in which the property is located, but instead shall terminate immediately after the first sale or exchange of such property occurring after the expiration or revocation.

"(d) RELATED PERSONS.—For purposes of this subchapter, a person shall be treated as related to another person if—

"(1) the relationship of such persons is described in section 267(b) or 707(b)(1), or

"(2) such persons are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52).

For purposes of paragraph (1), in applying section 267(b) or 707(b)(1), '10 percent' shall be substituted for '50 percent' each place it appears.

#### "SEC. 1392. CREDIT FOR ENTERPRISE ZONE EMPLOYERS.

"(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of—

"(1) 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year, and

"(2) the economically disadvantaged credit amount of the taxpayer for such taxable year.

"(b) CREDIT TREATED AS GENERAL BUSINESS CREDIT.—For purposes of subpart D of part IV of subchapter A, the credit allowed by subsection (a) for a taxable year shall be taken into account in computing the current year business credit and the business credit carryforwards and carrybacks.

"(c) QUALIFIED INCREASED EMPLOYMENT EXPENDITURES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) LIMITATIONS AS TO QUALIFIED WAGES TAKEN INTO ACCOUNT.—

"(A) DOLLAR AMOUNT.—The amount of any qualified wages taken into account under paragraph (1) for any taxable year with respect to any qualified employee may not exceed 2.5 times the dollar limitation in effect under section 3306 (b)(1) for the calendar year with or within which such taxable year ends.

"(B) APPLICATION WITH ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—Qualified wages shall not be taken into account under paragraph (1) if such wages are taken into account in determining the economically disadvantaged credit amount under subsection (d).

"(3) BASE PERIOD WAGES.—

"(A) IN GENERAL.—The term 'base period wages' means, with respect to any enterprise zone, the amount of wages paid to employees during the 12-month period preceding the earlier of—

"(i) the date on which the enterprise zone was designated as such under section 7891, or

"(ii) the date on which the area was designated as an enterprise zone under State law, enacted after January 1, 1981, except that this clause shall only apply if wages paid during the period would have been qualified wages paid to qualified employees if the designation under section 7891 had been in effect for such period.

"(B) RULES OF SPECIAL APPLICATION.—For purposes of subparagraph (A)—

"(i) subsection (f)(1) shall be applied by substituting '12-month period' for 'taxable year' each place it appears, and

"(ii) the dollar limitation taken into account under paragraph (2) in computing qualified wages shall be the amount in effect for taxable year for which the amount of the credit under subsection (a) is being computed.

"(d) ECONOMICALLY DISADVANTAGED CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The term 'economically disadvantaged credit amount' means the sum of the applicable percentage of qualified wages paid to each qualified economically disadvantaged individual.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means, with respect to any qualified economically disadvantaged individual, the percentage determined in accordance with the following table:

"If the qualified wages are paid for services performed during:	The applicable percentage is:
The first 3 years after starting date.....	50
The 4th year after the starting date.....	40
The 5th year after the starting date.....	30
The 6th year after the starting date.....	20
The 7th through 20th year after the starting date.....	10
The 21st year after the starting date or later.....	0.

"(3) STARTING DATE, BREAKS IN SERVICE.—For purposes of this subsection—

"(A) STARTING DATE.—The term 'starting date' means the day which the qualified economically disadvantaged individual begins work for the employer within an enterprise zone.

"(B) BREAKS IN SERVICE.—The periods described in the table under paragraph (2) (other than the first such period) shall be extended by any period of time during which the individual is unemployed, and by any period of time during which the individual is employed by a taxpayer in an enterprise zone designated under State law enacted after January 1, 1981, if such designation occurs prior to the designation of the enterprise zone under section 7891.

"(e) QUALIFIED WAGES DEFINED.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) REDUCTION FOR CERTAIN FEDERALLY FUNDED PAYMENTS.—For purposes of this section, the wages paid or incurred by an employer for any period shall not include the amount of any Federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) SPECIAL RULES FOR AGRICULTURAL AND RAILWAY LABOR.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(f) QUALIFIED EMPLOYEE DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in an enterprise zone, and

"(B) who performs at least 50 percent of his services for the employer during the taxable year in an enterprise zone.

"(2) EXCEPTION FOR INDIVIDUALS WITH RESPECT TO WHOM CREDIT IS DETERMINED UNDER SECTION 51(A).—The term 'qualified employee' shall not include an individual with respect to whom any credit for the employer is determined under section 51(a) for the taxable year (relating to targeted jobs credit).

"(g) QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUAL.—

"(1) For purposes of this section, the term 'qualified economically disadvantaged individual' means an individual—

"(A) who is a qualified employee,

"(B) who is hired by the employer during the period a designation under section 7891 is in effect for the area in which the services which qualify such individual as a qualified employee are performed, and

"(C) who is certified as—

"(i) an economically disadvantaged individual,

"(ii) an eligible work incentive employee (within the meaning of section 51(d)(9)), or

"(iii) a general assistance recipient (within the meaning of section 51(d)(6)).

"(2) ECONOMICALLY DISADVANTAGED INDIVIDUAL.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'economically disadvantaged individual' means any individual who is certified by the designated local agency as being a member of a family that had a combined family income (including the cash value of food stamps) during the 6 months preceding the month in which such determination occurs that on an annual basis, was equal to or less than the greater of—

"(i) the sum of—

"(I) the highest amount which would ordinarily be paid to a family of the same size without any income or resources in the form of payments for aid to families with dependent children under the State plan approved under part A of title IV of the Social Security Act for the State in which such individual resides, plus,

"(II) the highest cash value of the food stamps to which a family of the same size without any income or resources would be paid as aid to families with dependent children under such State plan in the amount determined under subclause (I), or

"(ii) the total amount which would have been received during such 6-month period by an individual who was a full-time employee earning compensation at a rate equal to the Federal minimum wage in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

Any such determination shall be valid for the 45-day period beginning on the date such determination is made.

"(B) SPECIAL RULE FOR FAMILIES WITH ONLY 1 INDIVIDUAL.—For purposes of subclause (I) of clause (i) of subparagraph (A), in the case of a family consisting of only one individual, the 'highest amount which would ordinarily be paid' to such family under the State's plan approved under part A of title IV of the Social Security Act shall be an amount determined by the designated local agency on the basis of a reasonable relationship to the amounts payable under such plan to families consisting of two or more persons.

"(3) CERTIFICATION.—Certification of an individual as an individual described in paragraph (1)(C) shall be made in the same manner as certification under section 51.

"(h) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO CERTAIN ENTITIES, ETC.—Under regulations prescribed by the Secretary, rules similar to the rules of section 52 (other than subsection (b) thereof) and section 41(f)(3) shall apply.

"(2) PERIODS OF LESS THAN A YEAR.—If designation of an area as an enterprise zone under section 7891 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year—

"(A) the limitation specified in subsection (c)(2)(A), and the base period wages determined under subsection (c)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (e)(2) and the 90 percent and 50 percent tests set forth in subsection (f)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as an enterprise zone is in effect.

"(1) PHASEOUT OF CREDIT.—

"(I) IN GENERAL.—Except as provided in paragraph (2), in determining the amount of the credit for a taxable year under subsection (a) with respect to qualified wages paid or incurred for services performed in an enterprise zone—

"(A) the following percentages shall be substituted for '10 percent' in subsection (a)(1):

"(i) 7.5 percent in the earlier of—

"(I) the taxable year which includes the date which is 21 years after the date on which such enterprise zone was designated under section 7891, or

"(II) the taxable year which includes the date which is 4 years before the date (if any) on which such enterprise zone ceases to be a zone under section 7891(b),

"(ii) 5 percent in the next succeeding taxable year,

"(iii) 2.5 percent in the second next succeeding taxable year, and

"(iv) zero thereafter, and

"(B) the amount determined under subsection (a)(2) shall be reduced by—

"(i) 25 percent in the case of the taxable year described in paragraph (1)(A),

"(ii) 50 percent in the next succeeding taxable year,

"(iii) 75 percent in the second next succeeding taxable year, and

"(iv) 100 percent thereafter.

"(2) REVOCATION OF DESIGNATION.—If the designation of an area as an enterprise zone is revoked under section 7891(b), such area shall continue to be treated as an enterprise zone for the period of 3 taxable years beginning after the date of such revocation except that only the allowable percentage of the amount of the credit which would (but for this paragraph) be allowable under this section for such a year shall be allowed. For purposes of the preceding sentence, the term 'allowable percentage' means the amount determined in accordance with the following table:

"If the taxable year beginning after the revocation allowable is:	The allowable percentage is:
The first such year....	75
The second such year .....	50
The third such year..	25.

"(j) EARLY TERMINATION OF EMPLOYMENT BY EMPLOYER IN CASE OF QUALIFIED ECONOMICALLY DISADVANTAGED INDIVIDUALS, ETC.—

"(1) GENERAL RULE.—Under regulations prescribed by the Secretary, if the employment of any qualified economically disadvantaged individual with respect to whom qualified wages are taken into account under subsection (a) is terminated by the taxpayer at any time during the 270-day period beginning on the date such individual begins work for the employer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credit allowed under subsection (a) for such taxable year and all prior taxable years attributable to qualified wages paid or incurred with respect to such employee.

"(2) SUBSECTION NOT TO APPLY IN CERTAIN CASES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the employer,

"(ii) a termination of employment of an individual who, before the close of the period referred to in paragraph (1), becomes disabled to perform the services of such employment, unless such disability is removed before the close of such period and the employer fails to offer reemployment to such individual,

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual, or

"(iv) a termination of employment of an individual due to a substantial reduction in the trade or business operations of the employer.

"(B) CHANGE IN FORM OF BUSINESS, ETC.—For purposes of paragraph (1), the employment relationship between the employer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the employer retains a substantial interest in such trade or business.

"(3) SPECIAL RULE.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under subpart A.

"(k) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the abuse of such purposes by denying the credit allowable under this section to employers which relocate their businesses in an enterprise zone while displacing former employees or which otherwise conduct their businesses so as to take advantage of the credit allowable by this section without furthering such purposes.

"SEC. 1393. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) GENERAL RULE.—In the case of a taxpayer who is an enterprise zone employee, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 5 percent of so much of the qualified wages of the taxpayer for the taxable year as does not exceed \$10,500.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE ZONE EMPLOYEE.—The term 'enterprise zone employee' means an individual—

"(A) performing services during the taxable year that are directly related to the conduct of an enterprise zone business,

"(B) substantially all of services described in subparagraph (A) are performed within an enterprise zone, and

"(C) the employer for whom the services described in subparagraph (A), are performed is not the Federal Government, any State government or subdivision thereof, or any local government.

"(2) WAGES.—The term 'wages' has the meaning given such term by subsection

3306(b) (determined without regard to any dollar limitation contained in such subsection).

"(3) QUALIFIED WAGES.—The term 'qualified wages' means all wages of the taxpayer to the extent attributable to services described in paragraph (1)(A).

"(c) LIMITATIONS.—

"(1) PHASE-OUT OF CREDIT.—The amount of the credit allowable to a taxpayer under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) \$525, over

"(B) 10.5 percent of so much of the taxpayer's total wages (whether or not constituting qualified wages) as exceeds \$20,000.

"(2) PARTIAL TAXABLE YEAR.—If designation of an area as an enterprise zone occurs, expires, or is revoked pursuant to section 7891(b) on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year, the limitations specified in paragraph (1) shall be adjusted on a pro rata basis (based upon the number of days).

"(d) APPLICATION WITH OTHER CREDITS.—The credit allowed under this section for the taxable year shall be reduced by the amount (if any) of tax imposed by section 55 (relating to the alternative minimum tax) with respect to such taxpayer for such year.

"(e) CREDIT TREATED AS SUBPART C CREDIT.—For purposes of this title, the credit allowed under subsection (a) shall be treated as a credit allowed under subpart C of part IV of subchapter A.

"SEC. 1394. ENTERPRISE ZONE CAPITAL GAIN.

"(a) GENERAL RULE.—Gross income does not include the amount of any gain constituting enterprise zone capital gain.

"(b) DEFINITION.—For purposes of this section—

"(1) IN GENERAL.—The term 'enterprise zone capital gain' means gain—

"(A) treated as long-term capital gain,

"(B) allocable in accordance with the rules under subsection (b)(5) of section 338 to the sale or exchange of enterprise zone property, and

"(C) properly attributable to any period of use in an enterprise zone business.

"(2) LIMITATIONS.—Enterprise zone capital gain does not include any gain attributable to—

"(A) the sale or exchange of property not constituting enterprise zone property with respect to the taxpayer throughout the period of 24 full calendar months immediately preceding the sale or exchange,

"(B) any collectibles (as defined in subsection 408(m)), or

"(C) sales or exchanges to persons controlled by the same interests.

"(c) BASIS.—Amounts excluded from gross income pursuant to subsection (a) shall not be applied in reduction to the basis of any property held by the taxpayer.

"SEC. 1395. ENTERPRISE ZONE STOCK.

"(a) GENERAL RULE.—At the election of any individual, the aggregate amount paid by such taxpayer during the taxable year for the purchase of enterprise zone stock on the original issue of such stock by a qualified issuer shall be allowed as a deduction.

"(b) LIMITATIONS.—

"(1) CEILING.—

"(A) IN GENERAL.—The maximum amount allowed as a deduction for any taxable year under subsection (a) to a taxpayer shall not exceed the lesser of—

"(i) \$50,000, or

"(ii) the excess of \$250,000 over the aggregate amount allowed as a deduction under this section for all preceding taxable years.

"(B) EXCESS AMOUNTS.—If the amount otherwise deductible by any taxpayer under subsection (a) exceeds the limitation under subparagraph (A)—

"(i) the amount of such excess shall be treated as an amount paid in the next taxable year, and

"(ii) the deduction allowed for any taxable year shall be allocated among the enterprise zone stock purchased by such person in accordance with the purchase price per share.

"(2) RELATED PERSONS.—

"(A) IN GENERAL.—The taxpayer and all individuals related to the taxpayer shall be treated as one person for purposes of the limitations described in paragraph (1).

"(B) EXCESS AMOUNTS.—The limitations described in paragraph (1) shall be allocated among the taxpayer and related persons in accordance with their respective purchases of enterprise zone stock.

"(c) DISPOSITIONS OF STOCK.—

"(1) GAIN TREATED AS ORDINARY INCOME.—Except as otherwise provided in regulations, if a taxpayer disposes of any enterprise zone stock with respect to which a deduction was allowed under subsection (a), the amount realized upon such disposition shall be treated as ordinary income and recognized notwithstanding any other provision of this subtitle.

"(2) INTEREST CHARGED IF DISPOSITION WITHIN 5 YEARS OF PURCHASE.—

"(A) IN GENERAL.—If a taxpayer disposes of any enterprise zone stock before the end of the 5-year period beginning on the date such stock was purchased by the taxpayer, the tax imposed by this chapter for the taxable year in which such disposition occurs shall be increased by the amount determined in subparagraph (B).

"(B) ADDITIONAL AMOUNT.—For purposes of subparagraph (A), the additional amount shall be equal to the amount of interest (determined at the rate applicable under paragraph 6621(a)(2)) which would accrue—

"(i) during the period beginning on the date the stock was purchased by the taxpayer and ending on the date such stock was disposed of by the taxpayer, and

"(ii) on an amount equal to the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this subsection (a) with respect to the stock so disposed of.

"(d) DISQUALIFICATION.—

"(1) ISSUER OR STOCK CEASES TO QUALIFY.—If a taxpayer elects the deduction under subsection (a) with respect to enterprise zone stock, and either—

"(A) the issuer with respect to which the election was made ceases to be a qualified issuer, or

"(B) the proceeds from the issuance of the taxpayer's enterprise zone stock fail or otherwise cease to be invested by the issuer in enterprise zone property,

then, notwithstanding any provision of this subtitle other than paragraph (2), the taxpayer shall recognize as ordinary income the amount of the deduction allowed under subsection (a) with respect to the issuer's enterprise zone stock.

"(2) SPECIAL RULES.—

"(A) LIQUIDATION.—Where enterprise zone property acquired with proceeds from the issuance of enterprise zone stock is sold or exchanged pursuant to a plan of complete liquidation, the treatment described in paragraph (1) shall be inapplicable.

"(B) PARTIAL DISQUALIFICATION.—Where some, but not all, of the property acquired by the issuer with the proceeds of enterprise zone stock ceases to constitute enterprise zone property, the treatment described in paragraph (1) shall be modified as follows—

"(i) the total amount recognized as ordinary income by all shareholders of the issuer shall be limited to an amount of deduction allowed up to the unadjusted basis of property ceasing to constitute enterprise zone property.

"(ii) the amount recognized shall be allocated among enterprise zone stock with respect to which the election in subsection (a) was made in the reverse order in which such stock was issued, and

"(iii) the amount recognized shall be apportioned among taxpayers having made the election in subsection (a) in the ratios in which the stock described in clause (ii) was purchased.

"(3) ADDITIONAL AMOUNT.—If income is recognized pursuant to paragraph (1) at any time before the close of the 5th calendar year ending after the date the enterprise zone stock was purchased, the tax imposed by this chapter with respect to such income shall be increased by an amount equal to the amount of interest (determined at the rate applicable under section 6621(a)(2)) which would accrue—

"(i) during the period beginning on the date the stock was purchased by the taxpayer and ending on the date of the disqualification event described in paragraph (1), and

"(ii) on an amount equal to the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this subsection (a) with respect to the stock so disqualified.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ENTERPRISE ZONE STOCK.—The term 'enterprise zone stock' means common stock issued by a qualified issuer, but only to the extent that the amount of proceeds of such issuance are used by such issuer no later than 12 months following issuance to acquire and maintain an equal amount of newly acquired enterprise zone property.

"(2) QUALIFIED ISSUER.—

"(A) IN GENERAL.—The term 'qualified issuer' means any C corporation which—

"(i) does not have more than one class of stock,

"(ii) is engaged solely in the conduct of one or more enterprise zone businesses,

"(iii) does not own or lease more than \$5 million of total property (including money), as determined by the unadjusted basis of the property, and

"(iv) more than 20 percent of the total voting power and 20 percent total value of the stock of such corporation is owned by individuals, partnerships, estates or trusts.

"(B) LIMITATION ON TOTAL ISSUANCES.—A qualified issuer may issue no more than an aggregate of \$5 million of enterprise zone stock.

"(C) AGGREGATION.—For purposes of applying the limitations under this paragraph, the issuer and all related persons shall be treated as one person.

"(3) AMOUNT PAID.—For purposes of subsection (a), the amount paid by a taxpayer for any taxable year shall not include the issuance of evidences of indebtedness of the taxpayer (whether or not such indebtedness is guaranteed by another person), nor amounts paid by the taxpayer after the close of the taxable year.

"(f) ISSUANCE IN EXCHANGE FOR PROPERTY.—If enterprise zone stock is issued in ex-

change for property, then notwithstanding any provision of subchapter C—

"(1) the issuance shall be treated for purposes of this subtitle as the sale of the property at its then fair market value to the corporation, and a contribution to the corporation of the proceeds immediately thereafter in exchange for the enterprise zone stock, and

"(2) the issuer's basis for the property shall be equal to the fair market value of such property at the time of issuance.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a taxpayer elects the deduction under subsection (a), the taxpayer's basis (without regard to this subsection) for the enterprise zone stock with respect to such election shall be reduced by the deduction allowed or allowable.

"(h) LIMITATIONS ON ASSESSMENT AND COLLECTION.—If a taxpayer elects the deduction under subsection (a) for any taxable year, then—

"(1) the period for assessment and collection of any deficiency attributable to any part of the deduction shall not expire before one year following expiration of such period of the qualified issuer that includes the circumstances giving rise to the deficiency, and

"(2) such deficiency may be assessed before expiration of the period described in paragraph (1) notwithstanding any provisions of this subtitle to the contrary.

"(i) CROSS REFERENCE.—For treatment of the deduction under subsection (a) for purposes of the alternative minimum tax, see section 56."

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 1016 (relating to adjustments to basis), is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(25) to the extent provided in section 1395(g), in the case of stock with respect to which a deduction was allowed or allowable under section 1395(a)."

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding the following new subchapter after subchapter T and before subchapter V:

"SUBCHAPTER U. Enterprise zones."

SEC. 202. ALTERNATIVE MINIMUM TAX.

(a) CORPORATIONS.—Subparagraph 56(g)(4) (B) (relating to adjustments based on adjusted current earnings of corporations) is amended by adding the following new clause at the end thereof:

"(iv) EXCLUSION OF ENTERPRISE ZONE CAPITAL GAIN.—Clause (i) shall not apply in the case of any enterprise zone capital gain (as defined in subsection 1394(b)), and such gain shall not be included in income for purposes of computing alternative minimum taxable income."

(b) INDIVIDUALS.—Subsection 56(b) (relating to adjustments to the alternative minimum taxable income of individuals) is amended by adding the following new paragraph at the end thereof:

"(4) ENTERPRISE ZONE STOCK.—No deduction shall be allowed for the purchase of enterprise zone stock (as defined in subsection 1395(e))."

## TITLE III—REGULATORY FLEXIBILITY

## SEC. 301. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONE FOR PURPOSES OF ANALYSIS OF REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended by—

(1) striking out "and" at the end of paragraph (5); and

(2) striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction defined in paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified enterprise zone business; any unit of government that nominated an area which the Secretary of Housing and Urban Development designates as an enterprise zone (within the meaning of section 7891 of the Internal Revenue Code of 1986) that has a rule pertaining to the carrying out of any project, activity, or undertaking within such zone; and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified enterprise zone business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7891 of the Internal Revenue Code of 1986); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 1329(b)(1) of such Code)."

## SEC. 302. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as section 612 and 613, respectively, and inserting the following new section immediately after section 610:

## "§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of any government which nominated an area that the Secretary of Housing and Urban Development has designated as an enterprise zone under section 7891 of the Internal Revenue Code of 1986, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives with respect to such zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities or undertakings within such zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, familial status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If such a request is made to any agency other than the Department of Housing and Urban Development, the requesting government shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development, or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) violate a statutory requirement (including any requirements of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.), or

"(2) be likely to present a significant risk to the public health, including environmental or occupational health or safety, or of environmental pollution.

"(e) If a request is disapproved, the agency shall inform in writing all the requesting governments, and the Department of Housing and Urban Development, of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section, the time such waiver or modification takes effect and its duration, and the scope of applicability of such waiver or modification.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards contained in subsection (d), that such action is necessary. Such determinations shall be published with the proposal to amend such rule.

"(i) No waiver or modification of a rule under this section shall remain in effect with respect to an enterprise zone after the enterprise zone designation has expired or has been revoked.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title, or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title."

(b) The table of sections for such chapter is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following immediately before section 612, as redesignated by subsection (a):

"Sec. 611. Waiver or modification agency rules in enterprise zones."

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means".

(d) Section 613 of such title, as redesignated by subsection (a), is amended—

(1) in subsection (a) by inserting "(except section 611)" immediately after "chapter"; and

(2) in subsection (b) by inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence.

## SEC. 303. FEDERAL AGENCY SUPPORT OF ENTERPRISE ZONES.

In order to maximize all agencies' support of enterprise zones, the Secretary of Housing and Urban Development is authorized to convene regional and local coordinating councils of any appropriate agencies to assist State and local governments achieve the objectives agreed to in the course of action under section 7891 of the Internal Revenue Code of 1986.

## TITLE IV—ESTABLISHMENT OF FOREIGN-TRADE ZONES IN ENTERPRISE ZONES

## SEC. 401. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN REVITALIZATION AREAS.—In processing applications for the establishment foreign-trade zones pursuant to an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprise zone designated pursuant to section 7891 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes", approved August 1, 1914 (38 Stat. 609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone so designated.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones so designated, the Foreign-Trade Zone Board and the Secretary of the Treasury shall approve the applications to the maximum extent practicable, consistent with their respective statutory responsibilities.

## TITLE V—HOUSING PROVISIONS

## SEC. 501. WAIVER OR MODIFICATION OF HOUSING AND COMMUNITY DEVELOPMENT RULES IN ENTERPRISE ZONES.

(a) IN GENERAL.—Upon the written request of the governments that designated and approved an area that has been designated as an enterprise zone under section 7891 of the Internal Revenue Code of 1986, the Secretary of Housing and Urban Development (or, with respect to any rule issued under title V of the Housing Act of 1949, the Secretary of Agriculture) may, in order to further the job creation, community develop-



ment, or economic revitalization objectives of the zone, waive or modify all or part of any rule that the Secretary has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within the zone.

(b) **LIMITATION.**—No provision of this section may be construed to authorize the Secretary to waive or modify any rule adopted to carry out a statute or Executive order that prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

(c) **SUBMISSION OF REQUESTS.**—A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to the Secretary of Agriculture, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

(d) **CONSIDERATION OF REQUESTS.**—In considering a request, the Secretary shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area that would be affected by the change. The Secretary shall approve the request whenever the Secretary finds, in the discretion of the Secretary, that the public interest that the proposed change would serve in furthering such job creation, community development or economic revitalization outweighs the public interest that continuation of the rule unchanged would serve in furthering such underlying purposes. The Secretary shall not approve any request to waive or modify a rule if that waiver or modification would—

(1) directly violate a statutory requirement; or

(2) be likely to present a significant risk to the public health, including environmental health or safety.

(e) **NOTICE OF DISAPPROVAL.**—If a request is disapproved, the Secretary shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

(f) **PERIOD FOR DETERMINATION.**—The Secretary shall discharge the responsibilities of the Secretary under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

(g) **APPLICABLE PROCEDURES.**—A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of title 5, United States Code. To facilitate reaching a decision on any requested waiver or modification, the Secretary may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The Secretary shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

(h) **EFFECT OF SUBSEQUENT AMENDMENT OF RULES.**—In the event that the Secretary

proposes to amend a rule for which a waiver or modification under this section is in effect, the Secretary shall not change the waiver or modification to impose additional requirements unless the Secretary determines, consistent with standards contained in subsection (d), that such action is necessary.

(i) **EXPIRATION OF WAIVERS AND MODIFICATIONS.**—No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

(j) **DEFINITIONS.**—For purposes of this section:

(1) **RULE.**—The term "rule" means—

(A) any rule as defined in section 551(4) of title 5, United States Code; or

(B) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of such title 5.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of Housing and Urban Development or, with respect to any rule issued under title V of the Housing Act of 1949, the Secretary of Agriculture.

**SEC. 502. COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.**

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end the following new subsection:

"(d) The Secretary shall—

"(1) promote the coordination of all programs under the jurisdiction of the Secretary that are carried on within an enterprise zone designated pursuant to section 7891 of the Internal Revenue Code of 1986;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation of forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary."

**TITLE VI—REPEAL OF TITLE VII OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987**

**SEC. 601. REPEAL.**

Title VII of the Housing and Community Development Act of 1987 is hereby repealed.

Mr. **LIEBERMAN**. Mr. President, the history of Federal urban policy and declining urban economies is a relatively brief one dating only from the early 1960's. In 1961, John F. Kennedy said that "Economic growth has come to resemble the Washington weather—everyone talks about it, no one says precisely what to do about it, and our only satisfaction is that it cannot get any worse." Whether it was the Model Cities Program in the sixties or revenue sharing in the seventies, urban development has been a formidable challenge facing the administration and the Congress for the last 30 years.

Today I am pleased to rise, along with my friend and colleague from Minnesota, Senator **RUDY BOSCHWITZ**, to introduce the Enterprise Zone Improvements Act of 1990. This legislation puts forth a program for econom-

ic and urban growth which, I believe, begins to facilitate the redevelopment of some of America's most distressed urban and rural communities.

Our bill will help convince businesses to build and grow in poor neighborhoods. It will give people incentives to invest in such businesses and to hire and train both unemployed and economically disadvantaged people.

An enterprise zone is a specific geographic area which is designated to receive special treatment by the local, State, and Federal Government in order to attract business investment, via a series of incentives, that might otherwise not occur. These incentives include a combination of tax relief, regulatory relief, and targeted financing to depressed regions.

The idea for using enterprise zones as a means for urban development actually predates much of the history of U.S. Federal urban policy. Two Englishmen of diverse political philosophies, Peter Hall and Sir Geoffrey Howe first began working on this idea in the 1970's. It came to fruition in 1980, when an enterprise zone program was enacted by Prime Minister Thatcher.

The first national enterprise zone legislation in this country was introduced by two former Members of Congress also of diverse background, Representative Jack Kemp, a Republican from Buffalo, NY, and Representative Bob Garcia, a Democrat from the South Bronx. What brought these two men together was a desire to find a long-term solution to poverty while stimulating economic development across our Nation.

Ultimately, in 1987, enterprise zone legislation was passed into law as part of an omnibus housing bill. In essence, this bill directed the Secretary of Housing and Urban Development to designate 100 enterprise zones across the country, but it did not provide for any corresponding Federal tax benefits. That is precisely what the bill which Senator **BOSCHWITZ** and I are introducing would do—put into place the tax and regulatory incentives which are pivotal to the success of enterprise zones and the redevelopment of urban and rural America.

I am convinced that, if adopted, this program will bring hope to areas with little hope; offer jobs to those stricken by incessant unemployment; and promote economic growth in areas that have for too long experienced only economic decline.

Our bill attempts to bring benefits to impoverished areas without incurring an overall loss of revenue. But, it is important to look beyond statistics and consider the positive social impact that the Enterprise Zone Program can have on a community by giving its residents jobs and a new sense of hope about their future.

The Enterprise Zone Program, in its very essence, assumes that it is better for society to direct investment and employment to areas that have had a history of low levels of economic activity rather than to direct investment and employment to areas that have experienced healthy economic growth.

Furthermore, this legislation recognizes that the economic problems affecting many of our cities and rural regions cannot be solved by massive Federal handouts. It is clear that we must form a partnership between government and business to develop a strategy that will attack chronic poverty over the long term. Enterprise zones are not just a safety net for the poor and disadvantaged. They are the ladders upon which people and communities can rise above poverty and welfare.

Currently, 37 States have begun to do precisely this by establishing their local versions of enterprise zones. I am pleased to say that Connecticut led the Nation in establishing zones in 1982, offering a wide range of State and local incentives, as well as administrative support, to help develop distressed urban areas.

According to statistics from the Connecticut Department of Economic Development, Connecticut's 11 zones have created nearly \$400 million in new investment have created or retained more than 13,000 jobs, without the benefit of accompanying Federal incentives.

Specifically, our bill calls for the designation of 50 Federal Enterprise Zones by the Secretary of the Department of Housing and Urban Development. This legislation allows:

Zone businesses to take advantage of a zero capital gains rate for any enterprise zone property that has been held for at least 2 years;

It allows those who invest in zone businesses to deduct up to \$50,000 for any taxable year, a \$250,000 maximum, on the purchase of a new offering of enterprise zone stock;

It provides a 10-percent tax credit to enterprise zone employers for the increased wages paid to their work force;

A 50-percent tax credit to employers on the wages of any economically disadvantaged employees they hire; and

In addition, a 5-percent tax credit will be given to all enterprise zone employees.

Winston Churchill said that "Some see private enterprise as a predatory target to be shot, others as a cow to be milked, but few are those who see it as a sturdy horse pulling the wagon." The most appealing feature of enterprise zones is their attempt to involve and utilize private enterprise in doing something to pull one of our society's heaviest wagons, and that is chronic poverty. Poverty that not only encompasses whole sections of every one of our inner cities but also, in too many

cases, spans generations. It is a cloud over our Nation's future. The unemployed and the poverty stricken, whether they are in the Bronx, Bridgeport, East St. Louis, Watts, Minneapolis, or Liberty City, are in need of our help. I believe enterprise zones are one important way to give them help in a long-term, meaningful way.

By Mr. SYMMS (for himself, Mr. McClure, and Mr. Baucus):

S. 2150. A bill to set aside a fair proportion of the highway trust fund moneys for use in constructing and maintaining off-highway recreational trails; to the Committee on Environment and Public Works.

NATIONAL RECREATIONAL TRAILS FUNDS ACT OF 1990

Mr. SYMMS. Mr. President, today several of my colleagues, Senators McClure and Baucus, and I are introducing the National Recreational Trails Fund Act of 1990. This is a bill to construct, to maintain, to improve the safety and environment and soundness of the recreation trails in this country.

Recreational trails provide millions of Americans an opportunity to get out and enjoy nature. These trails do more than just provide access from point A to point B. There is an old saying that half the fun is getting there. For many of the scenic areas of our country that saying is in fact the case. It does not matter whether you take a stroll or whisking by in a snowmobile, the trails we use are a critical part of almost all of our outdoor recreation enjoyment.

Unfortunately trail construction maintenance is costly and far too often is neglected at the expense of safety and environmental soundness of the recreational experience.

In Idaho in particular where the vast majority of trails are on U.S. Government land, Federal land management agencies have underfunded the upkeep of these trails and maintenance of these same recreational trails.

When a trail is either poorly maintained, or perhaps never constructed properly in the first place, everyone suffers. Access to certain areas becomes more difficult, and often for the handicapped it becomes impossible. The scenic beauty of the area is harder to enjoy, the likelihood of an accident on the trail increases, as does the incidence of erosion, trampling of vegetation and general environmental degradation.

That is why we introduced the National Recreation Trails Act Fund Act of 1990. The bill employs the same principles that guides building and maintenance of our roads and highways. Motorists in America pay 9 cents a gallon for every gallon of gas they use on the highway. That money is then dedicated to construction,

upkeep, and maintenance, and safety of those highways. It is my belief that the Federal Government owes it to the people of this country to fully employ those funds to this dedicated purpose. The keeping of those funds to hide the portion of the Federal deficit is an irresponsible policy and Congress should not allow it—but that is another debate.

The portion of the revenue that is collected into the highway trust fund comes from gasoline purchased for off-highway use. This revenue does not actually belong in the highway trust fund, and is currently refundable. For farmers and contractors who actually have significant fuel costs off-highway, this refund is essential and used. For the off-highway recreationalist, however, the refund mechanism is impractical, since it amounts to little more than \$10 to \$15 per person year, if that much. Consequently, most recreationalists do not collect their refund, and their taxes are among those currently used to mask the deficit.

The bill we are introducing today eliminates the refundability of fuel use taxes paid by off-highway recreationalists and dedicates it instead to a more honest use than the hiding of our Federal largess: the construction, maintenance and upgrade of recreational trails.

The money will be deposited in a national recreational trails fund. Grants from the fund are then made on annual basis to the States. The bill also establishes a National Recreational Trails Advisory Board to help define appropriate grant projects and to advise the Federal Government on ways to better coordinate trail usage and Federal land management policies.

My colleague in the other body, Mr. CRAIG, from Idaho, is today introducing an identical bill in the House. I would hope that this initiative can and will win rapid support here in this body and in the other body and be on its way to the President yet this year. In that effort, I invite any and all my colleagues to join on with the Senator from Montana and my colleague from Idaho, as cosponsors of this much needed bill.

Mr. President, I thank my colleague from Massachusetts for yielding the floor to me, and I will ask to be printed in the RECORD the National Recreational Trails Fund Act, and a section-by-section summary for the benefit of my colleagues. I send the bill to the desk to be sent to the appropriate committee and I yield the floor.

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

S. 2150

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

## SECTION 1. SHORT TITLE.

This Act may be cited as the "National Recreation Trails Fund Act of 1990".

## SEC. 2. FINDINGS.

The Congress finds that—

(1) the Highway Trust Fund was established to assure availability of the financial means to construct and maintain a viable highway system in the United States;

(2) in order to equitably finance the Highway Trust Fund, a fuel use tax was imposed on each gallon of motor fuel sold, excluding sales of fuel for use in certain types of vehicles, thus establishing a directly proportional relationship between the use of Federal highways (as measured by fuel consumption) and payments into the Fund;

(3) not excluded from the fuel use tax are sales for use of fuel in motors of off-highway vehicles, highway vehicles when used off-highway, and other motors not used on highways, such as snowmobiles, all-terrain vehicles, motorcycles, chain saws, and outdoor electrical generators;

(4) like highways, the recreational trails and back country terrain used by off-highway vehicles must be constructed and maintained, but construction and maintenance of such recreational trails and terrain receives little priority in the budgetary processes of the land management agencies of the United States Government; and

(5) it is both equitable and prudent, for safety, environmental protection, and recreational reasons, to assure availability of financial means to maintain and improve recreational trails and off-highway terrain by reserving for those purposes a portion of fuel use taxes imposed on motor fuel used in off-highway recreational trail motors.

## SEC. 3. CREATION OF NATIONAL RECREATIONAL TRAILS TRUST FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

## "SEC. 9521. NATIONAL RECREATIONAL TRAILS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'National Recreational Trails Trust Fund', consisting of such amounts as may be appropriated, credited, or paid to it as provided in this section, section 9503(c)(5), or section 9602(b).

"(b) EXPENDITURES FROM TRUST FUND.—Amounts in the National Recreational Trails Trust Fund shall be available for making expenditures to carry out the purposes of the National Recreational Trails Fund Act of 1989."

(b) DEPOSIT OF UNREFUNDED HIGHWAY TRUST FUND MONIES.—Subsection (c) of section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended—

(1) by adding at the end thereof the following new paragraph;

"(5) TRANSFERS FROM THE TRUST FUND FOR OFF-HIGHWAY RECREATIONAL TRAIL FUEL TAXES.—

"(A) TRANSFER TO NATIONAL RECREATIONAL TRAILS TRUST FUND.—The Secretary shall annually pay from the Highway Trust Fund into the National Recreational Trails Trust Fund amounts (as determined by the Secretary) equivalent to the off-highway recreational trail fuel taxes received on or after January 1, 1990.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) OFF-HIGHWAY RECREATIONAL TRAIL FUEL TAXES.—The term 'off-highway recreational trail fuel taxes' means the taxes under sections 4041, 4081, and 4091 (to the extent attributable to the Highway Trust Fund financing rate) with respect to fuel used in off-highway recreational trail motors.

"(ii) OFF-HIGHWAY RECREATIONAL TRAIL MOTORS.—The term 'off-highway recreational trail motors' means motors in vehicles and equipment used on recreational trails or off-highway terrain, including vehicles registered for highway use when used on recreational trails or off-highway terrain."; and

(2) by striking subparagraph (C) of paragraph (2) and inserting the following new subparagraph:

"(C) EXCEPTION FOR USE IN AIRCRAFT AND MOTORBOATS, AND ON RECREATIONAL TRAILS, ETC.—The paragraph shall not apply to amounts estimated by the Secretary as attributable to—

"(i) use of gasoline and special fuels in motorboats or in aircraft, and

"(ii) use of gasoline in off-highway recreational trail motors as defined in paragraph (5)(B)(ii)."

(c) CONFORMING AMENDMENTS.—Section 6421(e)(2) of the Internal Revenue Code of 1986 (defining off-highway business use) is amended by adding at the end thereof the following new subparagraph:

"(C) EXCEPTION FOR USE ON RECREATIONAL TRAILS, ETC.—The term 'off-highway business use' does not include any use in off-highway recreational trail motors as defined in section 9503(c)(5)(B)(ii)."

(d) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 9511. National Recreational Trails Trust Fund."

## SEC. 4. NATIONAL RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—The Secretary, using amounts available in the Fund, shall administer a program of grants to the States for the purposes of constructing and maintaining recreational trails.

(b) STATE ELIGIBILITY.—

(1) TRANSITIONAL PROVISION.—Until the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive a grant under this Act if such State's grant application proposes to use grant monies for the purposes stated in subsection (d).

(2) PERMANENT PROVISION.—On and after the date that is 3 years after the date of enactment of this Act, a State shall be eligible to receive a grant under this Act if—

(A) the State has established a State Recreational Trails Advisory Board;

(B) the State imposes a tax on fuel used in off-highway recreational trail motors, and the revenues from such tax are reserved by law for use in constructing and maintaining recreational trails; and

(C) the State's grant application proposes to use grant monies for the purposes stated in subsection (d).

(c) ALLOCATION OF MONIES IN THE FUND.—

(1) ADMINISTRATIVE COSTS.—No more than 5 percent of the expenditures made annually from the Fund may be used to pay the cost to the Secretary for—

(A) approving applications of States for grants under this Act;

(B) providing technical assistance to the States on recreational trail construction and maintenance activities funded by such grants; and

(C) paying expenses of the National Recreational Trails Advisory Committee.

(2) GRANTS.—Amounts in the Fund remaining after payment of the administrative costs described in paragraph (1), shall be allocated and paid to the States annually in the following proportions:

(A) EQUAL AMOUNTS.—50 percent of such amounts shall be allocated equally among eligible States.

(B) AMOUNTS PROPORTIONATE OF OFF-HIGHWAY RECREATIONAL TRAIL MOTOR FUEL USE.—50 percent of such amounts shall be allocated among eligible States in proportion to the amount of off-highway recreational trail motor fuel use during the preceding year in each such State, respectively.

(d) USE OF GRANT MONIES.—

(1) PERMISSIBLE USES.—A State may use grant monies received under this Act for—

(A) construction and maintenance of recreational trails;

(B) acquisition of easements;

(C) acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

(D) development of trail-side facilities that meet goals identified by the National Recreational Trails Advisory Committee;

(E) with respect to an amount not exceeding 5 percent of the amount of grant monies received by the State, operation of environmental protection and safety education program relating to the use of recreational trails; and

(F) with respect to an amount not exceeding 5 percent of the amount of grant monies received by the State, administration expenses of such State.

(2) USE NOT PERMITTED.—A State may not use grant monies received under this Act for condemnation of any kind of interest in property.

(3) RETURN OF MONIES NOT EXPENDED.—Grant monies paid to a State that are not expended within 2 years after receipt for the purposes stated in this subsection shall be returned to the Fund and shall thereafter be reallocated under the formula stated in subsection (c).

(4) GUIDELINES FOR USE.—To the extent possible, the Secretary shall ensure that grant monies received under this Act are employed for the use and benefit of safer, more enjoyable, and more environmentally sound motorized and non-motorized recreational trail use.

(e) COORDINATION OF ACTIVITIES.—

(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States Government that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this Act shall cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (d) on such land.

(2) COOPERATION BY PRIVATE PERSONS.—As a condition to making available grant monies for work on recreational trails that would affect privately owned land, the State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

(f) For purposes of this section—

(1) ELIGIBLE STATE.—The term "eligible state" means a State that meets the requirements stated in subsection (b).

(2) FUND.—The term "Fund" means the National Recreational Trails Fund established by section 9511 of the Internal Revenue Code of 1986.

(3) OFF-HIGHWAY RECREATIONAL TRAIL MOTORS.—The term "off-highway recreational trail motors" has the same meaning given such term by section 9503(c)(5)(B)(ii) of the Internal Revenue Code of 1986.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. NATIONAL RECREATIONAL TRAILS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the National Recreational Trails Act Advisory Committee.

(b) MEMBERS.—There shall be 8 members of the advisory committee, appointed by the Secretary from nominations submitted by recreational trail user organizations, one each representing the following recreational trail use:

- (1) Hiking.
- (2) Cross country skiing.
- (3) Trail biking.
- (4) Snowmobiling.
- (5) Horseback riding.
- (6) All terrain vehicle riding.
- (7) Mountain bicycling.
- (8) Four-wheel driving.

(c) TERMS.—Members of the advisory committee shall be appointed for terms of 2 years.

(d) DUTIES.—The advisory committee shall meet at least twice annually to—

- (1) review utilization of grant monies by States;
- (2) establish and review criteria for trail-side facilities that qualify for funding under this Act; and
- (3) make recommendations to the Secretary for changes in Federal policy to advance the purposes of this Act.

(e) ANNUAL REPORT.—The advisory committee shall present to the Secretary an annual report on its activities.

(f) REIMBURSEMENT FOR EXPENSES.—Members of the advisory committee shall serve without pay, but, to the extent funds are available pursuant to section 4(c)(1)(C), shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

THE NATIONAL RECREATION TRAILS FUND ACT OF 1990

SECTION-BY-SECTION SUMMARY

Section 1. Short Title

Section 2. Findings: It is a principle of the Highway Trust Fund that, because it is the highway user who pays, the highway user should benefit. Currently, however, off-highway recreational users of fuel do not receive the benefits of the taxes they pay. While the tax is currently refundable, the refund mechanism is impractical. It is consistent with the principles of the Highway Trust Fund, therefore, to allocate unrefunded recreational off-highway fuel taxes to a program benefitting the off-highway user.

Section 3. (a) Establishes the National Recreational Trails Trust Fund.

(b) Requires the Secretary of the Treasury to calculate and deposit unrefunded off-highway recreational trail fuel taxes into the National Recreation Trails Trust Fund.

(c) Eliminates the current refundability of off-highway recreational trail fuel taxes.

Section 4. (a) Creates a national recreational trails program.

(b) A State is eligible to participate in the program if:

- (1) (in the first three years after enactment) it applies for grants for recreational trail projects authorized by this Act, and
- (2) (after the first three years) it establishes a State Recreational Trails Advisory

Board, allocates taxes it imposes on off-highway recreational fuel to a recreational trail fund, and applies for grants for projects authorized by this Act.

(c) Of the monies in the National Recreational Trails Fund:

(1) No more than 5% may be used to cover Administrative costs,

(2) The remainder must be allocated as grants to the States under the formula—50% equally divided among eligible states, 50% divided proportionate to off-highway recreational trail use.

(d) Authorization for use of grant monies:

(1) Permitted uses: Construction and maintenance; acquisition of easements (or fee simple title if unavoidable); development of trail-side facilities; administration (no more than 5%).

(2) Nonpermitted uses: condemnation of any type.

(3) Unused grant monies must be returned after 2 years.

(4) Grant should be used to provide safer, more enjoyable, and more environmentally sound motorized and non-motorized recreational trail use.

(e) Projects using grant monies on federal lands should be done in cooperation with the federal land management agency. Projects on private lands require the prior consent and cooperation of land owner.

Section 5. (a) National Recreational Trails Advisory Committee established.

(b) 8 members, selected by Sec. of Interior, representing each of these recreational groups: hikers, X-country skiers, trail bikers, snowmobilers, horse riders, ATVs, mountain bicyclers, 4x4ers.

(c) 2 year term.

(d) Duties: (1) review utilization of grants, (2) establish criteria for appropriate trail-side facilities, (3) make recommendations to Secretary on pertinent federal policies.

(e) Annual report filed with the Secretary of the Interior

(f) Members reimbursed only for expenses contingent on administrative funding available.

Mr. BAUCUS. Mr. President, I am pleased to join today with my distinguished colleague from Idaho, Senator SYMMS, as an original cosponsor of the National Recreational Trails Fund Act.

For some time, I've been troubled by the fact that America's motorized recreationists are forced to pay a Federal gasoline tax, but receive no direct benefit from their dollars. While the tax is currently refundable, the refund mechanism is impractical. Rather than dedicating these funds for improving off-road recreation opportunities, they are placed in the highway trust fund.

In my view, this is simply unfair. The legislation I am joining Senator SYMMS in introducing today would eliminate the existing system. Instead, Federal gasoline taxes collected from off-road recreation vehicle users would be dedicated to the improvement, construction, and maintenance of recreational trails throughout the Nation. In my home State of Montana, this legislation would help boost our important recreation and tourism industries.

I believe this legislation should pass because it is fair. Every American who pays a user fee, like the Federal gas tax, should receive a direct benefit for his or her dollar.

Again, I am pleased to support this legislation. I look forward to working with Senator SYMMS to see it enacted into law.

By Mr. HEINZ:

S. 2151. A bill to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Philadelphia, PA, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer; to the Committee on Armed Services.

TRANSFER OF OBSOLETE SUBMARINE "U.S.S. REQUIN"

Mr. HEINZ. Mr. President, I rise today to introduce legislation that will waive the 60-day congressional waiting period for the transfer of the submarine *Requin* to the Carnegie Institute in Pittsburgh, PA.

With the Secretary of Navy's recent approval of transferring this submarine, waiving the standard 60-day waiting period will permit the *Requin* to begin its journey from Tampa, FL, to Pittsburgh during the early spring. Speeding up this process is vital to the museum's receiving the submarine because its river trip must be made when the waters of the Mississippi and Ohio are at their highest level. The next few months provide the only time of the year when the 312-foot submarine will be able to negotiate the rivers and maneuver through the locks from the Gulf of Mexico to the mouth of the Ohio.

The *Requin* has been moored in the Hillsborough River in Tampa since 1972 and the city is no longer interested in keeping the 1945 *Tench*-class submarine. Its availability could not be more timely for the Carnegie Institute. When it arrives in Pittsburgh, it will float in the Ohio River as part of the new Carnegie Science Center providing visitors the unique opportunity to see the workings of a World War II era submarine.

The *Requin* was launched from Portsmouth, NH, on January 1, 1945, and later commissioned on April 28, 1945. While enroute to Guam, she was ordered back to the Atlantic when World War II ended. Following several months with Submarine Squadron 4 near Key West, she returned to Portsmouth and was converted to a radar picket submarine. For the next 25 years she served with distinction as part of our submarine fleet.

The *Requin's* extensive operations with the Second and Sixth Fleets took her north of the Arctic Circle and on a cruise around the South American continent, from the Caribbean to the Mediterranean, and throughout the

Atlantic Ocean. On December 3, 1968, at the conclusion of her active service, the *Requin* was decommissioned and was sent to St. Petersburg, FL, where she served as a Naval Reserve Training ship until struck from the Navy list in December 1971.

The *Requin* now has the opportunity to continue serving the Nation in new role as part of the Carnegie Science Center. I look forward to her arrival along the banks of the Ohio River and urge my colleagues to support this legislation permitting the *Requin* to soon become part of the Carnegie Science Center.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2151

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

SECTION I. WAIVER OF WAITING PERIOD

Clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete submarine *U.S.S. Requin* to the Carnegie Institute in Pittsburgh, Pennsylvania, for use by the Carnegie Institute in connection with the Carnegie Institute Science Center in Pittsburgh. ●

By Mr. McCONNELL (for himself, Mr. KERRY, and Mr. BRYAN):

S. 2152. A bill to provide for international negotiations to achieve agreement on regulation of certain precursor and essential chemicals critical to the manufacture and trafficking of illicit narcotics; to the Committee on Foreign Relations.

INTERNATIONAL CHEMICAL CONTROL ACT

Mr. McCONNELL. Mr. President, the 1988 Chemical Diversion and Control Act gives U.S. law enforcement agencies the ability to monitor, track and suspend suspect shipments of legal chemicals based on evidence they may be diverted to manufacture illegal narcotics.

Dozens of shipments to Latin America have been suspended based on information the recipient or consignee was fronting for the drug cartel or might use the chemicals for illegal purposes.

In the short period of time the legislation has been in effect, we are beginning to see real results. Just after passage a number of suspect chemical handlers went out of business, there has been a significant slow down in the growth of clandestine labs across the United States and the price of illegal amphetamines has gone up because the ingredients are less readily available.

The problem is cocaine continues to flood in from South America and legal

chemicals are the prime ingredients for cocaine processing.

We are not going to cut the chemical supply line feeding cocaine processing without cooperation from European law enforcement agencies. American law enforcement effort is simply not being matched by an equal effort in Europe.

In fact, there is strong evidence that as American chemical sales are restricted, European chemical transactions with Latin companies are on the rise. Just one example is the jump in European exports of methyl ethyl ketone [MEK] a key element in cocaine production. In 1982 Europe exported 70 metric tons to Latin America—by 1987 exports had soared to over 5,000 tons.

European secrecy laws and pressure from European chemical companies have compromised efforts to track and control chemical transactions. Curbing the cartel's access to chemicals key to cocaine processing could slow production, drive up the street price and cut down on consumption and addiction.

We will not curb the cartel's access without international cooperation. The bill Senator BRYAN and Senator KERRY are joining me in introducing will generate that cooperation.

The International Chemical Control Act of 1990 directs the Attorney General to carry out international negotiations to reach agreements on the regulation of certain chemicals crucial to illegal drug production. Bilateral talks should produce a common list of chemicals which must be tracked, reported and, the records provided to U.S. law enforcement agencies.

European companies can choose to disregard our concerns about diversion but at the peril of access to the United States market for any or all of their products. I realize the penalty is tough, but our drug crisis is tougher.

The cartel must be denied access to the chemicals key to cocaine production. We have cracked down on American companies, but to shut down the deadly chemical—cocaine supply line, we must have international cooperation. My bill is the first step in building that cooperation.

Mr. McCONNELL. Mr. President, several years ago an alarming trend developed: legally produced chemicals were being diverted to manufacture of illegal narcotics. Congress moved quickly and passed the Chemical Diversion and Trafficking Act of 1988 [CDTA]. The law now requires detailed record keeping and notification by American companies engaging in transactions of chemicals which can be used in illegal narcotics production. U.S. companies must also give the Drug Enforcement Administration [DEA] 15 days notice prior to importing or exporting certain chemicals to new customers. With this window of opportunity DEA has suspended

dozens of shipments of chemicals after establishing a recipient company simply did not exist or was fronting for the cocaine cartel.

In most cases, American companies have exercised corporate responsibility and worked with the law enforcement community to control the problem of illegal diversion of chemicals. On the domestic front there are encouraging results. In testimony before the Senate Commerce Committee in early February, DEA's Deputy Assistant Administrator for Diversion Control noted that with passage of the CDTA, a number of suspect chemical handlers went out of business, there has been a significant slow down in the growth of clandestine labs, and the price of methamphetamines has gone up because ingredients are less readily available.

As encouraging as these trends are, cocaine continues to flood into the United States from South America—and legal chemicals are the prime ingredients in cocaine production. Although DEA and Customs have tracked and stopped United States chemical sales to some Latin American companies, the Andean nations are still importing chemicals well beyond their industrial requirements.

So, where are the chemicals coming from? As we bring pressure to bear on American companies and more closely restrict sales, large European companies are expanding their Latin American operations—without reporting the amount or type of chemical sold or identifying the buyer.

Of the little we do know of European sales, the statistics are a telling and frightening story. Methyl ethyl ketone known as MEK is critical to processing cocaine. European MEK exports to Latin America jumped from 70 metric tons in 1982 to more than 5,000 metric tons by 1987.

Substantiating this case, DEA Deputy Administrator Haislip testified:

We have received information from a number of reliable sources indicating cocaine trafficking organizations are turning to chemical companies in Europe where there are few, if any controls on chemicals. This is particularly disturbing since Europe's role as a source of supply for cocaine essential chemicals was increasing dramatically before the implementation of the Chemical Diversion and Trafficking Act \* \* \* Tremendous quantities of chemicals are \* \* \* shipped through Rotterdam where there are no controls or monitoring mechanisms in place. Because of Dutch secrecy laws, Dutch authorities are forbidden to disclose the origin and destination of shipments that transit the Netherlands. Nevertheless, we do know that, in 1987 alone, some 44,000 metric tons of M.E.K. were shipped through Rotterdam to destinations in Latin America.

The European role also was described by a cartel money launderer in testimony before the House Banking

Committee. He stated that precursor chemicals necessary for cocaine processing came primarily from a small number of German suppliers. The witness urged the United States to put pressure on these European companies in order to slow down the cocaine production line.

Mr. President, I think the time has come to put an end to illegal diversion of chemicals both at home and abroad. Cutting off the source of chemicals used to make cocaine may yield the same results we've seen with illegal amphetamines: the price will go up, the supply will drop and the number of users dwindle.

How can we accomplish this goal? Well, the first step was taken with negotiation of the U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances which curtails the diversion of 12 chemicals. Unfortunately, only two of these chemicals are used to make cocaine and, so far, only four countries have ratified the convention.

The most effective way to stop diversion is through tough, comprehensive national chemical control legislation. As described by the U.S. Chemical Manufacturers Association.

The CDTA represents an excellent model for multilateral control efforts aimed at preventing diversions regardless of the source \* \* \* Imposing additional controls on US chemicals will not improve the diversion problem unless the CDTA \* \* \* is adopted by other countries producing or exporting precursor and essential chemicals.

Mr. President, I agree. The legislation I am introducing today uses the CDTA as the foundation for a series of bilateral negotiations with governments having jurisdiction over companies manufacturing chemicals key to illegal narcotics production. The Attorney General is authorized to negotiate agreements to establish procedures for monitoring, tracking, and controlling a specified list of chemicals needed to produce illegal drugs. My bill is based on extensive discussions with DEA diversion control specialists who believe if we internationalize our program we will have a significant impact on cocaine production.

The bill is simple and straightforward. Agreements must be reached on recordkeeping of transactions in certain critical chemicals and arrangements must be made to share that information with law enforcement agencies. Any nation has the option not to oblige our concerns about illegal diversion but they do so at the peril of sales of their chemical industry's products in the United States. We are only holding European companies to the same standard of accounting that we already apply to American companies.

Mr. President, the bill and its penalties are tough because the problem is serious. The commercial and trade interests of foreign chemical companies

have compromised government willingness to impose tough chemical control legislation. I'm banking on the fact that current access to the United States market is more important to these companies than potential future, possibly illegal sales to Latin America. I'm counting on the fact that that continued access to the U.S. market will be the necessary incentive for concluding control agreements.

It is clear that the widespread problem of cocaine and crack abuse in the United States and the imminent threat to Europe has not motivated meaningful control over illegal chemical diversion—we must do what we can with the leverage available to curb the cartel's access to the chemicals they need to produce the cocaine killing our kids.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2152

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Chemical Control Act of 1990".

(a) NEGOTIATIONS.—(1) The Attorney General shall enter into negotiations with the appropriate law enforcement and judicial agencies and any other officials of any foreign country with jurisdiction over companies who manufacture, market, sell or purchase certain precursor and/or essential chemicals used in the production of illicit narcotics. The priority of negotiations should be determined based on an assessment by the Attorney General which countries have jurisdiction over companies that may be knowingly or unknowingly supplying chemicals for the illicit manufacture of controlled substances.

(2) The purposes of the negotiations shall be to (a) establish a list of precursor and essential chemicals contributing to the illicit manufacture of controlled substances, as defined in the Section 102 Controlled Substances Act (21 USC 802); (b) reach one or more international agreements on a method for maintaining records of transactions of these listed chemicals; (c) establish a procedure by which such records may be made available to United States law enforcement authorities for the exclusive purpose of conducting an investigation relative to precursor chemicals, essential chemicals and/or controlled substances contributing to the manufacture of illicit narcotics; (d) encourage chemical source countries to enact national chemical control legislation which would (i) impose specific record keeping and reporting requirements for domestic transactions involving listed chemicals; (ii) establish a system of permits or declarations for imports and exports of listed chemicals; and (iii) authorize government officials to seize or suspend shipments of listed chemicals based on evidence that they may be destined for the illicit manufacture of controlled substances.

(b) REPORTS.—Not later than one year after the date of enactment of this Act, the Attorney General shall submit an interim

report to the Judiciary Committee and the Foreign Relations Committee of the Senate on progress in the negotiations. Not later than eighteen months from date of enactment, the Attorney General shall submit a final report to the aforementioned Senate Committees on the result of negotiations identifying countries with which agreements have not been reached and which have jurisdiction over companies believed to be engaged in the manufacture, marketing, sale or purchase of precursor and/or essential chemicals used in illicit manufacture of controlled substances.

(c) PENALTIES.—After consulting with the Attorney General and the Director of National Drug Control Policy, the President shall impose penalties or sanctions including temporarily or permanently prohibiting any company or entity (i) refusing to maintain records for the purpose of monitoring and regulating transactions of listed precursor chemicals, or (ii) refusing to make such records available to U.S. law enforcement authorities for investigative purposes from engaging in any or all transactions within the commerce of the United States.

(d) DEFINITIONS.—A record under Subsection (a) shall be retrievable and include the date of the transaction, the identity of each party to the transaction, including the ultimate consignee, an accounting of the quantity and form of listed chemical(s) and a description of the method of transfer.

Mr. KERRY. Mr. President, I join with my colleague the Senator from Kentucky in the bill that he has just described, and thank him for the work that we have been able to do together on that bill. I think it is an important step forward with respect to the entire effort of tracking chemicals.

By Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, and Mr. HATCH):

S. 2153. A bill to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Labor and Human Resources.

DISABILITIES PREVENTION ACT OF 1990

● Mr. HARKIN. Mr. President, I rise today on behalf of myself, Senator DURENBERGER, Senator KENNEDY, and Senator HATCH to introduce the Disabilities Prevention Act of 1990, a bill to authorize a program of disability prevention based at the Centers for Disease Control.

This Nation has a proud history of providing programs and services for individuals with disabilities. It is estimated that some 43 million Americans have some type of disability. Yet, there still is very little knowledge available regarding the true incidence and prevalence of disabling conditions. In addition, many persons with disabilities are at great risk for developing additional, or secondary, disabilities. These secondary disabilities may further reduce an individual's capacity to work and make it more difficult for a person with a disability to live independently in the community.

In its 1986 report, "Toward Independence," one of the major recommendations of the National Council on Disability was for the development of a national strategy for the prevention of primary and secondary disabilities, with the goal that each of the 50 States would participate in such a program. The Continuing Appropriations Act for Fiscal Year 1988 provided funds to get this program off the ground, and funds have continued to be appropriated for succeeding fiscal years. Based at the Centers for Disease Control in Atlanta, the National Disability Prevention Program was developed with input from the Office of Disease Prevention and Health Promotion in the Public Health Service, the National Council on Disability, representatives of States, voluntary agencies, academia, private and public health, and persons with disabilities, and family members of persons with disabilities.

The goal of the Disability Prevention Program is to reduce the incidence or severity of primary and secondary disabilities and to promote independence, productivity, and integration into the community for persons with disabilities. The program provides a national focus for the prevention of disabilities, builds capacity at the State and community levels, and increases the knowledge base for effective interventions.

To date, State-based projects have been developed in nine States, with several community-based projects supported in each State. This new national program for the prevention of disabilities has generated considerable interest throughout the Nation. The Centers for Disease Control reports that at least 40 States have expressed interest in participating in developing a statewide effort to coordinate disability prevention activities and to provide technical assistance to communities which wish to institute programs for the prevention of disabilities.

Providing specific authorization for this important prevention program will ensure its viability. Approximately \$62 billion in Federal funds are spent each year for services for persons with disabilities, yet, although many disabilities are preventable, very little is spent on prevention. Suppose children play near a dangerous cliff and are in great risk of falling over, becoming seriously injured. We can either erect a fence at the top, or we can put an ambulance at the bottom. In large measure, as a society, we have opted for ambulances, not fences. Primary and secondary disabilities exert a profound effect on the lives of persons with disabilities, their families, and our society. With the Disabilities Prevention Act of 1990 we will begin to redirect attention and resources to the important job of prevention. ●

● Mr. DURENBERGER. Mr. President, I rise today to join with my distinguished colleague from Iowa in introducing the Disabilities Prevention Act of 1990.

We are all aware of the many successful Federal programs including Head Start, WIC, and the Maternal and Child Health Block Grant Program. Year after year these programs receive high acclaim and support within Congress for saving future dollars and providing a higher quality of life for recipients. However, in the area of disability our focus has been primarily in the area of services rather than prevention—spending approximately \$62 billion in Federal funds for services for persons with disabilities.

Because it is difficult to measure in monetary terms the value of prevention programs in a way that the Congressional Budget Office can calculate costs and savings, Federal support for prevention is often overlooked. In real terms, however, these programs save not only money, but more importantly, the anguish and hardship caused when a person finds themselves disabled.

The knowledge and technology to prevent many instances and factors that lead to disabling conditions is available today and research indicates that preventive measures would reduce the number of new additions to the disability population. Yet we have failed to provide the necessary resources needed to turn this knowledge into action.

The bill we are introducing today is a first step at instituting a program to prevent disabilities and to prevent complications in persons with existing disabilities. The Centers for Disease Control [CDC] currently has the authority to administer a variety of disability programs, and has used this authority to establish a program that funds nine State community prevention projects. These programs establish cooperative agreements to support State-based prevention and evaluation activities. A state-based office provides guidance and technical assistance for disability prevention within the State. According to the CDC, at least 40 States have expressed interest in participating in this program. Examples of existing programs including "Harms Away" education program for adolescents to prevent head and spinal cord injuries in several school systems in Arkansas, a child vehicle safety restraint use program in Louisiana, and a pilot study to determine the prevalence of cocaine use among pregnant women in North Carolina.

This bill would establish a separate line item for this program and would begin the process toward the goal of having a Disability Prevention Program in every State. Another important part of this legislation is the focus on the prevention of secondary

disabilities. Little is done today to prevent secondary disabilities. We do know, however, that a person confined to a wheelchair is more likely to develop heart or lung deficiencies. Enhanced research in this area could prevent secondary disabilities that often are the difference between independence and dependency.

This bill comes out of recommendations by the National Council on the Handicapped in its report "On the Threshold of Independence." As part of its recommendations to bring people with disabilities into the mainstream, the National Council called for Congress to provide a national focus for the prevention of disabilities by providing funding for special programs related to disability prevention. The bill we are introducing today will answer their call.

Mr. President, if we can save the many innocent victims of needless disabilities—the crack babies, the person left paralyzed by a car crash who was not wearing a seat belt—or make life easier for a person with disability by preventing secondary disabilities, I am convinced that we will get back—many times over—the \$10 million we will spend on this program in fiscal year 1991. But more importantly we will make life a little better for those thousands of people who were saved the anguish and hardship of living with a disability.

Mr. President, I want to thank my distinguished colleague from Iowa for recognizing the importance of this program and to urge my colleagues to support this legislation. ●

By Mr. METZENBAUM (for himself, Ms. MIKULSKI, Mr. SIMON, Mr. ADAMS, and Mr. KENNEDY):

S. 2154. A bill to amend the provisions of the Occupational Safety and Health Act of 1970 relating to criminal penalties, and for other purposes; to the Committee on Labor and Human Resources.

OSHA CRIMINAL PENALTY REFORM ACT

● Mr. METZENBAUM. Mr. President, I rise to introduce the OSHA Criminal Penalty Reform Act. Representative Tom Lantos has introduced identical legislation in the House. I am pleased that Senators MIKULSKI, SIMON, and ADAMS are original cosponsors of this bill.

Current criminal penalties under the Occupational Safety and Health [OSH] Act are a cruel joke. Employers, who have willfully violated federal job safety laws, literally are allowed to get away with murder.

The facts paint a frightening picture. A recent study by the National Safe Workplace Institute estimates that an American worker is five times more likely to die in an on-the-job accident than a Swedish worker and

three times more likely to die than a Japanese worker. I ask unanimous consent that an article from the New York Times, entitled "Jail Terms for Negligent Bosses," be included in the RECORD at the conclusion of my statement.

In the 20 years since the enactment of the OSH Act, some 200,000 workers have died in workplace accidents. During that same period, we have been able to uncover only one employer who was sent to prison for willful violation of the law—a South Dakota contractor served 45 days in jail in the fall of 1989 for safety violations that led to the 1988 trench cave-in that killed two workers. The Department of Labor's own Inspector General has decried the "appalling lack of criminal enforcement" by OSHA.

This record is even more astonishing when one compares it to state prosecutions for job safety violations or to criminal enforcement of Federal environmental laws. During the first 18 years of OSH Act enforcement (1971-88), OSHA had referred a mere 42 cases to the Justice Department for possible criminal action. Of those 42 cases, only 14 were prosecuted, resulting in 10 convictions. Prior to 1989, not one employer had spent a single day in jail for violating the OSH Act.

In contrast, in the 1980's, California, alone, successfully prosecuted over 100 cases involving workplace deaths, injuries and illnesses. At the Federal level, in the last 3 years, the Environment Protection Agency and the Justice Department have joined forces to prosecute over 400 cases involving environmental crimes, with cumulative jail sentences totaling nearly 300 years.

There are a number of reasons for this incredibly weak OSHA criminal enforcement record. A 1988 House report concluded that there has been an "institutional reluctance" by Federal agencies to pursue criminal safety charges against employers. I would expect that reluctance to ease now that Secretary Dole has made health and safety one of her top priorities. The prosecution of the South Dakota executive is an encouraging sign that OSHA may be taking a more aggressive role in criminal enforcement. But institutional will and enforcement resources are only half the problem.

The OSH Act, itself, is flawed because the criminal penalty provisions are so weak. If an employer willfully violates a Federal job safety law and that violation results in the death of a worker, the maximum penalty is no more than 6 months in prison—a simple misdemeanor. Let me repeat that—the current maximum penalty for a willful violation that kills a worker is 6 months in prison. Moreover, there is no penalty whatsoever for a willful violation that seriously injures, maims, or cripples a worker or

for a willful violation that recklessly endangers a worker's life or health.

The OSHA Criminal Penalty Reform Act puts real teeth in OSHA's criminal enforcement scheme. In response to the 1988 House report on the lack of OSHA criminal enforcement, the Justice Department indicated that it welcomes increased criminal penalties. The Department added that it "would be happy to see an increase in the period of imprisonment authorized for a criminal violation of OSHA safety standards." I ask unanimous consent that the Justice Department letter be included in the RECORD at the conclusion of my statement.

This bill increases the penalty for a willful violation resulting in death from 6 months to 10 years. It also creates two new crimes: A willful violation that results in serious bodily injury to a worker and a willful violation that recklessly endangers the life or health of a worker.

The bill also makes clear that individuals responsible for occupational crimes may no longer hide behind corporate veils. An individual convicted for an occupational crime will not be allowed to rely on corporate assets to pay any fines imposed for the violation. Finally, the bill expressly preserves the right of State and local authorities to prosecute violators under State or local law.

The OSHA Criminal Penalty Reform Act will help bring criminals to justice. The increased penalties will provide the necessary incentives to encourage the prosecution of violators. The bill sends an emphatic message to corporate criminals: If you willfully kill or maim a worker you will pay stiff fines and do hard time in Federal prison. This message should provide a strong deterrent to potential violators. The bill is a small step that can have a large impact on protecting America's working men and women.

I urge all my colleagues to support this important legislation. I ask unanimous consent that the bill and a letter from the National Safe Workplace Institute analyzing the need for increased OSHA criminal penalties be included in the RECORD.

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

#### S. 2154

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

#### SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "OSHA Criminal Penalty Reform Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

#### SEC. 2. CRIMINAL PENALTIES.

Section 17 (29 U.S.C. 666) is amended—

(1) in subsection (e)—  
(A) by striking out "fine of not more than \$10,000" and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code,"

(B) by striking out "six months" and inserting in lieu thereof "10 years",

(C) by striking out "fine of not more than \$20,000" and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code," and

(D) by striking out "one year" and inserting in lieu thereof "20 years",

(2) in subsection (f), by striking out "fine of not more than \$1,000 or by imprisonment for not more than six months," and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,"

(3) in subsection (g), by striking out "fine of not more than \$10,000, or by imprisonment for not more than six months," and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year,"

(4) by inserting after subsection (g) the following (and by redesignating subsections (h) through (l) as subsections (j) through (n), respectively):

"(h) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, and that violation causes serious bodily injury to any employee but does not cause death to any employee, shall, upon conviction, be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 7 years, or by both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 14 years, or by both.

"(i) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, and that violation recklessly endangers human life but does not cause serious bodily injury or death to any employee, shall, upon conviction, be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or by both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 10 years, or by both," and

(5) by adding at the end the following:

"(o)(1) Any director, officer, or agent of an employer who willfully authorizes, orders, acquiesces, or carries out a violation, failure, or refusal to comply with safety or health standards under this Act shall be subject to the same criminal fines and imprisonment that may be imposed on a person under the applicable provisions of this section.

"(2) If a penalty or fine is imposed on a director, officer, or agent of an employer under paragraph (1), such penalty or fine shall not be paid (directly or indirectly) out of the assets of the employer on behalf of that individual."



## SEC. 3. DEFINITION.

Section 3 (29 U.S.C. 652) is amended by adding at the end the following:

"(15) The term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious physical disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty."

## SEC. 4. JURISDICTION FOR PROSECUTION UNDER STATE AND LOCAL CRIMINAL LAWS.

Section 17 (29 U.S.C. 666), as amended by section 2 of this Act, is amended by adding at the end the following:

"(p) Nothing in this Act shall preclude State and local law enforcement agencies from conducting criminal prosecutions in accordance with the laws of such State or locality."

[From the New York Times, Nov. 20, 1989]

## JAIL TERMS FOR NEGLIGENT BOSSES

(By Joseph A. Kinney)

CHICAGO.—When the history of the 1980's is written, Howard Elliott may get an asterisk—but not for reasons he would like. He is the first person the Government jailed for violating job safety laws.

Mr. Elliott, president of a South Dakota plumbing and heating company, was sentenced to jail on Sept. 14 for violations that led to a 1988 trench cave-in that killed two men.

Mr. Elliott's imprisonment "will send a clear message throughout industry," declared Secretary of Labor Elizabeth Dole. "The Labor Department will not allow safety regulations to be violated with impunity."

The action comes 18 years after enactment of the Occupational Safety and Health Act, a law that made Mr. Elliott's incarceration possible. Since the law's enactment, 200,000 workers have died from on-the-job accidents.

It's possible, even likely, that Mr. Elliott's imprisonment will be the first of many. Safety advocates and their allies in Congress are beginning to learn the lessons of Federal prosecutions from environmental crimes.

In 1987, the Justice Department sent Willard Kaiser, a margarine-plant manager in Washington State, to jail for violating clean water laws. Found guilty of discharging yeast into a waterway, he was sentenced to a year and a day in jail. Since then, the Environmental Protection Agency and Justice Departments have worked together to prosecute 425 cases that resulted in collective sentences of 271 years in jail.

On the other hand, Mr. Elliott, the Labor Department's sole incarceration, is spending 45 days in jail.

The E.P.A.'s impressive criminal prosecution record is based on stiff laws and substantial resources. The E.P.A. and Justice Department have 78 investigators and lawyers working to prosecute polluters.

For the fiscal year that began Oct. 1, the E.P.A. will have 21 times the resources to prosecute lawbreakers than does the Labor Department's job safety agency, the Occupational Safety and Health Administration.

The E.P.A.'s efforts are fostered by tough laws. A first-time violator can go to jail for up to 15 years under the Federal Water Pollution Control Act—but only six months under job safety laws. The E.P.A. can impose fines of \$250,000 per violation; the maximum that the Labor Department can impose is \$10,000.

Under pollution laws, the Government can prosecute without regard to a defendant's intent or without knowing if a single person was harmed. But under job safety laws, the Government can bring criminal charges only in fatalities and only when there is evidence of willfulness.

The Executive branch cannot be blamed for these disparities. OSHA faces significant legal and budget limitations: It must use laws written by Congress and spend funds appropriated by it. Congress has been a partner in this neglect. The Senate, which has more than 100 staff members worrying about the environment, lacks a single professional working on job safety.

A recent study by my organization shows that the U.S. trails many industrialized nations in protecting workers. We estimate that a U.S. worker is five times more likely to die from an on-the-job accident than a worker in Sweden and three times more likely than a worker in Japan.

In coming months, Congress will have an opportunity to shore up job safety laws. Congress need not think it is being bold by placing job safety violations on a par with environmental crimes: It can take an important step toward injury prevention and justice by adopting penalties already in law for environmental crimes.

Until Congress acts, Mr. Elliott, the South Dakota contractor, will be a mere asterisk in history. And as long as Congress fails to act, needless and excessive carnage will continue. The time for placing job safety crimes on a level with water pollution is at hand.

OFFICE OF LEGISLATIVE AND  
INTERGOVERNMENTAL AFFAIRS,  
Washington, DC, December 9, 1988.

HON. TOM LANTOS,  
Committee on Government Operations,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in response to your letter dated October 14, 1988, received in the Criminal Division on October 19, 1988, formally transmitting to the Department of Justice a copy of a report of the Committee on Government Operations, based on a study by the Employment and Housing Subcommittee. This report is entitled "Getting Away with Murder in the Workplace: OSHA's Nonuse of Criminal Penalties for Safety Violations." You have requested the response and comments of the Department of Justice on the issues raised in this report.

The report you have sent us concludes that inadequate use has been made of criminal penalty provisions of the Occupational Safety and Health Act. The report notes that since the establishment of OSHA in 1970, 42 cases have been referred for criminal prosecution, of which approximately one-third were ultimately prosecuted. The committee notes that some states have prosecuted many more workplace safety cases. The report expresses the committee's conclusions that the present criminal penalty provisions of the statute provide an inadequate deterrent to violations. The committee has expressed concern about the length of time some OSHA cases are pending at the Department of Justice before a prosecutorial decision is made and the number of cases in which prosecution is ultimately declined. The committee also expresses concern about factual and legal problems which are interfering with cooperation between the States and the Federal Government in the enforcement of workplace safety laws. In particular, the committee has found that in some cases in which state and local law

enforcement officials have used the historical police powers of the State to prosecute employers for acts which are crimes under State laws, the convictions have been overturned on the ground the Federal workplace safety laws preempt a State from pursuing criminal actions.

The committee has concluded its report with recommendations. On the issue of Federal enforcement, the committee has recommended that Congress increase the penalties for criminal violations of the Act and expand the application of criminal sanctions to include violations which result in serious injuries. The committee has also recommended the establishment of special criminal investigative units in the OSHA regional offices. On the issue of the relationship between Federal and State enforcement, the committee has recommended cooperation and coordination similar to that which exists in prosecuting drug cases. The committee has also recommended that OSHA take an official position that the Federal OSH Act does not preempt the use of the historic police powers by the States to prosecute employers for acts against their employees that constitute crimes under State law.

The Department shares the committee's concern about the adequacy of the penalties provided by statute for criminal violations of OSHA safety standards. Prior to the passage of the Comprehensive Crime Control Act in 1984, the maximum penalty for a defendant's first OSHA conviction, no matter how egregious the conduct, was a \$10,000 fine and six months imprisonment. See 29 U.S.C. §666(e). For offenses committed after December 31, 1984, however, the maximum fine for a misdemeanor resulting in loss of human life has now been raised to \$250,000 for an individual defendant, and \$500,000 for an organization which is a defendant. See 18 U.S.C. §§3623 (now repealed) and 3571. The Department of Justice welcomes these increased penalties and would be happy to see an increase in the period of imprisonment authorized for a criminal violation of OSHA safety standards. We would also be inclined to give serious consideration to proposals to expand the application of criminal sanctions to include violations which lead to serious injuries, in addition to those which lead to the death of an employee.

The Department also shares the committee's view that cooperation with State law enforcement efforts is desirable. As for the legal issue of preemption, we express no views as to the relationship between Federal and State laws regulating the workplace in the context of civil enforcement, or of the circumstances under which a State may assume responsibility for the development and enforcement of occupational safety and health standards of the OSH Act. As for the narrower issue as to whether the criminal penalty provisions of the OSH Act were intended to preempt criminal law enforcement in the workplace and preclude the States from enforcing against employers the criminal laws of general application, such as murder, manslaughter, and assault, it is our view that no such general preemption was intended by Congress. As a general matter, we see nothing in the OSH Act or its legislative history which indicates that Congress intended for the relatively limited criminal penalties provided by the Act to deprive employees of the protection provided by State criminal laws of general applicability.

The committee has concluded that the Department of Justice and the United

States Attorney's offices have an "institutional reluctance" to pursue criminal prosecutions in workplace safety cases. In fact, the Department of Justice considers each OSHA referral individually, on its own merits, in light of the same prosecutorial considerations applicable to other violations of federal criminal law. Since federal judicial resources are not sufficient to permit prosecution of every potential federal offense, an exercise of prosecutorial discretion is required in each case.

Among the factors considered in evaluating a case for potential prosecution are the threshold issues of whether there is probable cause to believe the potential defendant's conduct constitutes a federal offense and whether the admissible evidence is likely to be sufficient to obtain and sustain a conviction. Other potentially pertinent factors include federal law enforcement priorities, the nature and seriousness of the offense, the deterrent effect of prosecution, the potential defendant's culpability in connection with the offense, the potential defendant's history of criminal activity, the person's willingness to cooperate in the investigation or prosecution of others, and the probable sentence or other consequences if the person is convicted. Also potentially pertinent are whether the person is subject to effective prosecution in another jurisdiction and whether there is an adequate non-criminal alternative to prosecution. The United States Attorneys must also consider the immediate practical problems of allocating prosecutorial resources within their districts, as well as local federal law enforcement priorities.

The way in which these factors interact in consideration of an OSHA case may vary considerably from case to case. As a general matter, the deterrent value of prosecution is often a strong factor in favor of prosecution. Countervailing factors often include whether the evidence is sufficient to meet the government's burden of proof beyond a reasonable doubt, particularly on the issue of the necessary criminal intent. Another frequent countervailing factor is whether a sentence sufficient to the seriousness of the offense and to the necessary investment of prosecutorial resources could be obtained in the event of a conviction. In this regard, we think it likely that the increased fines available will increase the prosecutive appeal of OSHA cases.

We understand the committee's concern about the amount of time during which some OSHA cases are under consideration by the Department of Justice or the U.S. Attorneys' offices without a response. It should be noted that OSHA referrals, like the results of other investigations of federal offenses, vary considerably in their complexity. In some cases, additional investigation is required, sometimes by a grand jury. During this period, and until a prosecutorial decision is made, a public response concerning the status of the investigation would not be appropriate. Nevertheless, while we see no sound reason to afford OSHA referrals less thorough consideration than other alleged violations of federal criminal law, we agree with the committee that more expeditious treatment is desirable whenever possible.

We share the committee's concern that criminal enforcement of OSHA be effective, and that Federal and State law enforcement in the area of workplace safety be cooperative and complementary. We appreciate your providing us with a copy of the committee's report and look forward to future

cooperation in the enforcement of the occupational safety and health laws.

Sincerely,

THOMAS M. BOYD,  
Assistant Attorney General.

THE NATIONAL  
SAFE WORKPLACE INSTITUTE,  
Chicago, IL, February 5, 1990.

HON. HOWARD METZENBAUM,  
U.S. Senate, Washington, DC.

DEAR SENATOR METZENBAUM: It has come to our attention that you will soon introduce legislation that will significantly increase the penalties of the criminal provisions of the Occupational Safety and Health Act of 1970. The National Safe Workplace Institute's record on the need for meaningful criminal penalties coupled with an effective enforcement program is well established. For example, we have issued two reports that have played a significant role in shaping the debate on this issue. Our 1987 report, "Safety at Bay—The Failure of the Department of Justice to Prosecute OSHA Criminal Cases," reported the federal government's neglect of this area of the law. Our 1988 report, "Ending Legalized Workplace Homicide . . . Barriers to Job Safety Prosecution in the U.S.," elaborated on obstacles that discourage prosecutors from bringing criminal cases. These reports clearly raised the important issue that relate directly to the legislation you are about to propose.

Below are some thoughts that are intended to help guide debate on this important legislation.

(1) Excessive death, injury and illness in U.S. workplaces.—Last year, the Institute estimated that a U.S. worker is 5.8 times more likely to be killed on the job than is a Swedish worker, and 3.5 times more likely than is a Japanese. Unless we, as a nation, are willing to tolerate workplaces that are clearly unsafe (compared with other nations, then we must pursue strategies that will promote greater safety and health.

(2) Injury and illness prospects are growing worse, not better for U.S. workers.—One of the most pervasive and insidious myths of our time is that U.S. workplaces are growing safer and healthier. The federal government's claims of reductions in fatality levels—debatable at best—are more than offset by the transfer of workers from high risk jobs (construction, heavy manufacturing, etc.) to the service economy. Even so, we know that 1989 was a terrible year for workers, with more major fatal accidents (involving five of more worker deaths) than any year in recent memory.

With respect to injury, the trends are alarming, even with the transfer of high risk workers to service industry jobs. For example, permanent disabilities have climbed from 60,000 to 70,000 in recent years. The lost workday rate, an indicator of serious injury, was up 10% from 1987 to 1988 alone.

(3) Civil penalties will not work for many employers. Small employers know three things about the Occupational Safety and Health Administration's enforcement program. These are:

The chance of being inspected in any given year is small, about one in 24 each year;

The chance for a high civil penalty, even for very serious violations, is very small; and  
The chance of a criminal prosecution, even in the case of willful fatalities, almost does not exist.

Because of these realities, many employers are willing to cut corners with employee

safety and health. For all employers, large or small, we must confront the likelihood that an employer will find it far more desirable to absorb a fine, a civil penalty, than to endure the prospect of imprisonment. As one prosecutor told us, the idea of one day in jail for a white collar person is a much more significant deterrent than capital punishment is for a street criminal. When realistic penalties are in place in the law, then we will begin to enjoy the benefits of deterrence.

(4) Prosecutors will not pursue criminal cases when they must use weak laws or weak penalties. The issue of weak laws must be separated from the issue of weak penalties. As we learned from efforts to bring a prosecution in the 1987 L'Ambiance Building collapse that killed 28 workers in Bridgeport, CT, it is critical the standard of willfulness be changed so that criminal prosecutions can be brought. The idea of requiring both a fatality and willful disregard for safety is, as the United States Attorney in Connecticut put it, outrageous.

Finally, prosecutors do not like to put an individual in jail for six months. Based on dozens of interviews, we know that prosecutors are much more likely to bring criminal charges and to pursue criminal cases when there is a prospect for realistic prison terms. This notion—prosecutors giving priority attention to cases with larger penalties—has been well established in countless studies on how prosecutors use their discretion in establishing their case priorities.

(5) Need for comparability between OSH Act criminal penalties and other criminal penalties in other areas of law. Under federal law, the penalties for polluting water under the Federal Water Pollution Control Act are much more significant than OSH Act penalties. How do we explain to the spouse of a dead worker killed as a result of egregious safety violations that the penalty for water pollution is 30 times more significant in the eyes of the law? The answer to this question, we think, is obvious.

It is vital that legislation to enhance OSH Act criminal penalties be enacted at the earliest possible time. It is vital from the standpoint of reducing deaths, injuries and illnesses in our workplaces and, most importantly, from the standpoint of giving the American worker confidence that justice is an important consideration for the Congress and the federal government. In conclusion, this legislation, if enacted into law and fully implemented by the United States Department of Justice, will encourage safer and healthier workplaces and will provide a measure of justice long overdue to U.S. workers.

Sincerely yours,

JOSEPH A. KINNEY,  
Executive Director. ●

By Mr. KERREY:

S. 2155. A bill to amend the Federal Home Loan Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity; to the Committee on Banking, Housing, and Urban Affairs.

RESOLUTION TRUST CORPORATION  
REORGANIZATION ACT

Mr. KERREY. Mr. President, I rise today to express my genuine anger at President Bush's unwillingness to address what I perceive to be a growing American problem. I do not rise, as I

have on a number of other occasions, to express my concern that we are not addressing the needs of public education. We have been told by the President that there is insufficient money to address that problem. I am not rising today to talk about the problems facing American children. Again, we have been told that the deficit makes it impossible for us to appropriate additional money there.

I am not rising today to say that we have an obligation as a generation to pass on this Nation's infrastructure in as good a shape as our parents gave it to us. I am not rising to address any of these problems, Mr. President. I am rising to address problems identified by the President as his top domestic issue measured by the amount of money that he is willing to spend, and that is the bailout legislation passed last August for the Nation's savings and loans.

Mr. President, I am on the floor today to talk about the President's performance. A year ago he asked us for \$167 billion to save the Nation's thrifts. He asked us to hurry, because we were losing \$10 billion a day. He insisted that we pass the legislation in 45 days.

I personally would have been much more enthusiastic had the President asked us for the authority to put 167 thrift gamblers in jail for 45 days, rather than asking for the legislation that quick. Even that does not appear to be happening. In fact, the Department of Justice has not even touched the \$50 million appropriation that was intended to be used to track down S&L swindlers. If this was the Department of Defense being caught buying \$400 toilet seats, we would all be looking for guilty parties. If this was a shoplifter who had taken a couple packs of gum from a grocery store, America's law enforcement mechanism would have responded more forcefully.

However, in this case, the President just wanted to spend some money and hope that perhaps the problem would go away. He trusted the industry-regulator alliance, which devised what I believe is a much-too-clever plan which buries most of the critical decisions deep within the bowels of Government.

Quite simply, the President's solution is not working. Decisions are not being made. Taxpayer accountability is so cumbersome that it is fair to describe it as nonexistent. No one executive responsible for this banditry has been successfully prosecuted. The best that can be said for the President's plan is that he swept it under the bureaucratic rug so that blame will now be directed at people who run new alphabet agencies.

I believe there is a major weakness in the plan, and out of that weakness has flowed a whole series of problems

that plague implementation of the legislation.

The weakness I speak of is the structure of the Resolution Trust Corporation, the entity set up to oversee the management and disposition of hundreds of billions of dollars of seized savings and loans. That weakness was illustrated dramatically last week with the resignation of Dan Kearney, president and chief executive officer of the RTC Oversight Board.

While he was circumspect about the reasons for his resignation, insiders pointed to the problems that plagued his tenure at RTC: Treasury interference, political infighting, insufficient authority to fulfill his job and very confused lines of authority.

The problem is that the RTC has two heads. One is the RTC Oversight Board, which includes the Treasury and HUD Secretaries, the Chairman of the Federal Reserve, and two private individuals—the President has yet to submit them to the Senate for confirmation. The other head is the RTC Board itself which, incidentally, is the same as the FDIC Board, headed by Bill Seidman. This structure has produced confusion and disarray and produced a situation where we are unable to respond quickly to address problems of this magnitude.

This structural weakness has contributed to the whole range of problems we have seen over the past 6 months. For example, there is question of the cost of the bailout itself.

We gave the President \$167 billion to spend on his priority concern. Six months after the money became available, it seems to have disappeared. Now we are told that the RTC Oversight Board has come up with a plan to borrow an additional \$40 billion from the Treasury Department this year.

We might be able to stomach spending this kind of money if we felt confident that the bailout was on schedule. Yet, the record does not inspire such confidence. In the 6 months since the RTC was charged with the task of disposing of seized assets, it has only sold 40 of the 296 institutions in the Management Consignment Program. This is in the face of an additional 600 institutions that are awaiting attention. In addition, only about 4 percent of all the assets under its charge have been sold.

Mr. President, today I offer a piece of legislation that I believe builds on an amendment that I originally offered during Senate consideration of the savings and loan bailout. I believe my bill would address the structural problems in the RTC, that it would streamline the RTC and make it far more capable of addressing these growing problems.

My bill would eliminate the RTC's two heads and create an expanded Board of Governors composed of five

nongovernment members named by the President and confirmed by the Senate, and four Government members: Treasury and HUD Secretaries, the Chairman of the Federal Reserve, and an important addition not currently on the Oversight Board, the Chairman of the FDIC. The President shall designate one of the nongovernment members to serve as chair.

This legislation gets to the heart of the current structural problem. Unlike the old arrangement under which the RTC staff could not act until the RTC Board and the Oversight Board had worked out an understanding, the new Board of Governors will have the authority to respond quickly and work with the RTC staff to execute the law. Speed, efficiency and accountability should all improve.

In recent weeks, a number of individuals have suggested merely eliminating one of the RTC's two heads. The victim is usually the Oversight Board, in part, because it is run by the three busiest individuals in Washington.

I believe strongly that it would be a tremendous mistake to make only this change, because the fact of the matter is that with this head gone, the RTC would be lacking a politically accountable body overseeing its work. This action would lead to de facto FDIC control over the TRC and lessen the role of individuals who serve at the pleasure of the President. The size of the bailout demands that the voters have the ability to punish or reward those overseeing its implementation.

The American people are suspicious enough of the savings and loan bailout and the billions of dollars that are being spent. Given that the current structure is not working well, the idea is not to lessen the political oversight, but rather to increase it.

Our proposal will increase accountability by simplifying the RTC's oversight structure and expanding the Board to include nongovernment members who are not anchored in any political agency. It is important that the public has a stronger voice that would be provided by the nongovernment members on the Board. In my view, the key is to increase the Board's profile and clearly define who has the final say in decisions governing the TRC's work.

Additionally, I share the concern that if the Oversight Board is merely eliminated, the RTC's management would be entirely handed over to the FDIC because the membership of the RTC and FDIC boards are one and the same.

There are two problems with this particular plan. First, the FDIC would not be up to the task because its resources are already strained by the recently added regulatory powers and second, this arrangement would violate one of the governing beliefs of the

thrift bailout and that is that regulation and deposit insurance should not reside in a single entity.

It was this confusion of purpose in the recent place that contributed to the FSLIC failure since it could not act as a vigorous insurer.

Although the legislation separated deposit insurance from thrift regulation, it already granted the FDIC a great deal of regulatory authority over both banks and thrifts.

The insurer remains the regulator, now even more so. We need a better structure, Mr. President, one that makes better sense, and I believe my proposal offers such a workable solution. With each passing day, the cost of thrift bailout grows by an additional \$10 million to the taxpayer; as the RTC structure problem has become even more obvious, we must respond. The costs of our failure to act are high, not only in dollars and cents, but we risk losing the American people's trust in our ability to address a whole array of additional problems.

By Mr. DASCHLE (for himself, Mr. KERREY, and Mr. EXON):

S. 2156. A bill to promote the planting and renovation of windbreaks, shelterbelts, wildlife corridors and trees, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FORESTRY CONSERVATION AND PROMOTION ACT

● Mr. DASCHLE. Mr. President, today I am introducing legislation to improve windbreak and tree-planting efforts in our Nation. Planting trees and improving our existing forests and windbreaks are critical to the environment. Trees can help not only to beautify our landscape, but also to improve cropping systems and reduce erosion, combat global climate change, and benefit wildlife. The environmental defense fund estimates that 10 million acres of new forest could absorb virtually all the carbon dioxide emitted by powerplants to be built in the United States over the next decade. Research studies have also shown that windbreaks reduce the costs of home heating from 10 to 15 percent in the north-central United States to as much as 40 percent in the Great Plains.

The concepts and programs called for in this legislation will turn into reality many of the ideas in the President's tree-planting initiative, "America the Beautiful." The President's proposal is a step in the right direction; however, it lacks the specifics. The legislation that I am introducing establishes realistic national goals for tree planting, and modifies present tree planting and conservation programs so that these goals can be achieved. The bill calls for establishing 50,000 miles of new windbreaks, and shelterbelts and placing 12 million acres of highly erodible land in agroforestry systems by the year 2000.

Federal assistance is needed to establish and renovate windbreaks and shelterbelts in much of the north-central United States and the Great Plains. Many of the field windbreaks and shelterbelts that were planted in the Dust Bowl era of the 1930's are no longer effective due to disease and aging. New eligibility rules and improved cost-share assistance under the Conservation Reserve Program, together with improvements in the Agricultural Conservation Program and the Great Plains Conservation Program, will foster increased tree, and windbreak planting, renovation of windbreaks, and adoption of agroforestry systems.

Recognizing the role that the Federal Government and the private sector must play in all tree planting efforts, the legislation establishes an Office of Forestry Conservation and Promotion, which would coordinate programs with Federal, State, and private organizations. Increased research efforts are also needed to develop and improve tree varieties so that trees can be grown in areas where it has been difficult to sustain growth in the past. One of the major problems hindering the establishment of new windbreaks is the lack of information on the economic benefits of windbreaks, and lack of tree varieties which can survive in the harsh environment in the Western United States.

There are four titles to the bill:

Title I directs the Secretary of Agriculture to establish a goal of 50,000 new miles of windbreaks and shelterbelts by the year 2000. It also calls for putting 12 million acres of highly erodible land into agroforestry systems by the year 2000. Agroforestry systems are those that integrate crop planting and tillage practices with windbreaks and shelterbelts. The success of tree planting programs is much more certain when planted as part of windbreaks and agroforestry systems.

Title II establishes an Office of Forestry Conservation and Promotion, which will coordinate, plan, and promote tree-planting efforts and adoption of agroforestry systems. One of the major stumbling blocks to increased windbreak establishment and tree planting has been lack of information on the subject and no clear direction from the Federal Government. The office could likely coordinate many of the activities which are suggested in the President's "America the Beautiful" proposal.

Title III addresses the research and demonstration needs for agroforestry. The title calls for the establishment of a Center for Semiarid Agroforestry Research and Applications in Lincoln, NE. The Center will perform research as well as establish demonstration programs throughout the Great Plains. A list of technical research needs are also defined.

Title IV amends the Agricultural Conservation Program, Great Plains Conservation Program, and Conservation Reserve Program to modify cost shares for establishment, maintenance, and renovation of windbreaks and shelterbelts. Tree planting on conservation reserve is encouraged by establishing a program for cost sharing the establishment and maintenance expenses of trees and windbreaks, and expanding the eligibility criteria for land planted to trees and windbreaks entering the program.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

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

S. 2156

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Forestry Conservation and Promotion Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

TITLE I—NATIONAL GOALS FOR WINDBREAKS, SHELTERBELTS, WILDLIFE CORRIDORS, AND SUSTAINABLE AGROFORESTRY SYSTEMS

Sec. 101. National goals for windbreaks, shelterbelts, wildlife corridors, and sustainable agroforestry systems.

TITLE II—COORDINATION AND PROMOTION OF FORESTRY CONSERVATION PROGRAMS

Sec. 201. Office of Forestry Conservation and Promotion.

Sec. 202. Intergovernmental coordination.

Sec. 203. Technical assistance for the promotion of forestry conservation to States and municipalities.

Sec. 204. State windbreak and shelterbelt planning committees.

Sec. 205. National Clearinghouse on Forestry Conservation and Promotion.

Sec. 206. Advisory Council on Forestry Conservation and Promotion.

Sec. 207. Authorization of appropriations.

TITLE III—AGROFORESTRY RESEARCH

Sec. 301. Center for Semiarid Agroforestry Research, Development, and Demonstration.

Sec. 302. Research topics.

Sec. 303. Report.

Sec. 304. Authorization of appropriations.

TITLE IV—PROGRAMS TO PROMOTE TREE PLANTING AND WINDBREAK AND SHELTERBELT ESTABLISHMENT AND MAINTENANCE

SUBTITLE A—CONSERVATION RESERVE PROGRAM

Sec. 401. Extension of conservation reserve program.

Sec. 402. Planting of trees on conservation reserve acreage.

**SUBTITLE B—AGRICULTURAL CONSERVATION PROGRAM**

Sec. 411. Establishment of shelterbelts or windbreaks under agricultural conservation program.

**SUBTITLE C—GREAT PLAINS CONSERVATION PROGRAM**

Sec. 421. Establishment of shelterbelts or windbreaks under Great Plains conservation program.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) windbreaks, shelterbelts, and agroforestry systems can provide protection of soil, water, and crops;

(2) sustainable agroforestry systems that integrate the soil and crop protection of tree windbreaks with the soil and water protection of conservation farming practices can improve environmental quality, maintain farm yields, and income;

(3) there continues to be a net loss of trees and windbreaks in much of the United States;

(4) greater coordination of establishment, renovation, promotion, and research and development tree planting, windbreak, shelterbelt, and forestry conservation programs and agroforestry systems are needed;

(5) additional research and development is needed in agroforestry;

(6) the Great Plains of the United States covers 420,000,000 acres of agricultural land and is representative of semiarid lands westwide and worldwide where tree planting for soil and water conservation, crop livestock and road protection, surface and groundwater quality, biological diversity, recreation, fisheries, and wildlife benefits, environmental impact, and socio-economic benefits are more important and more valuable than timber production;

(7) almost three-quarters of United States cropland where wind erosion exceeds the Soil Conservation Service's soil loss tolerance of 5 tons per acre per year is located in the Great Plains; and

(8) the estimated economic value of the benefits from the existing 1,000,000 acres of field and farmstead windbreaks in the Great Plains is \$700 million per year.

(b) **PURPOSES.**—It is the purpose of this Act to—

(1) establish a national goal for windbreak, shelterbelt, and agroforestry system establishment;

(2) establish an Office of Forestry Conservation and Promotion to coordinate and promote windbreak, shelterbelt, agroforestry, tree planting, and conservation efforts;

(3) establish a program of agroforestry research and development; and

(4) modify the conservation reserve program, agricultural conservation program, and Great Plains conservation program to encourage windbreak, shelterbelt, and tree establishment and maintenance.

**SEC. 3. DEFINITIONS.**

As used in this Act:

(1) **AGROFORESTRY.**—The term "agroforestry" means management systems for agriculture lands that integrate forestry conservation practices with conservation farming practices to stabilize and maintain crop yields and fully protect soil and water resources under highly variable climatic conditions.

(2) **COUNCIL.**—The term "Council" means the Advisory Council on Forestry Conservation and Promotion established under section 206.

(3) **CENTER.**—The term "Center" means the Center for Semiarid Agroforestry Research, Development, and Demonstration established under section 301.

(4) **CONSERVATION DISTRICT.**—The term "conservation district" shall have the same meaning given such term under section 1201(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(2)).

(5) **CONSERVATION FARMING PRACTICE.**—The term "conservation farming practice" means the application of farming principles and practices (such as crop rotation, conservation tillage, strip cropping, cover crops, grassed waterways, and intercropping) to protect soil and water resources and sustain agricultural productivity.

(6) **DEPARTMENT.**—The term "Department" means the United States Department of Agriculture.

(7) **DIRECTOR.**—The term "Director" means the Director of the Office of Forestry Conservation and Promotion established under section 201(a).

(8) **FORESTRY CONSERVATION.**—The term "forestry conservation" means the establishment, renovation, or maintenance of a windbreak, shelterbelt, woodlot, living snowfence treebelt, or tree.

(9) **HIGHLY ERODIBLE LAND.**—The term "highly erodible land" shall have the same meaning given such term under section 1201(a)(7) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(7)).

(10) **OFFICE.**—The term "Office" means the Office of Forestry Conservation and Promotion established under section 201(a).

(11) **PROMOTION.**—The term "promotion" means—

(A) any action to enhance forestry conservation; and

(B) any activity designed to communicate to consumers, importers, processors, wholesalers, retailers, government officials, or others information relating to forestry conservation.

(12) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

**TITLE I—NATIONAL GOALS FOR WINDBREAKS, SHELTERBELTS, WILDLIFE CORRIDORS, AND SUSTAINABLE AGROFORESTRY SYSTEMS**

**SEC. 101. NATIONAL GOALS FOR WINDBREAKS, SHELTERBELTS, WILDLIFE CORRIDORS, AND SUSTAINABLE AGROFORESTRY SYSTEMS.**

(a) **WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.**—The Secretary shall establish a national goal of 50,000 miles of windbreaks, shelterbelts, and wildlife corridors (in addition to those in existence on the date of enactment of this Act) by January 1, 2000.

(b) **AGROFORESTRY SYSTEMS.**—The Secretary shall establish sustainable agroforestry systems that will convert, to the extent practicable, at least 12,000,000 acres of highly erodible lands to sustainable agroforestry systems by January 1, 2000.

**TITLE II—COORDINATION AND PROMOTION OF FORESTRY CONSERVATION PROGRAMS**

**SEC. 201. OFFICE OF FORESTRY CONSERVATION AND PROMOTION.**

(a) **ESTABLISHMENT.**—The Secretary shall establish an Office of Forestry Conservation and Promotion within the Forest Service.

(b) **DUTIES.**—The Office shall—

(1) develop programs and efforts to promote the beneficial use of trees, shelterbelts, and windbreaks for use in conservation practices, agroforestry systems, wildlife enhancement, and urban and rural community environmental enhancement;

(2) support development and dissemination of forestry conservation and promotion programs, educational materials, and training programs for States, municipalities, institutions, businesses, and industry;

(3) actively promote and support forestry conservation and agroforestry practices;

(4) coordinate and evaluate research relating to agroforestry, windbreak, and shelterbelt renovation, and improved tree survival; and

(5) carry out, direct, coordinate, and eliminate duplication and inconsistencies in all forestry conservation programs administered by the Forestry Service, the Agricultural Stabilization and Conservation Service, the Soil Conservation Service, the Cooperative Extension Service, the Fish and Wildlife Service, the Environmental Protection Agency, and other Federal agencies involved in forestry conservation, agroforestry, and tree planting.

(c) **DIRECTOR.**—The Office shall be headed by a Director, to be appointed by the Chief of the Forest Service.

**SEC. 202. INTERGOVERNMENTAL COORDINATION.**

(a) **PROGRAMS.**—The Director shall be the primary coordinator of all Federal Government policies related to State, municipal, and private tree planting, agroforestry systems, and forestry conservation and promotion programs.

(b) **FEDERAL AGENCIES.**—The Director shall cooperate with other Federal agencies that participate in forestry conservation and tree planting and promotion, including—

(1) the Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Reclamation, and the United States Geological Survey of the Department of Interior;

(2) the United States Army Corps of Engineers of the Department of the Army;

(3) the Forest Service, the Soil Conservation Service, the Cooperative Extension Service, and the Agricultural Conservation and Stabilization Service of the Department of Agriculture; and

(4) the Environmental Protection Agency.

(c) **OTHER ORGANIZATIONS.**—To carry out this Act, the Director shall work with State, local governments, conservation districts, educational institutions, trade associations, scientific organizations, business, private wildlife organizations, and other organizations to promote forestry conservation and tree planting.

**SEC. 203. TECHNICAL ASSISTANCE FOR PROMOTION OF FORESTRY CONSERVATION TO STATES AND MUNICIPALITIES.**

(a) **ASSISTANCE.**—The Director, acting alone or through a contracting party, shall provide technical assistance to State forestry programs, conservation districts, public and private wildlife and forestry organizations, farm organizations, and other appropriate public and private agencies and authorities in their efforts to—

(1) conduct promotional and educational campaigns to encourage tree planting, windbreak establishment, shelterbelt establishment, and renovation and use of agroforestry systems; and

(2) promote agricultural economic benefits from agroforestry, windbreak, and shelterbelt establishment, renovation, and maintenance.

(b) **PROGRAMS.**—The Director, acting alone or through a contracting party, shall develop, update, maintain, disseminate, and promote forestry conservation and agroforestry programs for use by State, local, and private organizations involved in tree planting and forest conservation.

**SEC. 204. STATE WINDBREAK AND SHELTERBELT PLANNING COMMITTEES.**

(a) **ESTABLISHMENT OF COMMITTEES.**—The Director shall establish a windbreak and shelterbelt planning committee in each State that has a significant wind erosion problem, as determined by the Director.

(b) **MEMBERS.**—Members of a State committee shall include, to the extent practicable, representatives of the Soil Conservation Service, the Extension Service, the Agricultural Stabilization and Conservation Service, State foresters, State fish and game commissions, the Association of Conservation Districts, conservation districts, farm organizations, and private wildlife organizations.

(c) **ESTABLISHMENT OF PLANS.**—A State committee, in consultation with the Director, shall establish a plan for windbreak, shelterbelt, and wildlife corridor establishment and maintenance to meet the goals prescribed in section 101.

(d) **USE OF PLANS.**—The Director shall encourage conservation districts to use plans developed under subsection (c) to initiate or continue programs in a county or multi-county area to establish, maintain, and renovate existing windbreaks, shelterbelts, wildlife corridors, and agroforestry systems.

(e) **MEETINGS.**—A State committee shall hold at least two meetings a year.

(f) **SUBMISSION OF PLANS TO DIRECTOR.**—A State committee shall submit the conservation plan of the committee to the Director no later than 12 months after the date of enactment of this Act.

**SEC. 205. NATIONAL CLEARINGHOUSE ON FORESTRY CONSERVATION AND PROMOTION.**

(a) **ESTABLISHMENT.**—The Director shall establish and oversee a National Clearinghouse on Forestry Conservation and Promotion to—

(1) collect, analyze, and disseminate information on forestry conservation technologies and practices; and

(2) promote the use of such information by landowners and those organizations associated with forestry and tree promotion.

(b) **LOCATION.**—The Clearinghouse shall be located at the Center for Semiarid Agroforestry Research, Development, and Demonstration established under section 301.

(c) **TYPES OF INFORMATION.**—Information collected, analyzed, and disseminated by the Clearinghouse shall include information on—

(1) landowner education on the benefits of trees, windbreaks, shelterbelts, and agroforestry system establishment;

(2) windbreak establishment, maintenance, and renovation;

(3) shelterbelt establishment, maintenance, and renovation;

(4) wildlife benefits from agroforestry systems;

(5) agroecological information on the influence of forestry conservation programs; and

(6) a listing of programs, associations, and organizations (private and public) that are involved in tree planting, and windbreak and shelterbelt establishment and renovation.

(d) **PARTICIPATING ENTITIES.**—The Clearinghouse shall collect reliable information on forestry conservation information from, and provide such information free of charge to, Federal agencies, the States, Indian tribes, local governments and other appropriate public agencies and authorities, non-profit institutions and organizations, business and industry researchers, private individuals, and other persons in a position to

derive or increase the public benefits offered by forestry conservation, tree planting, and agroforestry system methods and practices.

**SEC. 206. ADVISORY COUNCIL ON FORESTRY CONSERVATION AND PROMOTION.**

(a) **ESTABLISHMENT.**—There is established an Advisory Council on Forestry Conservation and Promotion.

(b) **COMPOSITION.**—The Council shall consist of 13 members, of which—

(1) four members shall be appointed by the President, to represent Federal agencies listed in section 202(b); and

(2) nine members shall be appointed by the Director, with broad representation of the various regions of the United States and professions related to forestry conservation and agroforestry systems, of which—

(A) two members shall represent industrial forestry organizations;

(B) two members shall represent non-profit organizations involved in forestry and wildlife promotion and management;

(C) two members shall represent farm organizations; and

(D) three members shall represent State government organizations involved in forestry conservation practices.

(c) **CHAIRPERSON.**—

(1) **SELECTION.**—The Council shall annually select one member, who does not represent a Federal agency, to serve as Chairperson.

(2) **DUTIES.**—The Chairperson shall call regular meetings and otherwise coordinate the activities of the Council under the direction of the Council.

(d) **DUTIES.**—The Council shall—

(1) advise, consult with, and make recommendations to the Secretary and Chief of the Forest Service on matters relating to activities, functions, and policies established under this Act; and

(2) not later than 12 months after the date of the enactment of this Act and biennially thereafter, submit to Congress (after providing for public review and comment) a report that shall—

(A) identify major obstacles to promoting wider use of the shelterbelts, windbreaks, tree planting programs, and agroforestry systems and make recommendations for actions to address the obstacles; and

(B) describe the activities undertaken pursuant to this Act and related laws enacted since the most recent report, noting significant successes and failures.

(e) **STAFF SUPPORT.**—The Director shall provide staff support to the Council.

**SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such funds as are necessary to carry out this title for each fiscal year.

**TITLE III—AGROFORESTRY RESEARCH**

**SEC. 301. CENTER FOR SEMIARID AGROFORESTRY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.**

(a) **ESTABLISHMENT.**—The Secretary shall establish a Center for Semiarid Agroforestry Research, Development, and Demonstration.

(b) **LOCATION.**—The Center shall be located at the Forest Service facilities at Lincoln, Nebraska.

(c) **COOPERATION.**—Under the direction of the Forest Service, the Center shall work in cooperation with State and private foresters, international foresters, the Soil Conservation Service, the Agricultural Research Service, Great Plains universities agricultural experiment stations, and the Agricultural Extension Service.

**SEC. 302. RESEARCH TOPICS.**

The Secretary, through the Administrators of the Agricultural Research Service, the Cooperative State Research Service and collaborating State agricultural experiment stations, the Forest Service, the Soil Conservation Service, other appropriate Department agencies, and the Director, shall conduct or assist research, investigations, studies, and surveys to—

(1) develop sustainable agroforestry systems on semiarid lands that will minimize topsoil loss and water contamination while stabilizing and maintaining crop productivity and farm programs;

(2) adapt, demonstrate, document, and model the effectiveness of agroforestry systems under different farming systems and soil or climate conditions;

(3) develop genetically stress and pest-resistant trees for conservation forestry and agroforestry applications, including the introduction and breeding of trees suited for the Great Plains and semiarid regions and development of methods to match tree strains with specific environments;

(4) develop technology transfer programs that increase farmer and public acceptance of sustainable agroforestry systems;

(5) increase biodiversity, wildlife habitat, recreation opportunities, and environmental quality through the development of agroforestry systems;

(6) develop improved windbreak technologies for drought preparedness, soil and water conservation, environmental quality, and biological diversity on semiarid lands;

(7) develop technical and economic concepts for sustainable agroforestry on drylands, including the conduct of economic analyses of the costs and benefits of agroforestry systems and the development of models to predict the economic benefits under soil or climate conditions;

(8) assess and mitigate global climate change impacts on species tolerance and biodiversity;

(9) provide international leadership in the development and exchange of agroforestry practices on drylands worldwide;

(10) support research on the effects of agroforestry systems on mitigating non-source water pollution;

(11) support research on the design, establishment, and maintenance of tree and shrub plantings to regulate the deposition of snow along roadways; and

(12) conduct sociological, demographic, and economic studies needed to develop strategies for increasing the use of forestry conservation and agroforestry practices.

**SEC. 303. REPORT.**

The Secretary shall report to Congress annually on actions taken to carry out this title as part of the annual report prepared pursuant to section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

**SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title \$5,000,000 for each fiscal year.

**TITLE IV—PROGRAMS TO PROMOTE TREE PLANTING AND WINDBREAK AND SHELTERBELT ESTABLISHMENT AND MAINTENANCE**

**Subtitle A—Conservation Reserve Program**

**SEC. 401. EXTENSION OF CONSERVATION RESERVE PROGRAM.**

Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a), by striking "1990" and inserting "1995";

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

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

"(6) during the 1986 through 1995 crop years, a total of not less than 40, nor more than 45 million acres."; and

(3) in subsection (c)(1), by striking "1990" and inserting "1995".

**SEC. 402. PLANTING OF TREES ON CONSERVATION RESERVE ACREAGE.**

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is amended—

(1) in section 1232 (16 U.S.C. 3832), by striking subsection (c); and

(2) by inserting after section 1232 the following new section:

**"SEC. 1232A. PLANTING OF TREES ON CONSERVATION RESERVE ACREAGE.**

"(a) **TREE ACREAGE MINIMUM RESERVE.**—To the extent practicable, not less than one-eighth of the number of acres of land that is placed in the conservation reserve under this subtitle in each of the 1986 through 1995 crop years shall be devoted to trees.

"(b) **SHELTERBELTS, WINDBREAKS, AND WILDLIFE CORRIDORS.**—

"(1) **ELIGIBILITY.**—In order to prevent soil erosion and improve wildlife habitat, the Secretary shall make cropland devoted to a shelterbelt, windbreak, or wildlife corridor eligible to be placed in the program established under this subtitle, regardless of the soil erosion classification of such cropland.

"(2) **PAYMENTS.**—In making payments to an owner or operator for cropland devoted to a shelterbelt, windbreak, or wildlife corridor under a contract entered into under this subtitle, the Secretary shall pay—

"(A) 50 percent of the cost of establishing shelterbelts, windbreaks, and wildlife corridors (as set forth in such contract), unless the cropland qualifies for higher cost-sharing payments under subsection (f); and

"(B) during the first 4 years of such contract, 50 percent of the cost of cultivating and watering trees placed in shelterbelts, windbreaks, and wildlife corridors (as set forth in such contract), subject to paragraph (3)(B).

"(3) **AGREEMENTS WITH FORESTRY AND SOIL CONSERVATION AGENCIES AND SOIL CONSERVATION DISTRICTS.**—

"(A) **IN GENERAL.**—The Secretary shall encourage owners and operators of cropland to enter into agreements with Federal and State forestry and soil conservation agencies, and soil conservation districts, to provide for the planting, cultivating, and watering of trees in shelterbelts, windbreaks, and wildlife corridors.

"(B) **COST-SHARE PAYMENTS.**—The amount of any cost-sharing payments received by an owner or operator during a year under paragraph (2)(B) shall not be reduced as the result of any additional financial assistance received by such owner or operator during such year from a Federal or State forestry or soil conservation agency, or from any other participating organization, for the planting, cultivation, and watering of trees in shelterbelts, windbreaks, and wildlife corridors.

"(c) **UNCROPPED WETLANDS.**—

"(1) **ELIGIBILITY.**—In order to protect water resources, improve wildlife habitat, and offset the environmental effects of burning fossil fuels, the Secretary shall

make wetlands with no cropping history eligible to be placed in the program established under this subtitle if the Secretary determines that planting trees on such wetland acres is both feasible and desirable, and the owner or operator of such wetland agrees to plant trees on such wetland.

"(2) **PAYMENTS.**—In making payments to an owner or operator for planting trees on uncropped wetlands under a contract entered into under this subtitle, the Secretary shall pay—

"(A) 50 percent of the cost of planting trees on uncropped wetlands (as set forth in such contract); and

"(B) annual rental payments in amounts sufficient to encourage tree planting and maintenance, subject to the limitation that such rental payments shall not exceed the lowest payment level established under this subtitle for any cropland in the State.

"(3) **TREE PLANTING AND MAINTENANCE PLANS.**—

"(A) **DEVELOPMENT.**—The Secretary shall authorize Federal and State forestry and wildlife officials to—

"(i) make on-site determinations of whether tree planting on uncropped wetlands is feasible and environmentally beneficial; and

"(ii) develop tree planting and maintenance plans for acres determined to be eligible to be placed in the program established under this subtitle.

"(B) **ELIGIBILITY FOR PAYMENTS.**—To be eligible to receive payments under this subsection, an owner or operator of uncropped wetland who places such land in such program shall comply with a planting and maintenance plan, if any, developed for such wetland under subparagraph (A).

"(d) **MARGINAL PASTURELAND.**—

"(1) **ELIGIBILITY.**—In order to prevent soil erosion, enhance water quality, and offset the environmental effects of burning fossil fuels, the Secretary shall make highly erodible marginal pastureland eligible to be placed in the program established under this subtitle if the owner or operator of such pastureland agrees to plant trees on such pastureland.

"(2) **PAYMENTS.**—In making payments to an owner or operator for placing highly erodible marginal pastureland under a contract entered into under this subtitle, the Secretary shall—

"(A) pay 50 percent of the cost of planting trees on highly erodible marginal pastureland (as set forth in such contract); and

"(B) base acceptable bids on such pastureland on the market value of pastureland in a State or county area.

"(3) **MIX OF HARDWOOD AND SOFTWOOD TREES.**—

"(A) **DETERMINATION.**—The Secretary shall authorize Federal and State forestry officials to make determinations of the proper mix of hardwood and softwood trees to be planted on highly erodible marginal pastureland placed in the program established under this subtitle in order to maximize conservation objectives.

"(B) **ELIGIBILITY FOR PAYMENTS.**—To be eligible to receive payments under this subsection, an owner or operator of highly erodible pastureland who places such pastureland in such program shall comply with the planting instruction of forestry officials, if any, determined for such pastureland under subparagraph (A).

"(e) **GRASSLAND CONVERSION.**—

"(1) **ELIGIBILITY.**—In order to offset the environmental effects of burning fossil fuels and improve wildlife habitat, the Secretary shall offer owners or operators who have

entered into contracts under the program established by this subtitle the option of converting acres entered into the program from grass to trees.

"(2) **PAYMENTS.**—In making payments to an owner or operator for converting acres entered into the program from grass to trees, the Secretary shall pay 50 percent of the cost of planting trees on grassland.

"(3) **MIX OF HARDWOOD AND SOFTWOOD TREES.**—

"(A) **DETERMINATION.**—The Secretary shall authorize Federal and State forestry officials to make determinations of the proper mix of hardwood and softwood trees to be planted on grassland placed in the program established under this subtitle that is undergoing conversion to trees.

"(B) **ELIGIBILITY FOR PAYMENTS.**—To be eligible to receive payments under this subsection, an owner or operator of grassland that is placed in the program established under this subtitle shall comply with the planting instruction of forestry officials, if any, determined for such grassland under subparagraph (A).

"(f) **COST-SHARE ADJUSTMENTS.**—

"(1) **TREE PLANTING.**—

"(A) **IN GENERAL.**—In making cost-sharing payments to owners and operators under contracts entered into under this subtitle in areas in which the annual average precipitation (as determined by the Secretary) is less than 25 inches, the Secretary shall—

"(i) pay 75 percent of the cost of planting trees; and

"(ii) pay 50 percent of the cost of cultivating and supplementally watering such trees.

"(B) **APPLICATION OF REQUIREMENT.**—The cost-sharing required—

"(i) under subparagraph (A) shall only be applicable to land devoted to tree planting that is not wider than 20 rows of trees; and

"(ii) under clause (ii) of subparagraph (A) shall only be applicable for the first 4 years of the contract.

"(2) **SEEDING.**—The cost-sharing required under section 1234(b) shall apply to the costs associated with seeding land enrolled under this subtitle to grass, if such costs are less than, or equal to, the amount of rental payments for 1 year. If such costs associated with seeding land are in excess of such rental payments, the Secretary shall, in addition to the cost-share payments made in accordance with section 1234(b), pay 75 percent of the excess costs.

"(g) **LIMITATIONS.**—Notwithstanding any other provision of this section, subsections (b) through (f) shall apply until—

"(1) 40,000,000 acres have been enrolled in the program established under this subtitle; or

"(2) at the discretion of the Secretary, 45,000,000 acres have been enrolled in such program.

"(h) **FEDERAL FARM COMMODITY PROGRAM ACREAGE BASE PROTECTION.**—Notwithstanding title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.), the historical acreage base of a farm shall not be reduced as the result of planting acreage to shelterbelts or windbreaks for the purpose of protecting crops or the reduction of soil and water erosion."

**Subtitle B—Agricultural Conservation Program**  
**SEC. 411. ESTABLISHMENT OF SHELTERBELTS OR WINDBREAKS UNDER AGRICULTURAL CONSERVATION PROGRAM.**

The third paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended by adding at the end the following new sen-

tence: "Notwithstanding the preceding provisions of this paragraph, if an agricultural producer establishes or restores a shelterbelt or windbreak, the amount of financial assistance provided under this subsection shall be—

"(i) during the 1-year period beginning on the date of the establishment or restoration of the shelterbelt or windbreak—

"(I) 80 percent of the cost of establishing or restoring the shelterbelt or windbreak; and

"(II) if the shelterbelt or windbreak is part of an approved wind erosion control system that is included in the conservation compliance plan of the producer, an additional 10 percent of the cost of establishing or restoring the shelterbelt or windbreak; and

"(ii) during the subsequent 3-year period, at least 50 percent of the cost of maintaining the shelterbelt or windbreak, including the cost of weed control, supplemental watering, livestock fencing, and rodent control."

Subtitle C—Great Plains Conservation Program  
SEC. 421. ESTABLISHMENT OF SHELTERBELTS OR WINDBREAKS UNDER GREAT PLAINS CONSERVATION PROGRAM.

The last paragraph of section 16(b)(1) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)(1)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding provisions of this paragraph, if an agricultural producer establishes or restores a shelterbelt or windbreak, during the 3-year period following the contract year during which the shelterbelt or windbreak is established or renovated, the amount of financial assistance provided under this subsection shall be at least 50 percent of the cost of maintaining the shelterbelt or windbreak, including the cost of weed control, supplemental watering, livestock fencing, and rodent control."●

By Mr. PRYOR (for himself, Mr. RIEGLE, Mr. SASSER, Mr. BURDICK, Mr. COHEN, Mr. CONRAD, Mr. SHELBY, Mr. JOHNSTON, Mr. WARNER, Mr. KOHL, and Mr. LEAHY):

S. 2158. A bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of assessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY OFFICE ACCESS RESTORATION ACT

● Mr. PRYOR. Mr. President, as chairman of the Senate Special Committee on Aging, I rise to introduce the proposed Social Security Office Access Restoration Act of 1990. Unfortunately, telephone access between Social Security beneficiaries and their local Social Security office has been severed under the Social Security Administration's new 800 number system. This bill would restore that access, making the Agency's 800 line an option.

This bill is necessary to ensure that the millions of elderly and disabled

Americans who depend on the Social Security Administration are provided personalized services. I am joined in this effort by Senators RIEGLE, SASSER, BURDICK, COHEN, CONRAD, SHELBY, JOHNSTON, WARNER, KOHL, and LEAHY.

LARGER ISSUE

Mr. President, I am deeply concerned by the Federal Government's growing misuse of 800 numbers as a substitute for providing high-quality services to the public whose taxes support these agencies. Although a 800 number is fine to order an airplane ticket or an item out of a catalog, its value quickly breaks down when applied to matters as potentially complex and important as an individual's tax liability, health coverage, or retirement security.

Thus, when an individual seeks help from the Internal Revenue Service's 800 line on how to fill out a tax form, he or she typically gets a busy signal or, if they happen to get through, wrong answers about a third of the time. When elderly individuals call the 800 number provided by the Department of Health and Human Services for information about their Medicare coverage, chances are they'll get a busy signal too, or—according to a recent telephone survey conducted by my Aging Committee Staff—Continental Airlines.

SSA'S 800 LINE

Well over a year ago, the Social Security Administration joined the 800 number club. Similarly, its line has been, and continues to be, flawed by excessive busy signals and wrong or incomplete answers. These problems were revealed at a hearing of the Senate Aging Committee last April, entitled "SSA's New Toll-Free Telephone System: Service or Disservice?" From the many complaints my and other congressional offices are receiving and the eloquent testimony that I heard this morning at a hearing of the House Social Security Subcommittee, there is little doubt how many elderly and disabled individuals would answer that question.

Perhaps more than any other Federal program, Social Security matters to Americans. During the length of their working years, virtually all men and women contribute to Social Security to help finance their retirement. At the same time, workers who, through accident or illness, are no longer able to remain in the work force, rely on disability benefits under the program to guard them and their families against poverty. Of course, there are also millions of older Americans who draw retirement benefits. In short, Social Security plays a key role in the lives of men and women, young and old alike.

As the appointed steward of this vital program, the Social Security Administration is charged with ensuring that a sacred trust between the Gov-

ernment and its citizens is kept. When the Agency is inaccessible or unresponsive to those it is mandated to serve, I believe that pact is violated. As this happens, the Social Security Administration also is failing to meet its responsibilities to the many elderly and severely disabled individuals living in poverty who depend on benefits under the Supplemental Security Income program.

Unfortunately, the Social Security Administration's 800 line has seriously jeopardized the Agency's ability to do its job. At last year's Aging Committee hearing, it was revealed that more than one in five callers asking questions about the Social Security earnings limitation for those 70 years of age were given the wrong answer, as were nearly one in four with questions about SSI. At the same time, throughout the entire month of January 1989 busy signal rates ran as high as 60 to 70 percent in a number of major metropolitan areas.

Where are we now? With respect to the quality of the answers provided over the line, the jury is still out. According to the General Accounting Office, which is undertaking an independent study of this matter on my behalf, the Social Security Administration lacks the technical capability to randomly monitor calls. As for busy signals, in recent months they have soared despite a number of emergency measures—including, reassigning field office staff, whether or not they were qualified, to the 800 line and overrelying on recorded messages.

But worse, it dehumanizes the relationship between citizens and their Government. In towns throughout my home State of Arkansas, for example, there has always been a link between people and those who work in the local Social Security office. They know one another. They raised their children together. They probably even sing in the church choir together. Now, however, when someone in Arkansas tries to contact their local Social Security office the call is picked up by one of a bank of 800 line operators in Birmingham, Detroit, or Albuquerque.

Assuming they can get through, is it any surprise that many older Americans feel very uncomfortable placing their retirement security in the hands of a 800 number operator? Would anyone here want someone who knows where, with relatively little training and dozens of calls backed up, and who there is virtually no chance of ever reaching again, making decisions that determine your ability to keep food on the table and to pay medical bills—particularly when you previously had been able to deal with an experienced Government representative in your community?



At its debut in October 1988, the Social Security Administration's 800 line was heavily promoted as a convenient new option for the public. Nothing was said about the fact that phone lines into local Social Security offices were intercepted and calls rerouted, numbers of local offices were removed from telephone books, and staff resources redirected to the agency's 800 number phone banks.

#### THE BILL

I believe in truth in advertising. I am therefore introducing this legislation to restore access between local Social Security representatives and the public, making the 800 line a true option. Legislation to achieve this same goal is being introduced in the other body by Representative SANDER LEVIN.

Commissioner Gwendolyn King, as part of her ongoing efforts to make the Social Security Administration more responsive, has already taken a number of important steps in this direction. In some communities, for example, she has recently taken off the phone intercepts that prevent calls from going into local Social Security offices. More importantly, the Commissioner has ordered that 800 line operators provide telephone numbers to those offices if callers request it.

As I said, this is a good start. However, elderly and disabled Americans should not have to spend several hours or even days trying to get an 800 operator to get the number of their local Social Security office. In Arkansas, in desperation many have turned to my field office in Little Rock to get the number. It also is important to note that many individuals who call the Agency's 800 line may not know to ask for the local office number. All they know is that they are not getting the kind of help they need. To ensure full access, this bill would require that the numbers of local Social Security offices be returned to telephone books and that callers to the 800 line be informed of their option to call their local field office.

#### CONCLUSION

Mr. President, I believe the Federal Government's overreliance and misapplication of 800 number systems is profoundly misguided. Over the last several years, there has been a headlong and haphazard rush by a number of Federal agencies—most recently the Social Security Administration—to automate services in the name of service enhancement. In the process, the inherent limitations of 800 number systems have been overlooked, and services to the public have been seriously eroded as a result.

For simple questions with a yes or no answer, 800 numbers can provide a convenient and cost-effective service. However, when our Nation's Government starts throwing machines where experienced people belong, service be-

comes disservice, and public confidence in, becomes public contempt for, the very agencies established to serve them. As part of my effort to fight this, I hope to work with the Commissioner to restore access between elderly Americans, and their local Social Security representatives. I urge all of my colleagues to support this legislation.

Mr. President, I request unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2158

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Office Access Restoration Act of 1990".

#### SEC. 2. TELEPHONE ACCESS TO FIELD OFFICES OF THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services (hereinafter referred to as the "Secretary"), in consultation with the Commissioner of the Social Security Administration (hereinafter referred to as the "Commissioner"), shall require that—

(1) each field office of the Social Security Administration shall receive telephone calls from the general public in the geographic area in which the field office operates; or

(2) shall restore and maintain the level of regional telephone access by the general public to the level that was available on September 30, 1988.

(b) TOLL-FREE TELEPHONE SYSTEMS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Commissioner, shall require that when a caller from the general public makes a call through a toll-free telephone system provided by the Social Security Administration, such caller shall be informed that such caller has the option of contacting—

(A) the field office in the geographic area in which the caller resides (if any); or

(B) the regional teleservice center that is closest to such geographic area (if such regional teleservice center received local calls prior to October 1, 1988).

(2) Whether or not a caller requests an option described in subparagraphs (A) or (B) of paragraph (1), the regulations promulgated under subsection (b) shall require that a caller be provided the telephone number of the local field office or regional teleservice center described in such paragraph upon the request of such caller.

(c) PUBLICATION OF TELEPHONE NUMBER AND ADDRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Commissioner, shall require the publication for each local geographic area of—

(1) the telephone number and address of the field office described in subsection (a) serving such local geographic area; or

(2) the telephone number of the regional teleservice center in the geographic area that is closest to such geographic area.●

● Mr. BURDICK. Mr. President, I am pleased to join with my colleague, the distinguished chairman of the Special

Committee on Aging, in cosponsoring this bill which I believe will leave in place a very important option for elderly Americans. That option is the local Social Security office and the personal service that is very important to a recipient with questions relating to his or her benefits.

The 800 number service proposed by former Commissioner Hardy has not and, I believe, will not work and cannot replace contact with a local office.

During an Aging Committee hearing last April, I made the point that a Social Security recipient trying to do important business over the phone has no guarantee that one person will be assigned to his or her case. Now, that may not appear to be a problem at first. But, think about it. Social Security benefits may be that individual's only income. If that beneficiary cannot have his or her questions answered in one phone call, he or she has to compete with callers from the rest of the country for further consideration.

However well intentioned the former Commissioner was, I believe that the 800 number approach was the wrong vehicle for the job. If an 800 number service is to remain in place, it is imperative that use of the service be an option, not a requirement.

I do want to point out that the telecommunications system certainly can play a role in assisting the elderly. Specifically, I would propose a general information and referral service or possibly a hotline service to assist deeply troubled and isolated elderly people.

Mr. President, my colleague Senator PRYOR is once again acting in the best interest of elderly Americans, and I commend him on his efforts to retain Social Security service options.●

● Mr. COHEN. Mr. President, I am pleased to join my colleagues in supporting legislation which would make a caller's use of the Social Security 800 number optional. When a modern convenience becomes a major inconvenience, it is time to step back and re-think our approach. The 800 number is exactly such a case. Introduced as a means of handling phone calls from Social Security recipients effectively and efficiently—and to save recipients the cost of a toll call—it frequently produces only frustration and added delay.

The line is too often busy and, when contact is made, the answers are too frequently incorrect. Callers cannot be assured that they will be connected with the same operator twice. For an elderly person, concerned about a late Social Security check or worried about the loss of benefits, this system has the additional drawback of seeming cold and impersonal at a time when the caller is seeking not only informa-

tion, but understanding and sympathy. When the Social Security employee who answers is several States away, the caller can feel even more insecure and uncertain.

I recently received a letter from a constituent who had spent the entire day trying to reach this 800 number. Each time she called, the phone was answered by a recording, followed by, in her words "horrible music." At that point, she was cut off. After eight phone calls and mounting aggravation, she finally reached a Social Security employee at 10 minutes to 5.

Although her question was answered, she asked how we could tolerate this degree of callousness in responding to the needs of Social Security beneficiaries. How, she asked, could we let our elderly be intimidated and rejected by this kind of service? I might add to her question—can we, in good conscience, call this service?

This legislation would offer the Social Security beneficiary the option of calling the 800 number or calling the local office. It would give the elderly the option of calling someone in their home State, someone familiar with the particular challenges of life in that region, instead of requiring them to make repeated calls to an unknown destination. When the 800 number works, it can be a wonderful and modern convenience. When it does not work, the caller should not be required to waste an afternoon waiting for a clear line or correct information.

I hope my colleagues will join in supporting this legislation and that Social Security beneficiaries will soon be able to choose between an 800 number call and direct call to a local office.●

By Mr. REID:

S.J. Res. 259. Joint resolution to designate the period commencing March 19, 1990, and ending March 25, 1990, as "National Angel Plane Week"; to the Committee on the Judiciary.

#### NATIONAL ANGEL PLANE WEEK

● Mr. REID. Mr. President, I rise today to introduce a joint resolution to proclaim March 19, 1990, through March 25, 1990, as "National Angel Plane Week."

Angel Planes is a national group of individual airline pilots who give free transportation to people living in rural America who are in need of urgent medical attention. Often, vital emergency medical care is miles away. Angel Planes provide the critical service of timely transportation to a well-equipped hospital. Angel Plane pilots also carry blood supplies and donor organs to hospitals for patients in need.

I am proud that Nevada is the home of the founding chapter of Angel Planes; moreover, the national headquarters of Angel Planes is located in our State.

Mr. President, it is most fitting that Congress acknowledge the tremendous contribution of these outstanding men and women.

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the RECORD.

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

#### S.J. RES. 259

Whereas the Angel Planes are a group of airplane pilots who provide transportation to those in need of medical treatment who reside in communities where such treatment cannot be provided, and who cannot afford the cost of such transportation;

Whereas the Angel Planes also transport blood and organs for various organizations and hospitals; and

Whereas the Angel Planes provide these services free of charge: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing March 19, 1990, and ending March 25, 1990, is designated as "National Angel Plane Week," and the President is authorized and required to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.●*

By Mr. WARNER:

S.J. Res. 260. Joint resolution to designate April 12, 1990, as a "National Day of Remembrance of the 125th Anniversary of the Battle of Saylor's Creek and the Stacking of Arms at the Appomattox Court House"; to the Committee on the Judiciary.

#### NATIONAL DAY OF REMEMBRANCE OF THE 125TH ANNIVERSARY OF THE BATTLE OF SAYLER'S CREEK AND THE STACKING OF ARMS AT APPOMATTOX COURT HOUSE

Mr. WARNER. Mr. President, I rise today to introduce a resolution to commemorate the 125th anniversary of the Battle of Saylor's Creek and the stacking of arms at the Appomattox Court House, and thereby, commemorating the end of the American Civil War.

A large scale reenactment of these historic events will take place on the original sites, April 6-8, 1990. The Saylor's Creek Reenactment and Preservation Committee, a volunteer group made up of local historians and Civil War reenactors is planning the event. We have been advised, for example, that several participants, who can trace their great- and great- great grandfathers to the original event, plan to lead the event and, like their forefathers, simply leave their arms and equipment there at Appomattox.

After 4 years of some of the most brutal fighting in American history, the debates left unresolved by our Founding Fathers in the Constitution were, finally, resolved. Among these was the question of State sovereignty, the authority of the Federal Government, and the question over slavery. Certainly, we today are still very much molded and affected by these historic

events. It is, therefore, fitting that the Congress of the United States offer a special commemoration honoring the men and women of that important period, as a reminder of their sacrifice, their dedication to the ideals of liberty and personal freedom, and to the manner in which they undertook to heal the wounds of such an intense conflict.

During the spring of 1990, let us remember on this anniversary of this important time in our history which occurred 125 years ago when the final conclusion for the bitterness and suffering of war began and the attention of our country was tuned inward to heal and rebuild. But we must also remember the lessons of this internal conflict. We must remain sensitive to the needs of all Americans and their desires for personal liberty and dignity.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

#### S.J. RES. 260

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 12, 1990, is designated as a "National Day of Remembrance of the One Hundred Twenty-Fifth Anniversary of the Battle of Saylor's Creek, and the Stacking of Arms at the Appomattox Court House", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for the soldiers, the families of such soldiers and other Americans who suffered, endured and sacrificed during the 4-year war known as the American Civil War.*

#### ADDITIONAL COSPONSORS

##### S. 479

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 479, a bill to amend the Internal Revenue Code to allow for deduction of qualified adoption expenses and for other purposes.

##### S. 590

At the request of Mr. HEFLIN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 590, a bill to prohibit injunctive relief, or an award of damages against a judicial officer for action taken in a judicial capacity.

##### S. 1109

At the request of Mr. PELL, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1109, a bill to amend the Carl D. Perkins Vocational Education Act to extend the authorities contained in such act through the fiscal year 1995.

S. 1299

At the request of Mr. SPECTER, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1299, a bill to establish a police corps program.

S. 1393

At the request of Mr. REID, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1393, a bill to direct the Secretary of Defense to give priority to the Federal Bureau of Prisons in transferring any surplus real property or facility that is being closed or realigned.

S. 1400

At the request of Mr. KASTEN, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 1400, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 1511

At the request of Mr. PRYOR, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1629

At the request of Mr. SPECTER, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1629, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture or extrajudicial killings, and for other purposes.

S. 1653

At the request of Mr. BAUCUS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1653, a bill to preserve the solvency of the railroad retirement system.

S. 1655

At the request of Mr. REID, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1655, a bill to amend the enforcement provisions, to provide for the disclosure of independent expenditures, to make provisions regarding intermediaries and broadcast time, and for other purposes.

S. 1664

At the request of Mr. HEINZ, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1690

At the request of Mr. DODD, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Nebraska [Mr. KERREY], and the Senator from Oregon [Mr. HATFIELD] were

added as cosponsors of S. 1690, a bill to establish programs to improve foreign language instruction, and for other purposes.

S. 1958

At the request of Mr. METZENBAUM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1958, a bill to amend the Occupational Safety and Health Act of 1970 to improve and enforce standards for employee health and safety at Department of Energy nuclear facilities, and for other purposes.

S. 2006

At the request of Mr. GLENN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Rhode Island [Mr. CHAFFEE], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. MCCAIN], the Senator from Washington [Mr. GORTON], and the Senator from Alaska [Mr. STEVENS], were added as cosponsors of S. 2006, a bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes.

S. 2011

At the request of Mr. DECONCINI, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 2011, a bill to authorize the expansion of the Tumacacori National Monument.

S. 2040

At the request of Mr. PELL, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 2040, a bill to expand the size and scope of the Support for East European Democracy [SEED] Program.

S. 2125

At the request of Mr. DODD, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2125, a bill to condition the availability of United States assistance for El Salvador.

S. 2141

At the request of Mr. DOLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2141, a bill to temporarily increase the duty on ethyl tertiary butyl ether.

## SENATE JOINT RESOLUTION 153

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 153, a joint resolution designating the third week in May 1990 as "National Tourism Week."

## SENATE JOINT RESOLUTION 223

At the request of Mr. GARN, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Missouri [Mr. BOND], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr.

CHAFFEE], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from Missouri [Mr. DANFORTH], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from Tennessee [Mr. GORE], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from Pennsylvania [Mr. HEINZ], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Hawaii [Mr. INOUE], the Senator from Wisconsin [Mr. KASTEN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. McCLURE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Rhode Island [Mr. PELL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Idaho [Mr. SYMMS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON], were added as cosponsors of Senate Joint Resolution 223, a joint resolution to authorize and request the President to issue a proclamation designating May 1990 as "Neurofibromatosis Awareness Month."

## SENATE JOINT RESOLUTION 227

At the request of Mr. KASTEN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Rhode Island [Mr. CHAFFEE], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. HATCH], the Senator from Illinois [Mr. SIMON], the Senator from Texas [Mr. BENTSEN], the Senator from North Carolina [Mr. SANFORD], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 227, a joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week."

## SENATE JOINT RESOLUTION 230

At the request of Mr. DECONCINI, the names of the Senator from Washington [Mr. ADAMS], the Senator from Texas [Mr. BENTSEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAUX], the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. BURDICK], the Senator from North Dakota [Mr. CONRAD], the

Senator from South Dakota [Mr. DASCHLE], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Georgia [Mr. FOWLER], the Senator from Alabama [Mr. HEFLIN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. WIRTH], the Senator from Missouri [Mr. BOND], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFFE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. GORTON], the Senator from Utah [Mr. HATCH], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Florida [Mr. MACK], the Senator from Oregon [Mr. PACKWOOD], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 230, a joint resolution to designate the period commencing on May 6, 1990 and ending on May 12, 1990 as "National Drinking Water Week."

#### SENATE JOINT RESOLUTION 243

At the request of Mr. LAUTENBERG, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Joint Resolution 243, a joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

#### SENATE JOINT RESOLUTION 245

At the request of Mr. McCURE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of

Senate Joint Resolution 245, a joint resolution designating July 3, 1990, as "Idaho Centennial Day."

#### SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Rhode Island [Mr. CHAFFE], the Senator from California [Mr. CRANSTON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Vermont [Mr. LEAHY], the Senator from Maryland [Mr. SARBANES], the Senator from Alaska [Mr. STEVENS], the Senator from Illinois [Mr. SIMON], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

#### SENATE CONCURRENT RESOLUTION 73

At the request of Mr. MOYNIHAN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Concurrent Resolution 73, a concurrent resolution to express the support of the Congress for the courageous people of Colombia.

#### SENATE RESOLUTION 239

At the request of Mr. DECONCINI, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate cease-fire.

#### SENATE CONCURRENT RESOLUTION 93—PROVIDING FOR ACCEPTANCE OF A STATUE PRESENTED BY THE STATE OF UTAH FOR PLACEMENT IN NATIONAL STATUARY HALL

Mr. GARN (for himself and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

#### S. CON. RES. 93

*Resolved by the Senate (the House of Representatives concurring), That (a) the statue of Philo T. Farnsworth (the father of television), furnished by the State of Utah for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of the Congress are tendered to the State of Utah for providing this commemoration of one of its most eminent personages.*

(b) The State of Utah is authorized to use the rotunda of the Capitol on May 2, 1990, at 11:00 o'clock, ante meridiem, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) The statue shall be displayed in the rotunda of the Capitol for a period of not more than six months, after which period the statue shall be moved to its permanent location in National Statuary Hall.

Sec. 2. The transcript of proceedings of the ceremony shall be printed, under the direction of the Joint Committee on the Library, as a House document, with illustrations and suitable binding. In addition to the usual number, there shall be printed 6,555 copies of the document, of which 450 copies shall be for the use of the House of Representatives, 105 copies shall be for the use of the Senate, 3,500 copies shall be for the use of the Representatives from Utah, and 2,500 copies shall be for the use of the Senators from Utah.

Sec. 3. The Clerk of the House of Representatives shall transmit a copy of this concurrent resolution to the Governor of Utah.

Mr. GARN. Mr. President, today Senator HATCH and I are submitting a concurrent resolution to facilitate the presentation of a second statue from Utah to National Statuary Hall. The people of Utah have chosen to honor an outstanding representative of Utah's ingenuity and creativity in their selection of Philo T. Farnsworth. This legislation will allow a statue of Dr. Farnsworth to reside in National Statuary Hall, along with the figure of Brigham Young, Utah's other honored son, and the other distinguished figures from throughout the United States.

Dr. Farnsworth is best known as the father of television. His "image dissector" led to the development of TV as we know it today. There certainly isn't one of us who hasn't felt the impact of that incredible invention. However, we also have benefited from many other of Dr. Farnsworth's contributions.

Philo was a man dedicated to the idea that technology can be used to improve the human condition. He played varied key roles in the development and realization of such devices as: radar, used for air traffic control; infrared night lights, used especially during World War II for surveillance; electron microscopes, used to study the forming of photosensitive surfaces; baby incubators or isolettes, used to provide a warm sterile environment for premature infants and others at risk; gastroscopes, designed to examine the human digestive tract; and cold cathode ray tubes, used in television and computers. Indeed, probably his most important work—pioneer research in the peaceful uses of nuclear fusion—has yet to be recognized.

James Avati was selected from among 35 Utah artists to create the sculpture of Philo Farnsworth. Mr. Avati comes from a family of artists—illustrators, art directors, and watercolorists. Along with other training, he holds a master of fine arts degree in sculpture from the University of Utah. He has previously been commissioned for a number of notable works.

The concurrent resolution we are submitting provides for the acceptance of the statue of Philo T. Farnsworth for placement in National Statuary Hall. It also authorizes use of the rotunda of the Capitol on May 2, 1990 at

11 a.m. for a presentation ceremony and allows for display of the statue in the rotunda for a period of time before its permanent placement. In addition, it allows for the traditional printing of the proceedings of that day.

Mr. President, the achievements and innovations of Philo T. Farnsworth have impacted each of our lives and influenced the way we experience our world. We wish to honor this truly remarkable inventor and bestow his statue as a permanent example of the enterprising Utah spirit. Accordingly, we ask for the early consideration and adoption of this legislation. ●

**SENATE RESOLUTION 246—AUTHORIZING PRINTING ADDITIONAL COPIES OF SENATE REPORT TITLED "DEVELOPMENTS IN AGING: 1989"**

Mr. PRYOR (for himself and Mr. HEINZ) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 246

*Resolved*, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volumes 1 and 2 of its annual report to the Senate, entitled "Developments in Aging: 1989," which may be printed at a cost not to exceed \$1,200.

**AMENDMENTS SUBMITTED**

**CLEAN AIR RESTORATION AND STANDARDS ATTAINMENT ACT OF 1989**

**INOUYE/STEVENS AMENDMENT NO. 1258**

(Ordered to lie on the table.)

Mr. INOUYE (for himself and Mr. STEVENS) submitted an amendment to the bill, S. 1630, to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

At the end of section 214, or the appropriate section of the bill relating to Fuel Volatility, strike the closing quotation marks and period and insert:

"(5) The provisions of this subsection shall apply only to the 48 contiguous States and the District of Columbia."

At the end of section 215, or the appropriate section of the bill relating to the Desulfurization of Diesel Fuels, strike the closing quotation marks and period and insert:

"(4) The provisions of this subsection shall apply only to the 48 contiguous States and the District of Columbia."

Mr. INOUYE. Mr. President, the amendment that I am introducing, together with Senator STEVENS, limits applicability of fuel volatility standards—section 214—and desulfurization of diesel fuels—section 215—to the 48 contiguous States and the District of

Columbia. This exclusion for Alaska, Hawaii, and the U.S. Territories and Commonwealths is entirely appropriate and we support its inclusion in the bill.

With respect to the fuel volatility standards of section 214, I would like to point out that the EPA has exempted Alaska, Hawaii, and the U.S. Territories and Commonwealths from standards that were established in its final rule on gasoline volatility (54 FR 11868, March 22, 1989). Due to geography and other unique considerations, the EPA recognized the inappropriateness of applying such controls to these areas.

A chief purpose for setting a national standard for volatility is to prevent motorists from traveling across State lines to get a more desirable gasoline mix and price. This objective is not relevant for Alaska, Hawaii, and the U.S. Territories and Commonwealths.

Furthermore, Mr. President, these areas have not experienced any problems as a consequence of volatility. In the case of Hawaii and the U.S. Territories, isolation from the mainland and steady trade winds which prevent the accumulation of volatile organic compounds render the standards unnecessary. With respect to Alaska, summertime volatility standards are not needed due to the state's much cooler and shorter summers, and the absence of any problems with nonattainment.

The March 22, 1989 regulations will serve as the foundation for implementing the summertime standards embodied in section 214. Despite the EPA's recent regulations addressing this subject, section 214 fails to adopt the geographic standards embodied in these regulations and used elsewhere in the bill.

For these same reasons I have identified above, the geographic scope of section 215—desulfurization of diesel fuels—is likewise unnecessary. While I recognize the need to establish a broad standard when adopting diesel fuel sulfur content limits this argument has no application to Alaska, Hawaii, the U.S. Territories and Commonwealths due to their isolated and noncontiguous locations.

Mr. President, I urge my colleagues to adopt the language contained in this amendment.

**NOTICE OF HEARINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the Department of Energy's implementation of the civilian nuclear waste program.

The hearing, originally scheduled to take place on February 22, 1990, has been rescheduled. The hearing will now take place on Friday, March 2, 1990, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for this hearing should send it to the Committee on Energy and Natural Resources, U.S. Senate, SD-364, Washington, DC 20510. For further information, please contact Mary Louise Wagner at (202) 224-7569.

Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on the Strategic Petroleum Reserve.

The hearing will take place on Tuesday, March 20, 1990, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the proposed legislation, S. 2088, the Energy Policy and Conservation Act Amendments of 1990, which would: Extend basic authority of titles I and II for 3 years; expand the SPR to 1 billion barrels; and provide for predrawdown diversion authority of SPR oil.

In addition, the hearing will consider proposals for alternative financing of the SPR.

For further information, please contact Karl Hausker, chief economist, at (202) 224-3329.

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Wednesday, February 28, 1990, to consider the nomination of Mr. La Verne G. Ausman for the position of Administrator of the Farmers Home Administration. The hearing will be held at 3:30 p.m. in room 332 of the Senate Russell Office Building. For further information, please call Suzy Dittrich of the committee staff at 224-5207.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Wednesday, February 21, 1990, at 9 a.m. to receive testimony on the military strategy and operational requirements for rapid reinforcement and associated transportation requirements.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, February

21, 1990, at 2 p.m. in open session to consider the nominations of Douglas A. Brook to be Assistant Secretary of the Army (Financial Management); Steven K. Conner to be Assistant Secretary of the Army (Research, Development, and Acquisition); William J. Haynes II to be general counsel of the Army; Enrique Mendez, Jr. to be Assistant Secretary of Defense (Health Affairs); and Colin R. McMillan to be Assistant Secretary of Defense (Production and Logistics).

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

#### COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 21, 1990, at 2 p.m., to hold a hearing on the nomination of Donald J. Lee, to be U.S. district judge for the Western District of Pennsylvania; Gerald E. Rosen, to be U.S. district judge for the Eastern District of Michigan; Jacques L. Wiener, Jr., to be U.S. circuit judge for the Fifth Circuit; Ronald L. Buckwalter, to be U.S. district judge for the Eastern District of Pennsylvania.

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, February 21, 1990, at 9:30 a.m., to hold a hearing on habeas corpus.

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

#### SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., February 21, 1990, to receive testimony on S. 844 and H.R. 1484, to establish a National Park System Review Board; S. 1360 and H.R. 2844, to improve the ability of the Interior to properly manage certain resources of the National Park System; and S. 1859, to restructure the repayment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, VA.

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

#### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, February 21, at 9:30 a.m., on S. 1742, the Federal Information Resources Management Act of 1989.

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

#### ADDITIONAL STATEMENTS

##### PURCHASE OF THE GREY RANCH

● Mr. BINGAMAN. Mr. President, I rise today to bring to the attention of my colleagues a landmark in conservation history. On January 29, the Nature Conservancy, an international, private, nonprofit organization dedicated to the protection of rare and endangered species and natural diversity, announced the purchase of the 500 square-mile Gray Ranch in southwestern New Mexico. This is the largest private land acquisition in conservation history and I wish to commend the Nature Conservancy for their bold and generous act.

The Gray Ranch, comprised of the Animas mountains and the adjacent Animas and Playas valleys, is renowned as one of the most biologically diverse areas in the United States. The Gray Ranch is home to at least 75 species of mammals, provides breeding habitat for over 130 species of birds, maintains more than 50 species of reptiles and amphibians, and supports about 720 species of plants. About 25 of these species are on the Federal or State threatened and endangered species list.

The Nature Conservancy purchased 226,664 acres of the ranch outright and took over leases for the remaining 93,000 acres. I am very pleased that after years of planning and hard work that the Nature Conservancy has purchased this unique property.

For years, the Nature Conservancy has been a highly valued partner in the acquisition of lands that ultimately become part of the Federal public domain. As a private, nonprofit organization, the Nature Conservancy often has the ability to purchase property in a more timely fashion than the Federal Government. Traditionally, they have held such lands on an interim basis until the Government can acquire them.

I anticipate that the Nature Conservancy will hold the Gray Ranch and provide interim management protection until arrangements for the lasting protection of the Gray Ranch can be determined. While I am reviewing a variety of options for the permanent protection of this land, I believe that it should be placed in the public domain and it appears that the Gray Ranch may be best suited as a National Wildlife Refuge.

Last year, the Congress indicated strong interest in appropriating money to acquire the Gray Ranch as a wildlife refuge. As a strong proponent for that appropriation, I now look forward to working with the Nature Conser-

vancy for permanent public protection of this natural treasure. ●

##### NH HOUSE CONDONES THE HOLOCAUST

● Mr. HUMPHREY. Mr. President, those in public life who value office above principle often take refuge behind misleading labels. Nowhere is this practice more evident nowadays than in the debate over abortion. An article entitled, "NH House Condones the Holocaust," written by Jack Kenny and published in the February 17, 1990, issue of the Manchester Union Leader in my home State of New Hampshire, exposes the hypocrisy of the pro-choice label.

It is a self-evident biological fact that the offspring of human beings are human beings, yet the so-called pro-choicers claim there is a privacy right to choose death for an entire class of human beings, those in prenatal infancy. The legacy of the pro-choice label is 4,320 abortions every day; 30,240 every week; 129,600 every month; and over 23 million since 1973.

Mr. Kenny masterfully reveals the intellectual bankruptcy of those politicians who hide behind the pro-choice label. I commend his piece to my colleagues.

The article follows:

[From the Manchester Union Leader, Feb. 17, 1990]

##### NH HOUSE CONDONES THE HOLOCAUST

(By Jack Kenny)

Funny, isn't it? In politics as in marketing, the label is sometimes changed to make the product or program more palatable. Back when the federal budget was a mere \$100 billion a year (considered an astronomical sum at the time) and about half of it went for defense, the liberals were the folks who argued for more non-defense spending, for things like housing, health, education and welfare. A quarter of a century later, the federal budget is \$1.23 trillion per annum, with less than one-third of it for national defense. Yet hardly a "liberal" can be found anywhere in the halls of Congress. Where have all the liberals gone? Gone to "moderates," every one.

Look closely and you'll see that the same thing has happened in the debate over abortion. About 20 years ago, nearly every state in the union had laws on the books banning abortion, except when necessary to save the life of the mother. Advocates of abortion on demand were frankly called "pro-abortion." Then the U.S. Supreme Court overturned those laws in the ill-considered assault on law and reason known as the Roe v. Wade decision of 1973. Now about two million pre-born babies are legally killed in the United States each year by abortionists, and guess what. Nobody is really "pro-abortion" any more.

This week the New Hampshire House of Representatives passed a bill to allow abortion on demand under New Hampshire law through the 24th week of pregnancy. The bill "restricts" the availability of abortion from the 25th week on with qualifications filled with loopholes wide enough to push a bus through sideways. It was passed by a

substantial majority of House members present and voting, though the margin was less than the two-thirds needed to override the anticipated veto by Gov. Gregg if the bill should also pass the Senate.

So how many of the 212 representatives who voted for that bill are frankly pro-abortion? Well, it would be hard to find even one, for "The Times, They Are A-Changin'" and common folks who say just what they mean can hardly keep up with it all. Those who vote for abortion on demand aren't pro-abortion any more. They've gone to "pro-choice," every one.

When will we ever learn?

My, what a difference a word makes, especially the right word in the hands and on the lips of those who use words to conceal rather than communicate their real intentions.

"Pro-choice" is a marvelous camouflage for everyone from the most ardent champion of abortion for any reason to the politician wishing only to straddle the fence. "Look," says the abortion lobby, "you can vote with us and you don't even have to be pro-abortion. You can even be 'personally opposed' to it. Have your morality and scrap it, too. Just vote 'pro-choice.'"

"Pro-choice" means you're not necessarily in favor of abortion, but you're not going to take a stand against it either. "Pro-choice" means you don't have to take sides. Thanks to the resources of feminist newspeak, being for "choice" means you never have to choose.

I choose to call it Humbug, though that is much too kind a word. It is a cowardly deception, and a not-too-clever one at that. "Pro-choice" is the weasel-worded, mealy-mouthed cop-out for those who have neither the courage nor the candor to honestly state their lack of conviction.

Behold our "pro-choice" Legislature! They've got to be kidding. Most of them couldn't "choose" to come in out of the rain until they had first conducted a poll among the ducks. They can't even choose life over death, between which there is no middle ground. Many of our bright representatives think they have found it, though. They call it "Choice."

Years ago a veteran New Hampshire politician told me that those who straddle the fence are impaled thereon. Actually, he didn't put it quite that way. What he said was that the only thing you get by straddling the fence is a picket implanted in a portion of the anatomy not usually discussed in a family newspaper. You might think that would be excruciatingly painful, but perhaps not for our legislators. It may be that they are as numb at one end as they are at the other.

They are an amazing group, these "pro-choice" lawmakers who are "personally opposed" to abortion but can't help voting impersonally the other way. Many of them can discuss the issue at great length without ever once acknowledging that what is destroyed in an abortion is an innocent human life. "My mind is made up, don't confuse me with the facts" aren't exactly words to live by, but it's as close as the "pro-choice" crowd can come.

It was almost laughable to hear, in the midst of the debate, the charge that opponents of abortion are threatening the "separation of church and state." Rarely in its history has the Church been more challenged at the core of its faith by a state more pagan in its outlook and attitudes. The only religion our Legislature is in danger of establishing is the hypocritical,

hand-washing religion of Pontius Pilate, who ceremoniously declared himself innocent of the bloodshed he authorized under pressure from the mob.

After the fall of the Roman Empire, it was said of the "Pax Romana" that "They made a desert and they called it peace." Something similar may now be said of the New Hampshire House of Representatives.

They condoned a holocaust and they called it "Choice."

(Jack Kenny is a Manchester resident who has both written of and been involved in state and local politics. His column is published weekly.)

#### THE EXCELLENCE IN MATH, SCIENCE, AND ENGINEERING EDUCATION ACT

● Mr. KERREY. Mr. President, I am pleased to be a cosponsor of S. 2114, the Excellence in Math, Science, and Engineering Education Act, which Senator KENNEDY introduced on February 8.

I joined in cosponsoring this legislation because I believe efforts to expand and improve opportunities in math, science, and engineering education must be in the forefront of our educational efforts.

The statistics on the problems in this field indicate that the crisis here is pervasive—

The U.S. population as a whole lacks the math and scientific literacy which the populations in our competitor countries have. More than 60 percent of 17-year-old students in the United States lack the ability to find, understand, and explain relatively complicated information.

Teacher shortages continue in several areas and are projected to grow in others. Science teachers tend to leave their jobs at higher rates than other teachers. Elementary and secondary schools in urban core areas and rural areas have particularly difficult times recruiting and retaining good science and math teachers. An estimated 25 percent of engineering faculty will reach retirement age within the next 5 years. The college-age population, the source of most new teachers, has been declining since 1982 and will continue to do so through 1996.

Elementary and secondary students lack skills in math and science areas. About half of 17-year-olds in the United States are not proficient with junior high school level mathematics problems and only 7 percent are ready for college science courses. Even if a student takes a high school science course, less than half of those courses will offer a lab experience.

Interest in science and math is lagging. Of every 10,000 high school sophomores, only 1,800 indicate an interest in natural sciences and engineering as a career path. Only 850 will earn degrees in these areas. By the end of third grade nearly half of all students are not interested in taking additional science courses.

Mr. President, the figures I cited above come from our own National Science Foundation. They paint a bleak, bleak picture for our Nation's future productivity, competitiveness, and standard of living.

These figures are a clarion call to action. We know we must act. And, in large measure we know where we must go. As the pool of potential mathematicians, scientists, and engineers shrinks, we must look more and more to women and minorities to fill positions in these fields. We must reach out to our urban cores, to our rural areas, to groups in our population which have not traditionally pursued careers in these fields and ask them to join with those who are currently at work.

As John A. White, an assistant director for engineering at the NSF, on leave from Georgia Tech, wrote a few months ago:

When not a single black American received a doctorate in electrical engineering in 1987, nor in mechanical engineering in 1988, you know you are not appealing to bright American blacks. When engineering has a lower percentage of women graduates than any of the sciences, you know you are not appealing to bright American women. And, when less than half of engineering graduate students are U.S. born, you know you are not appealing to bright Americans.

Mr. President, recently I spoke briefly about education in general and the education bills which we had just considered in particular. I said at that time that I was one of the Americans the President referenced in Charlottesville when he said "Americans are ready for a radical change in their schools." I also said that the legislative moves we were considering would at best probably only improve things at the margin.

If there is an area where we must be ready for radical change—and be ready with some immediacy, it is in math, science, and engineering education. If there is an area where we must do more than improve things at the margin it is here. There is simply no time left for business as usual—or for more business as usual. The crisis is here. And, the expansion of existing programs or a patch here and there is not a sufficient response.

This legislation provides the basis for a beginning with proposals to expand informal education programs; to use the space program to encourage youth to pursue studies and careers in math and science; to assist colleges and universities whose programs could be strengthened to improve their math, science, and engineering departments; and to expand opportunities for women and minorities. I also appreciate the inclusion of the sections providing scholarships for those who commit to teach. This is based on S. 843, which I cosponsored with Senator ROCKEFELLER.

I commend Senator KENNEDY and his staff for presenting this legislation and look forward to working with them to see that we move—boldly and aggressively—to pass a bill which truly seeks to move us into the future.●

#### CONGRATULATIONS TO SUPER BOWL CHAMPS WITH UTAH TIES

● Mr. HATCH. Mr. President, as we all know, the San Francisco 49ers won the Super Bowl. As a Senator from Utah, I would like to express our State's appreciation to those 49er football players and coaches who played or coached for Utah colleges. They gave us many fine memories while they were part of our football programs in Utah.

Forty-niner Coach George Seifert almost went into dissecting frogs rather than pigskins. He was more interested in biology at the University of Utah than football. He obtained his B.S. in biology in 1963 before getting his master's in physical education. While at the University of Utah, George played offensive guard and linebacker. After graduation he began his coaching career as a graduate assistant. He then went on to become head coach at Westminster College, Salt Lake City.

Since 1963 George has been the 49ers' assistant coach and defensive coordinator and is credited as a pioneer of situational substitution, a now common defensive tactic. Under his leadership, the 49ers claimed the top ranking among all NFL defensive units in 1987, the first time in history that San Francisco led the league in fewest total yards allowed. In 1989, Seifert was handpicked by Bill Walsh as the new 49er coach.

Coach Seifert's roommate and teammate at the University of Utah, Lynn Stiles was an assistant coach at Utah before becoming the 49er's special teams coordinator and tight end coach. Before that, Stiles distinguished himself as an all-WAC [Western Athletic Conference] guard on the University of Utah Redskin team.

Mike Holmgren, another assistant coach for the 49ers, returned to his hometown of San Francisco after serving as quarterback coach at Brigham Young University. Mike tutored two all-American quarterbacks, Robbie Bosco and Steve Young, as the BYU Cougars retained their national respect as one of the most potent passing offenses in collegiate ranks. Under Holmgren's coaching, Bosco led the Cougars to the national title in 1984.

Jerry Attaway begins his seventh season as 49er's coordinator for physical development. Before supervising weight and exercise training with dietary and nutritional needs of the 49ers, Jerry made his mark out west as assistant coach of the College of Idaho for 3 years and then spent two seasons

as assistant coach at Logan's Utah State University.

The 49ers cornerback, Darryl Pollard, comes from Ogden, UT's Weber State College where he was a 3-year starter for that Big Sky Conference team. At Weber State he led the team with four interceptions, returned another for a touchdown, and blocked two punts.

Quarterback Steve Young is the Heisman Trophy runnerup in 1983, who completed 306 of 429 passes for 3,902 yards and 33 TD's while a senior at BYU. That same year this Salt Lake City native guided the Cougars to 11 wins in 12 games, including the Holiday Bowl over Missouri. As a first round draft choice by the Los Angeles Express, Steve became the first player in pro football history to rush for 100 yards and pass for 300 in the same game. In 1985 he was signed with Tampa Bay and acquired by San Francisco in 1987.

The 49ers defensive back is Tom Holmoe, selected in the fourth round of the 1983 NFL draft. He was all-WAC as a senior for BYU in 1982 after recording 54 tackles and three interceptions that season. Tom was also selected as the team's most valuable defensive back in his junior year after registering three interceptions and 61 total tackles. Tom goes back to Utah during the 49ers off-season and coaches spring football at BYU.

Dave Cullity is offensive tackle for the 49ers. Dave earned first-team all-WAC honors for the University of Utah during his senior year. Dave graduated from Utah as a business major. But, Dave is not alone. All those 49ers who first played for Utah schools came to San Francisco with diplomas. And that's something I point to with pride.

Mr. President, it is not only pride, but with appreciation that I say these things on the floor of the Senate today. These players and coaches are an example of what the colleges and universities of Utah represent and teach all student athletes. I know these coaches and players will not forget where they came from. Their roots in Utah have blossomed in the city by the Golden Gate.●

#### THE BALTIC STATES STRIVE FOR DEMOCRACY

● Mr. DIXON. Mr. President, I rise today in support of the heroic efforts of the citizens of the Baltic nations of Latvia, Estonia, and Lithuania as they strive for independence, democracy, freedom, and a better life. The Baltic States have a long, rich history, full of cultural and social achievements. After centuries of repression at the hands of neighboring countries, the Baltic countries finally obtained independence after World War I, and enjoyed a short-lived renaissance. Unfor-

tunately, this period of autonomy was ended abruptly with World War II in which the Soviets, acting on the Molotov-Ribbentrop Pact in collusion with the Nazis, began their occupation of the then sovereign Baltic States, which continues to this day.

In the 50 years since, the valorous citizens of the Baltic States, and their relatives worldwide, many of whom reside in Illinois, have fiercely and peacefully worked to regain their independence. Their resistance has taken place against incredible Soviet military might, the attempted Russification of Baltic culture and the de facto deportation of many Baltic citizens. Economically, the Moscow government has exploited and manipulated the Baltic nations, leaving them financially shortchanged. As an example, 80 percent of the net profits from all branches of the Latvian economy are funneled to Moscow, with little in return.

The United States has steadfastly refused to recognize the Soviet annexation of the Baltic States. I fully support this policy, and I am pleased to be able to say that the efforts of Lithuanians, Estonians, and Latvians, together with the efforts of their friends and relatives here in the United States now seem to be paying off to some degree.

Truly revolutionary change is sweeping the Soviet Union and Eastern Europe. This change carries with it the promise of a brighter tomorrow for the Baltics. Mr. Gorbachev has allowed the first embryonic steps toward democracy and autonomous government in the areas to be taken.

How far Mr. Gorbachev will go toward granting Latvia, Lithuania, and Estonia their much-deserved independence remains to be seen. One thing is certain, however. The yearning for freedom and democracy, as exemplified in movements such as the Latvian popular front, remains strong in the Baltics.

Mr. President, in this time of great change and progress in the Baltics, it is imperative that all of the Members of this body take a closer look at the rapidly changing political landscape. The American Government should continue to respond to the changes taking place and continue to encourage further liberalization and reform.

One of the best opportunities that the United States has to assist in the Baltic situation is in the trade area of economic assistance. When the Baltic States obtain their much-deserved independence, the United States should move to provide the again independent countries with access to American products and capital on a friendly country basis just as soon as they can be qualified. They should receive fast consideration for most-favored-nation access to the American market. We



should also give prompt consideration to requests for Peace Corps assistance, technical assistance, and other tools that would promote economic development in the Baltics.

This is a time of great change and hope for the Baltic countries. Let us make sure that when these great possibilities for Latvia, Lithuania, and Estonia become realities that they can depend on the United States as a friend.

Mr. President, there are thousands of descendants of the Baltic nations that live in Illinois. I want to assure them that their years of hope, prayers, and work for freedom and democracy have not been in vain. I would like to be able to tell them that their hopes have the full support of the U.S. Government.

I am completely committed to freedom, independence, and self-determination for Lithuania, Estonia, and Latvia. The United States was born in a violent revolution. We should do all we can to encourage and support the peaceful revolution now beginning in the Baltics. And when we continue our support of the Baltic States, we know that one day freedom will come.●

#### THE NATIONAL HEALTH OBJECTIVES ACT FOR THE YEAR 2000

● Mr. CHAFEE. Mr. President, I am pleased to join in sponsoring the National Health Objectives Act for the Year 2000, legislation designed to bring us closer to building a healthier America.

Far too many Americans suffer from diseases and injuries that could have been prevented. I am not only referring to the obvious—such as preventing lung cancer by not smoking or reducing the risk of a traumatic brain injury by wearing a motorcycle helmet. I am also referring to health risks that the average American knows nothing about. Most smokers know they are likely candidates for cancer, but do most homeowners know that lead in the paint on their walls could be poisoning their children? Americans should be far more educated about the health risks associated with everyday life so they can make healthy choices.

As a nation, we spent about \$550 billion in 1988 on health care services. The vast majority of those services were provided in physicians offices and hospitals for treatment of diseases and injuries; however, only a small fraction was spent on educational services to prevent diseases and injuries that would later be treated. By investing in prevention programs we can reduce the pain, suffering and staggering medical bills of many Americans.

Some public programs such as the maternal and child health block grant and the Centers for Disease Control Immunization Program, have proven

effective in helping to prevent health problems. Yet, much more could be done. A decade ago Congress established national health objectives for 1990; however, States received no funding for programs designed to achieve those objectives.

The National Health Objectives Act for the Year 2000, provides the necessary resources to enable States to better meet these goals. This legislation contains more than 200 objectives which address health promotion, protection, and prevention services. Under our bill, States will have the flexibility to set their own priorities based on the health care needs of their citizens, as well as the funding to implement the most appropriate health promotion programs.

Dr. Denman Scott, the director of the Rhode Island Department of Health and the current president of the Association of State and Territorial Health Officials [ASTHO], played a significant role in the development of the National Health Objectives Act for the Year 2000. His leadership and professional and personal commitment to the implementation of this legislation is a credit to both ASTHO and the State of Rhode Island.

The National Health Objectives 2000 Act will not mean that all Americans will be in perfect health by the year 2000. It will mean, however, that Americans will be more informed, and therefore be able to prevent diseases and injuries. I urge my colleagues to support this legislation and give Americans the ability to make healthy choices in their lives.●

#### THE JEWISH WAR VETERANS OF THE USA

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the Asbury Park-Ocean Post 125 of the Jewish War Veterans. The Post will commemorate its 55th anniversary on February 22, 1990. I extend my best wishes and congratulations to Commander Murry Opatosky and to all members of Post 125 as they celebrate this happy occasion.

In recognizing Post 125, I want to call my colleagues' attention to the rich history of the Jewish War Veterans of the USA. Originally called the Hebrew Union Veterans, it was founded on March 5, 1896, by a group of Jewish Civil War Veterans to dispel insinuations and slander that Jews had not participated in the military during the War Between the States. In fact, there were at least six Jewish Medal of Honor recipients during this conflict.

On March 5, 1896, 78 Jewish men gathered for their first meeting. They pledged to maintain their true allegiance to the United States, to combat bigotry wherever it originates and whatever its target, to assist comrades and their families in need of help or

protection, to preserve the records of patriotic service performed by men of Jewish faith and to honor the memories and shield from neglect the graves of the Jewish heroic dead.

In 1933 the JWV was one of the first Jewish organizations to adopt a boycott of German goods. It campaigned for the GI bill in 1944. During the Korean war in 1951, the JWV achieved a 100-percent record of post cooperation across the country in assuring an adequate blood supply for servicemen and the civilian population. In 1963, it was the only national veterans' organization to join in Martin Luther King's March on Washington. It spearheaded a program for volunteers during the 1970's in Vietnam Veteran Outreach Centers.

Today, the Jewish War Veterans of the USA continues its proud work, and also focuses on upholding America's democratic traditions by fighting bigotry, and discrimination of all kinds. As a veterans' organization it has programs related to American foreign policy, civil rights, defense spending, national security and veterans' benefits.

For many years the Jewish War Veterans has been an activist in the fight for human rights. Concerned with the condition of oppressed Jews throughout the world, it is committed to assisting them.

The JWV has hospital, rehabilitation and veterans' service programs and assists veterans and their dependents. It supports and raises funds for the Israeli Military Rest and Rehabilitation Home in Israel and supports the Boy Scouts. It is also involved with providing scholarships for high school students, and summer camp scholarships for underprivileged children. It is involved in building low-cost federally subsidized housing for senior citizens.

Thousands of Jews have died in combat defending our country, and thousands have been awarded combat medals for their performance during war time. I am happy to honor this proud veterans' organization with its rich American history.●

#### TRIBUTE TO VLADLEN K. PAVLENKOV

● Mr. DECONCINI. Mr. President, on January 31 of this year, the cause of human rights in the Soviet Union suffered a tragic loss with the death of Vladlen Pavlenkov, a former Soviet political prisoner, United States citizen, and specialist in postal communications between the United States and the Soviet Union.

Mr. Pavlenkov was a native of Gorky, the city perhaps known best in the West as the site of the late Dr. Andrei Sakharov's exile.

Mr. Pavlenkov's career as a high school teacher was cut short on October 3, 1969, with his arrest and subsequent conviction on charges of "anti-Soviet propaganda and agitation." The charges included authorship of a book entitled "2x2+4", which attempted to provide some commonsense answers to Soviet economic problems. As has frequently proven to be the case, Mr. Pavlenkov's criticism of his country's economic problems back then were mild compared to what we can now read in the Soviet press. But his thoughts and opinions were 20 years ahead of their time. In addition, he had also engendered the KGB displeasure by protesting of the "Prague spring" crackdown in 1968.

Despite KGB pressure, Pavlenkov refused to confess or recant, and consequently was given the maximum sentence for a first time offender, 7 years in labor camp.

Upon his release from labor camp, the only available job for a history teacher with a labor camp record was that of street sweeper. Despite this, he never wanted to leave his homeland until the life of his son Victor was threatened. Thus, at age 50, he emigrated to the United States.

Vladlen Pavlenkov believed deeply in open and unhindered communications between the peoples of our world. He once related how his family treasured a copy of Life magazine that his father had obtained from an American sailor during World War II. It troubled him deeply that Soviet citizens could not freely communicate with their friends and relatives abroad without having their letters and packages opened, blocked, returned, and/or stolen, by Soviet authorities in defiance of international regulations and human decency. In 1982 he founded the nonprofit organization, Freedom of Communications, the goal of which was to promote the free and private communication between people in the U.S. and U.S.S.R. Mr. Pavlenkov became an expert on Soviet, United States and international postal regulations.

He collected and documented examples of Soviet postal interference, and frequently testified in Congress on this issue. Freedom of Communications published newsletters and brochures with advice for potential mailers to the Soviet Union. His efforts also strengthened the United States Post Office's awareness of, and efforts to combat Soviet postal interference. At the Vienna CSCE Meeting of 1986-1989, Freedom of Communications provided invaluable information to the U.S. delegate at the Vienna CSCE Meeting, when the first CSCE proposal designed to improve mail communications, between CSCE signatory States was being considered. That proposal is now part of the Vienna Concluding Document.

Vladlen Pavlenkov and Freedom of Communications was a voice for hundreds of former and present Soviet citizens, who wanted only to write to their loved ones, to exchange cards and photos and gifts, yet had been cruelly thwarted by KGB paranoia even in this most innocent and human pursuit.

And although the mail situation improved under "glasnost" and "perestroika", the Gorky KGB still remembered one of its city's most distinguished citizens. While he was permitted to return to Moscow, it took extensive help from Members of the U.S. House of Representatives and sympathetic members of the U.S.S.R. Supreme Soviet before he was given a 3-day pass to visit his native Gorky. Fittingly, he was welcomed back a hero.

Mr. President, as Chairman of the U.S. Commission on Security and Cooperation in Europe, I would like to extend the Commission's deepest sympathies to Mr. Pavlenkov's family in the United States and in the Soviet Union. His nickname in Russian was "Volya." It means "freedom." ●

#### U.S. TALL SHIP FOUNDATION

● Mr. D'AMATO. Mr. President, I rise today to call the attention of my colleagues to the efforts of the U.S. Tall Ship Foundation to build a new training tall ship for the United States.

The U.S. Tall Ship Foundation, headed by Capt. Jay D. Bolton, is embarking on an initiative that will result in the construction of a state-of-the-art training vessel, funded solely through private sector contributions.

There is a need for a technologically advanced training ship for students of the Merchant Marine, Naval, and Coast Guard Academies. At present, the academies are forced to train on obsolete World War II vintage ships. Modern tall ships are technologically advanced motor ships with all the elements of a merchant ship. The sailing component provides the high level of labor intensity required to develop a sense of ability to accept and dispatch responsibility in potential officers.

The United States is one of the few nations that has not produced a tall ship for training. Currently, 24 nations operate 39 sail ships for merchant marine training, including Japan, the U.S.S.R., and the United Kingdom. In the last decade alone, 24 of these ships have been built. The tall ship that the U.S. Coast Guard uses for training was built by the Germans in 1936.

The Foundation will construct the T.S. *Liberty*, a 3,000-gross ton, 4,000-HP diesel/sail-powered vessel. This ship will serve as a training vessel for Merchant, Naval, and Coast Guard cadets.

T.S. *Liberty* will serve as an international symbol of U.S. goodwill. The foundation envisions this modern tall

ship as playing a prominent role in the 1992 Christopher Columbus Quincentenary celebration, as well as promoting vigorous international cultural exchange.

The creation of a new national asset and symbol for America presents a unique and high profile opportunity for our Nation, not least of which is the opportunity to create a dramatic model of a public/private sector partnership to solve national problems.

I urge my colleagues to lend their support to the efforts currently being undertaken by Captain Bolton and the Foundation to build this great ship. It will be a new national symbol and resource that embodies patriotism and pride. It is an opportunity we must not squander.

I ask to have reprinted in the RECORD an article "Does America Need a Tall Ship?" from the January 1990 issue of the Port News. This article further explains the merits of a tall ship for America.

The article follows:

#### DOES AMERICA NEED A TALL SHIP?

(By Debra Nelson)

Yes, says Capt. Jay D. Bolton, United States Merchant Marine and president of the United States Tall Ship Foundation. Bolton's mission is for the U.S. to have a new tall ship by 1992 to commemorate the 500th anniversary of Christopher Columbus' discovery of the new world.

Bolton, a master mariner and former master of a supertanker and of the tall ship *Gazela* of Philadelphia and *Elissa* of Galveston, created the U.S. Tall Ship Foundation last July. This private sector nonprofit organization aims to raise the \$60 million needed to build a 3,000-gross-ton, technologically advanced, diesel/sail-powered ship by 1992.

The foundation also promotes a greater national awareness and appreciation of the role that the U.S. Merchant Marine plays in our military sea lift requirements and as a participant in world trade.

"We want to provide our nation with the first in a series of critically needed training ships for students of our various merchant marine academies. At the moment, we are training on 50-year-old, World War II vintage ships. They are obsolete in design, and unsuitable.

So why build a tall ship for training? Bolton said, "Tall ships are also modern motor ships. They are technologically advanced ships with all the components of a modern merchant ship. The sailing component provides the high level of labor intensity required to develop sense of maturity and ability to accept and dispatch responsibility in potential officers. The most important element of sail training is that students or cadets need to learn to accept and discharge consequential responsibility.

"When they learn to sail aboard a small ship that is much more susceptible to sea damage than a large ship, they become seawise and develop a crew interdependence."

The U.S. Coast Guard has operated the *Eagle*, a German-built tall ship, since 1946. It has been a training vessel for more than 5,000 Coast Guard trainees. Bolton's ship, a 355-foot, 3,000 gross-ton vessel, would be one

of the largest tall ships in the world. It would carry between 160-170 cadets at a time.

#### PUBLIC AWARENESS

A tall ship also creates greater positive awareness of the maritime industry.

"We are approaching 1992—the Quincentenary of America—and the largest global celebration that we will see in our lifetime. It is the ideal vessel to promote a U.S. constituency," Bolton said.

There are economic benefits as well. "A commission on Merchant Marine defense did a study on the impact of shipbuilding on the economy. This project could employ 2,500 workers over a two-year period. This will not save the shipbuilding industry in the U.S., nor solve our maritime crisis. It will, however, focus on shipyards and serve as a positive public relations opportunity," he said.

And, in the wake of the Exxon Valdez incident, the Merchant Marine could definitely use some positive public relations. Bolton said, "The U.S. Merchant Marine is probably the best kept secret in this country. In other maritime nations, merchant marines have a higher degree of respect. In this country they are unknown. One of our objectives is to create a positive national awareness."

Since World War II, the industry has declined, and the average age of merchant mariner has increased to 58 years. Moreover, Bolton said, "In an effort to compete on an international level without assistance from the U.S. government, wages have been reduced to the point where people can make more money at McDonald's than at sea."

The problem really becomes severe when one considers the effect on the military sealift. Bolton said, "Do we need merchant seamen and officers to man those ships? The answer is yes. In every major conflict, 95 percent of all war material has gone by ship."

The problem our country faces is that we have traditionally relied on the merchant fleet to supply those ships. Now our merchant fleet is shrinking. People in Washington are concerned because our lack of sea lift capability is the Achilles heel in our national defense."

"With Perestroika and what's happening in Western Europe today we are hoping for a wonderful age of peace. But eliminating all nuclear subs and aircraft carriers would be laughable. And yet the fleet that supplies these ships is being allowed to erode."

#### TALL SHIPS AS A SYMBOL

Another part of all of this is that the ship itself is really a symbol of maritime unity. Bolton said, "It can be something which the shipyards, labor unions, merchant marine, freight forwarders, and ports can all support."

Although intended primarily for training cadets, the tall ships would also be ideal for promoting the U.S. export trades and serving as an ambassador of goodwill, peace, and friendship to other nations.

The international tall-ship fleet is growing. Some 24 nations currently operate 39 sail ships for training merchant and naval cadets. More than a dozen tall ships have been built in the last decade alone. If enough money is raised, construction on the newest, U.S.-built tall ship could begin in January and be completed in time to join the international fleet of tall ships for Operation Sail, July 4, 1992 in New York Harbor.

She will then sail to several U.S. ports, arriving in San Francisco by Oct. 12, 1992 to

be the focus of celebrations in that city. From there, the ship would embark on a promotional and goodwill tour of South America to discover America, just like Columbus.●

#### THE BICENTENNIAL OF THE FEDERAL COURT SYSTEM

● Mr. CHAFEE. Mr. President, in the spring of 1789, the Senate began work on Senate bill 1: the Federal Judiciary Act. A few months later, in September, President George Washington signed this historic legislation into law. Although it has been modified over the past two centuries, the principles of this act are the foundation on which our modern system of Federal courts is built.

Let me assure my colleagues that achieving passage of this bill was no easy task. In fact, a few States—including my own State of Rhode Island—had not even ratified the Constitution, let alone agreed to establishing a Federal court system. The act was a masterful compromise. Federalists persuaded their colleagues of the need for 3 circuit and 13 district courts, while anti-Federalists made sure that the bulk of the country's judicial work remained under the jurisdiction of State courts.

This process of debate, persuasion, and compromise may sound very familiar to my colleagues.

On February 1, 1790, the six-member Supreme Court met for its first formal session in New York City. Unfortunately, Chief Justice John Jay had to postpone this historic meeting for 24 hours, as 3 of the Justices were unable to find adequate transportation to the city.

As an aside, I might mention that although our early system had roots in the English judicial tradition, the new court showed signs of independence in the American tradition. After being teased by New York City children on the way to the courthouse each day, the justices gave up the traditional white wigs in favor of their own natural locks, a decision that brought applause from long-time anti-Wig activist Thomas Jefferson.

Mr. President, since that first day in 1790, our Federal court system has blossomed from 16 Federal judges and 6 Justices to 710 Federal judges and 9 Justices. It has become one of the most important and vital elements of the American system of justice, and I am pleased to salute the Federal court system on the occasion of its 200th anniversary.●

#### THE SAMARITAN HOUSE IN DENVER, CO

● Mr. WIRTH. Mr. President, I rise today to commend an organization which is making an invaluable contribution to one of our Nation's most troubling problems—the homeless.

The Samaritan House in Denver, CO, has worked to help the homeless with food and housing since 1982, and medical care since 1985. During the course of its existence, the Samaritan House has given shelter to more than 21,000 people, served more than 1,168,000 meals, and helped meet the medical needs of more than 7,000 homeless men, women, and children.

While the Samaritan House is one of many shelters throughout Colorado and the United States, it has a number of important programs that are particularly noteworthy. As families are increasingly in need of shelter and support, the Threefold Cord Program serves a great need in the Denver area. This program, based on the triple involvement of family, community, and shelter, enables communities to aid families in the transition from homelessness to setting up a household. Emotional support and help in the logistics of moving are vital for families recovering from the plight of homelessness. The Samaritan House also provides training for local communities so that this program can serve families in need throughout the State. The Samaritan House Single Service provides moral support and personal attention to homeless individuals by matching volunteers with residents. The jobs program offers a variety of resources and counseling for residents to help them get back on their feet.

These programs represent the innovative approach to carrying for the homeless that incorporate the dual roles of providing services to those in need and support for the transition out of homelessness. While government support for low-income housing is still needed, the selfless contributions of the people at the Samaritan House are laudable. It is with great pride that I represent the State of Colorado whose people share a common concern for their community as is evidenced by the Samaritan House.●

#### STATEMENT ON AL SOUCEK AND HIS FAMILY

● Mr. LEAHY. Mr. President, I love to read stories about Vermonters in the small weekly publications in my State. It is a welcome diversion from the wars, terrorism, and crime stories that dominate the daily fare in the national press.

Our hometown weeklies introduce us to people and events that make Vermont a unique and special place. And through the pages of the Mountain Villager of Jericho, VT, I would like to introduce Al Soucek of that village to you today.

In 1955, Al fled his native Czechoslovakia with his wife and daughter and came to the United States. Fortunately for us, he located in Vermont and continued the family tradition as a

hotel manager and restaurateur par excellence in our State.

The newspaper tells the story better than I—and with great respect for Al Soucek and his family, their grandson Joshua Peter Benes and in memory of their lovely granddaughter, Christina, I ask that this story of a wonderful family be printed in its entirety in the RECORD.

The article follows:

[From the Mountain Villager, Aug. 11, 1989]

ALL IN A LIFE'S WORK

(By Lyn MacDonough)

Commendations hang all over the walls of the Soucek's Jericho home. Shortly after fleeing Czechoslovakia, Al and Vera Soucek came to Vermont 23 years ago. A special award on the wall, given to Al for his bravery in helping sailors, soldiers, and airman, escape from prison camps, is framed by the actual fence wire that held those men captive.

Their passports boast such places as China, Hong Kong, England, France, Egypt, Germany, Italy, Australia, and South Africa. Al has many interesting stories to tell, but due to a stroke a few years ago that affected his speech, he has difficulty relating them.

Al knows several languages. He is frustrated that he now has difficulty speaking only one. "Everyday I pray to gain my speech," said Al. He carries a small green book with picture communications so that people will understand him.

In 1955, Al and Vera fled their native country in the middle of the night with their six month old daughter, Vera. According to Al, they chose to leave their home, their family, and business to live in freedom away from the communists. "I don't trust communists," said Al.

Al's family ran a large hotel in Czechoslovakia. As a young boy Al started in the business by helping his father serve banquets. Throughout his life Al continued in the hotel, catering and restaurant business.

Upon arriving in the United States Al and Vera managed the University Club in New York for three years. "This was my first job in the United States," said Al, "I took a train from our home outside the city to the Club everyday. When I missed the last train home I would stay in our apartment in the city. I spent many hours with Governor Rockefeller. We used to drink Chivas Regal Scotch, no ice seltzer, which made the drinks weak."

The Souceks also managed The Shoreham and the Sayville Motor Lodge in Long Island, NY. In 1961, Vera graduated from the Lewis Hotel Training School. They went on to manage a number of country clubs in New York and Pennsylvania.

The Souceks arrived in Vermont in 1966. They ran the "Haus und Heim", a ski lodge in Jeffersonville, for five years. "It was a wonderful home away from home," explained Al. The Souceks then managed the "Mountain" at Madonna Mt., and for two years, Al managed the Burlington Country Club.

In 1977, the Souceks opened the Alpine Restaurant in Jericho. "Hospitality is Spoken Here" was one of our claims, said Al, "We wanted to please everyone." In addition to the Alpine restaurant, Al and Vera simultaneously ran a catering business with their daughter and son-in-law, Vera and Peter Benes. The Benes' owned the Benes Inn on Shelburne Road. "Working to serve

people of our community has run in the family."

"The star of the Alpine Restaurant was Christina, our granddaughter. Christina was a star in the community. She was everyone's favorite hostess," said Al.

Christina died of complications from leukemia in March of 1988. "My greatest joy has always been my granddaughter," said Al, "We liked to ski together at Spruce Peak in Stowe. Christina would yell, 'Come on down, I'm waiting for you.'"

The Souceks are proud grandparents of a beautiful grandson, Joshua Peter Benes, born June 17, 1989. "Our memories are with Christina daily," said Al. "We know how much she would love Joshua."

Al recently celebrated his 80th birthday. Friends and relatives honored him at a surprise birthday party given by his daughter and son-in-law, Vera and Peter Benes.

People Al has had the pleasure of serving: Thomas Masaryk, first president of Czechoslovakia, Queen Elizabeth, King Faruk of Cairo, Governor Nelson Rockefeller, Governor Phillip Hoff and Governor Davis of Vermont, Richard Snelling's family, Bishop Kerr of Burlington.●

FOOD OF THE GODS—  
CHOCOLATE

● Mr. WILSON. Mr. President, the State of California is a large producer of what the ancient Aztec Indians called the "Food of the Gods"—chocolate.

Our State is second only to Pennsylvania in the manufacture of chocolate products. Many of our chocolate manufacturers, including Guittard Chocolate Co., in Burlingame, and Ghirardelli Chocolate Co. in San Leandro, are over two centuries old. Other California chocolate producers are Bolde-mann Chocolate Co.; Hershey Foods Corp.; the Nestle Foods Corp.; Annabelle Candy Co.; Helen Grace Chocolates; Harmony Foods; Marich Confectionery; See's Candy Shops, Inc., and Shoemaker's Candies, Inc.

Chocolate and confectionery makers use more than 1.8 billion pounds of sugar and 1.2 billion pounds of corn syrup annually. They use hundreds of millions of dollars of milk and milk products each year. In addition, they purchase 20 percent of all peanuts produced, and 40 percent of all domestic almonds—all agricultural products grown in California.

March 12 is the first Annual American Chocolate Week. I join with California chocolate manufacturers in celebrating what a recent Gallup Poll confirmed is America's favorite flavor—chocolate, the "Food of the Gods."●

DEPARTMENT OF THE  
ENVIRONMENT ACT, S. 2006

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of S. 2006, the Department of the Environment Act of 1990. S. 2006 will elevate the Environmental Protection Agency to a Cabinet-level position and create a new Department of the Environment.

Our global environment is threatened by a growing pollution problem that is threatening the health of people around the world. Medical waste washing ashore on our beaches, sludge being dumped in our oceans, landfills reaching capacity, smog choking our cities, and acid rain destroying our lakes and forests are among the many environmental problems that plague us. The EPA has performed an admirable job of protecting the environment since its creation in 1970, but increasing hazards to our well-being demand creation of a Department of the Environment.

Such phenomena as the degradation of the Earth's ozone layer and global warming have focused international attention on these serious problems. Most developed nations already accord their environmental executive ministerial status. A Cabinet-level environmental official will have better standing among his colleagues from other nations when negotiating various environmental treaties.

It is imperative for the environment to remain atop the national agenda. Giving the EPA equal clout with other Cabinet-level posts will demonstrate the Bush administration's commitment to cleaning up our environment. I urge my colleagues to act on this legislation.●

RETURN OF FREEDOM AND DEMOCRACY IN CZECHOSLOVAKIA

● Mr. GRASSLEY. Mr. President, today's events demonstrate once again, the tremendous changes taking place in Eastern Europe. As I listened to the President of Czechoslovakia, Mr. Vaclav Havel, in his address to the joint meeting of Congress, I could sense the pride of this great man as he leads his people back to the path of freedom and democracy.

As you know, Mr. President, Czechoslovakia is a land rich with cultural traditions and a tumultuous history. It has produced such outstanding authors as Franz Kafka and Karel Capek. Some of its most eloquent paintings and sculptures date from the Middle Ages. Similarly, many of Czechoslovakia's castles, churches, and other buildings were constructed in the elegant baroque-style architecture that dates back hundreds of years.

Czechoslovakia, however, has been described by one author as "The Lands Between" major powers of Eastern Europe. For much of its history, the country has been either occupied or dominated by such powers as Germany on one side or by Soviet power on the other. I am reminded of a May 21, 1939, newspaper editorial sent to me recently by my friend, Joe Kimmel, Jr., of Davenport, IA, in

which his father wrote of former Czech President Eduard Benes.

President Benes fled Czechoslovakia in 1938, amidst the occupation of Adolf Hitler's troops. As Mr. Kimmel depicts in his editorial, Benes articulated the thousand year struggle for his people for liberty in his 1939 speech at the State Rotary convention in Des Moines, IA. History subsequently showed that the Nazis were pushed out of Czech territory in 1945 and thus enabled Mr. Benes the opportunity to form a coalition government. However, the nightmare continued as Benes was forced to retire in 1948, when the Communists forcibly established a government comprised entirely of their supporters. This nightmare was compounded in 1968, when troops and tanks from the Soviet Union, Bulgaria, East Germany, Hungary, and Poland invaded Czechoslovakia to end Alexander Dubcek's program of reforms.

As with all nightmares, this one had to come to an end. Unfortunately, this one did not end until 1990; the year of perestroika in Eastern Europe and a year of achievement for Vaclav Havel, who went from the jails of his country to the position of President in a mere 4 months. Furthermore, Mr. President, 1990 is proving to be the year in which the efforts of all others who have fought for freedom and democracy in Czechoslovakia are culminating in success. While much work remains to be accomplished, Czechoslovakia has started down an irreversible road to democracy.

I will end my remarks, Mr. President, reiterating the words of Joseph Kimmel in the final paragraph of his editorial regarding Eduard Benes. Although his remarks were made 50 years ago, they are entirely appropriate in today's changing world.

He (Benes) has fought the common fight—your fight and my fight. He has lost the fight. Maybe just round one—perhaps the fight as far as his life is concerned \* \* \* but unembittered he faces forward still standing for his principles and for the right of his country to exist free of foreign domination.

Mr. President, I ask that the text of the article written by Joseph S. Kimmel in the "the Davenport Democrat and Leader" on May 21, 1939, be included in the RECORD at this time.

The article follows:

[From the Davenport Democrat and Leader, May 21, 1939]

#### PORTRAIT OF A PATRIOT

(By Joseph S. Kimmel)

(The following article was written by Joseph S. Kimmel, president of the Republic Electric Co., Davenport, after hearing Eduard Benes, former president of the "liquidated" republic of Czechoslovakia, in an address at the state Rotary convention in Des Moines. It interprets the impressions of Mr. Kimmel of the great European patriot.)

Today I heard a great man in a modest, unassuming way tell the saga of a people

whose head he is today, albeit a man without a country.

Without raising his voice, without heat or rancor he told of the thousand year struggle of his people for liberty. An exile from Czechoslovakia, from whence he fled to escape imprisonment or worse, he beholds his country under the heel of a foreign conqueror.

The late president of a democracy, which gave up its sovereignty at the behest of the two great powers which reconstituted it in 1919, he saw his land given as a pawn to a neighboring dictator, to buy a peace which was a fraud before the ink was dry on the papers guaranteeing its security after the first grab had been assured.

He and his people knew their doom was sealed unless England and France protected them against the rapacity of their neighbor to the north, and this protection was lacking. There could be no permanent appeasement when so many other lands lay waiting to be grabbed. Nothing settled of a general nature in Europe, save this independence and liberty disposed of in the market place.

As a doctor of philosophy and student of history he retold the story that liberty and dictatorships cannot abide side by side, that the struggle is constant when dictatorships exist, and that democracies cannot be safe in a turbulent period and can be made safe only by self-analysis to overcome their weaknesses, and determined efforts to protect themselves.

Dictatorships do not last. The structure on which they rest is too insecure, and by internal tyranny and external aggression they indicate the desperateness of their situation. Man's struggle for freedom and liberty represents more than a system of government, it is a vital expression of his desire and needs, of his determination to free himself and his personality and find in life a living philosophy of his inner being.

#### STRUGGLE AND TRAGEDY!

The struggle to re-establish the Czech nation; its part in the World War; the effort to rectify the oppression by Austria; its fruition and 20 years of freedom—all these he saw swept away and made but a part of history's page, and the name of a new oppressor writ across the temples and courts of his country.

All this, and still remains his faith in God and the ultimate triumph of right. It is men like that that make nations and keep upright the standards of civilization. He is doing today what he can. No more. No less. Perchance he may again rule the Czech nation—perchance he will die in exile. The mill's of the gods grind slow, but exceedingly fine.

Here is a walking, talking, living, breathing ambassador to America, humble and un-bowed from a race of hardy men, who have learned how to live and how to die. Men who have lived a complete life, more years in subjection than in freedom, and in whom the fires of freedom still feed most fiercely. Thank God that our shores are still open to political refugees, and that no dictator here clanks shut the prison door, nor cowers the advocate of freedom.

#### HIS FACE TELLS STORY

I have been thinking how to express the impression Benes made, words to clarify the deepness of the sense of tragedy. This man reflects the tragic experience thru which he has passed. He has been an actor in a catastrophe. His face bears the marks of his experience, and his expression tells a story.

Suddenly my mind finds that idiom for which I have been seeking. I am setting in

the great audience at Oberammagau. The Bavarian hills, not far from Benes' home, form the background for the great stage. On it I see again the struggle between right and wrong, between hatred and love, between God inspired people and the forces of evil.

Evil removed from us we perceive but dimly. Brought close and portrayed to us its ugly head is menacing and repulsive.

#### LIBERTY WILL NOT DIE!

Men being what they are, liberty will not be extinguished or tyranny forever last, but freedom and democracy will again be established in Europe and in his native land. That when this comes it will be in a general settlement that will include Germany as well as its present unhappy neighbors.

Benes is a simple, unaffected patriot, statesman and philosopher. Not crushed by defeat, but sustained by his abiding faith in the power of truth to rise, and the inability of force and hatred to stamp out the spirit of freedom in men.

This man's value to the world is greater than many Hitlers. While Hitler is expanding Germany he is destroying it—spiritually and morally. The new Germany that will come after him will again have these qualities, without which no country can be great.

Your heart goes out to this man. He has fought the common fight—your fight and my fight. He has lost the fight. Maybe just round one—perhaps the fight as far as his life is concerned, but unembittered he faces forward still standing for his principles and for the right of his country to exist free of foreign domination. ●

#### LEXINGTON-BLUE GRASS ARMY DEPOT

● Mr. McCONNELL. Mr. President, Manuel Noreiga sits today in an American jail, perhaps dressed in his general's uniform, thinking fondly of his days as the corrupt leader of Panama. "Operation Just Cause" put an end to Panama's suffering at the hands of this dope peddler; like an addict shooting heroin into his veins, Noreiga's corrupt leadership—his drug trafficking and goon squad tactics—was slowly killing that nation. As the saying goes, Mr. President, "the party's over."

All the soldiers who participated in the operation are to be applauded for a job well done. While many Kentuckians deserve our thanks and praise, the soldiers and employees of the Lexington-Blue Grass Depot deserve special recognition. In any military operation, support is a key factor of success, and Mr. President, as Pat Currans wrote in the *Thoroughbred Review* on January 12: "When American soldiers take to the battlefield, Lexington-Blue Grass Army Depot takes to the warehouse \* \* \*"

Mr. President, two articles appear in the *Review* that detail the depot's support of the operation. I would ask that these articles appear in the RECORD so that America can give these Kentuckians the recognition they deserve.

The articles, by Pat Currans and Col. Ross I. Sanders, depot commander, follow:

[By Col. Ross I. Sanders, depot commander]

Many of our depot employees spent the holidays doing what we do daily, but on a grander and more important scale.

When it was announced early Dec. 20 that our Commander-in-Chief, President George Bush, had sent American troops to Panama, we realized immediately that the Lexington-Blue Grass Army Depot would be called on to support that effort. After all, supporting the troops in the field, particularly those who are in combat, is why we are here. Our job was and is to make sure that the support we provided our fighting men and women on the isthmus was the best we were capable of providing.

We immediately established our "Just Cause" Operations Center (JCOC) in Warehouse 4 at the Lexington facility. Under the operational control of the Directorate of Personnel and Community Activities (DPCA), the JCOC became the focal point for all requests for support for the operation. It was manned 24 hours a day, during duty hours by DPCA's Charles Sither and Randy Alcorn and one of our noncommissioned officers, and after 4 p.m. by one representative from DEL, DPCA or DRM.

DOIM support was critical and outstanding. The limited TCC staff operated our Communications Center around the clock, so that messages concerning Panama were immediately provided to the JCOC.

Our directorates for Ammunition Operations, Ammunition Surveillance, Maintenance, Product Assurance and Supply prepared rosters of personnel who were available at a moment's notice to respond to requests for ammunition, communications-security equipment and general supplies. Team leaders and key people were provided beepers.

We provided soldiers in Panama ammunition items and general supplies such as installation kits and batteries, and COMSEC equipment.

On Dec. 29, we terminated the 24-hour a day manning of the JCOC.

The response by our employees to this operation, at a time normally spent with family and friends, was nothing short of outstanding. Many volunteered their days and nights to make sure that our mission, support to the soldier, continued throughout the operation.

The success of Operation Just Cause, with American soldiers leading the way in Panama, is in no small part due to the efforts that were put forth here in Kentucky and throughout the DESCOM community. Each of you should be justly proud of what you did.

Again, Lexington-Blue Grass Army Depot reacted quickly and efficiently to the needs of the Army. Congratulations to all who took part in the operation, up front and behind the scenes. I'm proud of all of you.

[Story by Pat Currans]

When American soldiers take to the battle field, Lexington-Blue Grass Army Depot takes to the warehouse . . . the igloo . . . the assembly line. Such was the case in the early morning hours of Dec. 20, 1989.

Our commander in chief appeared on national television. "It's a 'Just Cause,'" he said. An American Marine officer had been killed a few days earlier by over-zealous members of the Panama Defense Forces (PDF). Another American serviceman, who witnessed the event, was beaten, his wife sexually threatened, by the same PDF. Two months earlier, duly elected officials were beaten in the streets by members of the so-called "dignity" battalions. The self-pro-

claimed dictator, already under indictment in the United States for narcotics trafficking was behind the atrocities. "Enough is enough," said the president—and he sent in the troops.

While our soldiers and Marines were neutralizing the PDF, capturing the airport, protecting the canal, and making the streets of the isthmus safe for Americans and innocent Panamanians, Lexington-Blue Grass was gearing up for an accelerated operation of its normal day-to-day mission, supporting the soldier (and Marines, sailors and airmen) in the field.

An Emergency Operations Center was set up in Warehouse 4F, near the Message Center. There, representatives from DPCA, DEL and DRM would serve 'round the clock, insuring that any message reflecting the needs of our service members in Panama received immediate attention.

In Ammunition, Maintenance, Product Assurance and Supply, rosters were established denoting who would be on call should that directorate's services be needed. And needed they were.

Our directorate people came in and began pulling items off the shelves and packaged for shipment. Things like ammunition items, batteries, camouflage netting, secure communication equipment and explosive charges were shipped to the combat zone throughout the next several days, most of them within 24 hours after the depot received the request. According to folks in the Just Cause Operation Center, over 160 separate orders were filled.

Our employees, knowing that at home waited gaily wrapped Christmas presents, a family in most cases, and a warm fire in 40 below temperatures, still put the mission, and the combatants in Panama, first. It was a Just Cause for relinquishing time during the holidays. Really. Just 'cause our troops needed our help. ●

#### TRIBUTE TO COACH JIM POHL

● Mr. BOSCHWITZ. Mr. President, I rise today to salute a Minnesotan who has reached a milestone in his profession that very few of his colleagues have accomplished.

As many people know, hockey is a major sport in Minnesota, and the game occupies a very special place in the hearts of Minnesotans. We take great pride in the hockey players we produce and we revel in their achievements. Minnesota hockey players were at the heart of the successful Olympic teams that won gold medals in 1960 and 1980, they dominate American college hockey, and they have a major presence in the National Hockey League.

But these players would not become what they are without good coaches, and it is one of those coaches that I salute today.

Jim Pohl of Red Wing, MN, recently recorded the 200th victory of his high school coaching career, a milestone that he reached in his 16th season of coaching at Red Wing, which I might add is one of Minnesota's loveliest cities, nestled among the bluffs along the Mississippi River.

It's a remarkable milestone, 200 wins, and it takes an individual with

persistence, tenacity, and a strong will to reach such a goal.

The numbers alone, however, do not tell the entire story of Jim Pohl. While he has achieved much success as a coach, he considers coaching only a part of his real job—that of educating Minnesota's children.

Like many coaches, Jim Pohl recognizes that athletics are a valuable part of the education process. He uses his classroom, and his hockey team, as ways to teach youngsters the values of discipline and hard work. While the people of Red Wing can take pride in his record as a coach, they can take equal pride in the dozens of his players who were not only winners on the ice, but have gone on to be winners in other areas of their lives as well.

It is too seldom, Mr. President, that we take the time to properly thank those who toil in educating our children, and I wanted to take this chance to congratulate Jim Pohl not only on his 200th win as a coach, but on his triumphs as an educator as well. ●

#### ARMENIAN GENOCIDE DAY OF REMEMBRANCE

##### MOTION TO PROCEED

Mr. MITCHELL. Mr. President, I ask unanimous consent that debate for the remainder of this day be limited to 30 minutes to be equally divided between Senator DOLE and Senator BYRD or their designees and that upon the completion of that debate or the yielding back of time that the Senate stand in recess under the previous order until 10 a.m. tomorrow, Thursday, February 22.

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

Mr. DOLE. Mr. President, I understand we have 15 minutes on each side, and I hope I do not take all of that. I know the hour is late, but there are some things I want to put in the RECORD for my colleagues to look at between now and the vote tomorrow at 1 o'clock.

There is no doubt about it, the overwhelming evidence is in favor of the proponents of the resolution. Again, if you need to be convinced, just take a look. In fact, I have a book with headlines from all over the country which I will display in a minute. Just little stories from the New York Times about the slaughter of Armenians, the drowning of women, the selling of children, and a few other things that happened.

Nobody has come forth to refute a single word. They give us this story, well, Turkey is a strategic ally. Well, that is not the argument they used 2 weeks ago when China was a strategic ally. Nobody minded that when we were talking about the Chinese students and the outrage of those killed in China, and it was an outrage.

Maybe it was 2,000, maybe it was 3,000. In this case it was a million and a half. Where is the outrage now?

I put in the RECORD a variety of documents in an effort to clear the record. Some have been saying, "Why are we in the Senate judging history?"

My friend from Oklahoma, Senator BOREN, said we ought to wait and let the scholars work it out. We have waited 75 years. How long do we wait? Normally they open the archives after 50 years. Here it has been 75 years.

If anybody cares to read today's RECORD, there is a statement in it on the archives and how material has been withheld from the archives and how the archives have been scrubbed. And this is from the Turkish press, not some Armenian or somebody else who happens to be on the other side.

We do not leave the economy for economists around here. We vote. We make decisions. We are not economists, but we can grasp and analyze economic information and we make decisions. We are not Ph.D.'s in international strategic affairs, but we can and must and do make strategic decisions on issues. We declare war. We decide issues of life and death. We debate abortion and the death penalty. We are not God, but we have to deal with these issues that, in some ways, are in God's domain.

Why? Because we are on this Earth as human beings to do the best and do what is right, and that is what this is all about, a question of right or wrong.

The Holocaust was wrong. The slaughter of Armenians was wrong. There is not a single soul who has said it was not wrong, in either case. As I put in the RECORD earlier today, the person who coined the phrase "genocide," in discussing why he reached that, how he coined that phrase, he talked about the Holocaust and the Armenian genocide. He said he read a lot of history.

These are just news accounts on the Armenian genocide from 1915 to 1922; stories, news stories. I have not heard anybody get up and refute them. They are there from papers, the New York Times, the Outlook, the Missionary Review in the World—papers all across the country, all around the world—Literary Digest, Current History, the Independent, the Atlantic Monthly. I ask my colleagues, before 1 tomorrow, at least to leaf through this. Just pick out one story and read it and ask yourself if anybody on this floor has refuted that story.

If my colleagues concede there was a genocide and say oh, we do not want to vote for that because it might offend our friends, then that is another matter. If we reach that point where we cannot talk to our friends and cannot disagree with our friends, then we are in tough shape. We will not be able to do anything in this Congress.

As I said, the creator of the word "genocide," the person who coined the term and did the research on which the Genocide Convention is based, he wrote that there was, "an Armenian genocide." Earlier I put in the RECORD a review of his determination.

Elie Wiesel, who many believe to be the most prominent and authoritative voice of the victims of the Nazi Holocaust, has publicly acknowledged the Armenian genocide. The U.N. Human Rights Commission has acknowledged the genocide. The EEC has acknowledged the genocide. The American Bar Association acknowledged there was a Armenian genocide. The Senate, in 1920, before there was a word "genocide" but after hearings, decided there was what amounted to a genocide and stated that. That conclusion, or resolution, passed unanimously.

I ask unanimous consent to have printed in the RECORD a short paper on that issue along with the resolution.

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

(See exhibit 1.)

Mr. DOLE. I will read from the resolution.

"Whereas the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres"—this was in 1920, when the facts were fresh. It was before the Senate Foreign Relations Committee—"and other atrocities from which the Armenian people have suffered."

That is what we said in 1920. But here, in 1990, oh, we do not have the facts. We need to have more research. We need to open up the archives.

Lots of luck.

I hope history will show that this Senate is not less courageous than the one that was 70 years ago. Many Senators who stated over the years there was a Armenian genocide are now saying, oh, I have now had a chance to reflect on it. Maybe there was a genocide, but we do not want to upset anybody, so let us not ruffle anybody's feathers.

Who has officially decided there was a genocide in Cambodia's killing fields? Who decided that? We voted on it in this Chamber. According to my friend, the Senator from West Virginia, we should not do that.

I offered the amendment on the Cambodian genocide. It was back in 1978. It dealt with Cambodia and Uganda, and human rights abuse. There was a motion to table.

My friend from West Virginia supported me and voted not to table. And we decided we could address that issue in the U.S. Senate. And we said the IMF could not make any loans to Idi Amin and others who slaughtered a couple of million people. We made that judgment right here on the

Senate floor in 1978. The vote was 67 to 30, as I recall.

This is not a court of law. I think we have to ask ourselves, if we say I have not made up my mind on genocide, I want to leave it to the historians for 75 more years before I decide—what about the Holocaust? What about the genocide against the Jews in World War II? Who decided that?

Well, some might say the Nuremberg war crimes trial made that call. But there were war crime trials in Turkey. Ottoman officials were tried and found guilty of "exterminating the Armenian Nation." It was in Turkish courts, in the period before the word genocide was even coined. And that is synonymous with the word itself.

I did not make that judgment. It was a series of courts martial which the Ottoman Government itself convened. I want to have printed in the RECORD a paper reviewing those tribunals and I ask unanimous consent to have that printed.

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

(See exhibit 2.)

Mr. DOLE. Let me add an important point. The Turkish Government refused to release the exhibition and testimony from those trials. Why? The archives, all the archives are supposedly open. If they are, why are those records not available and where are they? Perhaps those who want to leave this question for another 75 or 100 or 200 or 300 years of historical consideration know it is already history.

How long does it take before it becomes history? One day? One year? Ten years? Fifty years? Seventy-five years? We have placed page after page of documents in the RECORD, documents that have not been contradicted, documents that indicate clearly and convincingly that thousands and thousands and thousands of people were wiped out.

I add another piece of evidence now, a document comparing and analyzing Armenian population figures in the years 1912 and 1923, the years immediately before and after the genocide.

The best estimate of the population in 1912 was 2.1 million. By 1923 there were under 100,000 Armenians left.

What happened to those 2 million Armenians? Did they just leave town? Or leave the country?

Some call it genocide.

I said earlier, 10 American Presidents, Republicans and Democrats, have all referred to the slaughter, the tragedy. Some used the word "genocide." Maybe our Presidents were not informed. Maybe they should not have made that statement, but they did. And many historians and many scholars, many official American representatives, many international organiza-

tions, many, many people have looked at evidence and decided there was genocide.

So, I think it is time for the Senate at least to join with the children and the grandchildren of the 1.5 million Armenians. We have heard about the grandchildren of the Turks. What about the grandchildren of the Armenians? What about the children of the Armenians? What about the victims and their children? Nobody said a word about them. Oh, why, they are only Armenians, they are powerless, they are a little country. They cannot do anything. They do not have an ambassador to go around to each Senator and say, "I cannot operate in this country if you support this resolution." That is precisely what the Turkish Ambassador has been saying.

There is no Armenian Ambassador. He cannot go around to Senate offices. They do not have any military contracts. They cannot call up the lobbyists. They cannot hire lobbyists. They do not have any money.

They had an earthquake that wiped out 50,000 people and left half a million people homeless in Armenia, a small country of 3.5 million. What are they supposed to do?

They have in effect placed themselves at the mercy of the Senate. I think they feel their case is just. They are not asking us to blaze any new trail around here. We made these kinds of decisions time and time again.

As I said earlier, we made one late last year with reference to Bulgaria and Turkey; it passed 99 to 0. I voted for it. There were some who could have said: Oh, you cannot get into that argument. This is not a court; this is the U.S. Senate. But 98 of us joined the distinguished President pro tempore in supporting his resolution.

In 1986, when we were debating whether or not to ratify the Genocide Convention, six of my colleagues mentioned the Armenian genocide in that debate. So it is not that this is something that just happened or we never thought about genocide and the Armenians.

So I want to print in the RECORD a statement by Mr. RIEGLE of Michigan, a statement by Senator KERRY of Massachusetts, a statement by Senator KENNEDY of Massachusetts, a statement by Senator BOSCHWITZ of Minnesota, a statement by Senator PELL of Rhode Island, and then from a year earlier, a statement by Senator DODD of Connecticut, who was urging me as majority leader to bring up the Genocide Convention.

I ask those statements be printed in the RECORD to demonstrate that we knew precisely when we debated the ratification of the Genocide Convention that it included the Armenian genocide.

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

Mr. KERRY. Mr. President, 40 years ago, the United States won its war against the terrorism of the Nazis, and became the principal force behind the drafting of the Genocide Treaty.

Today, as our Government continues to fight terrorism around the world, it is appropriate that we at last join 96 other nations in ratifying the treaty that we originally drafted.

Mr. President, in its current form, the Genocide Convention has been weakened, for reasons having to do with ideology and politics, and not for any reasons of good policy.

But even in its weakened form, it is time the United States ended the embarrassment of its failure to ratify the treaty drafted over a 2-year period by a United Nations committee chaired by a United States delegate, adopted unanimously by the U.N. General Assembly in Paris on December 9, 1948, signed 2 days later by the United States, and transmitted to the Senate for ratification the following June by President Truman.

Mr. President, along with seven other members of the Foreign Relations Committee, I opposed the additional provisions that were added to the treaty as part of the Lugar-Helms package, because I believed these provisions were unnecessary, and might cause some of our allies to refuse to recognize the U.S. ratification as valid. The Netherlands, for instance, has stated that it does not recognize as valid ratification by any nation which seeks to deny the World Court with jurisdiction over the treaty.

I think it is worth looking at which other nations have adopted the kind of provisions contained in the Lugar-Helms package:

Albania, Algeria, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, People's Republic of China, Czechoslovakia, German Democratic Republic, Hungary, India, Mongolia, Morocco, Philippines, Poland, Romania, Rwanda, Spain, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, and Viet Nam.

Most of these nations, are Communist. Others are or were headed by authoritarian regimes at the time they ratified the convention. It is understandable why these nations might not want the World Court to exercise jurisdiction over their actions. But the United States does not commit genocide. We should not be fearful of giving jurisdiction to the World Court of any such offense.

We should not be on the same side as these Communist nations in refusing to acknowledge the jurisdiction of the Court. We have nothing to hide.

Instead, we should be taking the position taken by our allies, including Australia, Belgium, Brazil, Ecuador, Greece, the Netherlands, Norway, and the United Kingdom, who do not accept reservations in respect to article IX of the convention.

In order to avoid a lengthy debate on the Genocide Convention that might impede its swift ratification, I will not be offering an amendment to the treaty to eliminate the additional provisions to the convention reported out by a bare majority of the Foreign Relations Committee.

For the record, I wish to state that the amendment I would have offered would have replaced these provisions with the declaration by the United States it did not recognize the article IX reservations to the

treaty adopted by the Communist nations, and the others I have mentioned, which is the position taken by the United Kingdom and our other allies.

Even with the additional provisions, ratification of the treaty by the United States is long overdue. As President Reagan has said of the Genocide Convention.

"If free men and women remain silent in the face of oppression we risk the destruction of entire peoples. \* \* \* We intend to use the convention in our efforts to expand human freedom and fight human rights abuses around the world. Like you, I say in a forthright voice, 'Never again!'"

We must reject the claims of some that the treaty is worthless because it does not protect political groups. It protects national, ethnic, racial, and religious groups. I find it hard to imagine a nation defending itself against charges of genocide by saying, "We are not committing mass murder against an ethnic or racial group—we are only committing mass murder against a political group."

The idea that a nation would use the defense that it is only committing mass murder against a political group is ludicrous.

We must reject the claims of some that the slaughter of the Cambodians by Pol Pot was not a genocidal action prohibited by the treaty. There is no forum in the world that ever made that determination. Yet the United States has been in no position to raise the issue, because we haven't ratified the Genocide Convention.

We must reject the claim that the Genocide Convention exempts the Soviet actions in Afghanistan from being considered genocidal. That is another issue that has not been resolved, because no one has taken the Soviet Union to the World Court to make that charge. If the United States ratifies the treaty, it has the right to do so. If the Soviet Union refuses jurisdiction, the World Court than has the right to decide both whether it can hear the case, and whether the genocide has occurred.

Because of our World Court reservation, we have weakened our position at the World Court, and the Soviet Union could under the standing principles of international law claim that the United States has lost its right to bring its claim because of its own reservation.

Still, we can bring the claim, even if the Soviets decline jurisdiction, and thus use the convention to publicize acts of genocide when we believe they have occurred.

We must also reject the claims that ratification of the Genocide Convention would violate or affect the United States Constitution. The Constitution is the supreme law of the land, and it cannot be overridden by any external agreement.

As the distinguished majority leader has stated in the past:

"The rights of all remain in major focus of our foreign policy, especially when we are today beset by issues of how to stem the advance of the enemies of human rights. Let us set an example for the world to follow. Let us ratify the Genocide Convention now.

Mr. President, I believe the opposition to the Genocide Convention in its current form demonstrates extraordinary insensitivity to the many American citizens who came here following the Armenian genocide, to those who once were refugees from or had relatives killed in Hitler's death camps, to those immigrants from Southeast Asia who fled from the Khmer Rouge.

Those who object to the treaty should recognize that their concerns are not accepted



by the State Department, by the President of the United States, or by such close U.S. allies as Canada, France, Israel, Italy, and the United Kingdom.

Both West and East Germany have ratified the Convention. Our own ratification of this treaty is long overdue.

Mr. KENNEDY. Mr. President, I support ratification of the Genocide Convention, and I urge the Members of the Senate to join me in that support. U.S. ratification of this treaty is long overdue.

On December 11, 1946, the U.N. General Assembly voted unanimously to declare genocide a crime under international law. Since that time, 96 nations have agreed to that convention. The United States has been conspicuous in its absence.

In 1963, President John F. Kennedy urged the Senate to ratify this treaty. He believed that, "there is no society so advanced that it no longer needs periodic recommitment to human rights. The United States cannot afford to renounce the responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny." This sentiment applies today with equal force; we must be clear in our abhorrence of genocide and we must be emphatic in our willingness to make genocide a crime.

The arguments against ratification are unpersuasive. Nothing in the convention will override any of the basic protections of the Constitution; a treaty does not override or supersede constitutional provisions. And the convention itself makes clear that it is up to the ratifying States to adopt their own implementing legislation.

The reason why the United States should ratify the Genocide Convention is to add our name to the effort to deter genocide in the future. We have had too many examples in the recent history of humanity—the Armenian massacre, the Holocaust, and the Cambodian nightmare—not to recognize that genocide can occur and it can recur.

By ratifying this convention, genocide will become fully established in international law as a crime against humanity. This treaty is a statement of repugnance by all civilized peoples at that crime, and the name of the United States should be on that statement.

We must ratify the Genocide Convention today. We—and the peoples of the world—have waited for 35 years. We cannot wait any longer.

Mr. BOSCHWITZ. Madam President, I rise in opposition to the amendment of my friend from Idaho.

I would like to point out to my colleagues that this amendment is a good deal different than the reservations that we have entered into on this treaty. We have entered into some reservations and understandings indeed at the suggestion of the Senator from Idaho and others that affect this country's relationship to the treaty but which do not affect the relationship of other countries to the treaty.

It is an important distinction to make, Madam President, the fact that an amendment to the treaty itself would indeed effectively void it, that all other 96 nations that have already signed onto it would have to accept this amendment. But reservations that have been entered into that define the relationship of the United States to the treaty are of a different nature and of a different sort.

Those who have read the report on the Genocide Convention issued by the Foreign Relations Committee note on page 16 this distinction is made:

"A reservation is usually defined as a unilateral statement made by a contracting party which purports to exclude or modify the terms of a treaty or the legal effect of certain provisions. Ordinarily, it affects only the party entering it. All that is required of the other parties to the treaty is that they acquiesce in it. Their own treaty obligations among themselves remain unaffected."

So there, Madam President, is the difference between a reservation and an amendment such as the Senator from Idaho now suggests.

The report continues:

"The practice of entering reservations to multilateral treaties is widespread. The Netherlands, for example, entered nine separate reservations to the International Covenant on Civil and Political Rights at the time of ratification. Portugal included eight reservations in the instrument of ratification of the European Convention on Human Rights. A number of signatories have entered reservations to the Genocide Convention.

"The procedures followed by other parties to a treaty in giving effect to reservations are also well established. A state that wishes to enter a reservation must see that it is circulated to all other parties. These states than have a year in which to act. Each has the option of accepting or objecting to the reservation. In the event a party accepts the reservation, either expressly or by allowing a year to pass without objecting, the reservation becomes binding upon the accepting state and the reserving state in all disputes between the two."

So I would carefully make the distinction between what my friend from the State of Idaho is now offering, an amendment to the treaty itself, and the reservations that have been agreed to by a large number of Senators here in order to make the Genocide Convention acceptable to what I believe will be the vast majority of Senators when the matter comes to a vote.

So Madam President, this amendment is, as the chairman of the Foreign Relations Committee said, a killer amendment. We cannot allow it to be adopted. It must be rejected. The Genocide Convention that has been before this body for 38 years is now close to passage. It will be a memorable day in the history of the U.S. Senate when, indeed, this treaty is ratified.

Madam President, I rise to speak in favor of the Genocide Convention and also in opposition to the amendment that is being proffered by the Senator from Idaho.

Madam President, before I begin, I wish to say that the fact that the treaty is before us today and has a good chance of passage, after 38 years of waiting in the wings, I think is a tribute to the very forceful leadership by the majority leader, and the cooperation of Senator BYRD, the minority leader. It is also an indication that the Foreign Relations Committee is being restored to the authority and luster that it once held in this body, and in this Nation, under the leadership of Senator DICK LUGAR of Indiana and also under the leadership of the ranking minority member, Senator CLAI-BORNE PELL of Rhode Island, whose father was one of the outstanding heroes of a tale that I will tell and about whom I will speak at some length.

I might say that my friend from Rhode Island has the moral antenna and decency of few I have met in my life, and I am a great admirer of his.

I also wish to commend Senator PROXMIER for his unflinching devotion to this issue in

speaking to the Senate daily and for keeping the issue alive over a long period of years. Without him, the treaty would not have reached the floor today.

The Genocide Convention, Madam President, has particular significance and particular applicability to me. Though I am not sure that the treaty will do away with genocide—indeed, genocide continues to occur to this day and is perhaps proceeding at this moment in Ethiopia. It happened a few years ago in Kampuchea. It happened many years ago to the Armenians; it happened in the 1930's at the hand of Stalin to the Ukrainians. Then in the midst of 50 million other deaths, it fell upon the Jewish people to lose two out of five of their world population during the terrible period of the Second World War in the 1940's. This treaty, Madam President, has been a long time in coming to the U.S. Senate. And again, I am not sure that it will end genocide—people's inhumanities to other people, regretfully, continues—but an important step will have been taken.

Because, Madam President, who among us can say that had the Genocide Convention been passed in the 1930's as a response to the slaughter of the Armenians and then to the Ukrainians, that had the Genocide Convention been passed and ratified by the nations of the world, including the United States of America, who among us could say that the events of the 1930's and 1940's would not have been different? Perhaps thousands, hundreds of thousands, or even millions would have been saved. And I submit that none among us could say that had the Genocide Convention been passed, and had the press been aware of the desire of nations to oppose it, that the events of the 1940's would indeed not have been different.

Madam President, I said that the Genocide Convention has particular significance and applicability to me. In late January 1983, I made an appointment with President Reagan. I went to see him a few days later with my son to tell him that January 30, 1983 was the 50th anniversary of Hitler's becoming Reich Chancellor in Germany and that the Weimar Republic at that point died. Hindenburg, who was old and infirm, stepped down. And also on that day, on January 30, 1933, my father came home—and we lived in Berlin, Germany at that time—and told my mother that we would leave Germany.

That was 53 years ago now. My father was at that time 55, the same age that I am today. He was at the height of his success. He was Handelsgerichtsrat, a judge a referee—an unusual position for a Jew in Germany to have at that time. He was also a businessman, for being a referee in the commercial courts was not a full-time position. And he was indeed quite successful. And, as we would expect from any man of that age, to leave such heights and to leave a place of his home was difficult.

He was a highly successful man in the midst of a worldwide depression, and he knew that to move his family was a matter of great risk. Our travels from that day onward when we left Germany in July 1933, very early in the Hitler period, our travels were nevertheless difficult.

My father was born in a small town on the German-Polish border. Indeed, the border of Germany and Poland ran right through the middle of the town. My father was born on the Polish side and so we always found ourselves under the Polish quota. And the Polish quota, because of the actions of the

Congress in the 1920's, was always full. The German quota, on the other hand, was often empty.

We went from American consulate to American consulate, seeking entry into this country, even in 1933 and 1934, and were turned down time and again—as my wife's father was in later years. My wife and her family eventually found their way to Brazil.

We went first to Czechoslovakia, and we spoke to the American consul there and we were refused. Then we went to Switzerland, and my father spoke with the American consul there and was refused. They said, "You are Polish. The quota is full for years and you cannot enter the United States." So we went on.

We went to several other countries—Holland and Luxembourg and finally we went to England. My father felt that he was still not far enough away from Hitler's wrath that he foresaw with considerable clarity. Finally in England we found a consul who allowed us to immigrate to the United States under the German quota. We arrived December 23, 1935. So, this treaty indeed has some very special meaning to me.

For, while it is not an insurance against future genocide, if the countries of the world had ratified such a convention in the 1930's, if there had been a heightened public awareness of genocide in the world, as this convention attests that there is, who among us would not say that the genocide of the 1930's, conducted by Stalin against the Ukrainians and the genocide of Hitler against the Jews and against many other good people as well, might not have occurred. Who among us would say that history might not have taken a different course? Perhaps genocide would not have been averted, but certainly its course, its extent, its intensity would have been much different. The borders of other countries might not have been slammed shut to the victims, as it was, even at the height of the horror in the 1940's. The Jews of that period simply had no place to go.

What if my father had not made that decision to leave Germany? We would have been among the statistics, our ashes would have risen to the heights of Auschwitz. The figure would have been 6 million and 6 instead of 6 million, though it would not even have been adjusted.

But had this treaty been in effect, had the awareness of the world been enlightened, had the press known that 100 countries had signed such a treaty, would they have directed their activities differently? Would hundreds or thousands or more have survived? I submit that that would have been the result.

Recently, a book was written entitled "The Abandonment of the Jews," by David Weinman, who is a non-Jew, who spoke of how leaders of the world—many of them revered in our memory, I might say—did nothing despite clear and overwhelming evidence that the atrocities that were taking place were actually happening—newspapers would not publish stories, statesmen would simply not act and millions were herded into the gas chambers, many of them from my family, none of whom I knew because I was 2 years old, Madam President, when we left Germany, but many of whom my father often spoke to me about. One of the few people, indeed, one of the very few people, during that time to speak up was Herbert Pell, the father of Senator CLAIBORNE PELL. Senator PELL's father was then a high ranking member of the State Department. For his efforts he was effectively expelled from

the State Department, the budget for his activities removed.

I might say another member of the Pell family, Robert T. Pell, was instrumental in convincing the Dominican Republic to develop a haven to which somewhat less than a thousand Jews went from Europe at a time when they really could go nowhere else.

In that regard, it is interesting to note that when I made a speech not so long ago to a group of Canadians, I spoke about the book "The Abandonment of the Jews." They responded by saying, "Let us send you the one about Canada." In Canada the companion book is entitled "None is Too Many," because there too the gates were closed to the Jews.

It is also interesting and sad to note that a look at immigration patterns over the history of this country shows that in the 1930's, when the need was so great, we reached the lowest levels of immigration. There was no previous period of our existence as a country when immigration was as low. Ninety percent of the quota, Madam President, went unfilled. It simply was not filled. It is emotional for me to speak about this fact when I think about the millions of people whose ashes were just swept through the chimneys of those concentration camps.

But let me read about Herbert C. Pell, who was appointed to the War Crimes Commission by President Roosevelt, an old friend. This organization first met in December 1943. The book, "The Abandonment of the Jews" that I have mentioned, goes on at some length about the attitude of the American Government during those times. It states: "From the outset Pell wanted the Commission to be as 'tough as possible.'" He strongly proposed the view that atrocities committed by the axis on civilian populations were not outside the realm of war crimes. He won some members of that Commission over to his broader interpretation but they could not act without orders from their government. The matter bogged down because neither Pell nor Sir Cecil Hearst, the British representative, and Commission Chairman, could get his government to take the position on it.

"In January 1945, after 8 months without an answer, Hearst quit in disgust. The State Department treated Pell even more shabbily. Despite his frequent requests for instructions on policy issues, it never gave him definite directions. Thus, while he could lobby other Commissioners, he had no authority to take official positions themselves. His lack of power was not acknowledged."

Further on, the book states that the State Department officials assigned to the War Crimes Commission questions intended to make Pell's mission fail. Continuing to quote:

"In December 1944, Pell returned to the United States to try to clarify the problem. He made no progress with the State Department, but conferred with Roosevelt on January 9th. By then, Hearst had resigned the War Crimes Commission, and it appeared that Pell would become the chairman. The President reassured him, and as he left said, 'Good-bye, Birdie. Good luck to you. Go back to London as quick as you can and get yourself elected chairman.' When Pell went to the State Department to bid his formal farewell, he was astonished to hear Statinius say that the Department had been unable to obtain the appropriation for continuing his work. The only choice was to close his office and have some regular American official represent the United States on the commission."

Later, the book also states:

"What Pell definitely achieved then was to force the administration to make its war crimes policy public, a step that the War Refugee Board greatly desired. Whether his year of effort in the War Refugee Board added pressure and influenced policy itself cannot be determined."

But this man, the father of Senator PELL, was among the few who spoke out and tried to have an impact on American policy—and was totally unsuccessful.

The United States did little—close to nothing. I pointed out that immigration during that period fell to its lowest point in our history. A mere 10 percent of the quotas were filled. My people were allowed to languish, suffer, and die uncharted deaths. Other countries, as I have mentioned, did little more or did nothing at all.

My family and others who were able to get out are sprinkled all over the world: Brazil, Cuba, Kenya, Shanghai, China, the Union of South Africa, Australia, and a number of other countries as well. But many, many more were lost and are no more. Who among us, Mr. President, can say that a Genocide Treaty would not have been effective if it had been in existence back in those days? Who among us can say that the results would not have been different, whether with respect to a single human being, hundreds, thousands, perhaps millions? If the consciousness of nations had been awakened as it is now by this treaty; if the press were freer as it is today, and more aggressive as it is today, who among us can say that the presence of this treaty would not indeed have affected those terrible days?

So, Madam President, I hope we vote 100 to zero to ratify this treaty. No authority or sovereignty of the United States is threatened but countless millions may someday be saved.

Mr. LAUTENBERG. Mr. President, I rise in strong support of ratification of the Convention on the Prevention and Punishment of the Crime of Genocide. The time has come for the United States of America to take its rightful place among the family of nations that have already ratified this document. We must delay no longer.

I would like to commend Senator Proxmire for his efforts on behalf of ratification. Senator Proxmire has been a lone voice, crying in the wilderness, urging ratification of this treaty. He has made literally thousands of speeches on this matter here in the Senate, and I congratulate him for his diligent attention to this important issue. I hope that the action we take today in ratifying the U.S. Convention on the Prevention and Punishment of the Crime of Genocide will vitiate the need for Senator Proxmire's efforts.

I have had many opportunities to study first hand the heartrending evidence of the most far-reaching campaign of genocide in history, the despicable work of the Nazis before and during World War II. That one group of human beings can turn against another in an attempt to wipe them off the Earth is beyond comprehension, and yet it has happened, again and again.

Early in this century, the Turkish slaughter of the Armenian people was an early and unfortunate example of genocide. What was originally called the Ukrainian famine of 1932-33 is now known as a broad and orchestrated campaign of starvation, physical abuse, and internment, and called genocide by many. Today Cambodia is reported to be the site of genocide killings.

The litany goes on. The victims are many, the voices of outrage too few. The ratification of an international treaty outlawing the practice of genocide seems a small enough protest against the enormity of the crime. Still, this is a government of laws, and we write the moral bases of our society into law.

It is therefore imperative that after a 35-year delay, the Senate should give its advice and consent to the signing of the Genocide Treaty.

President Truman transmitted the Genocide Convention to the Senate for its advice and consent on June 16, 1949. Hard on the heels of the end of World War II and the revelation to the world of the Nazi extermination camps, the United States declared genocide a crime under international law. This was followed by the drafting of the Convention of Prevention and Punishment of the Crime of Genocide.

Let us not lose sight of the background. The world was shocked by the evidence of lengths to which man can go when driven by irrational forces. One reaction was the swift passage of measures to outlaw and punish such genocidal actions against a whole people.

The convention would have made it possible to punish those responsible for the atrocities committed against the Armenian people in Turkey during the time of the First World War. Some 1.5 million people of Armenian ancestry were killed throughout the Ottoman Empire, and more were driven from their homes during that time.

The convention would have made it possible to punish those responsible for the actions of the Soviet Government during the early 1930's which resulted in wholesale deaths and displacement of the Ukrainian people.

The convention would have made it possible to punish those responsible for the deportation of Jews from all over Europe to slave labor and death camps in Germany and Eastern Europe for the express purpose of wiping out the Jewish people.

The convention would make it possible to punish those responsible for the intentional uprooting and killing of the Khmer Rouge forces.

Mr. President, no reasonable objection can be made to a treaty that labels genocide an international crime which must be prevented and punished.

I urge my colleagues to vote to ratify this convention. The United States must join over 90 of her sister nations in denouncing genocide.

Mr. RIEGLE. The Senate's ratification of the Genocide Treaty today is one of the most important actions ever taken by this body. As one of the first nations to endorse the convention at the United Nations 36 years ago, it is appropriate that the United States, as a key defender of human rights around the world, join the 96 other signatory nations in condemning the act of genocide.

In 1949, President Truman first submitted the Genocide Treaty to the U.S. Congress for ratification. Since then, the convention, which declares the systematic killing of racial, ethnic, or religious groups a crime under international law, has had the support of Presidents Kennedy, Johnson, Nixon, Ford, and Carter. On September 6, 1984, President Reagan became the seventh President to urge the Senate to give its consent to ratification.

Disagreement over the legal meaning and effect of this treaty has prevented the

Senate from approving this convention for the past 36 years. To alleviate concerns that certain obligations under the convention are not clearly defined and may conflict with the U.S. Constitution, the Senate Foreign Relations Committee has drafted a set of eight provisos which delineate and qualify the legal obligations that the United States will incur in ratifying the convention. In so doing, the committee has quieted many of the treaty's critics, and has facilitated its approval by the Senate.

Today's ratification of the Genocide Treaty pays tribute to the million of victims of genocide, including the 1.5 million Armenians whose massacre between 1915 and 1923 set the stage for the annihilation of 6 million Jews just a few decades later. In addition, we remember the millions of Ukrainians who perished in the only man-induced famine in history, and the killing of millions of Cambodians at the hands of the Pol Pot regime. These events are part of the darkest chapters in the world's history.

Even now, the threat of genocide is not safely in our past. Many ethnic and religious minorities around the globe—including the Baha'is of Iran—continue to be at risk.

Unfortunately, mere Senate ratification of the Genocide Treaty will not end the injustices of the world. What ratification will do, I believe, is demonstrate the commitment of this country to the protection of human rights and thereby legitimize our Nation's standing as the greatest protector of human rights in the world. No longer can our adversaries challenge U.S. dedication to human rights by focusing on our failure to ratify the Genocide Treaty.

In the three and a half decades that the world has waited for the United States to lend its support to the Genocide Treaty, distinguished proponents of Senate action have kept the debate alive. Since 1967, the regular speeches on the Senate floor by our distinguished colleague from Wisconsin, Senator PROXMIRE, urging prompt ratification of the convention, have provided daily reminders of the importance of endorsing the convention, and of the damage rendered by our continued failure to do so.

One of our greatest teachers on the moral imperative of protecting the world from the horrors of genocide is the distinguished humanitarian and survivor of the Holocaust, Elie Wiesel.

Through his words and deeds, Elie Wiesel has etched in the world's memory the horrors of his own experience, in the hope of preventing the occurrence of future holocausts. He eloquently reminds us that respect and dignity for each individual is essential to the achievement of world peace.

I am pleased that, after long years of waiting, the Senate has today taken an important step toward achieving that goal by voting overwhelmingly in favor of ratifying the Genocide Convention.

Mr. HELMS. Mr. President, the vote which the Senate is about to conduct upon the so-called Genocide Convention is, at most, symbolic. Thanks to the eight provisos—on reservations—that some of us insisted should be a part of the instrument, the sovereignty of our Nation and the freedom of our people have been protected against assault by the World Court.

In other words, the treaty has been defanged in terms of the dangerous defects in its original version.

Mr. President, I will not delay the Senate with a reiteration of what I said on this floor yesterday. For those who may have an

interest in my concerns, I would refer them to pages S 1261 through S 1273. Of particular interest will be the testimony of the late, great Senator Sam Ervin when he appeared before the Committee on Foreign Relations on May 22, 1970.

So, Mr. President, this Genocide Convention upon which we are about to vote is purely symbolic. We might as well be voting on a simple resolution to condemn genocide—which every civilized person does.

My vote against the treaty is likewise symbolic. Even in its present form, harmless as it now is, this treaty has the remote potential of an entangling alliance. So I shall vote against it for that reason—and also as a postscript of gratitude to a great American, Sam Ervin, who long ago took the time to make me aware of the great constitutional implications of this treaty in its original form.

Mr. PELL. Mr. President, today the Senate has a historic opportunity to give its advice and consent to the Genocide Convention. After 36 years of effort, we stand at the threshold of ratification of this landmark human rights document. I very much hope that the Senate will proceed to a final vote on the resolution of ratification.

Just 14 months ago, we briefly considered the Genocide Convention in the final days of the 98th Congress. The prospects for ratification has been greatly enhanced by President Reagan's strong endorsement of the convention in the final month of the 98th Congress. Shortly thereafter the convention was ordered reported favorably by the Foreign Relations Committee by an impressive 17-to-0 vote. We knew we were racing against the clock, but with the support of the administration, the American Bar Association, and virtually every major human rights and religious organizations in the country, we were ready to begin the final push for ratification.

Faced with the reality of a filibuster at the end of the 98th Congress, the Senate suspended consideration of the convention and in its stead adopted a resolution expressing support for the principles contained in the Genocide Convention, and pledging expeditious action in the first session of this Congress. That resolution passed the Senate by a vote of 87 to 2, signaling our determination to, at long last, get this treaty to the Senate early enough in this session to give it a favorable chance of passage.

I hope that we will not be faced this session with virtually the same situation that existed a year ago. The convention was reported favorably by the Foreign Relations Committee, for the sixth time, in May and has been on the Senate calendar for many months. I remain hopeful that we will still be able to complete final action on the convention before this session is over.

I think it is important to reflect for a moment on why it is so essential for us to ratify the Genocide Convention. The convention arose from the ashes of the Holocaust, a response to the attempted extermination of European Jews by the Nazis and, therefore, regarded as much for symbolic as well as for its practical effect. In this century we have also witnessed the massacre of the Armenians in the Ottoman Empire and the barbarism of the Khmer Rouge in Cambodia during the 1970's millions upon millions of lives have been lost.

Mr. DODD. Mr. President, I join my colleagues in today's special order to commemorate the 70th anniversary of the Armenian genocide. By honoring the victims

of the first genocide of the 20th century we can preserve the memory of this bleak chapter in human history. We must vividly remember such events of the past, if we are to learn from them and prevent their reoccurrence.

On this day 70 years ago, Turkish leaders set in motion a plan to systematically eliminate their Armenian subjects from existence, thereby setting the so-called Armenian Question once and for all. By 1923, approximately three quarters of the Armenian population living in Armenia and Turkey, over 1.5 million people, perished either through outright killing or through a brutally executed deportation program. To this day, successive Turkish governments have denied that these horrible events took place. The number of Armenians killed, they claim, was less than 30,000 and their death was due to their disloyalty in siding with Russia at a time when Turkey was fighting a war on several fronts.

The truth of this tragedy, however, cannot be covered up. Substantial documentation exists in U.S. Archives, and the U.S. Ambassador to Turkey, Henry Morgenthau, Jr., at the time, made several declarations on what he learned about these atrocities. There exist many survivors who witnessed the genocide and gave testimony about its occurrence. Our own Government, however, has shown considerable lack of sensitivity on this issue, ostensibly to prevent a loss of favor with our strategic NATO ally Turkey. An August 1982 State Department bulletin stated that—

"Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish government committed a genocide against the Armenian people. Armenian terrorists use this allegation to justify in part their continuing attacks on Turkish diplomats and installations."

Defense Secretary Weinberger has made similar public statements and President Reagan, himself, has refused to issue a statement honoring "Armenian Martyr's Day." I find this posture inexcusable and disrespectful to Armenian-Americans who have made such great contributions to our country.

To deny the existence of the Armenian genocide is an affront to the proud descendants of a heroic people and is unbecoming for this Nation, the very foundation of which rests upon the values of individual liberty and freedom. Senate Joint Resolution 101, of which I am a cosponsor, would designate April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man." Enacting this legislation would demonstrate this country's dedication to the values of the sanctity of human life and the historical truth. Some claim that Senate Joint Resolution 101, if enacted, would encourage terrorism. I condemn all acts of terrorism committed by Armenians against Turkish diplomats in the strongest possible terms, as do the overwhelming majority of Armenian-Americans. It is only a small group of extremists who have resorted to violence and sullied the reputation of a decent and respected people, further victimizing all Armenians. Senate Joint Resolution 101 will stand as testimony from this Nation that we shall not forget these events and that they shall be remembered precisely to avoid their future reoccurrence.

Two decades later, Adolf Hitler could borrow Talaat Pasha's methods for handling his minorities because the world remained indifferent to the events of 1915.

Citing the unnoticed case of the Armenians, he declared that, "Masses of men are mere biological plasticine." One result of the Nazi Holocaust has been the creation of the International Convention on the Prevention and Punishment of the Crime of Genocide. This treaty has been ratified by most nations on Earth, and I feel that ratification by the United States is long overdue. I urge my colleagues to join me in support of both Senate Joint Resolution 101 and the Genocide Convention to reaffirm our Nation's commitment to international law and justice and to protect potential victims of the unspeakable crime of genocide.

At this time, I ask to have printed in the RECORD an editorial which appeared in the Hartford Courant on April 21, entitled, "On the Evil of Genocide."

The article follows:

#### ON THE EVIL OF GENOCIDE

April is the month when two ancient peoples commemorate the two saddest periods in their modern history.

Jews around the world gather to honor the memory of the 6 million murdered on orders of a madman during World War II. Armenians around the world also gather to honor the memory of the nearly 1.5 million murdered on orders from three maniacal Turkish rulers during World War I.

This year is the 70th anniversary of the terrible event in Asia Minor and the 40th anniversary of the end of the Nazi nightmare. It is also the 37th year of the international treaty on genocide. Nearly 100 nations have approved it, but not the United States.

Yet another attempt is being made in the U.S. Senate to ratify the treaty, which historically has been opposed by isolationist elements in America. Meanwhile, more than 100 members of Congress have co-sponsored a resolution that would create a "National Day of Remembrance of Man's Inhumanity to Man" on April 24, the day the Armenians commemorate the attempt to eradicate them as a people. Among the co-sponsors are Reps. Nancy L. Johnson of New Britain, Sam Gejdenson of Bozrah, Barbara B. Kennelly of Hartford and Bruce A. Morrison of Hamden.

The Reagan administration initially opposed both items. It has now expressed support for the genocide treaty, but with reservation. It continues to object to the resolution on the grounds that it would "complicate" relations with the government of Turkey and would "encourage" those relations few Armenians who have resorted to terrorism against Turkish diplomats.

On the contrary, the resolution would strengthen the case of mainstream Armenians against those terrorists who claim that the only way to achieve recognition is through the madness of revenge.

As for complicating relations with Turkey's government, it seems inconceivable that the contemporary rulers in Ankara will sacrifice massive U.S. aid because Congress, in a resolution, formally recognized the genocide that took place 70 years ago.

The resolution is directed at the Ottoman rulers of another era, not the rulers of modern Turkey.

Opposition to the genocide treaty is similarly indefensible. Genocide, the systematic killing of, or a program of action intended to destroy, a whole national, religious or ethnic group, is not just a crime of the past. In this century, it began in Turkey in 1915. Adolf Hitler, when warned about international consequences of his Final Solution, advised his cohorts not to worry because

after all, nobody remembered what happened to the Armenians.

In recent times, some African governments attempted to exterminate tribes. The Khmer Rouge succeeded in wiping out about one-fifth of Cambodia's population. Some dictators in Latin America have directed their violence against Indian people in their countries.

And yet, some U.S. senators are still arguing over whether to ratify the treaty that could bring perpetrators before an international tribunal. The latest qualifier proposed by congressional isolationists, and supported by the administration, would require that before a case is accepted by the world court, both the accused and the accuser would have to agree to take it to the court.

Could anyone imagine that Hitler or Idi Amin would have agreed to go to the world court to respond to their accusers?

Some opponents claim that if the United States ratified the treaty, it could be taken to court for alleged crimes in Vietnam or Nicaragua. They say that under terms of the treaty, the death of a single person could constitute genocide. They say that U.S. support for birth control programs would be deemed genocidal.

These arguments are absurd, as is the argument that the treaty may conflict with freedoms guaranteed by the U.S. Constitution.

Seventy years after the Armenian Genocide and 40 years after the Holocaust, let the United States take the symbolic steps of ratifying the treaty and approving the congressional resolution. For the real effects would be symbolic, but still important for a nation that champions humanitarian ideals.

Mr. DOLE. Mr. President, we are not even debating yet the resolution. We are debating whether or not we should proceed to the resolution.

Normally around this place at least we get to the resolution. This is a commemorative resolution. I have heard at least two of my colleagues say, "Oh, I cosponsored that, but then I changed my mind upon reflection." But nothing has changed. There are still a million and a half Armenians slaughtered. We still waited 75 years. And I will print in the RECORD tomorrow where a group of Nobel laureates said to the Armenians and Turks, "Let us sit down and see if we cannot work out some agreement." The Turks would not show up. When are we going to have the justification for the Turkish attitude?

So I urge my colleagues when it comes 1 o'clock tomorrow to vote to invoke cloture on the motion to proceed. We need 60 votes. It will be hard to do. There are a lot of powerful influences at work. It is a David and Goliath story, and David does not have much to work with. He cannot do anything for anyone in this instance except state the case and make the record and pile up the evidence, which is clear and convincing, in the view of the Senator, that we ought to act. We ought to have as much courage as they had in 1920 in the Senate when it was unanimous.

We ought to recognize the fact and the Turks ought to recognize the fact that we are talking about the Ottoman Empire, not the Turkish Republic.

Germany accepted the fact. Ataturk accepted the fact. Other Turkish officials accepted the fact. I think it would be very helpful to the Turkish Republic to accept the fact that this did happen. I do not think it would impair our relationship one bit.

We will have a couple of hours of debate tomorrow. I hope my colleagues and members of their staff who are still with us will review the evidence. I have nothing but the highest regard for my colleague from West Virginia. We have differences of opinion on this matter. It is not very often we do have. He feels strongly; I feel strongly.

I have the tougher case. I have to get 60 votes. We will see what happens tomorrow at 1 o'clock.

#### EXHIBIT 1

##### PRE- AND POST-GENOCIDE ARMENIAN POPULATION FIGURES

Issue: In 1912 there were 2,100,000 Armenians living in Turkey, in 1923 less than 1,000,000—the best estimate is that 1.5 million were killed and the rest were refugees or forced to convert to Islam. Opponents claim the number of deaths were much smaller (200,000–600,000 deaths), but even the Turkish Interior ministry recorded 1,100,000 “deportations” by 1919.

##### POINTS AND AUTHORITIES

1. The Armenian Patriarch of Turkey kept statistics of the Armenian population because: (1) under the Ottoman Moslem government religious authorities had jurisdiction over (private legal) aspects of their community's life; (2) when Armenians were baptized, married, and died, the church recorded it; and (3) as a democratic institution, the Armenian church had to determine proportional representation and dues for the local parish at annual meetings. In 1882, the Patriarch published statistics showing 2,660,000 Armenians in Turkey; in 1912 those statistics showed only 2,100,000; and by 1923 less than 1,000,000 remained. (The decrease from 1882 to 1912 is attributable to the massacres of 300,000 Armenians from 1894–1896, additional massacres in 1905 and 1909, and refugees fleeing to Russian Armenia.) Based on refugee immigration around the world and contemporaneous accounts, the best estimate is that 1.5 million Armenians were killed. D.M. Lang and C. Walker, “The Armenians” at p. 8 (1987). Obviously no death certificates were issued.

2. Today, Turcophiles (most notably Justin McCarthy) claim that only 200,000 to 600,000 Armenians died. McCarthy arrived at his figures by applying complicated theoretical formulas to erroneous mid nineteenth century population numbers, plugging in ridiculous population and mortality rates and arriving at a magic number which he admits may be off by 50%. Critics have devastated his book “Muslims and Minorities: The Population of Ottoman Anatolia at the End of the Empire” (1983). McCarthy and those like him are as off base as those who recently claimed in the newspaper “Sieg” that only 200,000 Jews died during World War II, and that was part of the German-Jewish war.

3. Ottoman government officials drastically underestimated Armenian population figures before the genocide to preclude claims of self-determination in areas where Armenians formed the majority, but during the genocide those records go much farther than Turcophiles today. In 1920 U.S. Major General James Harbord wrote that “[t]he official reports of the Turkish government show 1,100,000 as having been deported.” Harbord Report to the U.S. Senate, 66 Cong. Doc. No. 266 (1920). In March 1919, the Ministry of Interior issued the figure of 500,000 dead Armenians.

4. In 1920, Ataturk even acknowledged (as recorded by his Turkish colleague Rauf Orbay) 800,000 Armenians massacred.

5. By October 6, 1915, in the House of Lords Viscount Bryce had already reported 800,000 Armenians massacred, and contemporaneous news reports from all over the world showed at least 1,000,000 killed by December 1915.

##### SUPPORTING MATERIALS ATTACHED

1. Patriarch's figures from R. Hovannissian “Armenia on the Road to Independence.”

For the three principal nationalities inhabiting Turkish Armenia, the Patriarchate gave the following statistics:

	Turks	Kurds	Armenians
Erzerum	240,000	75,000	215,000
Van	47,000	72,000	185,000
Bitlis	40,000	77,000	180,000
Kharput	102,000	95,000	168,000
Diarbekir	45,000	55,000	105,000
Sivas	192,000	50,000	165,000
Percentage of total population	25.4	16.3	38.9

#### 1920 S. RES. 359

Issue: Prior, contemporaneous Senate legislative acknowledgment of the genocide.

##### POINTS AND AUTHORITIES

On May 11, 1920, the Senate passed S. Res. 359 which included: “Whereas the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered.”

##### SUPPORTING MATERIAL ATTACHED

S. Res. 359, 66th Cong. 1920.

##### S. RES. 359

Whereas the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered; and

Whereas the people of the United States are deeply impressed by the deplorable conditions of insecurity, starvation, and misery now prevalent in Armenia; and

Whereas the independence of the Republic of Armenia has been duly recognized by the Supreme Council of the Peace Conference and by the Government of the United States of America: Therefore be it

*Resolved*, That the sincere congratulations of the Senate of the United States are hereby extended to the people of Armenia on the recognition of the independence of the Republic of Armenia, without prejudice respecting the territorial boundaries involved; and be it further

*Resolved*, That the Senate of the United States hereby expresses the hope that stable government, proper protection of in-

dividual liberties and rights, and the full realization of nationalistic aspirations may soon be attained by the Armenian people; and be it further

*Resolved*, That in order to afford necessary protection for the lives and property of citizens of the United States at the port of Batum and along the line of the railroad lading to Baku, the President is hereby requested, if not incompatible with the public interest, to cause a United States warship and a force of Marines to be dispatched to such port with instructions to such Marines to disembark and to protest American lives and property.

#### EXHIBIT 2

##### THE POST-WORLD WAR I TURKISH TRIALS OF GOVERNMENT OFFICIALS FOR THE PREMEDITATED ANNIHILATION OF THE ARMENIANS

Issue: After World War I, the Turkish government tried and convicted national and provincial officials for ordering and implementing race-extermination plans. These trials and the evidence introduced in the proceedings are dispositive factors in the debate over the Armenian genocide. Some opponents say the trials were only for show, but the evidence (telegrams, orders, etc.) placed in the records are overwhelming.

##### POINTS AND AUTHORITIES

1. The predecessor to the current Republic of Turkey actually tried and convicted former government leaders for the “premeditated decision and execution of plans to annihilate the Armenian nation.” Those who deny the Armenian genocide conveniently fail to acknowledge this dispositive fact in the debate when they urge you to oppose this resolution.

Besides the trials of major government leaders held in Istanbul, moreover, local officials were tried and convicted in provincial courts for the same crimes. “The common element in all the verdicts was the finding that the [Armenian] deportations were a cloak for the central plan of destruction of the deportees.” (Dadrian, “Genocide As a Problem of National and International Law,” 14 Yale Journal of International Law, 221, 308 (1989), citing official Turkish court reports of trials held in Trebizond, Yozgat, Harput, Istanbul, and Erzincan).

2. The indictment details the premeditated race-extermination charges against the responsible officials. In addition, the indictment cites and summarizes some of the incriminating telegrams and orders. These documents conclusively establish the government's systematic plan to exterminate the Armenians through massacre, deportation, and forced starvation. These documents, are among the archival items which the Turkish government will not release. Instead, the government opens only the officially “catalogued” or “classified” archives while claiming that everything is open. Thus, credible scholars question the value of the government's purported opening of the archives as far as the Armenian genocide is concerned.

3. The attached documents show that, after the war, the Turks officially recognized that the government intentionally annihilated an entire nation. The cold facts are that from an Armenian population of 2,100,000 in 1912 (calculated from church records such as baptisms, wedding, and funerals) less than 100,000 were left in the Armenian provinces of Turkey. As objective analyses and the contemporaneous accounts from Turkey's friends and foes alike confirm, massacres account for approximately

1,500,000 of the difference. Refugees and forced conversions to Islam account for the rest.

#### SUPPORTING MATERIAL ATTACHED

1. Letter from UCLA Professor Emeritus Leo Kuper attaching summaries of the indictment and verdict with an introduction and brief background to the trials.
2. Translated copy of the indictment.

#### INTERNATIONAL ALERT.

Los Angeles, CA, November 9, 1989.

To MEMBERS OF CONGRESS:

I am writing in connection with the proposed day of remembrance of the massacres of Armenians during World War I.

As a sociologist concerned with major issues of human rights, I have carried out research, and written extensively over a period of some twenty years on the crime of genocide and the means for its prevention.

The massacre of Armenians is one of the cases I studied intensively. Based on a wide range of sources, including not only eyewitness accounts and the testimony of survivors, but also governmental records, there is conclusive evidence that the massacres constituted the crime of genocide.

Among the less publicly known documents is the record of the Turkish court martial proceedings against leading members of the former government, including the Ministers of War, the Interior, and the Navy, and the Committee of Union and Progress, who organized the killings.

Attached to this letter is a summary of the indictment and of the sentences, as well as a brief statement on the background to the Armenian tragedy.

LEO KUPER,

*Professor Emeritus UCLA and Vice President, International Alert Against Genocide and Mass Killing.*

#### TURKISH COURT MARTIAL PROCEEDINGS

##### INTRODUCTION

Following World War I, the new Turkish government instituted courts martial against the Young Turk dictators, including the ministers of War, Interior, and Navy and other members of the dominant Committee of Union and Progress [CUP], who had perpetrated the genocide of the Armenians.

These proceedings established, beyond any doubt, that the deportations and massacres against the Armenian people during the War were planned and premeditated. The aim of the policy was clearly the extermination of all Armenians in Ottoman Turkish territories.

The evidence gathered and introduced at these trials included official telegrams sent by the central government to the provinces and accounts by eyewitnesses from various nationalities. The transcripts recording this evidence are widely available, since they were reported in the official gazette of the Ottoman Empire, the *Takvim-i Vekayi*. Yet the Turkish government has never released the actual evidence. In fact, in some of the verified testimony, former officials acknowledge that they were ordered to destroy critical evidence.

Rejecting defenses based on the "orders from higher authorities" argument, the courts overwhelmingly found those indicted guilty as charged.

After World War II the Allies used these proceedings as precedent for the Nurnberg trials.

#### BRIEF BACKGROUND

Starting in 1915, the Ottoman government embarked on a course to exterminate the Armenian people. To its credit, the post WWI Turkish government instituted courts martial to prosecute those responsible for the worst crimes. The trial of the Young Turk leaders, initiated by the new government of the Ottoman Empire, is the first official war crimes trial. The Extraordinary Courts Martial dealt with the major question of the subversion of the constitutional order and the wholesale deportations and massacres of the Armenian population of the Empire during World War I, what came to be known since as the Genocide of the Armenians.

The government plan to try those responsible for crimes during the War divided defendants into three categories:

1. Major criminals, who would be tried before the Supreme Court;
2. Functionaries cooperating with major criminals, who would be tried in civil courts;
3. Common citizens, who would be tried in lower courts.

Extraordinary courts would be formed according to articles 89 and 91 of the Ottoman constitution. The Empire was divided into ten zones to try all the criminals. By January 1919, prosecutors and judges of instruction were selected for four of the regions.

The Commission of Inquiry established by the new Turkish government was authorized to collect all evidence from the governors throughout the Ottoman Empire. The Commission, through the Ministry of Interior and Post and Telegraph (PTT), requested that PTT offices in the provinces submit to the capital all communications which were sent out by the defendants pertaining to Armenians from May 1915 through April 1917. Many governors complied, others did not. In addition, the Commission of Inquiry interrogated the statesmen and military commanders who served under the Young Turk government during the War.

Enough evidence was gathered in 1918 to implicate a number of members of Parliament, making it a liability for a government trying to distance itself from the extermination policy of the Young Turks. The Sultans dissolved Parliament. Calls for the imprisonment of those who had taken an active part in the implementation of Young Turk policy increased. In an attempt to bring some legitimacy to his government, Ottoman Foreign Minister Mustafa Reshad Pasha stated in Paris, in 1919: "A pallid light is extended upon the atrocities committed against the Armenians, atrocities which aroused the indignation of humanity; our land has been given back to us transformed into a gigantic slaughter house."

By the end of 1918, almost 200 CUP leaders had fled, but the Ottoman government demanded the extradition of major criminals.

Ultimately the Ottoman government arrested about 100 who fled. On December 9, 1918, a Court Martial constituted to try Enver, Jemal and Talat the major perpetrators. The verdict, given on July 5, 1919, condemned all three and Nazim, and sentenced in absentia to death. The courts martial in Istanbul also announced that others involved in deportations and massacres at Ankara, Gerasoon, Sivas, Adabazar, Bilejik, Bitlis, Izmit, Mamuret ul-Aziz, Amasia, Der ez-Zor, Kirshehir, Diyarbekir, Kayseri, Konia, Changeri, Adrianople, Karahisar, Adana, Chatalja, Dardanelles, Bafra, Marash, Akhisar, Istanbul, and Kutahia must be brought to justice. By April 1920,

the Commission of Inquiry had 110 files yet to be examined and the Courts Martial office had more than 100 dossiers of people to be brought to trial. The rise of the nationalist movement in Turkey and changes in Western policy toward it made it impossible to continue trials of Turkish leaders for crimes committed against non-Turks.

#### LIST OF MAJOR DEFENDANTS MENTIONED IN THIS FILE

Aziz Arif—Head of the special Organization in Istanbul.

Enver Pasha—Minister of War, Commander-in-chief of the Ottoman Army. Member of the CUP Central Committee.

Hasim—Minister of Post and Telegraph. Ahmed Izzet Pasha—Former Prime Minister.

Jemal Pasha—Minister of Marine. A fugitive abroad. Member of the CUP Central Committee.

Mahmud Kamil—Former Commander of the Third Army.

Musa Kazim—Former religious head. Nazim Effendi—Minister of Education, Special Organization and CUP leader in Istanbul.

Rifat Bey—Speaker of Upper House of the Ottoman Parliament.

Riza Bey—CUP plenipotentiary in Trebizond.

Behaeddin Shakir—Head of the Special Organization.

Javid Sheref—Minister of Finance.

Mustafa Sheref Bey—Minister of Commerce and Agriculture.

Talat Pasha—Minister of the Interior, former Prime Minister. President of the Central committee of the CUP.

Vehip Pasha—Commander of the Third Army.

#### SUMMARY OF THE INDICTMENT AGAINST THE LEADERS OF THE YOUNG TURK GOVERNMENT OF THE OTTOMAN EMPIRE—APRIL 12, 1919

[Full text of indictment reading during the first session of the court martial, April 27, 1919 and reported in *Takvim-i Vekayi* (official gazette of the Ottoman Empire,) Number 3040.]

The post-War Turkish Government indicted the leader of the Young Turk Government of the Ottoman Empire, all members of the Committee of Union and Progress (CUP), for the following [numbers are for convenience]:

1. The Committee of Union and Progress had operated in two ways in an effort to deceive the people:

(a) as a public organization, a party abiding and acting by its by-laws;

(b) as a secret agency, acting through oral and secret instructions aimed at the destruction of the Armenians and subverting the constitution.

2. CUP activities were marked by violence, murder, pillage and abuse. Talat, Enver, Jemal and their party resorted to terror and violence in ruling the country, causing enormous disaster.

3. The CUP had decided to enter the War on the side of Germany long before the Ottoman Empire declared war formally.

4. To realize its secret program of eliminating Armenians, the CUP set up the Special Organization, composed mainly of criminals released from prisons.

(a) Ostensibly, the Special Organization was created to help the war effort. In fact, it was involved in criminal activities. Behaeddin Shakir was stationed in Erzerum and supervised the brigades in the Eastern Provinces. Riza was in Trebizond. Aziz Atif and Nazim led the effort in Istanbul.

(b) The Special Organization was given abundant money, secret cipher codes, vehicles and weapons.

(c) Members of the Special Organization, the CUP Representatives and local employees were engaged in manslaughter, pillaging, burning of buildings and bodies, and violating the honor of women. All Ottoman subjects suffered from these acts and a significant number of those who suffered were Armenians.

(d) An important portion of the files of the Special Organization and the files of the CUP Central Committee regarding Armenians were stolen.

The specific object of this investigation being the tragedy that befell the Armenians during their deportation, the Court notes.

5. These tragic acts were not local or isolated incidents but were brought about by a central body, consisting of the indicted defendants, who directed them through oral and secret instructions.

(a) The Ministry of Interior headed by Talat and the CUP were both engaged in organizing the Special Organization which was employed in massacring and annihilating the convoys of deported Armenians.

(b) Telegrams demonstrated that Talat, Enver and Jemal ordered the massacres. The CUP government leaders gave strict orders to bury the dead and burn their effects, as corpses lay around for too long or were thrown into rivers, particularly the Euphrates, embarrassing the authorities and contaminating the environment.

(c) Talat approved the drowning of Armenians in the Black Sea.

(d) Vehib Pasha [who replaced Mahmud Kamil as Commander of the Third Army] testified that the destruction and annihilation of the Armenians and the plunder of their belongings were the result of the decisions of the Central Committee of the CUP.

(e) Naxim believed that the measures taken against the Armenians would permanently solve the question of Turkey's treatment of minorities.

(f) Talat was aware of and consistently refused to act seriously on reports concerning the Armenian massacres.

6. The CUP intended to annihilate the Armenians through deportation and massacres.

(a) The CUP and Government carried out deportations and massacres even in distant places where there was neither military nor disciplinary necessity.

(b) The governor of Mamuret-ul-Aziz reported that all the roads were covered with so many corpses of women and children, that they didn't have enough manpower and time to bury them quickly.

(c) From Diyarbekir alone, 120,000 Armenians were deported.

7. Some Muslims opposed the measures. For example, the Muslims of Kastamonu told the governor: "Like [animals led to a] slaughterhouse, the Armenians of neighboring districts and their wives and children are being taken to the mountains and killed. We do not want this to happen here."

8. The CUP and Government authorities strictly forbids Muslims to protect the Armenians. For instance, Mahmud Kamil, Commander of the Third Army, decreed in a telegram that any Muslim protecting an Armenian will be executed before his own house and his house will be burnt. Muslim employees and military personnel [protecting Armenians] will be court martialled.

(a) The CUP and Government classified those who refused to take part in the massacres and deportations as traitors. Those who went along were protected and supported.

(b) The CUP and Government dismissed officials for not carrying the orders to annihilate the Armenians from the central authorities; some of them were executed.

All the points raised in the Indictment are supported by documents and testimonies.

#### SUMMARY OF THE SENTENCE—JULY 5, 1919

[Full text of the sentences reproduced in the *Takvim-i-Vekayi* (official gazette of the Ottoman Empire,) Number 3604.]

Based on verified and credible testimony, on documents, and on the irrefutable facts of the massacres and deportations which left practically no Armenians in the Ottoman Empire, the court found the defendants guilty as charged, except for Rifat [Speaker of Upper House of the Ottoman Parliament] and Hasim [Minister of Post and Telegraph].

In this session the court referred to five points to justify its guilty verdicts:

1. The massacres in Trebizond, Yozgat and Boghazliyan were organized and perpetrated by the leaders of the CUP. Claims that they became aware of the crime rather late were found invalid since the accused made no effort either to prevent their recurrence or [to punish] the perpetrators.

2. The decision to enter the war was made not by the cabinet but by the CUP.

3. Former Prime Minister Ahmed Izzet Pasha had to resign from his post as Minister of War because of the intervention of the CUP [in government affairs].

4. Supplies, financial transactions, and assets were monopolized by the CUP, especially by its Representative in Istanbul so that public wealth was in the hands of a handful of individuals. This impoverished the population, caused hardship, and consequently considerably weakened the war effort. It was also an instance of interference in government affairs.

5. The CUP ran the affairs of the state as it wished.

As a result, the CUP commanded the machinery of the government and imposed its will on the country.

#### THE VERDICT

As principal organizers of the slaughter of innocent Armenians in an attempt to exterminate them, Talat, Enver, Jemal and Nazim were found guilty.

Javid and Mustafa Sheref were also found guilty.

Musa Kazim, religious head and head of clergy, was found guilty as an accomplice.

Rifat and Hasim were found not guilty.

Talat, Enver, Jemal and Nazim were sentenced to death.

Javid, Mustaf Sheref and Musa Kazim were sentenced to 15 years of hard labor.

The court's decision was unanimous.

[Transcript of the military court trial from: "The Official Gazette" (*Takvim-i-Vekayi*); Section: "Judicial Journal Of Trials, No. 3040, 3604", Printed: Constantinople, April 27, July 5, 1919]

#### PART II—TEXT OF INDICTMENT OF THE MILITARY COURT OF APRIL 27, 1919 (1335)

We have read and examined the papers of the investigating Judge relating to the Ittihad and Terakki Party which has dissolved itself, and also those pertinent to the permanent members of said party: *Said Halim Pasha, Talaat, Enver, Jemal, Ahmed Nesimi, Midhat Shukri* (the General Secretary), *Central Committee member and delegate of Istanbul, Kemal, Zia Geuk Alp, Dr. Rousloukhi, Kuchuk Talaat*, as well as members of the Party's Central Committee and the organizers of the "Teshkilati Makhousseh" (the "Special Organization")—*Dr. Nazim, Atif, Rica*, and administrative functionaries of that organization, the former Commissioner of Public Security, *Aziz*, and the Military Governor of Istanbul, *Jevad Bey*.

"The text of this indictment has been prepared by the Court Martial's District Attorney.

"The above mentioned investigation has disclosed that the Ittihad Party had two faces.

"One of these was its well-known external face, that is, a Party acting in accordance with its by-laws; the second was the secretive, conspiratorial, traitorous Ittihad acting with criminal intent on oral and secret instructions.

"Documents and other evidence at hand give proof that the history of the Party has been marked by an unending chain of massacres, pillage and abuse.

"That Party is responsible for the crimes committed. The criminal guilt of all those parties is clear and evident under the Laws of Associations; equally guilty are all members of those groups mentioned, all of whom were their most influential and highest leaders.

"In July, 1914 (1330), general mobilization was declared (in Turkey) on the advice and consultations of the Party leaders.

"(Because of this criminal indictment), the most influential members of the (guilty) Party have fled; in other words, they have been discharged from their official positions. In brief (this court martial finds that) *Enver, Jermal and Talaat Beys*, who have now deserted Turkey, with the opening of the World War book advantage of their positions to commit grave crimes which have consequently influenced the destiny of Turkey and brought upon the State unending troubles.

"Instead of settling all questions facing the nation in a spirit of reason, efficiency, wisdom and piety, they induced dangerous conflicts, hazarding the solution of these problems through the application of terror and violence.

"Under the pretext that they were thus best serving the will of the nation, these persons wrought a colossal disaster. They acted in accordance with their personal predilections and strangled the voice of the nation; at the same time they exploited the circumstances and sought by their violence to enrich themselves.

"In using these fraudulent means (of executing their duties), these persons simply threw away the country during the turmoil of the World War. Having imposed on the people accomplished facts, the criminals went about executing their intentions.

"To accomplish its secret program, the Ittihad conceived well-masked plots. The Party released from jails groups of criminals and organized them in the "Teshkilati Makhousseh", called "Secret Organizations". The organizing cadre of this movement consisted of former Police Commissioner *Aziz*, Central Committee members *Atif* and *Dr. Nazim*. The immediately above-mentioned comprised a sort of General Staff directing the "Teshkilat".

"The decisions of this General Staff were approved and confirmed by *Jevad Bey*, the Commander; and to attain the goals set, a considerable amount of money was distributed among the criminals, who were shipped to various parts of the country. Cipher telegrams were used as communications, cipher code keys were given to such

leaders as Dr. Behaeddin Shakir;<sup>1</sup> and military vehicles, money and the infernal instruments to be used in the execution of their reasonable designs were placed at their disposition. Ittihad agents were sent into all corners of the country bearing secret instructions which they passed on to local Ittihadist and governmental officials who were their docile and obedient servants. Either through naivete or out of ignorance, the latter followed the directives given them. They led criminal bands who murdered people, pillaged properties, money and valuables, burned homes, incinerated the dead, violated the honor of women and perpetrated all kinds of crimes and abominations.

"Many persons were subjected to these cruelties without regard to race or religion, including all the children of the country. Armenians comprehended an important part of those victimized. They were unlucky. Other elements, especially Turks, also suffered in the various regions.

"The principal subject matter of this investigation has been the event of the disaster befalling the deported Armenians—an event which occurred at various times and places. Legal steps are now being taken against individuals responsible for that occurrence.

"The disaster visiting the Armenians was not a local or isolated event. It was the result of a premeditated decision taken by a central body composed of the above-mentioned persons; and the immolations and express which took place were based on oral and written orders issued by that central body.

"We now offer the witness of written documents, evidence and other established facts confirmed by inquiries and investigations of the matter under study.

"The Ittihadist leaders created a 'Special Organization' (the 'Teshkilati Makhssousseh') to set the traps for the general carnage—a vast network of murder. At the same time, they let loose reports that all this was to be done in support of the war effort, that these criminal bands were to be used in war zones. This was false, as was to be proved. As stated in the text of this indictment, these 'Special' forces were used only in the execution of murder.

"The Administrative body of these secret murder battalions consisted of members of the Central Committee on the Ittihad, i.e., Dr. Nazim, Dr. Behaeddin Shakir, Atif, Riza and former Police Commissioner Aziz Bey.

"Of these, Behaeddin Shakir was sent to the Eastern (Armenian) Provinces. He established his headquarters in the City of Erzerum, there to direct the murder groups. Riza Bey was dispatched to Trebizond, for the same purpose, Aziz, Atif and Nazim Bey remained in Istanbul as leaders of the effort. The Military Governor of Istanbul, Jevad Bey, was charged with the duty of confirming and executing the decisions taken. These circumstances are certified by the Document (File No. Document No. 1), bearing Serial Number 150 (Resolutions), found in cipher, which says the following:

"By order of the Committee, punish Khalil of Galata (code-name). Inform this

<sup>1</sup> Dr. Behaeddin Shakir was condemned to death January 13, 1920, following Military Court hearings on the genocide effort in Harpoot. A fugitive abroad at the time of the trials, he was tracked down and killed in Berlin, April 1, 1922, by an Armenian, as we have already seen. There exists copious evidence that Shakir ranks well with the principal triad of murderers—with Talaat, Enver, and Cemal Pashas.

office when the entrusted materials have been received from the post office, adding also that if necessary they will be distributed to the people."

"The above mentioned document was signed by Aziz, Atif and Nazim, under the signatures of whom is found the langed 'I am in accord', signed by Jevad. The phrase, 'Get money from the traitors' is also found added.

"Another document was attached to the above Resolution; 'This matter will be administered in Artvin by Behaeddin Shakir personally' and the cipher telegram was dispatched by Jevad over his own signature.

"Khalil Pasha, Enver Bey's uncle, was the Military Governor of Istanbul (before Jevad). At that time, he too participated in the activities of the 'Teshkilati Makhssousseh.' This is confirmed by another document (No 10, Serial No., 59) signed by Khalil, Nazim, Atif, Aziz, and addressed to the General Secretary, Midhat Shukri.

"The above-mentioned Khalil Pasha sent another telegram (in cipher) (No 67) to the Governor of Izmit (Nicomedia) in which he states that to take care of the 'matter' (i.e., the genocide), he had named leaders and had organized its officer corps; he had released Turkish criminals from prisons. Khalil also wrote (Nov. 16, 1914 (1330)—Serial No. 68) a message to the War Office, which gives evidence that materials of destruction had been issued to the 'Special' organization. Similar documents have also been located in other files of the 'Teshkilati Makhssousseh.' We state at this time that an important part of these documents and well as the documents and records of the Central staff have been stolen.

"Official records and communications disclose that Azia Bey, former Police Commissioner, before the resignation of Talaat Bey, took these away with him as well as other records of Governmental departments. After his separation from office, he never returned these files. (See File No. 31.)

"The Ittihad had decided to participate in the World War long before the Declaration of War. This is confirmed by a Document, dated August 17, 1914 (1330), which carries the signature of the Central Secretary, Midhat Shukri Bey, addressed to Behaeddin Shakir, care of the Governor-General of Erzerum."

"The massacres in the Province of Diarbekir followed on Talaat Bey's instructions and provocations.

"The following document, a secret telegram, proves that Talaat addressed that message to the Governor of Deir Zor, ordering the executions of the Vali and his aide-de-camp. Commissioner Memdouh. (Keep secret. File No. 8, Document No. 1.)

"Ihsan Bey, former General Secretary of the Ministry of the Interior, was appointed Lieutenant Governor of Kilis County. Abdul-Ahad-Nouri tried to convince him that the purpose of the (Armenian) deportations was the annihilation of the whole (Armenian) nation as step toward the salvation of the country. (See Investigation Papers, pp. 1-15.)

"The responsible Secretary of Brussa, Midhat Bey, who formerly served in a like capacity for the City of Bolou sent a telegram from Chankiri to the Lieutenant Governor of Bolou stating that 61,000 Armenians had been deported from Ankara and giving assurances that the Turkish people had nothing but praise for the actions of the Ittihad and the Ittihadist government. He said that the actions taken against the (Armenians) would contribute to the perpet-

ual happiness of the people of Bolou city and district.

"There is other proof that Governor Mufid Bey, on Sept. 11, 1915 (1331) sent a telegram in reference to the deportations (File No. 8, Document No. 2).

"As, is known, the Bolou district was far distant from the war zone. There were no grounds at all for the deportation of the Armenians, there was not threat to the public order.

"It is thus very clear that the annihilation of the Armenian nation was the desire of Ittihad, that the Responsible Secretary, Midhat Bey, was inspired by the same considerations. This same Midhat bided in Chankiri for a very brief period of time; and it is thus quite evident that he could hardly know the feelings of the people of Ankara province since he was residing in Kastemuni province.

"To the contrary, when the people of Kastemuni heard of the terrible events taking place in the provinces outside of Kastemuni, they evidenced disgust. The city's Mufti (Moslem priest), along with the sheiks and other notables of kastemuni, even went so far as to apply collectively to Reshid Pasha, the Governor General, praying:

"We have learned that the Armenians, men, women, and children, of our surrounding provinces, have been led as animals to the slaughter house and have been murdered. We do not want the same thing to take place in our district because we fear divine anger. A government of violence and illegality cannot long endure. We do not want such 'crimes' to be committed in our province.' Reshid Bey told them positively that 'nothing' would betake Armenians of Kastemuni. On this, the Moslem group dispersed, happy at what they had been told. All this has been substantiated by a document annexed to the second Supplementary File (page 13).

"Tahsin Bey, Governor General of Erzerum, testified of the brutalities committed in the various districts of that province. He sent the following telegram:

"Lt. Fayik has ravished four daughters of the Arabian family. Lt. Kiamil Effendi has stolen 1,863 Livres Turcs and 35 wagon loads of furniture and a considerable amount of jewelry.

"Such atrocities are extremely shameful—are crimes against humanity—crimes of murder, robbery and rape of women. It is imperative that they be prevented, and a stop must be put to the misdeeds of the 'Special' organization."

"The Governor General of Harpoot wrote: 'All the highways are covered with the corpses of women and children. We have no time to bury them. It will be better if we keep high our amour-propre (dignity) and save our national history.' (See, File 8, Document No. 4).

"A document found among the papers of the deserter Talaat Bey in the Files of the Fifth Committee of Parliament proves the authenticity of cipher telegrams sent to Ali Souad Bey, the Governor of Deir Zor. All reveal the annihilation of the Armenians.

"We have other specimens of cipher telegrams over the signature of Behaeddin Shakir addressed to Nazim Bey, through the agency of Sabit Bey, Governor General of Harpoot. (Photos of these messages are annexed to No. 9.)

"The following is the text of one of these telegrams:

"Are expatriated Armenians being extirpated or are they just being taken out of your province? We ask you, dear brother, to



report taken to us have they been annihilated or not? We inform you that Nazim Bey is not the Dr. Nazim. The latter was from Resne and was an inspector of the Ittihad.<sup>2</sup> He too has fled. He too cooperated with the murder battalions and with the Ittihad in the extermination of the Armenians.

"Another telegram was sent by Rushdi Bey, Responsible Secretary of Samsoun, to the Central Executive offices, care of Mithad Shukri Bey, the General Secretary, on December 16, 1914 (1330), and was delivered to Dr. Nazim Bey. It said:

"The Fifth Tchete Group (Tashkilati-Special Organization), under command of Toufan Agha, consisting of 55 men, has been shipped by motor vessel. This of course is proof that the Ittihad organized the Special organization for the purpose of wholesale massacre at the very beginning of the (Turkish) mobilization.

"This point has been again substantiated by a letter dated Nov. 20, 1914 (1330), signed by Ittihadist inspector Moussa, addressed to Midhat Shurki, and delivered to Dr. Nazim. The contents of this missive show that the Ministry of the Interior and the Ittihad were busy organizing criminal prisoners as Tchete.

"A document of the Ittihadist delegate of Brussa, dated Dec. 19, 1914 (1330), addressed to the Central Committee, contains details relating to the organization of the Teshkilati Makhousseh. It records the names of the brigands and criminals enrolled in that body.

"At the outset, it was rumored that these Tchetés would be used as regular soldiers to participate in combat operations. But it was soon discovered that this was a fraudulent lie, meant to mislead the people. The real purpose, as it developed, for the Organization of the 'Special' force was to use it to annihilate the caravans of the (Armenian) deportees. This is proved by the documentary evidence on hand.

"The truth is that Talaat, Enver and Jemal ordered the massacres willfully. In a cipher message dated July 11, 1915 (1331), signed by Talaat Bey, and addressed to the Governors of Diarbekir province and of the Urfa district (File No. 11), Talaat ordered the burial of all corpses left along the roads, that they not be thrown into ditches, caves, lakes or rivers; that it was necessary to burn all the effects of the dead.

"This operation (to erase all evidence of the massacres-H.K.) has been confirmed by another secret telegram sent by Jemal Pasha, Commander-in-Chief of the 4th Army in Syria, dated July 1, 1915 (1331), addressed to the Governor General of Diarbekir. The telegram was marked "Personal and Urgent". In it, Jemal advised the Governor General to circulate false rumors that 'dead bodies found in rivers were possibly those of Armenians who had revolted. It is imperative that corpses be buried on the spot; bodies must not be allowed to remain in the open.' (File No. 11, Dec. 3).

"In answer to Jemal, Reshid dispatched a cipher telegram marked 'Personal' to him:

<sup>2</sup> The transcript takes special pains to distinguish between Nazim Resne, responsible Secretary of the Ittihad in Harpoot, and Dr. Nazim, who was an organizer of the Special Organizations and who was condemned to death (see "Sentence" section of this article) July 5, 1919. The confusion over these two was reflected in the press internationally. On January 23, 1920, the New York Times represented in error Nazim Resne as Dr. Nazim. Nazim Resne was condemned to 15 years at hard labor on January 13, 1920, as a result of Military Court hearings on the atrocities at Harpoot.

"The Euphrates river touches unimportantly on our province of Diarbekir. The dead bodies in the river possibly are those of people thrown into the stream in the provinces of Erzerum and Harpoot. We do not here allow the bodies of these revolutionaries to remain in the open. We destroy them, leaving no trace. They have been thrown into deep caverns or else incinerated. We seldom bury them."

"Ali Souad Bey, the former Governor of Dier Zor, has testified of the massacres which occurred in his district.

"An editor of the Turkish daily 'Tasvir-i Efkiar', Agiah Bey, during his interview with the massacist Governor of Dier Zor, Zeki Bey, who succeeded Ali Souad, asked Zeki, 'Is it true that you ordered the murder of 10,000 Armenians?' Zeki answered, 'What are you talking about? Why are you challenging my dignity? Multiply that figure many times—go up and up!' (File No. 6, Doc. 14; also, File No. 11, Doc. 1.)

"The Governor General of Harpoot, in a cipher telegram to the Governor of Malatia, had the following to say: 'Despite strict orders, a lot of dead bodies still remain along the roads. It need not be said why this condition is damaging. The negligent officials must be punished severely for this dereliction. That is the order of the Ministry of the Interior. Bury very carefully all bodies found within your province and for this operation use the number of soldiers and gendarmes needed to execute the burials. Employ well-known and trustworthy officials to supervise the progress of this work.'

"To show the enormity and the extent of this business it is sufficient to read the cipher telegram of Dr. Reshid, Governor General of Diarbekir, addressed to the Ministry of Interior, reporting that 'From Diarbekir Province, 120,000 Armenians have been deported.' (File No. 12, Doc. 1.)

"In order to render an equitable justice, it is not right to criticize subaltern and underling officials for these occurrences.

"Let us now make record of a telegram dispatched by the Commander in Chief of the 3rd Army, General Mahmoud Kiamil Pasha, over his own signature (File No. 13, Doc. 1).

"Kiamil decreed: 'All Moslems are prohibited from saving a single Armenian. If a Moslem dares do so, he will be hanged in the shadow of his own house, which will be burned down. If that Moslem is a civil official, he will be discharged and tried by court martial. If he is a member of the military, he will be dismissed the service and will be tried by court martial.' Such an order is against Moslem law which says one is prohibited from doing anything under threat or duress.

"Hafiz Mehmed, a member of the Turkish Parliament, sent a report from Trebizond to Talaat, the Minister of the Interior, stating that, 'Armenians have been arrested, bound and brought to the boats and then thrown overboard into the waters of the Black Sea.' These are not isolated facts. The M.P. asked the Governor, Jemal Azmi, to put an end to such crimes. (File No. 15.)

"Talaat's criminal guilt is very evident. He never paid attention to these kinds of reports.

"Munir Bey, the Governor General of Erzerum, authored a cipher telegram dated Dec. 14, 1918 (1334) stating that a caravan of wealthy Armenians had been deported from Erzerum toward the Kghi district but, that despite the strict orders of Tahsin Bey, the Governor General, all had been robbed

and killed on the orders of Behaeddin Shakir by the Tchetés with the assistance of bands of wild Dersim Kurds. Behaeddin was a member of the Ittihad Central Committee.

"Much evidence of these crimes exists.

"There is the testimony of Jemal Asaf Bey (File No. 18), which proves that the former Responsible Secretary of Chankiri district, Jemal Oguz Bey, organized bands of murdering Tchetés, which he placed under the command of Kurd Alo, with orders to murder off the Armenian deportees from his district. This again proves that the Ittihad Party systematically organized the killer battalions.

"There is an exhaustive report of attestation rendered by Colonel Khalil Rejayi Bey (File No. 8, page 1) explaining in detail all the deportations and massacres that took place in the province of Ankara. Members of the Ittihad Club had proposed that the Military Commander of the locality discharge all Armenian members of the Sanitary Office and arrest them. Memdough Shevket Bey and his brother, Riffat Bey, well-known members of the Ittihadist Congress, robbed the wealthy Armenians of their belongings, and Khalil gives other details of the deportations, of the misdeeds of Nejati Bey, the Responsible Secretary of Ankara. He refers further to the enormous thefts of Polic Commissioner Behaeddin Bey (a native of Monastir, the Balkans). His testimony touched on all aspects of events in Ankara.

"The above mentioned Behaeddin was summoned to Istanbul to stand before the court martial for his crimes, but on the intervention of Talaat, Minister of the Interior, the War Office protected him from prosecution. The investigation in fact showed that those who did not participate in the crimes against the Armenians were considered to be traitors to Turkey. Thus, criminals such as Behaeddin were protected and rewarded. Talaat recommended Behaeddin to Vehib Pasha, and for some time Behaeddin held a position in the Military Court of Samsun. According to the report of Vehib Pasha, Behaeddin later escaped the country, unpunished for his crimes.

"Reshid Pasha, the Governor General of Kastemuni, testified that he 'Reported to the Ministry of the Interior on the forced deportation of the Armenians of his locality.' He stated that Hassan Fehmi, a Member of Parliament from Kastemuni and an Ittihadist Party leader, committed all sorts of crimes, that his protests fell on deaf ears. On the contrary, Reshid received a cipher telegram from Dr. Behaeddin Shakir ordering him to deport forcibly all the Armenians of Kastemuni. (File No. 2, p. 13; Copies of the cipher telegrams are attached to the file.)

"Onnig Ihsan, deposed Member of Parliament from Smyrna Province, said that he presented a report to Talaat Bey, chairman of the Ittihad Party (see File No. 30), which detailed all the crimes and atrocities committed on the Armenians, and he demanded an investigation of these events, that they be brought to a halt, and that steps be taken against the Responsible Secretaries as well as against Dr. Reshid, Governor General of Diarbekir, Jemal Azmi, Governor General of Trebizond, Sabit Bey, Governor General of Harpoot, Muammer, Governor General of Sivas, Atif Bey, Governor General of Ankara and Ibrahim Bey, Director General of Prisons. But Talaat Bey scratched a 'Put Aside' on this extensive report, and it was never taken into consideration. On the con-

trary, Talaat Bey told a meeting of the Sporting Club that 'Smyrna's Armenians also must be deported. They will meet the same fate met by other Armenians.'

"M.P. Onnig Ihsan said that Dr. Nazim and his acolytes were major criminals.

"Vehib Pasha also testified (see File No. 9, page 2) that the massacres of the Armenians and the pillage of their properties were the result of the Resolutions of the Ittihad's General Center, that Dr. Behaeddin Shakir recruited from the 3rd Army Zone (Eastern Provinces) all convicted murderers, organized and directed them. All (Turkish) statesmen were sympathetic to the directives of Behaeddin Shakir. The disastrous atrocities committed in the 3rd Army Zone were the results of the activities of Behaeddin Shakir. It was he who organized 'criminal gendarmes, all with bloodstained eyes and faces...'

"Vehib Pasha's report constitutes an instrument of accusation against the Ittihad and Terakki Party-Center, as well as against all Ministers of Government who were permanent members of the General Meeting (Convention).

"Suleyman Nazif Bey, Governor General of Bagdad, testified (see Investigation Papers, page 6) that 'when he left Bagdad and was traveling in the direction of Diarbakir, he was forced to hold his nose against the terrible stench of rotting bodies.'

"Jelal Bey, former Governor General of Aleppo and Konia, offered similar testimony (Investigation Papers, page 7). He said he asked Talaat to issue orders against the deportation of Armenians from Konia. Talaat answered that there was obviously a divergence in views between Jelal Bey and the Central Government.

"Jelal said he had done his best to protect the Armenians of Konia but was told in a friendly manner by Member of Parliament, Riza, on the instructions of Dr. Nazim, to drop his opposition since 'this matter was resolved long ago at Ittihad Central body deliberations'. Whereupon, Jelal Bey presented his resignation and left Konia for Istanbul in order to argue the dangerous consequences of the atrocities before Talaat and Nazim, who however insisted that 'these steps' were necessary and useful. Dr. Nazim even dared suggest that 'these measures' might solve the Eastern (Armenian) Question.

"The Sheikh-ul-Islam, Khairi Effendi, also tried in vain to prevent the atrocities.

"Mazhar Bey, former Governor General of Ankara, was discharged for his opposition to the deportations and for refusing to exterminate the Armenians. (See Investigation Papers, p. 17.)

"Hamid Bey, General Director of the Civil Inspection Board, testified that the Governor General of Diarbakir ordered the murder of two sub-Governors who refused to carry out order to deport and murder the Arabs.

"Lutfi Bey, Director of Internal Revenue, also testified (see Investigation Papers, pp. 34, 38, 43) that the principal criminal responsible for the atrocities committed in the province of Trebizond was the Ittihad's Responsible Secretary, Nail Bey.

"Former Governor of Antalya, Sabour-Sami Bey, testified that he had received a cipher telegram from Dr. Behaeddin Shakir Bey, from Erzerum, which informed him that the entire Armenian population of the provinces of Erzerum, Van, Bitlis, Diarbakir, Sivas and Trebizond were being deported toward the Deir Zor desert and Musul district, and asked 'what are you doing in An-

talya?' Sabour Bey said that he had forwarded the wire to Talaat Bey, but had received no answer. (See Investigation Papers, p. 44.)

"Radi Bey gave information that Ittihad Responsible Secretary Nejati Bey was the principal responsible for the deportations and atrocities in Ankara province.

"All this testimony constitutes sufficient evidence to indict Behaeddin Shakir. His cipher reports sent to the Central, through Talaat, have been decoded. These were found in the files of the Teshkilati Makh-sousseh. One response (from Central) (No. 69) to him said: 'Since you have finished your work there (at Artvin), depart immediately for Trebizond where you will await more important orders than those which you executed in Artvin. A special messenger (another Tchete leader), Yacoub Jemil, is about to leave Istanbul bearing instructions as to further steps that must be taken by you. (Yacoub Jemil was later hanged in Istanbul.—H.K.)

"The Ministers, all of whom were accused, denied all charges made against them; they raised the question of the competency of this court to judge them. They argued that, in accordance with the Articles of Constitution, such a trial as theirs would have to take place before the Supreme Court, not a court martial. They referred to Article 92 of the Constitution which bears with trials of Ministers or of all Cabinet members.

"But Article 33 of the Constitution specifies that there will be no privileges accorded Ministers accused of the crimes under discussion, that they therefore are subject to trials before Ordinary Tribunal, that in cities where military conditions still prevail, Military Courts are competent to hear evidence and make judgements, that under such military conditions civilian courts are silent. These cases of massacre and excesses then are therefore competent only to Military Courts.

"It is the Military Court's decision to reject the objections raised by the defendants against the competency of this Military Court.

"Dr. Behaeddin Shakir, Dr. Nazim, Atif, Riaz, Jevad, Aziz Beys, who cooperatively participated with the murderers, are punishable for their acts according to the first paragraph of Article 45 of the Penal Code and they must be tried by the Military Tribunal. This is also true in the cases of members of the Cabinet, and Midhat Shukri, Dr. Rusukhi, Kutchuk Talaat, Zia Geuk Alp, Kemal Bey and Said Halim Pasha; and Ahmed Nesimy, Shuksri Ibrahim, Khalil Bey, all of whom did not participate directly but were accessories, having aided the murderers knowingly and thus having indirectly participated in the criminal acts. All of them, therefore, shall be tried in accordance with this act of Indictment which will be referred to the District Attorney, along with all Papers, Investigative Materials and Evidence.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from West Virginia.

Mr. BYRD. Mr. President, I shall not take 15 minutes. I shall not take 10 minutes. I have listened carefully to what the distinguished Republican leader had to say.

I have said on the floor of the Senate before this moment there is no doubt there were terrible wrongs committed back during World War I and

in that timeframe. But I have also said that misses the point.

Again, the distinguished Republican leader reminds me that his argument, eloquent though it is, compassionate though it is, coming from the heart though it does come from the heart, still misses the point. He has referred to the time last year when I brought an amendment to the floor to appropriate \$10 million to Turkey to help Turkey in the moment when thousands of refugees were spilling across the border, being driven out by the Bulgarians.

Yet, that was a unanimous vote, but that was not a vote that by implication accused any country of genocide at that time or attempted to decide a crime. That was a measure to appropriate moneys to deal with the emergency needs of that moment. The Senator is correct; we voted unanimously. That has nothing to do with what we are talking about today.

Similarly, the distinguished Republican leader mentions, he talks about 1920 when the facts were fresh, as he said. That was before the time, as I listened to the debate, as I have come to understand, that is before the time the word genocide was coined. And certainly there was no Genocide Convention at that time.

So what the Senate may have said or done in that moment in 1920, or thereabout, has very little to do, if anything, with what is at issue today. The distinguished Senator said that when the resolution or bill, or whatever it was, came up in 1978 dealing with, I believe, Cambodia, that I voted with the distinguished Republican leader—he was not the leader at that time in 1978; I was the leader at that time—but Mr. DOLE, my friend, said that the Senator from West Virginia voted not to table with him at that time.

Well, so what? What does that prove with respect to the matter that is at issue here today? There was no Genocide Convention in effect at that time in 1978. We are talking about 1990. It was 1988, 10 years after the vote in 1978, to which my friend, Mr. DOLE, alluded; 10 years in 1988 this Senate passed the legislation implementing the Genocide Convention.

We should talk in terms of what the situation is now and when the Genocide Convention was ratified and when the implementing legislation went into effect. 1978 is one thing, 1990 is another. We now have acted to implement the Genocide Convention, and there has been an instrument created whereby genocide may be determined by whom, by what organ, and on what basis, by what criteria. And that instrument that was created was not the U.S. Senate. That is what we are talking about. Are we going now to push aside this convention with which both the Republican leader and I had a

great deal to do? Each of us was leader at one point or another in those two stages, the approval of the convention and the implementing legislation.

We both have spoken with pride concerning those accomplishments, and they were years and years in coming, as the Republican leader said. But now are we going to nonchalantly push aside what we ourselves helped to create, an instrument, a way, a road map, a bible by which these decisions would be made? Are we now just going to summarily push aside that which we created to deal with this matter and say, no we will make the decision here?

Mr. President, that is what this is all about. Are we going to leave be our work that was done when the Republican minority leader was the majority leader and the work which was done when I was the majority leader, or are we going to take matters into our own hands now and viciously label, by implication or otherwise, a friend and ally as a criminal? Let us in the Senate take care that in an effort to right an old wrong we do not unleash forces that lead to new wrongs. The Senate of the United States is not the body in which to try the country of Turkey.

Mr. President, I have no further need for my time except to thank the Senators. How much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. BYRD. I thank the Chair. I want to thank the Senators who have spoken on my side of the issue today. I have thanked most of them already. I did not have the opportunity to thank Mr. GRAHAM and Mr. HOLLINGS because I was in the chair at the time one of them spoke. I do want to thank both Mr. GRAHAM and Mr. HOLLINGS for their fine statements, well thought out, and statements that were based on experience, long experience, by able men, men who have served in legislative bodies. Both of them have served as Governors of their respective States. I attach great weight to what they had to say.

I shall also say in closing that I thank the distinguished majority leader for his patience and his cooperation in approaching this matter as

he has approached it. He has been eminently fair and thoughtful and considerate. I also thank Mr. DOLE, who is a worthy protagonist, able, articulate, courageous, and a man whom I greatly admire. He has demonstrated his deep feelings, his convictions, his conscientiously held views, and I certainly do not fault him for anything along that line. As he has said, we disagree, but we have done it, as we have done it on many occasions, agreeably. I salute him.

I will be back on the field of battle tomorrow, where we will touch our sword points and proceed again with our worthy steeds which over the night will have been fed and had their thirst removed.

I hope our colleagues will not vote for cloture tomorrow. There are some Senators who want to speak perhaps yet, but cloture should not be invoked on this resolution because, if cloture is invoked, it opens the way for amendments which can be even more mischievous than their results and the resolution that is now written could possibly be.

And in any event, I think we ought not take the chance. So I hope Senators will vote against cloture and leave this matter in the hands of the international organizations to whom the Senate and to whom the signatories of the Convention have given the responsibilities concerning acts of genocide.

I yield the floor.

PROGRAM

Mr. MITCHELL. Mr. President, for the information of Senators, the schedule tomorrow morning will be that the Senate will come into session at 10 o'clock. Senator ROBB will deliver the traditional Washington's Farewell Address which usually takes about a little less than an hour.

At the conclusion of that address, or at 11 o'clock, whichever is later, the Senate will return to the debate on the pending resolution. That debate will last for 2 hours—it will be the final debate at this phase of consideration of this matter—1 hour on each side. Then at 1 o'clock, the cloture vote on the motion to proceed to the resolution will occur.

There will be no live quorum. Senators should be aware that a vote on the question of whether or not cloture should be invoked on the motion to proceed to the pending resolution will occur at 1 o'clock tomorrow afternoon.

At that time, I will, after consultation with the distinguished Republican leader and the distinguished President pro tempore, announce to the Members of the Senate the schedule for the remainder of the day tomorrow and on Friday.

Mr. President, I thank my colleagues.

I now yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 10 a.m., Thursday, February 22, 1990.

Thereupon, at 8:27 p.m., the Senate recessed until Thursday, February 22, 1990, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 21, 1990:

DEPARTMENT OF STATE

EU. CURTIS BOHLEN, OF MAINE, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS. VICE FREDERICK M. BERNTHAL, RESIGNED.

NELSON C. LEDSKY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL CYPRUS COORDINATOR.

NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH

WILLIAM HUGHES GRAVES III, OF MISSISSIPPI, TO BE DIRECTOR OF THE NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH. VICE DAVID B. GRAY, RESIGNED.

U.S. POSTAL SERVICE

LEGREE SYLVIA DANIELS, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 1990. VICE JOHN LATHROP RYAN, TERM EXPIRED.

## EXTENSIONS OF REMARKS

AFL-CIO EXECUTIVE COUNCIL  
STATEMENT ON HEALTH CARE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. GEPHARDT. Mr. Speaker, the availability of quality health care at affordable costs is an issue of increasing concern to all Americans. The national debate on how to achieve this important goal continues. Yesterday the AFL-CIO executive council added its voice to that debate, issuing a statement of principles for National Health Care Reform. The statement is reproduced here so that all of us concerned with health care policy can read and consider it as we continue our work in this important area.

STATEMENT BY THE AFL-CIO EXECUTIVE  
COUNCIL ON HEALTH CARE

Our nation is now at a crossroads on health care. Because of cutbacks in public programs, jobs that offer no benefits and efforts by employers to shift health care costs to workers, 50 million Americans have health care coverage that is inadequate to meet their needs and another 37 million have no protection at all.

The United States spends \$2 billion a day, or 11 percent of its gross national product, on health care. As insurance premiums increase 18 to 30 percent a year, basic health care has moved well beyond the reach of a growing number of working families. This increase also places heavy pressure on employer labor costs. There is no end in sight to this trend.

The AFL-CIO through a grassroots health reform campaign is assisting affiliates in defending health benefits against employer attacks and is sending a strong message to Congress that bold and innovative action is urged to address this grave problem.

The AFL-CIO stands ready to explore a variety of alternatives, so long as the overall objective is the enactment of health care legislation that deals with the issues of cost, access and quality based on the following ten principles:

**Universality**—Through Federal legislation, make health care a right for all Americans regardless of age, sex, race, health status, employment or income.

**Public Accountability**—Assure that the program is administered by an independent entity. Provide opportunity for the participation of labor, management, consumers and the health care community in the development and implementation of the national health care program.

**Affordability and Accessibility**—Require that health care be provided in a manner which assures that services are affordable and out-of-pocket charges do not limit access.

**Comprehensiveness**—Assure all Americans a federally mandated set of comprehensive health care benefits. Develop a national

program to provide access to services for long-term and chronic health conditions.

**Equitable and Progressive Financing**—Require all employers to contribute to the cost of health care benefits for employees, including part-time workers and their dependents. Rechannel federal and state revenue sources and, to the extent necessary, explore other sources of revenue, including tax-based financing. Link employee contributions with ability to pay.

**Fairness**—Assure that the unemployed, the poor and their dependents have affordable access to health care services.

**Portability**—Guarantee all Americans, regardless of where they live, access to the same mandated package of benefits.

**Cost Containment**—Require the development of mechanisms to contain rising health care costs for all payors. Establish guidelines that prohibit physicians and other providers from charging patients more than they are paid under the program. Substantially reduce paper work and red tape in the system and develop health care information systems that will provide consumers, purchasers and providers adequate data on the cost and quality of health care services. Develop a process to manage the expansion or updating of existing health care facilities, as well as the acquisition and proliferation of new health care technology.

**Quality Assurance**—Develop appropriate mechanisms to encourage the delivery of high quality services and an equitable and cost-effective system for handling medical malpractice. Better coordinate existing medical research and commit the resources necessary to achieve the nation's health care objectives.

**Public/Private Administration**—Establish national standards for the program at the federal level. Pooled funds should be available at the federal, state or regional level for the purchase of affordable, community-rated coverage administered through insurers or other third parties.

AFL-CIO PRINCIPLES FOR NATIONAL HEALTH  
CARE REFORM

## Improving Quality and Administration:

An entity should be established to administer the national health care program. It should involve the participation of workers, employers, consumers and the health care community.

The national health care program should encourage the development of alternative delivery systems. The national administrative entity should develop standards for such systems.

This body should coordinate the development and dissemination of guidelines for medical practice. Having practice pattern guidelines available could begin the process of resolving the malpractice crisis.

The national administrative entity should take steps to reduce paperwork and red tape in the system.

This body should develop standard claim forms to be used in the national health care program. This would help reduce excessive administrative costs currently in the system.

This body should develop guidelines for the development of health information systems so that consumers, purchasers and pro-

viders can have the information necessary to assess the quality and cost of services provided under the program.

The national administrative entity should make an assessment of the adequacy of the level of existing medical research, as well as the relative distribution of these funds for specific diseases and conditions.

## Improving Access to Care:

Health care services should be a right for all Americans, regardless of age, sex, race, income, health status, employment or geographic location.

All Americans should have access to a comprehensive federally-mandated benefit package.

This should include hospital care, physicians' services, diagnostic tests and preventive care.

These benefits would be the minimum package of services that could be provided by state Medicaid programs. States should be allowed to supplement the federal package for the low-income, Medicaid population. These individuals have special health care needs that they cannot afford to address without the support of public programs.

For the non-Medicaid population, states should not be allowed to mandate that any benefits, in addition to the federally-mandated package, be provided.

Through collective bargaining, unions could negotiate with employers to obtain additional benefits or reduce any out-of-pocket costs.

All Americans should continue to have access to basic benefits when traveling out of their home state or region.

A national program must be developed to provide all citizens protection against the high cost of long-term and chronic health conditions.

Access to services should not be impeded by out-of-pocket charges required at point of service.

Employers should be required to contribute to the cost of health care coverage for all of their workers and their dependents.

Individuals could be required to participate in the financing of coverage based on their ability to pay.

The federal government, states or regions should establish pools through which affordable community-rated coverage would be made widely available.

The pools could be administered by insurance companies or other third parties that would function as intermediaries in the system.

Private and public employers and multi-employer plans should be given the option of buying into the pools.

States could buy into the pools for the Medicaid population.

Retirees not yet eligible for Medicare and other individuals could buy into the pools, with or without an employer contribution, based on their ability to pay.

## Containing Costs:

The national health care program should include a system for containing costs for all payors.

A national health care expenditure target should be developed to assure that health

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.  
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

care spending remains within pre-determined limits. Targets also should be developed for states or regions.

Various cost containment mechanisms should be incorporated into the program, such as physicians' fee schedules and limits on hospital charges.

States or regions should be given the options of using cost containment techniques developed at the federal level or adopting other alternatives under predetermined federal standards.

Balance billing, or the practice by providers of charging patients more than the rate paid to providers, should be prohibited.

A system for controlling capital expenditures in hospitals, physicians' offices and outpatient centers should be developed and implemented on a state or regional basis.

Technology assessment should be better coordinated at the federal level. There should be wide dissemination of information about the efficiency and efficacy of new technology.

Health care information systems that provide adequate information to consumers and providers must be developed.

#### CHAIRMAN HALL SEEKS COST-FREE PEACE DIVIDEND

### HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, Hunger Committee Chairman TONY HALL recently sketched a vision of United States-Soviet cooperation for averting famine in Ethiopia. He pointed out that a mutual effort could help save millions of lives without costing either country a dollar—or a ruble.

As the prospect of catastrophic famine looms large again in Ethiopia, I wanted my colleagues to be aware of the chairman's sound suggestions. His article from the Los Angeles Times follows:

[From the Los Angeles Times, Jan. 31, 1990]

#### A "PEACE DIVIDEND" WITH NO DOLLAR OR RUBLE PRICE TAG (By Tony Hall)

It would be a mistake to think of the "peace dividend" only in terms of ledger lines and cash flow. There is more to any peace dividend than cold currency. The very absence of an atmosphere of flammable tension is itself a dividend that could be put to use now, and in doing so we would save more than money. Without costing our Treasury a dime, the superpowers could spend a dividend of cooperation on the Third World and save lives.

In the Horn of Africa, for example, the situation in Ethiopia has reached a near-crisis stage. Current estimates place almost 5 million people at immediate risk of famine. Like the crisis of 1984 and 1987, the direct-cause of the problem is drought and crop failures, exacerbated by seemingly endless war and civil strife. Unlike the 1984 episode, this time relief arrived before the famine, yet it hasn't been delivered to all the people in need.

The missing element is an agreement between government forces and Eritrean separatists to establish "corridors of safe pas-

sage" through which food and medical supplies could be safely delivered across the battle lines, directly to the population at risk.

The rebel armies in Eritrea and Tigre province have shown a willingness to agree to safe passage; the only holdout is the government of President Mengistu Haile Mariam. With aid unable to reach the people, they will soon begin to leave their homes in search of food and safety, leaving no one to plant next year's crops. These migrations are already beginning. Soon television will again bring us the horrifying spectacle of children dying, and the nation of Ethiopia will again become synonymous with famine.

The United States has pressed the Ethiopian government to agree to corridors of safe passage, the Soviet Union has not. We don't have as much influence over Mengistu as the Soviets, largely because they continue to deliver weapons to Ethiopia. The Soviets have agreed to halt the arms shipments by the end of next year, but there is much more they could do.

A non-cash peace dividend of cooperation could save hundreds of thousands of lives now. In the new spirit of cooperation, why not a joint public statement by Secretary of State James A. Baker III and his Soviet counterpart, Foreign Minister Eduard A. Shevardnadze, stressing the importance of relief corridors, and promising vigorous diplomatic efforts by both countries to secure them?

We could choose to continue foreign policy as usual, and hundreds of thousands of people would die unnecessarily over the next six months in a sad, distant list of places: Angola, Ethiopia, Sudan, Somalia, Afghanistan.

Or we could decide that this is where our peace dividend could be spent, at no cost to either government in dollars or rubles. President Bush and Soviet President Mikhail Gorbachev could endorse the Bellagio Declaration, a call made recently by a prestigious group of development experts to eliminate "deaths due to famine among the 15 million to 35 million people at risk" in the Third World. Both the United States and the Soviet Union could pledge to use diplomatic efforts to assist and expedite the work of private relief organizations fighting famine and disease in the Third World. As simple as that sounds, it would be a tremendous step forward and would literally save lives.

Until now, the superpowers have exacerbated the problems of developing countries by treating them primarily as surrogate battlefields for competing ideologies. Now, a new reality is within reach; many lives could be spared if Americans and Soviets quickly agreed to cooperate in multinational efforts to end famine deaths. It is ultimately in neither nation's interest to allow needless Third World suffering to continue.

Events in Eastern Europe and relations between the superpowers have been moving faster than our ability to shape them. In this, the warmest winter of the Cold War, we have the chance to get ahead of history with respect to nations below the Equator not to react to events as opposing forces, but to join together as a humanitarian force to prevent unnecessary suffering and death.

#### BLACK HISTORY MONTH— HONORING MAE JEMISON

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, Marcus Garvey, a civil rights leader at the turn of the century once said "A people without knowledge of its history is like a tree without roots." Through Mr. Garvey's statement, one understands that through maintaining a knowledge of our tremendous history, we are provided with a type of nourishment about ourselves and our ancestors. Unfortunately, many people fail to study all aspects of our rich history that our great Nation is founded upon, one aspect of this vital knowledge is contained in this month of February which is observed as Black History Month. As part of this knowledge, we must also remember that history is not only something that has happened in the past, but events that occur every day. We see these historical changes occurring daily in Eastern Europe and the Soviet Union, which allow an oppressed people to finally taste the sweetness of freedom. Our history in this great Nation of ours is full of joyous as well as sad times. One shining example of our history in the making involves an inspirational woman named Mae Jemison.

Ms. Jemison was born in Decatur, AL, in 1957 and moved to Chicago when she was 3. Since her childhood visits to the Marshall Space Flight Center in Huntsville, AL, she has maintained an interest in space exploration. Ms. Jemison's success story began after she graduated from high school and went on to Stanford University to study chemical engineering, after graduating she received a medical degree from Cornell University. She then went on to practice medicine in the Los Angeles area, eventually applying for the position of astronaut trainee after the *Challenger* disaster. Despite the *Challenger* disaster, she maintained her application, having no fear in becoming an astronaut. In June 1987, she was 1 of 15 astronaut trainees chosen out of 1,962 applications. Out of NASA's 93 astronauts on active duty, Dr. Jemison is NASA's only female black astronaut and she will be the first black woman in space when she flies aboard a space shuttle mission in June 1991.

When she crosses this new frontier as a mission specialist, she will join the ranks of people such as Jackie Robinson who broke the color barrier in baseball in 1947. Through contributions such as these, we as Americans must realize that we are one as a people, and that we should strive together for the common goals of our Nation. Dr. Jemison is truly an individual who should be emulated for her achievements.

The significance of her achievement is important to all Americans as we observe Black History Month. She is an example of how people can begin in humble surroundings, and through perseverance and dedication, dreams can be realized. In remembering the volatile society we had in the sixties, Ms. Jemison's life exemplifies how far we have come on this long journey.

**GEORGE HATSOPOLOUS AND  
AMERICAN COMPETITIVENESS**

**HON. MEL LEVINE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. LEVINE of California. Mr. Speaker, I would like to draw my colleagues' attention to an article which recently appeared in New Technology Week about George Hatsopolous and his firm, the Thermo Electron Corp. I have had the pleasure of working with George on a variety of high technology issues. During our work together, I have been deeply impressed by his visionary commitment to the future competitiveness of the United States in the world economy.

In addition to his public policy work, George Hatsopolous is an extremely successful businessman. Under his leadership, Thermo Electron has become a model of the type of quickly adjusting, cutting-edge corporation that we need to compete in the world economy. Continuous innovation in both its products and its management have enabled Thermo Electron to take advantage of new opportunities, and to become a leader among high technology industries.

The following article explains the Hatsopolous formula in greater detail, I commend it to my colleagues' attention.

[From the New Technology Week, Jan. 29, 1990]

**THERMO ELECTRON FINDS SALVATION IN HIGH TECHNOLOGY**

(By Paul Kemezis)

Thermo Electron Corp. has become legendary in New England for turning new ideas into money. The company was able to make a shift in 1983 from being a slumping capital goods supplier into supplying high-technology goods and services.

Starting with a strong central research lab as its incubator, Waltham, Mass.-based Thermo Electron has brought it innovations to market through a series of subsidiary corporations. The firms sell their own stock to the public, but remain 70 percent to 80 percent owned by the parent company.

This strategy give managers autonomy and a major financial stake in the success of new products. It also keeps Thermo Electron growing with exponential regularity, and leaves the company open for new moves into almost any high-tech field.

For George Hatsopolous, company founder and a respected economic theorist, the idea is to keep the company's product base diverse and innovative through energetic entrepreneurship.

In 1988, Thermo Electron posted \$501 million in sales of environmental analysis instruments, small cogeneration plants and battery-powered heart-assist systems. Sales growth in 1988 was 30 percent and 1989 sales are expected to rise another 20 percent. The group hasn't missed a positive profit margin since 1962, and ended in 1988 with a profit of \$20 million.

Last year, however, Thermo Electron began to fiddle a bit with a formula. When salesman from two separate subsidiaries, one selling radiation measuring devices and the other lab analysis services, started bumping into each other in waiting room at Department of Energy installations, Thermo Electron realized it was a little too

spread out. The result was a reconsolidation, completed Jan. 16, of two groups—Thermo Instrument Systems Inc., and Thermo Environmental Corp.—into a single \$180 million environmental company which will retain the name Thermo Instrument System.

Arvin Smith, president of the merged group, told New Technology Week that the merger will allow a coordinated strategy for attacking the DOE clean-up market, augmenting the group's \$10 million in annual sales to the DOE, which includes radiation detectors for the Savannah River Plant in South Carolina and mixed waste analysis of closed weapons manufacturing sites for the FUSTRAP program.

The services group, according to Smith, has been held back by lack of management resources, a common problem with any fast-growing, high-tech start up. Joining with the larger instruments group will provide more assistance and synergies in the operation of its test labs.

The merger does not, however, mean a rollback of the Hatsopolous spin-off strategy. In fact, Thermo Electron moved in late 1989 to set up another subsidiary which will develop large-scale, co-generation plants based on burning wood chips and other biomass products. The new group already has built six plants in New England and California and is considered ready to go public.

The group has formed profitable spinoffs already with the creation in 1987 of Tecogen Inc., which manufactures small gas-fired co-generation units for stores and restaurants. Tecogen now is looking at ways to apply its gas combustion technology to power low-pollution, compressed-gas city buses.

The Thermo Electron record of technology development to solve specific problems is impressive. In 1971, when the Environmental Protection Agency imposed NO<sub>x</sub> standards, the auto industry found it had no reliable way to measure tailpipe emissions. Thermo Electron, with links to the auto industry through its heat treatment technology, developed the first practical measuring system and immediately was swamped with orders.

Today, it is the world's leading maker of pollution and radiation measuring instruments and is looking into a "second generation" NO<sub>x</sub> system to replace the 1970s equipment.

The company already has a major position in mass spectrometers to measure the presence of toxic elements, but it is looking for ways to automate equipment and make it more rugged for field use.

Also, because of its work analyzing DOE waste sites, the company became familiar with radon detection long before it was a public health issue. It parlayed this knowledge into home radon measuring units and more complex devices for engineering groups.

Another recent new product discovery occurred when the group was asked to analyze the remains of the U.S. Marine barracks in Beirut for bomb residues. The research led to a system to detect vapors emanating from plastic explosives. The portable bomb sniffers, which Thermo Electron says are more sensitive to small amounts of explosives than traditional thermo neutron scanners, are currently being tested at airports and U.S. embassies.

In the medical field, Thermo Electron pioneered artificial heart technology with implantable heart-assist systems to help patients waiting for live transplants. Its most

recent variation uses an external battery pack which transmits energy to the implanted assist mechanism, avoiding frequent operations to replace batteries.

Thermo Electron also is not adverse to buying into technologies to round out its marketing strategy. Last March, it bought the LDC Division of Milton Roy Co. of Riviera Beach, FL, which makes liquid chromatography instruments. This will give it entry into the biotech analysis market to complement its chemical and mineral analysis products.

It also acquired San Diego-based Western Research Corp., in 1988, beefing up its laser and optic capability. This is expected to open the door to Star Wars-related work. The group already has developed a laser-based camera which can preserve optical images despite high background light. This filtering method has immediate uses in microchip manufacturing and daylight optical signaling.

The Western acquisition also allowed Thermal to add some basic research facilities on the West Coast to its central research lab in Waltham. While Thermo Electron's corporate culture encourages research and development in the subsidiaries, the central lab provides a place for long-term projects and basic research. Overall research and development spending in the company was \$42 million in 1988, up 37 percent from 1987.

Thermo Electron officials claim that since its researchers have wide autonomy and the opportunity to bring innovations to market, they have tended to stay put and not strike out on their own. This more than anything keeps the Thermo Electron idea machine working.

Hatsopolous says his main aim is to build a framework to attract and keep good research talent, thereby institutionalizing the company's Darwinian process of natural product selection. He predicts that the company could spinoff as many as 20 start ups by 2000.

**TRIBUTE TO SENIOR CHIEF  
PETTY OFFICER ANTONIO A.  
CERCENA**

**HON. RONALD K. MACHTLEY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to an exceptional member of my district who is retiring from the U.S. Navy after 30 years of dedicated and loyal service.

Senior CPO Antonio A. Cercena is retiring from the U.S. Navy a well-traveled and well-honored officer. He has served at naval stations from coast to coast and overseas. He has faithfully served this country both in times of war and of peace, earning several medals and awards for outstanding performance. Among these citations and decorations are the Navy Commendation Medal, the Navy Achievement Medal with a gold star, the National Defense Service Medal, and the Vietnam Service Medal with two bronze stars. Senior Chief Petty Officer Cercena has truly earned the respect of his fellow officers through his outstanding record.

Senior Chief Petty Officer Cercena has also been active in his community outside of his

naval career. He is a member of the Kiwanis Club, American Legion, Veterans of Foreign Wars, and the Navy League of Rhode Island. He has shared his career with his wife, Josephina, of 27 years.

On this occasion of his retirement, I extend my congratulations to Antonio and his wife and wish them both continued success and best wishes for the future.

### THE COCAINE DESTRUCTION ACT OF 1990

#### HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. CAMPBELL of California. Mr. Speaker, Americans are convinced that drug abuse is our most pressing problem. The U.S. Chamber of Commerce estimates that annual drug sales account for more than \$110 billion. The National Institute of Drug Abuse's recent survey found that frequent use of crack and other forms of cocaine has increased by 33 percent since 1985. The murder rates in nearly all of our large cities and in our suburbs have skyrocketed as organized crime has taken control of the drug trade. But these statistics can only convey in a limited fashion the true impact that drugs have had on our country. Only in seeing the effect of cocaine on the children of addicts can we truly comprehend the significance of this problem.

A dual strategy is necessary to win the war against drugs: demand and supply. We must decrease the demand for drugs through law enforcement, education, and economic development. And we must also decrease the supply of drugs by busting drug dealers, coordinating our efforts with our allies to destroy coca plants, and helping Bolivia, Colombia, and Peru develop their economies. For many Andean workers, involvement in the drug trade is derived from economic necessity. There are simply too many individuals chasing too few legitimate forms of employment to guarantee a living wage to all. In Bolivia, for instance, the official unemployment rate stands at 20 percent. It is little wonder that roughly 20 percent of the Bolivian population turns to the cultivation of coca.

Given our budget constraints, we must explore innovative and cost-effective ways of augmenting the economic development plans of the Andean countries. Hence, I am today introducing the Cocaine Destruction Act of 1990. This measure would give the President additional authority to grant trade preferences, on a country-by-country basis, if he determines that they have reduced the cultivation, processing, or sale of coca. Examples of such programs include crop substitution, coca eradication, education, and law enforcement activities. In addition, our measure would allow the President to provide economic assistance to these nations to promote the cultivation, processing, or marketing of nondrug export crops.

Here's a simple example: Peru takes 500 acres out of production of coca, and adds 500 acres of sugar cane. The new amount of sugar would come into the United States duty free—and above the current sugar quota.

The following Members of Congress played an important role in helping me draft and introduce this legislation: Congressman CHARLIE RANGEL, chairman of the Select Committee on Narcotics Abuse and Control and member of the Committee on Ways and Means; Congressman PHILIP CRANE, the ranking member of the Trade Subcommittee on the Committee on Ways and Means; Congressman PETE STARK, member of both the Committee on Ways and Means and the Select Committee on Narcotics Abuse and Control; Congressman CLAY SHAW, member of the Committee on Ways and Means and chairman of the Republican Task Force on Crime; WALTER FAUNTROY, chairman of the Subcommittee on International Development, Finance, Trade, and Monetary Policy of the Committee on Banking, Housing and Urban Affairs; Congressman DUNCAN HUNTER, the fourth-ranking member in the Republican leadership; Congressman TOM LANTOS, member of the Committee on Foreign Affairs. These Members serve on the committees to which this bill will be referred, and their commitment to support this bill will go a long way toward helping it pass the House.

There is broad support in our executive agencies for liberalizing trade laws to help our Latin American friends. President Bush, only a few months ago, promised President Barco of Colombia that he would examine what the United States could do to expand economic cooperation between the Andean region and our country. As a result of that effort, President Bush recently announced a package of trade initiatives designed to create opportunities for expanded trade and investment between the countries of the Andean region and the United States. Thus, our bill will give the President additional authority to carry out his objective of using trade to enable Bolivia, Colombia, and Peru to win the war against drugs.

I have spent a great deal of time discussing our proposal with members of both the Andean private and public sectors. Our proposal has been endorsed by the Bolivian, Colombian, and Peruvian Embassies. The Peruvian Trade Minister also supports our plan. The Peruvian industry delegation on the Andean Trade Initiative has, in addition to other groups, also endorsed our plan.

I would like to address critics who worry about the impact that this bill could have on our domestic industries. To these well-meaning individuals I can only say that the amount of goods that we currently import from the Andean countries is truly insignificant—less than 1 percent of our total imports come from Bolivia, Colombia, and Peru. Even if we doubled the amount of imports from these countries, our firms would suffer little if any harm. Indeed, Governor Martinez of Florida recently endorsed the idea of expanding the production of citrus crops in the Andean countries to help promote economic development. If the Governor of Florida is not worried about competition from Andean oranges, I am sure that our other domestic interests also have little to worry about.

I hope that my colleagues will consider our plan and see the wisdom of passing it into law. Crop substitution works; coca eradication works; targeted foreign aid works. But their impact will remain limited unless we help pro-

vide a larger market for the kinds of products, such as sugar, coffee, and citrus fruit, that will enable Andean workers to earn a living other than by participating in the coca trade. While the profits from these products will never be as high as those that can be earned from coca, I believe that Latin American workers are honest citizens who eagerly await the opportunity to participate in legitimate forms of commerce. Let's give them this opportunity by passing the Coca Destruction Act of 1990.

### WHITE HOUSE EFFECT

#### HON. ARTHUR RAVENEL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. RAVENEL. Mr. Speaker, the attached editorial from the Charleston daily newspaper pretty well describes my district's reaction to Mr. Sununu's anti-environment offensive.

[From the Charleston (SC) News and Courier/the Evening Post, Feb. 17, 1990]

### WHITE HOUSE EFFECT

When George Bush was on the stump he vowed, among other things, to be "the environment president." Making his claim to the title, he said, "People who think we're powerless to do anything about the 'greenhouse effect' are forgetting about the 'White House effect.'"

Well, now we know what the "White House effect" is. It means letting Chief of Staff John H. Sununu quash any initiative that might involve a political cost. It is meaningless gestures like giving the Environmental Protection Agency a seat in the Cabinet. But what will William K. Reilly, EPA's administrator do when he graces the table in the Cabinet Room at the White House? So far, he's allowed himself to be overruled on every major environmental issue by Mr. Sununu.

The environmental scam, a.k.a. the "White House effect" began when the Bush administration made one of its top scientists, the Goddard Institute's James Hansen, alter his testimony before a congressional committee. Mr. Hansen was not allowed to cite scientific data in warning of the greenhouse effect.

The next example of backsliding came when the Bush administration joined with Japan and the Soviet Union to block an effort by a 68-nation group, meeting in the Netherlands, to set a cap for the year 2000 of no more carbon dioxide emissions than last year.

Then, speaking to international scientists at a meeting in the White House earlier this month, President Bush astonished his audience by avoiding any mention of acid rain or the greenhouse effect. It was the "White House effect" again—Mr. Sununu had gutted the original speech.

The latest intervention of Mr. Sununu will have an impact in the Lowcountry. The chief of staff is reported to have overruled Mr. Reilly once again to water down a federal agreement to protect the nation's wetlands. The Sununu version of the agreement allows exceptions to regulations that protect swamps, marshes and other wetland areas from development.

The "White House effect" is achieved by arguing that any measure proposed to protect the environment "needs more study."

The environment president has taken it upon himself, now, to say, "We're not going to extremes." Put the two together and you have the alarming situation of the nation losing almost half a million acres of wetlands to agriculture and urban development every single year—not to mention the rather unusual weather we've been having lately.

**THE NORTH LOS ANGELES  
COUNTY REGIONAL CENTER**

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. BERMAN. Mr. Speaker, I rise today to honor an institution that for 15 years has been helping those with developmental disabilities lead more productive lives. The North Los Angeles County Regional Center currently serves more than 6,000 clients who range in functioning levels for medically fragile infants to adults striving to live independently.

The center sponsors a series of exceptional programs, including a parent-to-parent support group, in-home parent training, residential and vocational services, respite care for families, and school and community liaison efforts.

The North Los Angeles County Regional Center places particular emphasis on family involvement in programs and treatment. Its active and innovative board of trustees—which includes parents of individuals with developmental disabilities along with community leaders—has been extremely successful in fostering awareness and support for its activities. In addition, an exemplary professional and specialist staff offers client services on a lifetime basis to those individuals who require it.

Mr. Speaker, it is with pride and pleasure that I ask my colleagues to join me in saluting the North Los Angeles County Regional Center—a facility that provides vital services and support to the community.

**COALFIELD ENVIRONMENT  
ENHANCEMENT ACT OF 1990**

**HON. NICK JOE RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. RAHALL. Mr. Speaker, today I am introducing legislation, entitled the Coalfield Environment Enhancement Act of 1990 that is aimed at encouraging the reining of abandoned coal mine lands.

Joining me in the introduction of this bill are RICK BOUCHER of Virginia, BILL CLINGER of Pennsylvania and my colleague on the Subcommittee on Mining and Natural Resources, AUSTIN MURPHY of Pennsylvania.

Last year the House of Representatives passed legislation, H.R. 2095, to reauthorize the abandoned mine reclamation fund. The purpose of this fund is to foster the reclamation of mined lands left in an abandoned and inadequate reclamation status prior to the date of enactment of the Surface Mining Control and Reclamation Act of 1977. This program serves an extremely valuable function,

but even under a 15-year reauthorization of reclamation fee collections as envisioned by H.R. 2095, the fund may still not be in the position to provide for the reclamation of all priority sites in the Appalachian region.

This gives rise to the need to provide for some type of incentive for industry to reenter these abandoned coal mine lands and remine any coal that remains, and subsequently, reclaim the site.

With the enactment of the Water Quality Act of 1987, the Congress for the first time officially recognized the intrinsic value of encouraging the reining of previously mined coal lands. This law, in section 307, contains a provision I sponsored with BILL CLINGER to provide for a modified NPDES permit for qualified coal reining operations. In retrospect, the enactment of this provision, perhaps more than any other action, gave rise to the current interest in legislative and regulatory initiatives to further enhance the remaining option.

Meanwhile, over the years the Office of Surface Mining has identified a number of regulatory changes that could be made by both the Federal agency and the States to promote reining. In fact, the agency has already implemented certain regulatory initiatives involving revegetation and land restoration standards applicable to reining operations.

Despite the fact that some progress has been made in the reining area to date, those of us who have been examining this issue find that additional legislation is necessary if we are to fully realize the benefits reining can have to the coalfield environment. In effect, coal reining incentives not only serve to augment the environmental restoration work being done under the abandoned mine reclamation fund, but have the added benefit of making coal available that would otherwise be bypassed.

Toward this end, our colleague RICK BOUCHER has been diligently working over the years to focus the attention of the environmental community, the coal industry, and the Interior Department on reining legislation. The result of this effort was the introduction last year of H.R. 2791 by the gentleman from Virginia. The gentleman from Pennsylvania, BILL CLINGER, has also taken the initiative and introduced a bill this Congress, H.R. 2719. Both of these measures were the subject of a July 18, 1989, hearing my Subcommittee on Mining and Natural Resources.

As a result of this hearing and subsequent work under the subcommittee's auspices on this matter with interested parties, today we are introducing legislation which seeks to address the major remaining impediments to coal reining operations. These impediments involve liability; in terms of both the extent of liability they may be incurred during a reining operation, and the extended liability associated with obtaining surety bond release.

The Coalfield Environment Enhancement Act of 1990 seeks to promote the reining of abandoned coal mine lands in the simplest but environmentally responsible fashion possible. Under the proposal, the following reining incentives would be provided: First, variances from the backfilling/grading and revegetation requirements of the Surface Mining Control and Reclamation Act; second, date certain release of surety bonds provided there

is compliance with the reclamation plan—this addresses the extended liability concern; and third, protection from any event or condition encountered in a reining operation which was not anticipated in the reclamation plan—this addresses the extent of liability concern.

These incentives would be made possible due to the establishment of self-sustaining interest bearing State reining insurance funds fostered by the legislation. These funds would be financed by: First, a portion of a State's annual abandoned mine reclamation fund grant with a matching share provided from the Secretary's discretionary share of the abandoned mine reclamation fund; second, such other moneys a State wishes to dedicate to the insurance fund; and third, insurance premiums paid by coal operators who wish to avail themselves to the program. The purpose of these State reining insurance funds would be to incur any liability for unanticipated events which may arise during a reining operation and to remain liable for any reclamation requirements that may arise after the date certain release of an operator's bond.

Mr. Speaker, I look forward to the continued good faith effort of all interested parties to devise a mutually acceptable incentives package as the Subcommittee on Mining and Natural Resources moves forward with this legislation.

**DWIGHT D. EISENHOWER  
MEMORIAL SCHOLARSHIP ACT**

**HON. WILLIAM F. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. GOODLING. Mr. Speaker, today, I am introducing legislation which will create, as an independent establishment of the executive branch of the United States, the Dwight D. Eisenhower Foundation, and provides for a permanent endowment for Dwight D. Eisenhower Memorial Scholarships. This legislation is a result of my participation with the Eisenhower Society of Gettysburg, PA, to establish a suitable, permanent tribute to President Eisenhower.

In this centennial year of the birth of President Dwight David Eisenhower, this legislation commemorates the achievements of a boy of humble origins from our Nation's heartland, a boy whose values and character were shaped by work and life on a midwestern farm and by a commitment to family and community. These were the values and experiences on which Eisenhower based a lifelong commitment to service to his country, culminating in the 34th Presidency of the United States.

President Eisenhower's career also included West Point, distinguished service in the United States Army, Supreme Command of the Allied Armies in Europe, the presidency of Columbia University, and Supreme Command of the North Atlantic Treaty Organization.

This legislation commemorates the 100th anniversary of President Eisenhower's birth and is intended to honor not only the man, but the values of character, moral integrity, and service to others that made like an outstanding leader and one of the most beloved Presi-



dents in recent history. "I like Ike" was not only a political slogan of the 1950's, but was, more deeply, an expression of genuine affection and trust.

Of his numerous accomplishments as President, no domestic program was more important than Eisenhower's sponsorship of the National Defense Education Act, following the Soviet launching of Sputnik in 1959. Ike harnessed the resources of the Federal Government to meet the crisis in mathematics and science education and paved the way for our advances in engineering and technology and our exploration of space.

Today, we face a crisis in education of immense and seemingly intractable proportions. We continue to struggle, at the elementary and secondary school level, with a general decline in the quality of public education and the level of literacy of our high school graduates. Compared to similar groups in Japan and Western Europe, American students score lower in mathematics, science, geography, and foreign language skills.

We still fail to prevent large number of low-income and minority students from dropping out of school, due to drug abuse, teenage pregnancy, or the lack of self-discipline that grows out of hopelessness.

Assisting low-income and minority students is one of the major challenges facing higher education. Many of these students who failed to reach their educational potential earlier attend 2-year, open admission colleges, whose hybrid programs offer remediation, vocational and technical training, and academic preparation for those who wish to pursue a 4-year degree, and each year, these 2-year colleges enroll approximately 4.8 million students, that is, 43 percent of all undergraduates, and 51 percent of all freshmen. Almost half of all minority students attending an institution of higher education attend 2-year programs. These enrollments reflect the increased number of so-called non-traditional students who are often older than the traditional 18-24 year-old college cohort and usually study part time because they are working to make ends meet.

These nontraditional students now comprise the fastest growing group of students in higher education. Given the declining demographics of the traditional college-age group of 18 to 24 year-olds, these non-traditional students represent an untapped resource for colleges and universities as well as for predicted future shortages in the job market. But, during the 1980's, a gap has grown between 2-year colleges and 4-year institutions, which have become increasingly expensive and selective in their admissions. Although roughly 40 percent of students beginning at a 2-year college say they intend to transfer to 4-year institutions, only about one in four eventually complete academic work for the baccalaureate degree. For minorities—blacks and Hispanics—the degree completion rate is an appalling 9 percent.

Helping low-income and minority students overcome the barriers to transferring from 2-year to 4-year colleges is a growing priority of a higher education community. The American Council on Education and the Ford Foundation are currently studying this very problem and are creating pilot programs for community

college students who are potential transfer students.

The Eisenhower Memorial Scholarship program has the potential to play an important and highly symbolic role in enabling outstanding, promising 2-year college students to complete their bachelor's degrees, gaining the knowledge and skills to contribute in a more valuable way to the larger society.

The Eisenhower Memorial Scholarship program will provide merit, need-based scholarships for outstanding students who are enrolled in 2-year colleges and who plan on a career in public service. These scholarships will enable the best and brightest in our 2-year colleges to study full time, transfer to a 4-year college, and complete their undergraduate degrees in a field of public service—education, medicine, public health, and social or environmental work, to name but several possible service paths.

These scholarships shall be awarded for the second through the fourth academic years of undergraduate study. The student will complete his or her 2-year academic program and will continue full-time study for the third and fourth years at a 4-year institution, leading to a bachelor's degree.

These scholarships shall be awarded on the basis of merit. The amount of the scholarship award will be based on the student's calculated need. Scholarships shall not exceed the total cost of attendance or \$10,000 for each year of study, whichever is less. To leverage additional funds with the goal of broadening the impact of this program in its early years, institutions which admit Eisenhower Scholars are required to contribute not less than 20 percent of the award in matching funds, through institutional grant funds or tuition waivers.

Scholars will be selected through an annual, national competition. At least one scholar shall be selected, each year, from each State in which an applicant meets the minimum criteria for selection. For each State, the top five candidates who were not selected as Eisenhower Scholars, but who showed significant academic promise, shall be listed as "honorable mentions." Like National Merit Semifinalists, these top candidates will be actively sought after by 4-year institutions.

This legislation authorizes \$30,000,000 for the Dwight D. Eisenhower Memorial Scholarship Fund in the United States Treasury. Interest income generated from this permanent endowment will support the operations of the Eisenhower Foundation and will fund scholarships.

The Eisenhower Memorial scholarships promise to expand access to higher education to the largest growing group of non-traditional students, those low-income students, minorities, women, and young adults who might not otherwise reach their full potential to contribute to the larger society.

Such scholarships are, I think, a fitting memorial to a Kansas boy of humble origins who was educated by the only Federal scholarship program in existence in the early 1900's—education at the public's expense for the purpose of public service at either West Point or Annapolis. The service academies opened the doors to public service and distinguished careers for thousands of Americans like Ike, a

century and a half before the inception of our major Federal student aid programs.

In the 100th year of the birth of Dwight David Eisenhower, I hope my colleagues in the House of Representatives will join me in supporting the creation of a program which promises to have a lasting impact on the lives of so many talented, promising young Americans, who, in many cases, will be the first in their families to attend college.

There can be no more fitting or lasting memorial in this centennial year of President Eisenhower's birth than a program which, while broadening access to an education of some lasting good, opens the doors to the greater good of a life committed to public service.

## DON EDWARDS, PROTECTOR OF THE CONSTITUTION OF THE UNITED STATES

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. STARK. Mr. Speaker, my good friend, DON EDWARDS, has been described by a colleague as "the most influential figure on the House side when it comes to civil rights." Those who have followed DON's congressional career know that this is an accurate description of his role in the House of Representatives and we are better off because DON has pursued it so assiduously.

The February 1990 issue of California Lawyer contains a brief article, "Capitol Hill Clout," describing DON EDWARDS standing guard over civil liberties. I would like to place in our RECORD that article. And I would like to publicly thank our esteemed colleague for the continuing effort he devotes to keeping this country the sort of place most of us want it to be. He is truly a sentinel of freedom, guarding and protecting our civil and human rights.

#### CAPITOL HILL CLOUT

A FORMER FBI AGENT, CALIFORNIA'S DON EDWARDS STANDS GUARD OVER CIVIL LIBERTIES

WASHINGTON.—As Congress prepares to debate a series of civil rights bills this session, Representative Don Edwards of California once again will play a center-stage role when it comes to shaping the new legislation.

Conservative critics have long considered the 75-year-old Democrat a Capitol Hill undertaker for many of their pet issues. Supporters cheer his unabashed liberalism in an age of conservatism. As a key member of the House Judiciary Committee, Edwards himself says he remains as determined as ever to stamp his own ideology on civil rights issues.

Congress is expected to act this year on a sweeping measure, HR 2273, to counter discrimination against 43 million Americans impaired by either physical or mental disabilities. The bill was introduced by former California Congressman Tony Coelho and is now being carried by Representative Steny H. Hoyer (D-Maryland).

Edwards will be in the middle of another debate over measures designed to reverse various decisions handed down by the U.S. Supreme Court last year. Describing the justices' actions as "mean-spirited," the San

Jose lawmaker has been huddling with civil rights lobbyists and mapping legislative strategy that will unfold throughout Congress's election-year session.

Last term the Supreme Court's conservative majority issued a string of decisions that alarmed civil rights advocates. The rulings are expected to make it harder for plaintiffs to win job discrimination cases in federal courts. (See "A New Era in Civil Rights," September 1989.)

"During most of my years here, we have relied on the Supreme Court and other federal courts to protect our liberties," says Edwards. "We can't do that anymore."

He and other civil rights advocates hope Congress will respond to the court rulings just as it did when it overturned a 1984 Supreme Court decision that scaled back sex-discrimination laws. *Grove City College v. Bell*, 465 US 555.

Midway through his 14th term in Congress, Edwards wields considerable power over the fate of constitutional and civil rights issues as chairman of a House Judiciary Committee panel with jurisdiction over such matters. "I think he's probably the most influential figure on the House side when it comes to civil rights," says Representative James Sensenbrenner, a Wisconsin conservative and the senior Republican on Edwards' subcommittee.

The Reagan administration was reminded of Edwards' legislative prowess in 1988 when he guided into law two extensive civil rights bills. The law overturning *Grove City* was enacted over a presidential veto and a tough housing rights bill passed despite lukewarm support from the White House.

Throughout the Reagan years, Edwards presided over a subcommittee that routinely buried coveted items on the White House wish list—from balanced-budget legislation to a constitutional ban on abortion. "That's what [congressional] committees exist for," says Representative Henry Hyde (R-Illinois), a leading advocate of conservative causes in the House. "They are there to give a burial—decent or otherwise—to legislation that doesn't measure up to the ideology of the power structure."

After eight years of fighting "rearguard actions" against Reagan-era proposals, Edwards frustratingly finds himself in the same position at the end of George Bush's first year as president. "From our point of view, we see no improvement," says Edwards, speaking of himself and other liberal Democrats on the House Judiciary Committee. "There has been no retreat whatsoever on these efforts to weaken the civil rights laws."

Edwards is particularly scornful of Bush's determined campaign to pass a constitutional amendment outlawing desecration of the American flag. Last fall the California lawmaker played a significant part in halting momentum for the flag amendment by crafting a statute bill that makes it a federal misdemeanor to destroy the flag. 18 USC § 700.

He believes the "modest statute" enacted in October—without Bush's signature—is constitutional, despite the Supreme Court ruling against a flag desecration law in Texas that touched off the furor.

He is clearly uncomfortable, though, as he attempts to defend the new law he admittedly supported only to derail a constitutional amendment. He struggles to explain that the law is not intended to punish political speech but rather the "physical" act of burning a flag. "I admit that it's thin," he says, chuckling over his own verbal acrobatics. "But it's the only thing we've got."

Edwards' record in Congress—and a 1960s antiwar poster that hangs in his Capitol Hill office—belies his past as an FBI agent and business-minded Republican who didn't switch party allegiance until he was 35. A 1938 graduate of Stanford Law School, Edwards spent two years at the FBI. After a stint in the Navy during World War II, he came home and made a fortune as the owner of a title insurance company in San Jose.

He also found himself serving as chairman of the statewide California Young Republicans. But Edwards' own politics were already shifting to the left, fueled by his support for the United Nations and world peace groups. Eventually he abandoned the GOP and immersed himself in such groups as the American Civil Liberties Union and Americans for Democratic Action.

Elected to Congress in 1962, Edwards cemented his liberal credentials through friendships with civil rights lawyer Joseph Rauh and U.S. Supreme Court Justice William O. Douglas. By then it was only natural for the new congressman to develop a deep and ongoing interest in constitutional rights. At one point early in his career, Edwards even joined a small band of lawmakers who voted against a routine measure to find the notorious House Un-American Activities Committee.

Today he has lost little of his zeal. Now that he has his hands full with a new White House adversary, Edwards has no plans to abandon the political battlefield. "In fact," he says, "the older I get, the more liberal I become."

#### FULFORD UNITED METHODIST CHURCH

#### HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. LEHMAN of Florida. Mr. Speaker, on January 21, I had the honor of presenting a flag which flew over the Capitol to the Fulford United Methodist Church.

Founded in 1904 by Capt. William H. Fulford, the Fulford United Methodist Church has tenaciously held its ground through the years. Destroyed by a hurricane in 1908, it not only survived, but thrived until the 1970's, when the church entered a decline. The resiliency of Fulford, however, is evident in its recent upswing brought about primarily through the efforts of Rev. William Owens.

The Miami Herald recently spotlighted this Miami institution and its extraordinary pastor, and I would like to commend this article to the attention of my colleagues.

AFTER PERIOD OF DECLINE, CHURCH IS ON UPSWING

(By Bea L. Hines)

Fulford United Methodist Church has weathered many storms in its 85 years. Its first home blew away in a hurricane. Its surrounding neighborhood, once nearly all Christian, now is predominantly Jewish.

Still, the church at 1900 NE 164th St. thrives in North Miami Beach.

But will it continue to thrive? Yes, says the Rev. William Owens, pastor of the church, which will celebrate its anniversary this weekend.

"I believe Fulford has a very bright future in this community," he said. "The people's attitude is strong and faithful."

Fulford United Methodist, named for North Miami Beach pioneer Capt. William H. Fulford, was founded in 1904.

Its first home was a packing shed, renovated with funds raised by local women. A hurricane destroyed it in 1908. Since then, the church has grown into a sprawling complex that takes up nearly a block.

Jeannette Campbell, 79, a church member and historian of North Miami Beach, said old church minutes told the story of how Capt. Fulford used to load his wife's organ onto his wagon and haul it to the packing shed for Sunday school.

When residents wanted more of a worship service, he arranged for a traveling preacher to attend one Sunday a month.

By 1970, the church had grown to 1,342 members. But as old-timers retired and moved away and young Jewish families moved in, the church's membership started a long slide.

It wasn't until 1987—when Owens, 34, his wife, Becky, and their two children arrived—that Fulford's membership started growing again. There are now 468 members.

Owens credits the congregation and the church's outreach program for the increase, but members say it is because of the youthful Owens that young families are joining.

"It was a blessing when he was sent to us," said Anna Jones, 78. "He is drawing in the young, which is what we need to keep growing."

Owens thinks the church can serve many kinds of people.

"One of the things I enjoy about this church is that the people here come from many different cultures and backgrounds," he said. Many new members come from Cuba and the West Indies.

"We have all age groups here. And the older members show a spiritual maturity that helps to bring young people into the church," he said.

Said Campbell: "He is a great preacher, too. The word gets out about him. We have from 40 to 50 people in our Wednesday night Bible class."

Still, Owens said, "We are not a church without struggle. North Miami Beach is predominantly a Jewish community. We are faced with learning to address the needs of a very diverse community."

"But our strength is the willingness of the people to work together although their backgrounds are different. We simply focus on what we can do, then do it," he said.

#### QUESTIONS ON MONEY AND POLITICS

#### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. GORDON. Mr. Speaker, I would like my colleagues, especially those serving on the Bipartisan Campaign Reform Task Force, to consider carefully the questions raised by Mr. Jack Norman, Sr., in his column which appeared in the Nashville Banner. I think you will find that Mr. Norman's questions, asked in 1986, are more relevant than ever today.

The cost of campaigning has gotten out of hand. Fundraising has become a constant

burden faced by almost all Members of Congress. We must reduce the enormous campaign costs faced by candidates and the potential for abuse these costs represent, while making sure the system is open to anyone who wants to run for office.

Mr. Speaker, I commend this article to my colleagues and ask unanimous consent to have it reprinted in the RECORD.

[From the Nashville Banner, Aug. 12, 1986]

#### QUESTIONS ON MONEY AND POLITICS

(By Jack Norman, Sr.)

##### Burning questions:

Has money muscle taken over the American system of free elections?

Has it robbed the ordinary citizen of the right to select his or her political leadership?

How close have big campaign contributions come to bribery and extortion?

Has the press, radio and television been too reluctant to publicize and condemn this activity for reasons of profit?

Is American public office being sold to the highest bidder?

Will a Congress or Legislature which condones and participates in such practice ever move to correct the evil?

Can we depend upon elected officials who welcome such contributions to do anything about it?

Does anyone believe for a moment that a person firm or corporation that has business relations with a public office and contributes large sums to a candidate for that office, does not expect favors in return?

Does anyone believe for a moment that the candidate who accepts such large donations does not know of such expectations?

Does it make any difference if the donations are made through political action organizations?

Are public officials to be elected by reason of their television personalities?

Which is more important, the ability, qualification and record of the candidate or the success of his television makeup artist?

Can a good and qualified, but poor, man or woman ever expect to be elected under this situation?

What will be the effect on future democratic and representative government if this is allowed to continue?

Is the only way left for the public a determination to stop voting for the gross offenders?

### RON BROWN ADDRESSES ISRAELI EMBASSY

### HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. GRAY. Mr. Speaker, in these troubled times, I would like to share with my colleagues a speech that was given by Ron Brown, chairman of the Democratic National Committee. The speech was given at the Israeli Embassy at their commemoration of the Martin Luther King holiday. The speech addresses racism and cooperation, common foes and common goals. I commend to this body the words of Mr. Brown.

## EXTENSIONS OF REMARKS

REMARKS OF DNC CHAIRMAN RONALD H. BROWN, MARTIN LUTHER KING HOLIDAY, EMBASSY OF ISRAEL, WASHINGTON, DC

Good afternoon, it's a pleasure to—at least technically—be here in Israel.

It is fitting and appropriate that we have gathered today in the embassy of the state of Israel. The political party I lead, the Democratic Party, has a long history of cooperation with and support for Israel. We as a Party for example, have long opposed the U.N. resolution equating Zionism to racism. We share a commitment to democracy, a heritage of tolerance, and a love of freedom and justice that shapes our respective institutions.

Thus, we come together today.

Today we celebrate the quiet birth of a Georgian whose voice grew to echo around the world—a Baptist preacher whose love transcended sect and in whose name there grows a forest in Galilee.

The Reverend Dr. Martin Luther King, Jr. spent less than 13 years on the national and international stage—13 years from Montgomery to Memphis. He never held elective office. His only authority was that of his convictions, his dedication, and his morality. Yet the events he led or set in motion, the era he defined, changed the world forever.

Twenty years after his death his name commands respect, and his message of non-violent activism still informs millions who seek to further change our nation and our world.

Last year we saw the power of his teachings as government after government collapsed, without violence, before the tide of democracy.

Where the writings of Marx and Lenin once held sway, the words of Gandhi and King took power. Dr. King described the changes he helped create.

In his word: "All over the world, like a fever, the freedom movement is spreading in the widest liberation in history. The great masses of people are determined to end the exploitation of their races and their land. They are awake and moving toward their goal like a tidal wave. You can hear them rumbling in every village, street, on the docks, in the houses, among the students, in the churches and at political meetings.

"These developments should not surprise any student of history. Oppressed people cannot remain oppressed forever." Tragically, there are exceptions.

Last summer I had the privilege of meeting Wuer Kaixi, one of the Chinese student leaders who—armed only with the words of Mohandas Gandhi, the wisdom of Albert Einstein, and the example of Martin Luther King—stood up to Red Army tanks in Tiananmen Square.

Imagine for a moment the power of a man whose words—whose ideas—moved hundreds of thousands of students in Beijing to challenge tanks and automatic weapons, armed only with abstractions. Peace. Love. Freedom. I am here today as well to celebrate with you as an American.

It is ironic that the birthday of one so respected around the world is often seen—here in his home—as somehow a holiday for African Americans only.

The birthday of Martin Luther King is a day for all Americans to pause and remember one who gave his life for the American ideal.

Americans of every race have fought and died for that ideal. All Americans are freed when the weight of racism is lifted. All Americans were degraded by segregation, crippled by hate, and compromised by a so-

ciety that saw each African American as only three-fifths of a person.

All Americans are better off because of Martin Luther King. And I am here today because perhaps no group of people outside of the African American community is as aware of this as the American Jewish community.

Our forebearers stood together—outside, looking in. Denied access to education, employment, and housing, our people knew instinctively that a bond existed.

When the first community-based agencies were founded in Jewish neighborhoods, they reached out beyond their own bases, and assisted children of all races in their quest for educational and civil opportunity.

In 1917, a Yiddish language newspaper compared a St. Louis riot where blacks were killed to the Russian Pogrom at Kishinev in the following words: "Kishinev and St. Louis—the same soil, the same people. It is a distance of four and a half thousand miles between these two cities and yet they are so close and so similar to each other. . . Actually, twin sisters, which could easily be mistaken for each other."

We stood together for justice, sat at lunch counters, rode in busses across the south, marched on Washington, picketed, organized and voted together. Two thirds of the whites who went to Mississippi for freedom summer—two thirds of these students who put their lives on the line—two thirds were Jewish.

And in the earthen dam near Philadelphia, Mississippi, two thirds of the blood is Jewish.

Twenty-five years have passed since the disappearance of James Cheney, Andrew Goodman, and Michael Schwerner.

And twenty-two years since the Reverend Martin Luther King announced support for Israel's "independence, integrity, and freedom," in the face of the Six Day War.

We cannot let the bond disappear. We simply can't let that happen.

Racist and anti-semitic are easy words—crutches at times—used too quickly, substituting for meaningful thought, flung out without regard to consequences.

We must not deny that these things exist—that within our communities there are racists and anti-semites.

But we must recognize that there are honest differences between our communities. Differences that can anger and even enrage, but which cannot be allowed to divide us. And we must realize that the differences between our communities are not recognized by David Duke and the Ku Klux Klan—that race hatred and religious persecution walk hand in hand.

We in this room today, we who are leaders and activists in our communities must ensure that a relationship based on mutual respect and a shared history of struggle and oppression does not deteriorate.

We must leave behind this gathering of elites, and carry a message to those in our communities who are not here—the poor and disaffected, the uneducated, the prejudiced and the angry people who search for targets and scapegoats.

That message is this: it is not Jews that have bombed and threatened civil rights leaders, and it is not blacks who are painting swastikas on synagogues. We do not threaten one another.

Together we have created a movement that is still changing America.

Let us work together and see these changes through.

Our shared destiny isn't about rhetoric, a speech or a three-day weekend. It isn't about partisan politics.

It is about the hope for justice in this world. It is about the common threats we still face.

It's about what gets shouted and hurled at our children as they walk to school.

It's about churches that get burned and synagogues that get defaced and destroyed.

It's about a racist bombing in Savannah and an antisemitic attack on a Yeshiva less than ten miles away from where we stand today—both within the past month.

It's about the darkest horrors of history never being allowed to repeat themselves.

We live in an imperfect world. Human beings cannot achieve perfection, but we must work toward it.

As Dr. King said: "Human progress is neither automatic nor inevitable . . . Without persistent effort, time itself becomes an ally of the insurgent and primitive forces of irrational emotionalism and social destruction. This is no time for apathy or complacency. This is a time for vigorous and positive action."

Together we can change history.

As you walk through Washington today or this week you may notice a poster that caught my eye. It presents a silk-screened profile of Dr. King—arms outstretched as though addressing a crowd or welcoming a child, eyes raised, mouth open to speak—and below the words: "I still believe."

After three hundred years of slavery and a century of oppression, I still believe.

After a million lies and broken promises, after a thousand deaths and beatings, after ten thousand jailings and executions, I still believe.

Two decades after James Earl Ray shot down Martin Luther King, I still believe.

I believe that Dr. King did not die in vain. That the moral force he loosened on our world survives, that the lessons he taught have been learned, that the changes he fought for are being made.

I believe that America holds out an unequalled promise of equality, and of brotherhood, of bridging the chasms of race and religion and ethnic heritage that divide so many nations and regions.

And I believe that we can, and we must, make America to live up to that promise.

As Dr. King said: "Let us therefore continue our triumphal march to the realization of the American dream . . . For all of us today, the battle is in our hands . . . The road ahead is not altogether a smooth one. There are no broad highways that lead us easily and inevitably to quick solutions . . . We are still in for the season of suffering . . . How long? Not long. Because no lie can live forever. Our God is marching on."

Thank you and God bless you.

### ARCHBISHOP IGNATIUS GHATTAS

### HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Ms. OAKAR. Mr. Speaker, I am so pleased today to call to your attention the immense pride Greater Clevelanders feel for a man of God who has been recognized for his 37 years of service to his community. Msgr. Ignatius Ghattas has been appointed an archbishop in his Melkite Catholic Church and will be

ordained this Friday at St. Elias Melkite Greek Catholic Church in the Cleveland suburb of Brooklyn, OH. He will become the leader of 35,000 Melkites in 41 churches throughout the United States.

Mr. Speaker, I wish to include in the CONGRESSIONAL RECORD an article on Monsignor Ghattas that appeared recently in the Cleveland Plain Dealer.

#### MONSIGNOR MOVES TO NEW CHALLENGES AS MELKITE BISHOP

(By Darrell Holland)

Monsignor Ignatius Ghattas has been appointed a bishop in his Melkite Catholic Church at a time when many people his age would be retiring.

Ghattas, 68, says he does not believe in retirement. "I really never was afraid of work," he said.

He will be ordained bishop at 4 p.m. Friday at St. Elias Melkite Greek Catholic Church, 8023 Memphis Ave., Brooklyn. A banquet at Stouffer Tower City Plaza Hotel will follow.

After the ordination here, he will travel to the Boston suburb of Newton, Mass., to become archbishop of the Eparch (diocese) of Newton of the Melkite Greek Catholic Church. He will attain the title archbishop because Newton is an archdiocese.

Ghattas said that after his installation as archbishop Feb. 25, he would return here to continue at St. Elias until a successor is named. He then will move to Newton, where the diocese has its offices and operates a seminary.

As archbishop, Ghattas will be the spiritual leader of about 35,000 Melkite Catholics in 41 churches throughout the United States.

Milkites are one of the Byzantine rite Catholic churches, which are loyal to the pope but follow an Eastern rite rather than the Latin or Western rite.

Ghattas said about 15 bishops would come to Cleveland for the ordination, including Maximus V of Lebanon, the Melkite patriarch who oversees the church from offices in Syria, Egypt and Lebanon. Maximus V and 23 Melkite bishops recommended to Pope John Paul II that Ghattas be made a bishop.

Maximus V will be the main celebrant of the Divine Liturgy at Ghattas' ordination here. Also in attendance will be Cardinal James Hickey of the Washington Catholic Archdiocese, who will preside over the service, Cleveland Bishop Anthony M. Pilla and Archbishop Joseph E. Tawil, whom Ghattas is succeeding.

Ghattas has been pastor of St. Elias for the past 37 years, ever since he arrived in the United States from his native Palestine, now part of Israel. He was born in Nazareth on Christmas Day, 1922.

"I had mixed emotions about the appointment," he said. "I have really loved it in Cleveland and after 37 years this is my home."

"I have baptized, confirmed, given communion and married most of the members here and also their children in recent years. This church is really like my family," Ghattas said of the 350 households who make up the parish. "I know them all by name."

He became a U.S. citizen soon after his arrival. Two of his brothers live in Cleveland.

In his new post, he said, he will be "a father to the priests and to the people in the diocese who will make up my flock. I will watch over them and be concerned when they are hungry and thirsty, both spiritually and physically."

He said he hoped to visit each of the parishes within two years, a formidable task since they are scattered throughout the country. He also is likely to have to visit Lebanon at least once each year to attend convocations with Maximus and the other Melkite bishops.

The political and religious strife in Lebanon and other Middle Eastern nations, including the conflict between Israelis and Palestinians, will be concerns he will deal with more as a bishop, he said.

"I will make my voice known," said Ghattas. "You can't have peace without justice. The rights of all persons must be respected in all Middle Eastern nations if peace is to come there."

He said he visited Lebanon last September for a church convocation. "We need to have the kind of freedom, equality and justice that has recently emerged in Eastern Europe in order for there to be harmony in Lebanon and other nations."

Because of the war in Lebanon and the conflict in Israel between Israelis and Palestinians, Ghattas said, there had been many recent Melkite Catholics immigrating to the United States.

"Our churches have helped to resettle people during the past couple of years in great numbers all over the country, including nearly 40 families added to our own parish here," he said. "This helps to keep alive the traditions and culture of our former homelands."

"The newcomers also remind us of our respect for our roots," he added. "Those roots include attempting to keep alive such qualities as hospitality, generosity and faithfulness for which our people are well known."

On a personal note, I have been privileged to represent St. Elias' Church and Monsignor Ghattas in Congress. I value highly his spiritual leadership and his kind friendship. We, in Greater Cleveland, will miss him, but we are also very proud of him.

### DIRECT MEDICARE REIMBURSEMENT FOR NURSE PRACTITIONERS AND CLINICAL NURSE SPECIALISTS

### HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, the Members of this body are well aware of the problems the many rural Americans face in accessing health care services in their communities. In recent years we have witnessed many rural areas throughout the country suffer from hospital closures and shortages of health care professionals. Rural communities are having increased difficulty in retaining and recruiting physicians and nurses in order to assure access to primary health care services for Medicare beneficiaries and other citizens. These health care professional shortages are linked to hospital closures in that most often the community will lose their physician when they lose their hospital.

Unfortunately, many Medicare beneficiaries are not receiving essential health care because physicians are not available. Often there are other health care providers available but because of restrictions on Medicare cover-

age, patients cannot utilize the services of other health care professionals such as nurse practitioners and clinical nurse specialists. The consequences can be very disturbing, especially in emergency cases.

For example, I am aware of a particular case in North Dakota where an elderly woman was suffering from pneumonia and was in need of medical treatment. Her community did not have a hospital, so she went to a group practice center that was staffed by nurse practitioners on a daily basis, but only had a physician available periodically. It just so happened that the day she needed care the physician was not available. The nurse practitioner could have provided the elderly women with the care she needed but because Medicare does not provide coverage for services by nurse practitioners in this type of a setting, the elderly women had to drive 70 miles to the nearest available physician.

That is why I am introducing legislation with my colleague BILL RICHARDSON that would provide direct Medicare reimbursement for nurse practitioners and clinical nurse specialists in rural areas. This legislation would make it possible for Medicare beneficiaries to receive health care services from health care providers that are recognized by other health insurance programs, government and private, as providing quality and cost-effective health care services. I believe that Medicare ought to join the CHAMPUS Program and the 15 States that have required health insurers to reimburse nurse practitioners directly for their services in utilizing the services of these professionals.

This legislation is similar to that which has been introduced by Senator DASCHLE in the other body. His bill was actually approved by the Senate Finance Committee last year as part of OBRA 1989 but did not become law.

Under current law, nurse practitioners can receive Medicare reimbursement for their services indirectly in rural health clinics and in skilled nursing facilities. This legislation would provide for direct Medicare reimbursement to certified nurse practitioners and clinical nurse specialists who provide services in rural areas.

Nurse practitioners and clinical nurse specialists will not replace physicians. By recognizing the services provided by these health care professionals, however, the Medicare Program can shore up some of the gaps in access to services. A recent OTA study shows that the quality of care provided by nurse practitioners and clinical nurse specialists is no less than the quality of physician services provided for similar ailments. Not only do nurse practitioners and clinical nurse specialists provide quality care for what they are qualified to deliver, but they do so in a cost-effective manner.

Although this legislation is expected to cost the Medicare Program about \$11 million in its first year, I anticipate that in the long run it will save money in the Medicare Program. Reimbursement under this legislation will be at 75 percent of prevailing charges—or 85 percent of prevailing charges outside of the hospital setting. In the end, this legislation is a cost-effective way to expand access to health care services to Medicare beneficiaries that live in rural areas.

I believe that it is time that the Medicare Program recognize the contribution nurse practitioners and clinical nurse specialists can make to improving access to health care services. These professionals are qualified to provide quality care and it only makes sense that their services be utilized. I urge my colleagues to support this legislation.

**NATIONAL CANCER INSTITUTE  
AWARDS FIRST RESEARCH  
GRANT FOR CANCER VACCINE  
TO MARC K. WALLACK, M.D.**

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to announce to my fellow Members of Congress, that a new era in cancer research begins today. Marc K. Wallack, M.D., chairman of the department of general surgery of the Mount Sinai Medical Center, in the 18th Congressional District of Florida, has been awarded the first-ever research grant by the National Cancer Institute for the continued study of a vaccine that may prevent the recurrence of malignant melanoma, the deadliest of skin cancers.

Dr. Wallack received notification today of the \$500,000 grant, which will enable him to support the third and final phase of a randomized double-blind study being conducted under his direction at nine medical centers nationwide.

Melanoma is found most often in Florida, the Southwest, and the tropics. The deadly skin cancer spreads not just through the skin, but also to the lungs, liver, and brain. One-third of sufferers die, even after treatment. While the melanoma vaccine does not prevent cancer, if given after surgery, it could prevent the recurrences that often prove fatal. Approximately 22,000 new cases of malignant melanoma are diagnosed every year.

Mr. Speaker, I invite my fellow colleagues to join me in congratulating Dr. Wallack and the Mount Sinai Medical Center on this prestigious award and wish good luck for the speedy discovery of a cancer vaccine.

**GEORGE KONHEIM RECEIVES  
VARIETY'S BIG HEART AWARD**

**HON. MEL LEVINE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize my good and distinguished friend George Konheim, who will be honored as an outstanding citizen at the Variety Club of Southern California's annual Big Heart Dinner on February 27, 1990.

The Variety Clubs International were formed in 1927 when a baby was abandoned in a theater in Pittsburgh. The owner of the theater and his friends adopted this baby, placed her in a founding home and decided to raise money for the baby and all the others in the home. This was Variety Club Chapter No. 1.

Since then, new chapters have been formed around the world. Its members have raised close to \$600 million for children who are sick, handicapped, abused, orphaned, or underprivileged. It is for his work in these areas that George Konheim will be honored.

George has been actively involved with community activities all of his life, both in his personal and his professional life. George is a director of the Cedars-Sinai Medical Center, the Jewish Federation Council, Temple Ben Am, the Los Angeles Home for the Aged, and the Child Welfare League of America. He was recently elected to his 22d year as President of Vista Del Mar Child and Family Services, and has served as President of Reiss Davis Child Study Center and Home-Safe, Inc. He is also a leader in the United Way campaign, and is on the board of governors of the City of Hope.

The impressive array of organizations with which he has been affiliated is too long to list fully, but all point to the fact that the honor that will be bestowed on George Konheim is richly deserved. His work on behalf of the Los Angeles community, and particularly the children of the city, has been invaluable. I am delighted to join the Variety Club in recognizing his outstanding contributions.

At this year's annual Big Heart Dinner, over a half million dollars is expected to be raised which will go to the Child Amputee Center at UCLA, the Boys and Girls Club of East Los Angeles, the program for children with AIDS at USC County Hospital, the neo-natal wing at Cedars-Sinai, and for Sunshine Coaches which provides vans to transport children to hospitals and therapy.

Mr. Speaker, I urge my colleagues to join me in congratulating George Konheim for being selected for this honor, and wishing him and his family the best of success in their continued efforts on behalf of the less fortunate in the Los Angeles area.

**THE FIVE AMARAL BROTHERS**

**HON. RONALD K. MACHTLEY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. MACHTLEY. Mr. Speaker, I rise today to honor five brothers who proudly served their country both in war and in peace.

The five Amaral brothers, Manuel, Horace, Eugene, David, and George, are all World War II U.S. Navy veterans. They collectively served in several areas during the war. Their campaigns included the American campaign, American defense, Asiatic-Pacific, European-African, Middle East, Philippine liberation, World War II occupation, and World War II victory. They also collectively received several decorations for their outstanding service including four Bronze Stars and one Silver Star.

Their service to this Nation also extended to their local community in East Providence, RI. A family plaque has been placed in their name remembering their generous donation of land for the city of East Providence.

It is with great pleasure, as a fellow veteran that I salute these five proud veterans. Their service both at home and abroad is a tribute

to their patriotism and their commitment to their fellow man.

### THE EQUAL OPPORTUNITIES FOR ALL WORKERS ACT

**HON. TOM CAMPBELL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. CAMPBELL of California. Mr. Speaker, I rise today on a matter of both fiscal responsibility and simple fairness. I rise to introduce the Equal Opportunities for All Workers Act—a measure that would immediately repeal the Social Security earnings test.

More than any other Federal program established in the last half century, Social Security represents values and objectives that are particularly American. Since its inception in the 1930's, the Social Security System has constituted a unique compact between the Government and the working men and women of this country. It has functioned, in effect, as a kind of government promissory note—guaranteeing today's workers future security and dignity, in exchange for their present sacrifices. For over 50 years, the Social Security has served us well in this capacity.

Despite its successes, however, the system contains one provision that contradicts its own principles—a contradiction that compels me to act today. The outside earnings limitation imposes a tax on Social Security receipts if a senior citizen continues to work. Specifically, this limitation requires Social Security to deduct \$1 of benefits for every \$2 earned above the ceiling of a senior's allowable, annual income: effectively a 50-percent tax. Under current law, beneficiaries under age 65 can earn up to \$6,480 a year and those aged 65 through 69 can earn up to \$8,880 before this tax is imposed.

The earnings limit prevents thousands of older Americans from continuing to exercise one of their most fundamental rights: The right to work; and it denies to our economy the productive participation of skilled, experienced workers.

Over the last 20 years we have witnessed several congressional efforts to repeal this burdensome limitation. In abolishing the earnings test, however, these measures, would necessarily lower the size of the Social Security trust fund. To repeal the earnings limit might jeopardize the fiscal soundness of Social Security.

The bill I am introducing today, however, accomplishes the valuable dual purpose of eliminating this barrier to older workers while also strengthening the financial integrity of the overall Social Security System. The bill would immediately abolish the outside earnings limitation, thus enabling individuals to remain professionally productive for as long as possible. The distinguishing difference of this measure, however, is that all additional tax collected on new income earned would go exclusively toward supplementing the Social Security trust fund.

The origin of the earnings limit lies, as does Social Security itself, in the Great Depression. Jobs were scarce, so seniors were encour-

aged to leave the workforce to make way for younger workers. Today, unemployment is at a virtual minimum historically—5.2 percent. The shortage is no longer in jobs, but in skilled workers, with disciplined work habits, able to fill them. Social Security has outgrown its earnings test.

This bill would also have the salutary effect of actually increasing the savings rate among what, under its own provisions, would be a newly empowered segment of American workers. The contributions from these workers to the Social Security trust fund, it has been estimated, will actually exceed their new payments from it—for a net increase in the American savings rate. In this age of unwieldy budget deficits and increasing economic competition internationally, we must do all we can to encourage individuals who wish and are able to earn and spend money to do precisely that. The current arrangement penalizes not only active, productive seniors, but in fact everyone who benefits from a healthy, growing economy.

We can expect in the next 20 years to confront the most serious challenge—both socially and fiscally—to ever face the Social Security System. It is during this time that the so called baby boom generation will reach retirement age in full, rightful expectation of receiving their complete benefits. We must ensure that the fund is viable for them, and that their economic contributions are encouraged.

We live in a society in which the work force is growing older. This represents not a disadvantage, but a tremendous opportunity if we are wise enough to grasp it. We will increasingly rely on the skills and energy of older workers. The sooner we not only recognize this fact, but accommodate ourselves to it, the sooner we can realize our full economic capabilities.

My measure seeks to give those whom the system most immediately benefits as full an opportunity as possible to keep it strong and functioning. Rarely has what is most fiscally prudent so closely corresponded to what is undeniably morally right. Our action today ensures that the promise America made over 50 years ago to its workers is kept.

### IN WHOSE IMAGE

**HON. ARTHUR RAVENEL, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. RAVENEL. Mr. Speaker, I would like to submit the following interesting article, "In Whose Image" by Al Wall, one of my constituents. In the light of recent ethics scandals in both the public and private sectors, I believe that it is required reading for all.

[From the Christian Single, July 1989]

### IN WHOSE IMAGE

(By Al Wall)

The following quotation is an empirical acquisition from years of observing local and national politics: "It must not only be right, it must look right."

This truism seems to have been overlooked by a considerable number of people in the public eye—politicians, entertainers, athletes, business and professional men and

women. In the first six months of 1987 fallen heroes, a group too numerous to list here, dominated front page news. To identify even a few would serve no useful purpose; the admitted and known misdeeds of the idolized is sufficient reason to underscore the need for an individual—in public or private life—to carefully guard his/her image.

"And God said, Let us make man in our image, after our likeness. . . . So God created man in his own image, in the image of God created he him; male and female created he them" (Gen. 1:26-27).

Most of us have a natural disposition to think of our personal image as outward appearance—how we look in terms of good grooming and acceptance of our style of dress. While I subscribe to the late Col. Elliott W. Springs' philosophy that "Clothes make the man," appropriate dress is not as important as the feelings and emotions of the heart. Our true image depends upon fairdealing, honesty, integrity, dependability, and the practice of Christian ideals as much as it does a weekly visit to the hairdresser or a monthly visit to the haberdasher or boutique.

As the director of a human resources service organization I work with people from all walks of life to help improve their public image. My clients include politicians, entertainers, businessmen and women, professionals and occasionally, students. From my experience, today, more than ever before, young people are becoming concerned about how they're perceived by the public; how and what others think about them. The reason for this sudden interest in a good image is that millions of young people are employed in positions that demand public acceptance and approval. The pressure to "look good" may lead to a lowering of one's moral standards and Christian beliefs.

The Bible clearly teaches harsh lessons about human misconduct and in some cases, the resulting harsh punishment. For them, it was a matter of choice. Adam's choice cost him the Garden of Eden; Esau's, his birthright; the rich young ruler's, his life; Judas and Ananias', their life and fellowship with God; and Absalom's, David's throne. In each illustration there was an undisputed incorrect choice; each person failed to consider the consequences of his or her actions and decisions.

As a matter of choice we should not frequent businesses known to cater to people with questionable backgrounds. Patronizing such places may be required in the course of business, or they may be a source for obtaining business or professional assistance or information. Regular visits to these locations may lead to unwanted and unearned "guilt by association". We are reminded again that "it must not only be right, it must look right".

In one noble gesture golfing great Bobby (Robert Tyre) Jones demonstrated to the world that material gain was less important to him than maintaining his integrity. The 1930 winner of golf's coveted top prize, the Grand Slam, first accepted the gift of an expensive home in Atlanta, Georgia. The full-time lawyer, part-time golfer believed his amateur standing would be in jeopardy if he accepted the gift. Jones graciously thanked his benefactors and then returned the house in order that no shadow of suspicion be cast on his nonprofessional status. To him, accepting a \$50,000 home (worth many times more today) while still participating as an amateur golfer didn't "look right".

Image building, taking into consideration both outward appearance and inward con-

viction, requires adherence to a constant set of principles. One can't waffle or vacillate on an important detail which he/she knows unequivocally to be morally wrong. Protecting the image should be practiced with the same serene diligence that one goes about a day's work: Your word and your integrity are Number One.

#### TRIBUTE TO WAYNE GRETZKY

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. BERMAN. Mr. Speaker, I rise today to salute a truly outstanding individual—Wayne Gretzky. Wayne is not only one of our country's greatest sportsmen, he is involved with and dedicated to the work of a wide variety of charitable and nonprofit organizations. In line with that commitment, Wayne Gretzky is to be honored by an all-star cast at the Fifth Annual Sports Award Roast benefiting the City of Hope Medical Center where he will receive the prestigious "Steamer Award."

Wayne Gretzky's professional career is unparalleled and is well known to the Members of this House. He joined the Los Angeles Kings in 1988 after a brilliant career with the Edmonton Oilers. Last year he became the National Hockey League's alltime leading scorer and for 8 consecutive years Wayne has received the "Victor Award" as hockey's outstanding player.

Apart from hockey, Wayne has distinguished himself as a humanitarian and a philanthropist. He has been a key supporter of the City of Hope—one of this country's leading medical research and care institutions. He is also involved with a wide range of other organizations and during his short time in Los Angeles has already distinguished himself as an individual committed to using his fame and prestige to benefit those less fortunate.

Mr. Speaker, it is my pleasure and privilege to ask my colleagues to join me in saluting Wayne Gretzky, a supreme athlete, a community leader, and an excellent role model for all.

#### UMW-PITTSSTON CONTRACT RATIFIED

### HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. RAHALL. Mr. Speaker, yesterday, after being on strike for almost 1 year, over 1,200 United Mine Workers of America members in West Virginia, Virginia, and Kentucky ratified a labor contract with the Pittston Coal Group.

I would like to take this opportunity to commend UMW President Richard Trumka and Pittston Chairman and CEO Paul Douglas for reaching this agreement. A great deal of credit also goes to Secretary of Labor Elizabeth Dole who took a personal interest in this labor dispute and served as a mediator at a most crucial juncture in the negotiations.

Moreover, I congratulate the rank and file mineworkers and their families. They worked for over a year without a contract. When it

became evident that no settlement would be reached, they exercised their right to strike. During the course of this labor dispute over 3,000 miners and family members were arrested for nonviolent acts of civil disobedience. Meanwhile, some of the tactics used against the mineworkers last year were more reminiscent of the 1920's and 1930's than 1989. In the Appalachian coalfields we saw a new generation of armed, helmeted mercenaries confronting workers who were exercising their legal rights. Peaceful picket lines were threatened by what can only be described as storm troopers armed with mace, nightsticks and even firearms.

Mr. Speaker, organized labor as a whole has been experiencing an erosion of basic rights and civil liberties stemming from our dear former President Reagan's union busting legacy that began with the air traffic controllers strike. But the line in the sand was drawn by the United Mine Workers of America—at places like "Camp Solidarity in Logan County, WV, and at the Moss No. 3 coal preparation plant near Carbo, VA. To all those who were "on the line in '89" I salute you. The ramifications of the actions you took in the coalfields have a significance which will reverberate throughout the Nation.

#### THE 100TH BIRTHDAY OF PRESIDENT DWIGHT D. EISENHOWER

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. GOODLING. Mr. Speaker, as you know, October 14, 1990 is the 100th birthday of President Dwight D. Eisenhower. A number of events are scheduled throughout the world to recognize this significant milestone, and the Dwight D. Eisenhower Society of Gettysburg, PA, is taking a lead role in the domestic celebration.

When thinking of Ike, I have always kept in mind a quote first used to describe George Washington: "a citizen, first in war, first in peace, and first in the hearts of his countrymen." Eisenhower rose from modest origins to become one of the great military leaders in our Nation's history, and one of the most beloved and popular Presidents of all time.

Throughout his career, Ike was recognized for his honesty, integrity, and leadership, as well as his ability to get the job done in a direct and straightforward manner. All Americans should strive to emulate these traits. The celebration this year of Eisenhower's centennial birthday will help to further enlighten and educate people about his deeds and accomplishments.

I recently came across the text of a speech made by a member of the Gettysburg Eisenhower Society, Jane Stevens. Her remarks about Ike are an eloquent tribute to a great American hero. I commend them to your attention.

Many of you are familiar with this button I am wearing on my lapel. For those of you who are not, it says "I Like Ike," a slogan

from his first presidential campaign. With his warm, down-to-earth style and spontaneous grin, it was easy to like "Ike." He loved people and people loved him. "I Like Ike" soon became the sentiment of the nation. We trusted him. The whole world trusted him. He became known in his time as the "World's Most Trusted Citizen."

A humble man from humble beginnings, Eisenhower believed in those good old-fashioned, seemingly simple but difficult to develop qualities of honesty, integrity, courage, and honor. He was a man of strong faith, in his God, in himself, and in his fellow man. A West Point graduate, he ranked "duty" above all else.

At the time Eisenhower came to the Presidency, much of the world was weary with the fatigue of war. He was a military man who hated war. He held our hand like the good doctor who holds the hand of an ailing patient at his bedside, giving him the spirit to heal. And so we did. We had eight years of prosperity, the best decade of this century. For eight years he gave us peace.

It was a dangerous decade, the fifties; a period of transition. Eisenhower intuitively understood the danger; when confrontation is unrestrained, direct means between the world powers could no longer be tolerated. He understood that the peace that must be sought could not just be a "stilling of the guns, easing the sorrows of war, more than an escape from death," but a "way of life" in this nuclear age. He wisely understood that the world was now too big, too complex, too pervasive, and too dangerous, with its ability to annihilate itself, for any one single man or nation to implement a program that would bring world peace.

Esquire Magazine, in an article by Murray Kempton, described Dwight D. Eisenhower as "the great tortoise . . . upon whose back the world sat for eight years . . . never recognizing the cunning beneath the shell." Once, when asked what he thought was the most important quality a leader must have, Eisenhower replied, "selflessness." It was his conviction that we each had a responsibility, a duty to rise above partisanship, to attempt to understand another's point of view and circumstance, to cooperate in achieving a just and honest solution to a problem or crisis. He was a genius at unifying disparate personalities into an effective team. He was a genius at calmly managing crises.

Quoting Eisenhower, "there can be no freedom without peace. There can be no peace without understanding." This is not just an oversimplified, naive statement about the ongoing efforts to strive for world peace. Especially in view of the escalating problems of drug abuse, the destruction of our environment, and political unrest, it is a very difficult and demanding solution whereby each of us as individual citizens of the world must selflessly do our part, and duty, by whatever contribution we can make.

Eisenhower stated on numerous occasions that he felt his greatest failure was his inability as a leader to achieve world peace. Such a goal would seem wildly optimistic, and unfair to expect of a single man's capacity as a leader. He did not, he could not hope to give us world peace during his time in office. However, he did give us a legacy of freedom as the role model for the means to achieve world peace. His qualities of character are an exemplary guide to govern ourselves with dignity, to understand and respect that same dignity in our fellow man,

and to come together as one for world peace.

**BARBARA LAWSON LEAVES  
EDEN EXPRESS**

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Ms. Barbara Lawson, the executive director of Eden Express. Eden Express is located in Hayward, CA, in California's Ninth Congressional District. Ms. Lawson is leaving the restaurant after 8½ years of service.

Ms. Lawson began her career with Eden Express in 1981. Her job was to direct the restaurant's business operation and to put together a training program for the disabled. The twofold project evolved into a model for the Nation in the training of the mentally and emotionally disabled.

Eden Express is an 82-seat restaurant; but more importantly, it is a training center where a variety of developmentally disabled people learn job skills in a food service setting. Many of the trainees are people with a history of mental problems or combinations of physical handicaps and developmental disabilities and have never held jobs before coming to Eden Express. The training takes place in a natural work setting with an average of 30 disabled persons enrolled at one time and an average training time of 3.5 months. At the restaurant, the trainees learn self confidence, good working habits and skills needed to obtain and hold a job in the competitive market place. The disabled served at Eden Express are between 16 and 55 years old and, diagnosed as mentally ill, learning disabled, deaf, physically disabled, or brain injured.

The training program that Barbara Lawson devised has helped over 600 disabled people train and move on toward other jobs. Of those that have graduated, 94 percent have obtained jobs and over 82 percent have maintained them. In May 1989, the National Restaurant Association honored Eden Express at their national convention in Chicago for being an outstanding training program. As a national model training program, the staff of Eden Express has assisted in helping launch 17 similar training programs across the Nation.

Eden Express was established by families who had members that could benefit from such a training setting. Besides the dining room which is open 7 days a week for breakfast and lunch, the restaurant also features a banquet room that seats 50 where community groups often meet regularly. The restaurant also offers catering and take-out service, and provides wholesale baking of 600 dozen cookies and muffins weekly.

Eden Express has received numerous awards for its pioneering program including the John R. May Award in 1987 from the San Francisco Foundation for being an outstanding organization in the bay area. In 1987 and 1988, Eden Express was featured on CBS's "West 57th Street," in 1989, on the Peter Jennings News Show, in 1989, on CNN, and has also been featured on various local TV stations, on local radio, and in newspapers.

Table Magazine, Restaurant and Institutions, Restaurant USA, Western Tables, Restaurant Business, Restaurant News, and People Magazine have all run feature articles on the restaurant. The restaurant has also received honorary mentions in the following books: "Schizophrenia," by Mary Ellen Walsh; "Surviving Schizophrenia," a family manual by Dr. Torrey; and "Care of the Mentally Ill," a rating of State programs by Drs. Torrey and Wolfe.

Barbara Lawson was born in Oakland, CA, and raised in the San Francisco Bay Area. She received her B.A. from Cal State University at Hayward, and her masters in public affairs from the University of Southern California. Barbara also has her food service credential and a community college credential. She is the past owner of the Lafayette Creamery in Lafayette, CA, and has worked in community service for over 25 years prior to coming to Eden Express. Barbara has three children, Keith, age 31; Lori, age 29; and Lesli, age 22.

Mr. Speaker, Ms. Lawson will be sorely missed at Eden Express where she made the restaurant and its training program into a model for the entire Nation. She will be moving on to a job in consulting and plans to direct her attention to writing about Eden Express and the concepts that contributed to its success in the hopes that everyone will be able to understand what it is that makes this particular program work. I wish Barbara luck in her new career and want her to know that her time at Eden Express enriched not only the lives of the disabled but also the lives of everyone who came in contact with them.

**THE SOCIAL SECURITY  
TELEPHONE ACCESS ACT OF 1990**

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. LEVIN of Michigan. Mr. Speaker, today I am introducing the Social Security Telephone Access Act of 1990. Congressman JACOBS, MOODY, and HUGHES are joining me as original cosponsors. This legislation seeks to address some serious problems with the Social Security toll-free 800 number that have come to the attention of congressional caseworkers across the country. Senator PRYOR is also introducing a companion bill in the Senate.

While I applaud efforts by the Social Security Administration to improve productivity, these efforts must not come at the expense of service to the public. I am afraid that the national data I have seen and the anecdotal evidence I have heard indicate that the 800 number was not a step forward.

Busy signals in January, particularly during the early part of each week, continued to exceed 50 percent. Today, if you open your phone book to find out where your nearest Social Security office is located you will find an empty space where that information used to be found. Beneficiaries with a case can no longer call the Social Security employee who is handling their problem. Instead they must speak with an 800 number operator, who is often hundreds of miles from the relevant file. The caller is then told that they will receive a

return phone call from the local office, creating an unnecessary delay and adding to the frustration of an already upset beneficiary.

The 800 number has its place in the Social Security system, I only question whether it should be the sole method of contact between SSA and the public. The legislation we are introducing today will require the SSA to list in local telephone directories the local office phone numbers and addresses, along side the 800 number. The phone directory would indicate that calls relating to specific cases should be directed to the local number, while general Social Security questions and information could best be obtained through dialing the toll-free 800 number.

In addition to ensuring this dual access, the legislation also includes a demonstration project that I have drawn from a bill I introduced in the last session. This telephone service center demonstration project passed the House last year as part of the Reconciliation Act, but unfortunately it was not included in the final conference report.

This demonstration project would test the feasibility of a system to generate followup letters to callers to the 800 number. Many Members of Congress have had reports of misinformation and misunderstandings from questions put to teleservice operators at the 800 numbers. Followup letters would help clarify the responses to these calls, provide a paper record for beneficiaries to substantiate their claims in any subsequent proceeding with the SSA, and provide a quality check for beneficiaries and SSA management.

Mr. Speaker, the Social Security Telephone Access Act of 1990 will allow the SSA to upgrade its technology and improve its services and productivity while protecting the interest of the American public. I ask that the text of the legislation be printed in the RECORD immediately following these remarks.

H.R. 4051

A bill to provide for improved access by telephone to the Social Security Administration

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Telephone Access Act of 1990".

SEC. 2. ACCESS BY TELEPHONE TO LOCAL OFFICES OF THE SOCIAL SECURITY ADMINISTRATION.

(a) IN GENERAL.—Title of the Social Security Act is amended by adding at the end the following new section:

"TELEPHONE ACCESS TO THE SOCIAL SECURITY ADMINISTRATION

"SEC. 712. (a) REQUIRED MINIMUM LEVEL OF ACCESS TO LOCAL OFFICES.—In addition to such other access by telephone to offices of the Social Security Administration as the Secretary may consider appropriate, the Secretary shall maintain access by telephone to local offices of the Social Security Administration at the level of access generally available as of October 1, 1989.

(b) TELEPHONE LISTINGS.—The Secretary shall make such requests of local telephone utilities in the United States as are necessary to ensure that, in listing subsequently published by such utilities for each locality, the address for each local office of the Social Security Administration serving such



locality is listed. Each requested listing shall include—

"(1) the following statement: 'For information about a specific case or claim, call—', following by the number for the local office; and

"(2) with respect to any toll-free number maintained by the Social Security Administration, the following statement: 'For general information, call—' followed by the toll-free number."

(b) **EFFECTIVE DATE.**—The amendment that by subsection (a) shall take effect 30 days after the date of the enactment of this Act.

**SEC. 3. DEMONSTRATION PROJECTS RELATING TO ACCOUNTABILITY FOR TELEPHONE SERVICE CENTER COMMUNICATIONS.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services shall develop and carry out demonstration projects designed to implement the accountability procedures described in subsection (b) in each of not fewer than 3 telephone service centers operated by the Social Security Administration. Telephone service centers shall be selected for implementation of the accountability procedures so as to permit a thorough evaluation of such procedures as they would operate in conjunction with the service technology most recently employed by the Social Security Administration. Each such demonstration project shall commence not later than 180 days after the date of the enactment of this Act and shall remain in operation for not less than 1 year and not more than 3 years.

(b) **ACCOUNTABILITY PROCEDURES.**—

(1) **IN GENERAL.**—During the period of each demonstration project developed and carried out by the Secretary of Health and Human Services with respect to a telephone service center pursuant to subsection (a), the Secretary shall provide for the application at such telephone service center of accountability procedures consisting of the following:

(A) In any case in which a person communicates with the Social Security Administration by telephone at such telephone service center and provides in such communication his or her name, address, and such other identifying information as the Secretary determines necessary and appropriate for purposes of this subparagraph, the Secretary must thereafter promptly provide such person a written receipt which sets forth—

(i) the name of any individual representing the Social Security Administration with whom such person has spoken in such communication;

(ii) the date of the communication;

(iii) a description of the nature of the communication;

(iv) any action that an individual representing the Social Security Administration has indicated in the communication will be taken in response to the communication; and

(v) a description of the information or advice offered in the communication by an individual representing the Social Security Administration.

(B) Such person must be notified during the communication by an individual representing the Social Security Administration that, if adequate identifying information is provided to the Administration, a receipt described in subparagraph (A) will be provided to such person.

(C) A copy of any receipt required to be provided to any person under subparagraph (A) must be—

(i) included in the file maintained by the Social Security Administration relating to such person; or

(ii) if there is no such file, otherwise retained by the Social Security Administration in retrievable form until the end of the 5-year period following the termination of the project.

(2) **EXCLUSION OF CERTAIN ROUTINE TELEPHONE COMMUNICATIONS.**—The Secretary may exclude from demonstration projects carried out pursuant to this section routine telephone communications which do not relate to potential or current eligibility or entitlement to benefits.

(c) **REPORTS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate written reports on the progress of each demonstration project conducted pursuant to this section, together with any related data and materials which the Secretary may consider appropriate. Such reports shall include an initial report (relating to the first 180 days of the project), which shall be submitted not later than 270 days after the commencement of the project, and annual reports thereafter for the duration of the project. The final report shall be submitted not later than 90 days after the termination of the project.

(2) **SPECIFIC MATTERS TO BE INCLUDED.**—Each report required under paragraph (1) shall—

(A) assess the costs and benefits of the accountability procedures;

(B) identify any major difficulties encountered in implementing the demonstration project; and

(C) assess the feasibility of implementing the accountability procedures on a national basis.

**THE SOCIETY OF FORMER SPECIAL AGENTS OF THE FBI, INC.**

**HON. HENRY J. HYDE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. HYDE. Mr. Speaker, last October the Society of Former Special Agents of the Federal Bureau of Investigation, Inc., held its annual convention in Orlando, FL. The society is an independent, nongovernment organization of 8,000 men and women who have previously served our Nation as special agents of the FBI. The members of the society continue to be interested in and supportive of the FBI and its role in the intelligence sphere. At the October 1989 convention, the society adopted an important resolution expressing the support of its members for our country's use of the important tools of intelligence collection, counterintelligence, and covert action in defense of our people and our fundamental national goals. Today, I wish to insert the text of this laudable resolution in the RECORD and commend it to my colleagues as an eloquent reminder to all of us of the important role which these intelligence activities play in our efforts to protect and promote our national interests:

**RESOLUTION**

Whereas the patriots who established us as one nation under God did so through the

application of all the arts and skills of war and deception;

Whereas these included the tools and weapons of the ancient craft of intelligence utilized by all nations since time immemorial;

Whereas such tools and weapons include intelligence collection and use, counterintelligence ploys, covert action and a wide variety of methods and procedures to defend and preserve a body of people and its heritage;

Whereas the Government established by our founding fathers is of the people, by the people and for the people;

Whereas any attack against, or threat to, that Government is an attack on, or threat to, each of us individually;

Whereas every tried and true countermeasure should be available to our intelligence agencies to defeat the subtle espionage and subversive attacks against our strength and security which are constantly being waged with all the weapons of guile, deception and deceit: Now therefore be it

*Resolved*, That we, the Society of Former Special Agents of the Federal Bureau of Investigation, Incorporated, support the use and application of the tools and weapons of the intelligence craft, including intelligence collection, counterintelligence, and covert action, and urge their use in the defense of our people and the accomplishment of our Government's goals of survival and peace for all nations.

**HOMELESS VETERANS**

**HON. JOSEPH P. KENNEDY II**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. KENNEDY. Mr. Speaker, last October, the House Committee on Veterans' Affairs Subcommittee on Oversight and Investigations held a field hearing in Cambridge, MA, to investigate the issue of homeless veterans. Chairman LANE EVANS, Congressman TOM RIDGE, Congressman GEORGE SANGMEISTER and I participated in this hearing. I think we all came to the agreement that despite the efforts of some very dedicated, hard-working individuals, much more is needed to be done to reach out to the homeless veteran population and to keep them permanently off the street. People who are on the front lines working directly with homeless veterans in Massachusetts—people like Will Escobar and Jim Hoover from the Boston V.A.'s Homeless Chronically Mentally Ill Program; Ken Smith, Director for the New England Shelter for Homeless Veterans in Boston; Ralph Cooper, Director of the Veterans Benefits Clearinghouse in Roxbury; and Mark Follonsbee, from Shelter, Inc., in Cambridge—know that we have only hit the tip of the iceberg when it comes to dealing with homeless veterans' needs and that much more support is needed in order to end this national tragedy. Yet, President Bush level funded homeless services in his fiscal year 1990 veterans' budget which will have the effect of curtailing these men's efforts.

Thirty to fifty percent of the adult male homeless population are veterans. These are men and women who were willing to shed their blood and sweat defending the democra-

cy and freedom which we value so highly. It is time that our country finds its soul and makes the commitment to deal with the needs of homeless veterans.

Homeless veterans are not looking for a handout, they are in need of both a helping hand and a welcome home. Although many struggle with complex problems such as mental illness, alcoholism and drug addiction, their problems are within our reach. We have to be able to design a system that is "user-friendly." First, we must provide a health care system that is flexible, allowing homeless veterans to drop in when they need care instead of sending them away with an appointment. Second, we must be able to provide homeless veterans with affordable housing in a supportive environment which will help ease them back into mainstream society. One thing we know that's not the answer is warehousing the homeless in shelters without links to services or permanent housing—it only serves to perpetuate isolation and dependence. Finally, we must be able to provide homeless veterans with job training and skills in order that they can develop the self-assurance and the independence they need in order to remain in mainstream society.

On February 7, 1990, I introduced legislation with my colleagues, Senator JOHN KERRY, Congressman HARLEY STAGGERS, and Congressman CHESTER ATKINS, which implements these three ideas and provides \$100 million for each of the next 4 years to accomplish these goals.

The Comprehensive Services Program for Homeless Veterans is legislation which will provide health care, social services, housing, vocational rehabilitation, and transportation services so that we can realistically put an end to this national tragedy. This bill requires that each medical center director within the Department of Veterans Affairs conducts an assessment of the extent of the homeless veteran problem in their area, draft a plan using the array of services provided under the legislation and then form a multidisciplinary team to implement the plan.

The legislation will provide for drop-in centers to be conveniently located in urban areas so that veterans can receive medical and psychiatric care, warm meals, hygiene facilities, job assistance and referral to services provided by the Department of Veterans Affairs and by other agencies as well. Homeless veterans will also become eligible for greatly needed dental, optometric and podiatric care. For an example, it is absurd to expect a homeless veteran to be able to fill out a job application if his vision has deteriorated to the point that he can no longer read. Although these services can be costly, without them, many of other efforts would be futile. The legislation will allow the Secretary to accept donated dental, optometric and other medical equipment and services to help defray the costs.

The bill also provides for mobile support teams to facilitate outreach in not only urban areas but also rural areas as well where the homeless may not have adequate access to needed services. These mobile support teams will provide on demand medical and counseling services and will also provide transportation to medical centers and shelter.

The legislation provides three different types of housing programs in order to meet the varied needs of homeless veterans. Two of the programs establish group homes which provide for varying levels of supervision. One group home is self-run, modeled after the highly successful Oxford homes, which permits the individuals in recovery to learn responsibility and allows for extensive replication of the homes because of the low cost. The other group home is more structured, designed for the individual who requires more intensive therapy and supervision. The last housing program is modeled after the Department of Housing and Urban Development's Section 8 Program. Under this program, a homeless veteran would contribute 30 percent of their income toward rent and the Department of Veterans Affairs would make up the difference between the veteran's income and the fair market value of the apartment in the private market. All three of these programs require that the veteran remain drug and alcohol free and builds on the concept of "veterans helping veterans." All three of these programs require that the veteran make contributions to the rent. All three of these programs require that the veterans be employed or involved in some sort of work therapy program administered or approved by the Department of Veterans Affairs.

The problems that homeless veterans face are within our reach. Too many are too quick to throw up their hands and give up on homeless veterans. The Marine Corps has a tradition: never leave a wounded man behind on the battlefield. We would do well to follow in this tradition so that we may heal the wounds of the homeless veterans and get them off the battlefield known as the American streets. I urge my colleagues to support H.R. 3992, the Comprehensive Services Program for Homeless Veterans. Below is a section-by-section summary of the legislation.

H.R. 3992, COMPREHENSIVE SERVICES PROGRAM FOR HOMELESS VETERANS  
SECTION-BY-SECTION SUMMARY

Section 1. Title. "Comprehensive Services Program for Homeless Veterans Act of 1990"

Section 2. Definition of Comprehensive Service Program. The purpose of the Comprehensive Services Program is to address the housing, medical care, vocational rehabilitation, social services and transportation needs of homeless veterans. The Secretary will establish this program using services provided under this Act and coordinating these services with other Department of Veterans Affairs programs and any other federal, state and local programs designed to address the needs of homeless veterans.

Section 3. Assessment and Plan.

a. Each medical center director must conduct a joint assessment with the regional benefits director to determine the extent of the homeless veteran problem in their area. The assessment will also include current services being provided by the medical center and benefits office and the extent in which efforts are being coordinated with other public and private organizations.

b. 1. Following the assessment, the medical center and the regional benefits director must jointly submit a plan, including a request for funding, as to how they intend to meet the needs of homeless veterans in their area under the Comprehensive Serv-

ices Program. Justification must be provided for failure to submit a plan and request for funding.

2. To implement such plans, a multi-disciplinary team of employees must be established. Plans may be periodically updated by the directors to reflect the needs of their current homeless veteran population.

c. \$100 million is authorized to carry out the new services under this act for each of the fiscal years 1991-1994. The medical center director's request for funding is capped at \$1 million per year.

Section 4. Drop-In Service Centers.

a. In areas of the country with a high population of homeless veterans, drop-in service centers will be provided in conveniently located areas.

b. At least five full-time equivalent employees will be assigned to the drop-in centers. Employees must be in addition to existing Department employees.

c. Services provided include assessment for treatment, evaluation of eligibility for government benefits, medical and psychiatric treatment, counseling and referrals, meals, hygiene facilities, assistance with discharge upgrading and employment services.

Section 5. Mobile support teams.

Mobile support teams will be established to provide outreach, clinical care and transportation services to homeless veterans in areas where there are a high number of homeless veterans and in rural areas where access to services is limited.

Section 6. Expanded health services.

Homeless veterans will be eligible for dental, optometric and podiatric services including supplies.

Section 7. Housing assistance payments.

a. The Secretary shall establish a program which will provide monthly housing assistance payments for homeless veterans.

b. The Secretary will consult with housing experts when establishing regulations for this program.

c. The Secretary will provide housing assistance payments equivalent to the difference between 30% of the veteran's household income and the fair market value of the rental unit.

d. 1. The housing assistance is available for one year unless a veteran in good standing, is unable to find alternative housing. Veterans in this program, must be employed at least half-time or be involved in some work therapy program administered or approved by the Department of Veterans Affairs and must maintain periodic contact with the Department or other authorized agencies. The housing must meet state and local housing codes.

2. Each director will ensure that regular visits by a counselor to the housing unit are conducted to ensure that the conditions of the program are being met.

Section 8. Group homes maintained by the Department of Veterans Affairs.

a. 1. The director shall use funds appropriated under this Act to purchase or lease homes for the provision of housing to veterans with chronic mental illness or who are recovering from alcohol or drug abuse.

2. A. Homeless veterans are to be given first priority. All residents must be employed at least half-time or be involved in some work therapy program administered or approved by the Department of Veterans Affairs.

B. Residential staff housing located on the grounds of medical centers may be used for this purpose.

C. Each group home will have a live-in manager who is a veteran.

D. Drug and alcohol counseling and other appropriate rehabilitation activities will be provided in the group homes.

E. The use of drugs or alcohol is prohibited and will result in expulsion from the group housing.

F. Veterans will pay rent based on their ability to pay and any rent collected will go toward the cost of maintaining the group homes.

G. Housing must be in compliance with state and local housing codes and regulations.

b. Group homes are to be administered according to the guidelines established under the Public Health Service Act.

Section 9. Group homes through nonprofit private entities.

a. 1. The Secretary shall establish and maintain a revolving fund to make loans for the provision of group homes for veterans with chronic mental illness or who are recovering from alcohol or drug abuse. At least four individuals must reside in each group home.

2. The loan from the revolving fund must not exceed more than \$4,000. The purpose of the loan is to provide payment of first and last month's rent when required to secure a home. The loan will be paid back no later than two months after the date on which the loan was made.

3. Each resident will pay their share of the loan through monthly installments. Reasonable penalties will be assessed for failure to make the payment on time.

4. The loan can be made to nonprofit private entities, approved by the Secretary, who agree to operate the homes under the following specifications:

a. the use of alcohol or any illegal drug in the group home is prohibited;

b. any resident who violates this prohibition will be expelled;

c. the cost of the housing including utilities will be shared by the residents;

d. the group home will be self-run; by voting, the residents will establish policies concerning the manner in which the home will run.

b. Group homes are to be administered according to the guidelines established under the Public Health Service Act.

Section 10. Evaluations and reports.

a. Each year, the Secretary will provide Congress with the evaluation of the Comprehensive Services Program for that year.

b. In 1994, the Secretary will provide Congress with an overall program evaluation of the Comprehensive Services program.

Section 11. Acceptance of donations.

The Secretary may accept donations of equipment and services for the purposes of providing services under this Act.

Section 13. Definitions.

ing criminal fines for OSHA violations, these new fines have yet to be fully used.

Under current law, criminal penalties do not apply to workplace safety violations unless there is a resulting fatality. Our bill expands the application of criminal sanctions to willful violations which result in serious bodily injury to workers or recklessly endanger human life.

The weak criminal penalty provisions of the OSH Act are outdated and do not act as a deterrent for those few employers who willfully and recklessly expose workers to toxic substances and dangerous working conditions.

Under present law an employer who willfully violates Federal workplace safety laws causing a worker's death faces no more than 6 months in jail. By comparison, making a copy of a rented video movie is punishable by up to 5 years in prison. That makes no sense.

This bill grew out of hearings held by the House Government Operations Subcommittee on Employment and Housing, which I chair, in 1988 on the Occupational Safety and Health Administration's [OSHA] nonuse of criminal penalties for workplace safety violations. The low criminal penalties for workplace safety violations were repeatedly cited at the hearings as the main reason there have been so few criminal prosecutions by the Federal Government. Since OSHA was established 20 years ago, there have been less than 20 criminal prosecutions, and in only one instance has it resulted in jail time.

Under the bill the penalty for a willful violation by an employer which leads to loss to human life is increased from 6 months to up to 10 years imprisonment.

The bill creates two new criminal offenses. An employer who willfully violates an OSHA standard which causes serious bodily injury to a worker can be punished by a fine and up to 7 years in prison. An employer whose willful violations recklessly endangers human life can be punished by a fine and up to 5 years in prison.

This bill puts teeth into the OSH Act. Unlike civil fines which can be passed on as part of the cost of doing business, the prospect of criminal prosecution and imprisonment will do much to ensure that workplaces are safe and healthful.

#### OSHA CRIMINAL SANCTIONS—SECTION-BY-SECTION ANALYSIS

##### Section I.—Short Title

##### Section II.—Criminal Penalties

The penalty for a willful violation causing the death of an employee is increased from \$10,000 to fines enacted in the Sentencing Reform Act which range from \$250,000 for an individual to \$500,000 for an incorporated entity. Jail sentences are increased from six months for the first violation and one year for the second violation to 10 years for the first violation and 20 years for the second violation.

The penalty for giving advance notification of an OSHA inspection is increased from \$1,000 and not more than six months imprisonment to fines in compliance with the Sentencing Reform Act and imprisonment of up to two years.

The penalty for making false statements is increased from \$10,000 to fines in compliance with the Sentencing Reform Act and imprisonment of one year.

The penalty for violation of posting requirements is increased from \$1,000 to \$10,000.

#### ADDITIONAL CATEGORIES OF CRIMINAL SANCTIONS

A new subsection is added which makes willful violations of OSHA standards, rules and regulations a criminal offense when such violations result in serious bodily injury to an employee, with fines in compliance with the Sentencing Reform Act and imprisonment for not more than seven years.

A new subsection is added which makes willful violations of OSHA standards, rules and regulations which recklessly endanger an employee a criminal offense with fines in compliance with the Sentencing Reform Act and imprisonment of not more than ten years.

#### PERSONAL LIABILITY

Corporate directors, officers or agents are liable for the same penalties as employers directly involved in violations if they are found to have willfully authorized, ordered or acquiesced in such violations. Penalties or fines imposed on a director, officer or agent shall not be paid from corporate funds.

#### Section III.—Definitions

Serious bodily injury is defined to include impairment, disfigurement and substantial risk of death.

#### Section IV

Nothing in the OSH Act shall preempt state and local enforcement of criminal codes.

### BILL MORTENSEN'S ELECTION TO FEDERAL HOME LOAN BANK BOARD

#### HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. LEVINE of California. Mr. Speaker, I rise today to congratulate my friend William S. Mortensen on his election to the Federal Home Loan Bank Board of San Francisco. Bill is the chairman and CEO of FirstFed Financial Corp. of Santa Monica, CA.

At a time when the industry is under fire, Bill's history within the industry makes him an ideal choice for the post. In addition to his work with FirstFed, Bill Mortensen has been an influential leader in the California savings and loan industry. He was president of the California League of Savings Institutions, the National Council of Savings Institutions, and the Conference of Savings and Loan Associations.

Although the San Francisco Home Loan Bank Board does not play a role in the regulation of thrifts, Bill's contributions to the board's decisions on credit policies will be noticed. He has been critical of the lax enforcement that has characterized the industry in recent years, and has supported tougher penalties for unethical executives. Most importantly, he has expressed strong support for the enforcement of the more rigorous capital standards that were enacted last year.

Mr. Speaker, I ask my colleagues to join me in congratulating Bill Mortensen on his new post. I expect that his presence on the board will be a tremendous asset to the organization.

### INTRODUCTION OF OSHA CRIMINAL PENALTY REFORM ACT

#### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. LANTOS. Mr. Speaker, Senator METZENBAUM and I are jointly introducing legislation to beef up and strengthen the criminal penalty provisions of the Occupational Safety and Health Act [the OSH Act].

While the Sentencing Reform Act—the Comprehensive Crime Control Act of 1984, as amended in 1986—had the effect of increas-

FOREIGN INVESTMENT POLICY  
IMPROVEMENTS ACT

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. SHARP. Mr. Speaker, I am concerned, as are many other Americans, about rising foreign investment in the United States. We simply do not know enough about the extent, distribution, and effects of foreign investment to allow critical choices about which kinds of these activities may benefit our economy, and those which could immediately or over time threaten our Nation's security.

I have introduced the Foreign Investment Policy Improvements Act to provide the basis for making these crucial decisions, and to put detailed information on foreign ownership in the United States into the hands of officials given responsibility under the Exon-Florio amendment to the 1988 Omnibus Trade and Competitiveness Act for analyzing all foreign acquisitions and mergers over \$1 million. Exon-Florio has already served as a useful national security deterrent for companies in my State of Indiana, yet Federal officials could function even more effectively if they had access to a detailed, ongoing profile of foreign investment.

Currently, a number of Federal agencies collect data on foreign investment. The problem is not that too little information is collected—it is that the data is not organized coherently and made available to the right officials. Thus, the two most important data resources of the Federal Government—the Bureau of Economic Analysis and the Census Bureau—now give us an incomplete and at times distorted picture, like a jigsaw puzzle with scattered pieces.

Quite simply, this bill, by putting together the essential pieces of the foreign investment puzzle, would yield both an exact overall view of foreign investment and provide a very localized level of detail. This is a complete picture which is vital to our national security and an informed debate on foreign investment, but one which is currently unavailable. The bill reflects an important change recommended by prominent and respected experts on foreign investment in the United States, such as Edward Graham of Duke University and Paul Krugman of MIT.

By merging the information we already collect, this bill does not create an unnecessary paperwork burden for business or government. And as the President's chief economic adviser, Michael Boskin, notes, free markets function best with sound data.

The Foreign Investment Policy Improvements Act merges Census Bureau data collected at the "establishment" level with "enterprise" level data already collected and reported by the Bureau of Economic Analysis under the 1976 International Investment and Trade in Services Act. This merger would allow us to know with much greater precision the exact economic activities of a foreign entity and each of its affiliates or subsidiaries. The merger of data is feasible because both agencies use a common employer identification number. This bill breaks down the legal

and bureaucratic walls that prevent such a merger.

Second, the bill gives this very detailed, classified information to the Committee on Foreign Investment in the United States, an entity given authority by the President pursuant to the Exon-Florio amendment of the 1988 Trade Act. Current law bars even these top officials from obtaining the classified enterprise-level data BEA collects. My proposal ends this legal barrier and provides the Committee with better data while maintaining tight confidentiality safeguards.

Lastly, this proposal allows authorized personnel at the General Accounting Office to access both the merged and raw BEA and Census Bureau foreign investment data so that GAO can fully evaluate the Federal Government's information collection methods and its presentation of foreign investment activity. Such a comprehensive analysis has never been performed. GAO would then develop nonclassified reports on its findings to Congress and the American people.

Under this bill, both executive branch and GAO officers and employees having access to this classified data remain under exactly the same strictures and penalties currently imposed on BEA and Census Bureau personnel to protect against disclosure of data on individual investors.

While the United States is generally viewed as having good collection regimes on foreign investment activity, there are disconnects and distortions in the data which prevent us from having a detailed understanding of the important changes taking place in our economy. The Foreign Investment Policy Improvements Act I have introduced will put the pieces together and end the distortions without compromising the integrity of our collection processes.

H.R. 4060

A bill to amend title 13, United States Code, and the International Investment and Trade in Services Survey Act to improve the quality of data on foreign investment in the United States

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Investment Policy Improvements Act".

SEC. 2. ACCESS TO CENSUS DATA BY BUREAU OF ECONOMIC ANALYSIS.

(a) ACCESS TO DATA.—Section 9 of title 13, United States Code, is amended by adding at the end the following:

"(c)(1) The Bureau of Economic Analysis shall use the information described in paragraph (2) for the purpose of carrying out the International Investment and Trade in Services Act. Only officers and employees of the Bureau who swear to observe the limitations imposed by paragraphs (2) and (3) of subsection (a) and be subject to the provisions of section 214 of this title may have access to such information. Section 214 of this title shall apply to such officers and employees, with respect to such information, to the same extent as such section applies to officers and employees of the Bureau of the Census.

"(2) The information referred to in paragraph (1) is information furnished under this title that pertains to any business enterprise operating in the United States that

is owned or controlled, directly or indirectly, by foreign persons to the extent of 10 percent or more of the voting securities of the business enterprise (in the case of an incorporated enterprise) or an equivalent interest in the business enterprise (in the case of an unincorporated enterprise). As used in this paragraph, the terms 'business enterprise', 'United States', and 'foreign person' have the meanings given those terms in section 3 of the International Investment and Trade in Services Act."

(b) CONFORMING AMENDMENT.—Section 9(a) of title 13, United States Code, is amended by inserting after "section 8 of this title" the following: ", subsection (c) of this section, and section 5(e) of the International Investment and Trade in Services Act".

SEC. 3. AMENDMENTS TO THE INTERNATIONAL INVESTMENT AND TRADE IN SERVICES SURVEY ACT.

(a) PURPOSE.—Section 2(b) of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101(a)) is amended by inserting after "the impact of such investment and trade," in the first sentence the following: "to provide for the collection and use of information on direct investments owned or controlled directly or indirectly by foreign governments."

(b) ACCESS TO INFORMATION.—Section 5 of the International Investment and Trade in Services Survey Act of 1976 (22 U.S.C. 3104) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

"(d)(1) Notwithstanding any other provision of this section restricting disclosure of or access to information submitted under subsection (b)(2), the President, or the President's designee who is responsible, under section 721 of the Defense Production Act of 1950, for monitoring the impact of foreign investment in the United States and coordinating implementation of United States policy on such investment, is authorized to review any such information in order to evaluate, analyze, compare, or verify the nature and extent of foreign investment in the United States.

"(2) Authorized officials and employees designated by the President to perform functions under this subsection shall have access to, and may obtain copies of, any information submitted under subsection (b)(2), including all records, documents, reports, books, papers, and other materials related thereto. Such access shall be granted promptly but not later than 5 days after a duly authorized official or employee has made a request therefor.

"(3) Except as provided in this subsection, an official or employee designated to perform functions under this subsection shall not disclose to any other person or organization any information, including any records, documents, reports, books, papers, and other materials related thereto, acquired during a review conducted under paragraph (1), that specifically identifies any person who furnished information under subsection (b)(2). The President shall establish such procedures and safeguards that are necessary to prevent the unauthorized disclosure of this information. An official or employee designated to perform functions under this subsection may discuss any matter relating to such information with officials or employees designated to perform functions under the data collection program.

"(4) The President or the President's designee may submit a report to the Congress on any review conducted under paragraph (1), except that any such report shall not specifically identify any person who furnished information under subsection (b)(2). Nothing in this subsection shall prevent an official or employee designated to perform functions under this subsection from discussing with a committee or subcommittee of the Congress the findings, conclusions, or recommendations of a draft or final report.

"(e)(1) For the purpose of preparing the reports required by paragraph (2), and subject to paragraph (3), the General Accounting Office shall have access to, and may obtain copies of, any information submitted under subsection (b)(2) and the information furnished under title 13, United States Code, that is used by the Bureau of Economic Analysis under section 9(c) of such title.

"(2) The General Accounting Office shall, subject to paragraph (3), prepare and submit to the Congress a report on each of the benchmark surveys conducted under section 4(b) of this Act for calendar years 1992 and 1997, for the purpose of analyzing the methods used by the Bureau of Economic Analysis in collecting and reporting data in such surveys. Each report shall also include—

"(A) an analysis by the General Accounting Office of trends in foreign investment in the United States, including in aerospace, biotechnology, electronics, energy, manufacturing, and real property;

"(B) any recommendations of the General Accounting Office on any improvements in statutes and regulations which would result in improved tracking of foreign investment in the United States; and

"(C) an analysis by the General Accounting Office of the necessity of the current restrictions of the Bureau of Economic Analysis on public presentation of the data collected under this Act.

Each report prepared under this paragraph on a benchmark survey shall be submitted to the Congress not later than 180 days after the benchmark survey is made available.

"(3) Only those officers and employees of the General Accounting Office who perform functions primarily in economic or international trade and finance may have access to the information described in paragraph (1) and then only after swearing to observe the limitations imposed by paragraphs (2) and (3) of section 9(a) of title 13, United States Code, to be subject to the provisions of section 214 of such title, and to observe the limitations on disclosure imposed under subsection (c) of this section, except that such limitations shall be construed to allow the information described in paragraph (1) to be used to carry out the purposes of this subsection. Section 214 of title 13, United States Code, shall apply to such officers and employees, with respect to such information, to the same extent as such section applies to officers and employees of the Bureau of the Census.

"(4) The reports to Congress required by paragraph (2) shall be made in such manner as to comply with the restrictions on disclosure referred to in paragraph (3)."

(c) **CONFORMING AMENDMENTS.**—Section 5 of the International Investment and Trade in Services Act is amended—

(1) in subsection (c)(2) by striking "(d)" and inserting "(f)"; and

(2) in subsection (f), as redesignated by subsection (b)(1) of this section, by inserting ", (d), or (e)" after "(c)".

### CAN UNDERFUNDED HIGHWAYS STALL THE ECONOMY?

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. McEWEN. Mr. Speaker, I would like to draw the attention of my colleagues to a recent article by Mr. Lester Lamm, president of the Highway Users Federation, detailing the future costs to America of our underfunded Highway Program and our general inclination to defer investment in needed infrastructure projects. Mr. Lamm documents numerous studies by respected authorities who conclusively indicate that declining investment in infrastructure will lead directly to a declining ability to compete in emerging global markets. I commend this article to my colleagues, and I ask that it be printed in the RECORD in its entirety:

#### CAN UNDERFUNDED HIGHWAYS STALL THE ECONOMY?

(By Lester P. Lamm, President, Highway Users Federation)

Every time we are caught in a traffic jam or jarred by a pothole, we are reminded of the cost to ourselves of poor highway conditions.

Yet the overall cost of underfunded highways and bridges has, until recently, not been clearly documented.

An authoritative body of recent economic research has found a close link between economic growth and public spending on infrastructure—roads, highways, and other facilities.

Merrill Lynch economists have concluded: "The bottom line is clear. If we are concerned about our living standard and our ability to compete internationally, we should also be concerned about the nation's infrastructure."

At a time when the U.S. is determining its future transportation priorities, these findings have important implications.

Inadequate or poorly maintained highways and bridges result in delays for commuters, business travelers, and truckers, who carry the goods and services modern commerce depends on. Driving on poor roads also increases wear and tear on cars and trucks, extracting another cost.

David Aschauer, an economist at the Federal Reserve Bank in Chicago, has found a strong and consistent correlation between GNP growth and public investment. His study suggests that our failure to maintain adequate funding for highways, bridges, and other public infrastructure may underlie the slowdown in what economists call total factor productivity—the amount of output produced by given amounts of labor and private capital.

National productivity grew at a healthy 1.8 percent annual rate between 1950 and 1970, but has sagged to 0.8 percent between 1970 and 1985. Similarly, public infrastructure expanded at a 4.3 percent annual rate between 1950 and 1970, but only a 1.5 percent rate from 1970 to 1985.

The association is clearly strong. A coincidence? Hardly. Consider that among leading industrial nations, the U.S. had both the

slowest rate of productivity growth and the lowest ratio of public investment from 1973 to 1985. Meanwhile, Japan led on both criteria.

A recent Merrill Lynch report titled *Our Crumbling Infrastructure*, noted that the total public spending for the country's infrastructure dropped from 3.5 percent of GNP to 2.5 percent of GNP between 1960 and 1985. Federal, state, and local governments together devoted 6.8 percent of their budgets to public works in 1984, down from 29 percent in 1950. Federal outlays for infrastructure dropped from 10.9 percent of total non-defense spending in 1962 to 4.5 percent in 1987. And capital outlays for public works as a percentage of gross national product has fallen from 2.2 percent in 1964 to about 1 percent today.

Economics at the University of Rochester have come up with results similar to Aschauer's, concluding, "Our analysis lends support to the view that the productivity slowdown could in fact have been caused by the decline in public capital."

The results of this research have reverberated throughout the economic community had large political implications.

Business economist David Hale of Kemper Financial Service wrote in a recent report: "The deterioration of the nation's infrastructure, especially highways and bridges . . . has generated new awareness among economists that there are supply-side constraints on growth that can be corrected only through public expenditure."

Princeton economist Alan Blinder warns, "We're letting ourselves become an underdeveloped country in terms of our public capital."

Finally, a group of 327 economists—including four Nobel Laureates—recently signed a statement titled *America Needs Increased Public Investment Now*. The statement, released by the Economic Policy Institute, a Washington think tank, notes a deficit in public investment in infrastructure, and predicts, "This deficit will have a crippling effect on America's future competitiveness."

And what of the argument that public spending on infrastructure will hurt the economy by decreasing private investment? Aschauer found that public infrastructure spending only drained private investment initially. After a few years, new roads, bridges, and other transportation facilities, actually stimulated private investment, "ultimately inducing a cumulative rise in the private capital stock."

These findings deserve close consideration as the nation sets future national transportation policies. The current federal-aid highway program, which funds approximately a quarter of the nation's \$70-billion annual highway and bridge construction and repair efforts, expires in 1991.

The U.S. Department of Transportation and the Transportation 2020 coalition are currently preparing a future national transportation plan, which would set national priorities into the next century. The next Congress will then be asked to make decisions that will largely determine the path of future transportation spending.

Transportation 2020 is a coalition of private industry and state and local government officials launched in 1987 to form a national consensus on a future mobility plan. The group has concluded that future spending on highways and bridges will need to reach an \$80- to \$100-billion annual rate if future travel demands are to be met.

They believe that all levels of government should share in those increased levels.

Each of us is reminded of the necessity of sound highways and bridges every time we travel. Sound research now has underscored the importance of good highways to the entire economy.

Congress will do well to take heed.

## INTRODUCTION OF THE DEPOSITOR PROTECTION AND FRAUD ACT OF 1990

**HON. CHARLES E. SCHUMER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. SCHUMER. Mr. Speaker, today, along with my colleague TOM McMILLEN of Maryland, I am introducing the Depositor Protection and Fraud Act of 1990. This bill is designed to prevent further abuses of the relationships banks and S&L's enjoy with their federally insured depositors.

In one of the most tragic aspects of the Lincoln Savings & Loan fiasco, Lincoln sold junk bonds in its parent company to unsuspecting depositors who assumed that the bonds were insured or that they were safe because they were sold by an insured institution. Many of those depositors were elderly retirees who placed their entire life savings in these now worthless bonds on that mistaken assumption. Many other S&L's, including Centrust Savings of Florida which was recently taken over by the Government, have followed Lincoln's sordid example. These S&L's are detailed in the accompanying study prepared by my office.

Moreover, the problem is not limited to the sale of subordinated debt to depositors. Many S&L's and even some banks have sold their depositors their own common stock over the counter. The attached editorial from Crain's New York Business Magazine—which endorses this legislation—makes it clear that these stock investments were equally rotten and that the depositors were taken advantage of. As Crain's argues:

We don't want to derail the plans by thrifts to raise capital to buttress their position. But with the added problems created by the bailout bill, it's imperative that S&L's raise money with the safeguards provided by traditional Wall Street channels: the scrutiny of an underwriter whose own reputation is at stake in underwriting a stock sale and the screening provided by retail brokers. In doing so, offerings are targeted to a more sophisticated audience, those who already invest in stocks.

Banks and S&L's have a special relationship with their depositors, and enjoy a special trust, as a result of Federal deposit insurance. The relationship is abused by the sale of complex or overpriced investments by weaker institutions in particular to unsophisticated depositors. It is our obligation to ensure that such abuses are prevented.

Incredibly, except for the few incidents in which Lincoln failed to provide the legally required disclosures, the sale of these worthless bonds and stock to unsophisticated and trusting depositors is not prohibited or limited by law or, in most cases, by regulation. The fact

that Lincoln, Centrust, and all the others could comply with the narrow letter of the law and still be able to bilk hundreds of senior citizens and other depositors of their savings for retirement is appalling and makes it absolutely clear that the law must be changed.

This act would prevent a repetition of this tragedy by prohibiting the sale in a branch of an insured bank or S&L of any debt or stock in any affiliate of the bank or thrift. Moreover, it would prohibit the sale in a branch of any instrument of a bank or thrift itself that could count as capital for the institution—that is, particularly at risk. It would also give the regulators the explicit authority and mandate to protect depositors if they determine that an uninsured product being offered by the bank or S&L could be confused by a retail customer for an insured deposit.

During testimony before the Banking Committee in November of last year, Securities and Exchange Commission Chairman Richard Breiden concurred and endorsed precisely the action that this bill would accomplish:

There is no doubt that the mode of distribution in this case had the potential to give Lincoln customers the impression that they were making insured investments. The trust that individuals place in a federally insured bank or S&L makes it likely that such confusion will occur, therefore creating the opportunity to exploit an unsuspecting customer.

The most direct and obvious solution to this problem would be to prohibit specifically the sale of the securities of a depository institution or its affiliate on the premises of the insured bank or thrift institution.

In the 10 months since Lincoln was seized and these abuses could no longer be ignored, the S&L regulators have done nothing to prohibit a repetition of Lincoln's actions. In addition, at least one of the banking regulators does not prohibit this inherently abusive practice. So the time has come for legislative action.

This bill is the marriage of two pieces of legislation which dealt with this issue similarly previously introduced by Mr. McMILLEN and myself, H.R. 3721 and H.R. 3777. The combination is better legislation which, with our combined efforts and the support of our colleagues, should move rapidly to final passage.

## S&L'S WITH COUNTER DEBT AUTHORIZATION: PEER GROUP ANALYSIS

[Data as of June 1989, dollar amounts in millions]

	1986	1987	1988	1989
13 S&L's counter debt with minimum denominations less than \$100,000:				
RAP capital (percent)	4.24	4.44	4.69	5.00
Tangible capital (percent)	0.34	0.57	0.39	0.91
Income before adjustment	\$0.01	\$0.00	\$0.01	\$0.00
3 S&L's counter debt with minimum denominations \$100,000:				
RAP capital (percent)	5.71	5.99	5.69	5.90
Tangible capital (percent)	2.33	3.09	3.44	3.49
Income before adjustment	\$0.1	\$0.1	\$0.1	\$0.1
Public S&L's which have recently issued noncounter sub debt:				
RAP capital (percent)				4.54
Tangible capital (percent)				3.06
Income before adjustment				\$6.5
S&L's with tangible capital greater than 1.5 percent:				
RAP capital (percent)	6.24	6.45	6.22	6.68
Tangible capital (percent)	4.22	4.49	4.53	4.83
Income before adjustment	\$2.6	\$1.9	\$1.8	\$1.6

## S&L'S WITH RETAIL COUNTER DEBT AUTHORIZATION

[Data as of June 1989]

	Minimum denomination	Total assets (millions)	Tangible net worth	
			Amount (millions)	Percent T.A.
Investors Savings Bank, Virginia	\$1,000	\$2,325.1	\$61.5	2.6
Lincoln Savings Bank, New York	1,000	2,732.2	53.3	1.9
Suncoast S&L, Florida	1,000	280.7	15.0	5.3
Centar FSB, New Jersey	1,000	876.4	4.3	0.5
Eastern Savings Bank, Maryland	1,000	342.4	12.8	3.7
Centrust Savings Bank, Florida	2,000	9,726.9	(44.1)	(0.5)
United Savings Association, Florida	2,500	178.6	9.8	5.5
Essex Savings Bank, North Carolina	2,500	291.7	15.2	5.2
Parkdale Savings Association, Pennsylvania	5,000	539.5	30.7	5.7
Security First FS&L, Florida	10,000	1,175.4	(26.5)	(2.3)
TCF Bank Savings, Minnesota	10,000	4,995.3	67.5	1.4
Parkway FSB, Florida	10,000	103.3	6.0	5.8
Franklin Savings Bank FSB, Michigan	10,000	402.9	12.9	3.2
Mean for minimum denomination <100,000				0.9
Median for minimum denomination <100,000				2.9
World S&L, California	100,000	18,808.1	744.1	4.0
Glendale FS&L, California	100,000	24,478.2	470.2	1.9
Dime Savings Bank FSB, New York	100,000	12,494.7	730.6	5.8

<sup>1</sup> Have received regulatory authorization to sell subordinated debt in the branches of the institution but have not actually initiated sales program.

## KANSAN WINS C-SPAN SCHOLARSHIP CONTEST

**HON. JAN MEYERS**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mrs. MEYERS of Kansas. Mr. Speaker, we all know what a terrible influence drug abuse has on our country and on the future of today's youth.

Today, I want to salute one of my constituents, Peter Lane of Overland Park, KS. Peter, who is a senior at Shawnee Mission South High School, recently won first place in a college scholarship essay contest sponsored by C-SPAN. The \$5,000 prize will be applied directly to Peter's freshman year college tuition costs.

Contest entrants—whose high school teachers are members of "C-SPAN in the Classroom," the public affairs network's free educational service—submitted essays demonstrating their knowledge of the legislative process. Contestants were asked to imagine themselves as a Member of Congress on a C-SPAN viewer call-in program. The question focused on the need for Congress to pass effective antidrug legislation. Nearly 400 entrants participated.

Peter's essay provides insightful comments on the drug scourge that has touched our entire Nation. He mentions the wisdom of the Framers of the Constitution in granting the citizens of our Nation certain inalienable rights.

In his essay, Peter states:

The only way a law works is if the people want it to work. A government by the people cannot exterminate the drug epidemic without the people becoming involved.

I commend Peter for his fine essay and for winning the scholarship. C-SPAN is also commended for its efforts to help educate our

young people by bringing Congress and the U.S. Government into America's classrooms.

The text of Peter's winning essay follows:

**INALIENABLE RIGHTS?**

(By Peter Michael Lane)

There is a scourge in this nation, a disease that has touched every American's life. This scourge is the prevalence of drugs in our communities. The American people are frightened. Yet, what is even more horrifying is the governmental repression that will appear with the passing of more laws. What must be examined is the conflict between the governmental suffocation of rights with more laws and the methods of combating the infestation of drugs.

Thomas Jefferson wrote in a letter to James Madison, "A Bill of Rights is what the people are entitled to against every government." The Bill of Rights is an essential part of our lives. The Bill of Rights is the document that allows us "freedom of speech or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Inalienable rights are what people all over the world are suffering for today. Chinese students were shot in Tiananmen Square; East Germans flee to the west to seek a better life; inalienable rights are what America stands for and what we are obliged to protect. Therefore, every law that comes before Congress must be carefully scrutinized and we must ask ourselves, "Will this law decrease my freedom in any way?" If any law diminishes our autonomy, then it is mandatory that the law be eliminated!

It is necessary for Congress to consider what can be done to fight the drug problem, and yet maintain our liberties. First they are required to enforce the laws that they already have enacted. History of the past twenty years tells one that more laws have not decreased the drug trafficking and usage. Laws that we have now need to be used to their fullest extent. The enforcement should include more judges, prosecutors, and police. These are the gears of the criminal justice system.

Second, recognize the true nature of addiction. There are two addictions in America; one to the money that can be earned through the sale of drugs, and the second to the drugs themselves. In order to make our communities safer we are compelled to break the two addictions. Strive to educate the people with skills for good jobs that let them maintain a decent standard of living. If there is more money to be made at selling drugs than working for McDonalds, what will a person choose? Next, it is imperative that we educate people to the destruction of the mind, community, and particularly the family caused by the use of drugs. Drugs are used to escape reality of life. Since drugs destroy life, the reality becomes even worse, thus giving more reason to use drugs. Drug addiction becomes a never ending cycle. Educate that the drug environment is not the answer to problems before the cycle begins.

Finally, people must become involved on a personal level. People must take to the streets in peaceful protests in front of known drug houses to let the drug pushers know that this nation truly belongs to the people. Voters have the obligation not just to elect people to the government but to be the government. If a law is not supported, it does not exist. The law is alive for the elimination of drug trafficking.

What is found is that more laws are not a panacea to the drug problem, especially if

government is not controlled by the people. However if Congress continues to hesitate, the best idea is for the people to take the streets back from the pushers by letting them know that we are not scared. We are not scared. Just as the people in Eastern Europe have banded together to regain some of their rights, it is imperative that we come together. It is also up to the people to find alternatives to the drug culture. Necessity dictates that we look at the overall dilemma meticulously. The only way a law works is if the people want it to work. A government by the people cannot exterminate the drug epidemic without the people becoming involved.

**STATE OF THE UNION**

**HON. ANDREW JACOBS, JR.**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. JACOBS. Mr. Speaker, my father, Andrew Jacobs, Sr., a former Member of the House of Representatives, sent me the following editorials from the Indianapolis News edition published on the first day of February 1990.

The former Congressman, elected with Harry Truman in 1948, says in his letter to me, "Every Member should read this with appropriate praise for the Indianapolis News and its tradition of objectivity. \* \* \*

[From the Indianapolis News, Feb. 1, 1990]

**PASSAGES**

The farther back you can look, the farther forward you can see.—Winston Churchill

As noted last week in this column, Aristotle had misgivings about the poor, the uneducated and the uninterested citizens of Athens being up to self-government. That debate continues around the world even today.

Whatever the degree of citizen participation, Aristotle believed citizen education was its base. In addition to classifying most of the categories of education studied today, he collected the first great library and established a museum. He continued the pursuit of truth and goodness as launched by his mentor, Plato, but went much further in establishing laboratory and scientific research. His students dissected animals and studied the habits of insects.

The science of observation was new, and Aristotle applied it to every facet of life, including education and government.

In contrast to other philosophers—including Plato, who believed that man would evolve into a creature who wouldn't need much government—Aristotle believed some form of government would always be required to maintain order and freedom. Moreover, an educational system, he contended, must instill in young and old alike the precepts of freedom. It was every citizen's duty to learn as much as possible about his government, because its healthy operations promoted his own welfare.

As The News continues its coverage of the beginnings of Western culture, we reprint the following excerpt from Aristotle, circa 340 B.C.

Every state is a community of some kind, and every community is established with a view to some good; for mankind always acts in order to obtain that which they think good. But, if all communities aim at some

good, the state or political community, which is the highest of all, and which embraces all the rest, aims at good in a higher degree than any others, and at the highest good.

But of all the things which I have mentioned, that which most contributes to the permanence of constitutions is the adaptation of education to the form of government, and yet in our own day this principle is universally neglected. The best laws, though sanctioned by every citizen of the state, will be of no avail unless the young are trained by habit and education in the spirit of the constitution. . . . (Conversely,) there may be a want of self-discipline in states as well as in individuals.

(In some cases) there has arisen a false idea of freedom which is contradictory to the true interests of the state. For two principles are characteristic of democracy—the government of the majority and freedom. Men think that what is just is equal; and that equality is the supremacy of the popular will; and that freedom means the doing what a man likes. In such democracies every one lives as he pleases . . . but this is all wrong; men should not think it slavery to live according to the rule of the constitution for it is their salvation.

**THE STATE OF THE UNION**

President Bush relied heavily upon "that vision thing"—and an ace up his sleeve—last night while delivering his State of the Union address.

In his 35-minute speech, the president conjured up a nation in which all Americans walk in security and prosperity, all budgets are balanced and all debts have started to be paid. He described a world in which tyrannies fall from the rot of their own corruption and formerly enslaved nations embrace American ideals with ardor.

This is to be expected, of course. By nature, State of the Union addresses by entrenched presidents are self-congratulatory. No president is going to come before the American people to say, "The State of the Union is worse than it was when I took office."

President Bush hewed well to the established precedent. His address was skillfully written and winningly delivered. It complimented the American people on the advances of the past year and challenged them to work harder in service of their ideals.

Moreover, the speech demonstrated one way America's role will change in the aftermath of what Bush called "the revolution of '89"—the upheaval in Eastern Europe. Saying that he had just spoken with Soviet leader Mikhail Gorbachev by phone, the president announced that he would seek to have both the Soviet Union and the United States reduce their troop levels in Central and Eastern Europe to 195,000 apiece.

Bush's troop-cut announcement shows just how fast the current of history is running right now. Just two months ago, U.S. and Soviet negotiators were wrangling in Geneva to bring troop commitments—which were at 305,000 for the United States and perhaps as many as 600,000 for the Soviet Union—down to 275,000. Now that figure is obsolete, swept away by the flow of human events.

The president alluded to history's powerful rush and said that he wanted to talk about America's role in this rapidly changing world, but then he didn't do it. He talked—at times, quite movingly—about the principle of freedom that has inspired other

nations to toss aside communism, but he didn't say anything about the sacrifices Americans likely will have to make to help those nations along the path to liberty.

Nor did he talk in any depth about the problems confronting Americans within their own shores. He said the deficit could be eliminated and the budget balanced by 1993 without—read his lips—any new taxes. He then said that, once the budget was balanced, the federal government would start paying off the national debt.

He didn't say how this would be done; he just said it would be done.

He also took a shot at Sen. Daniel Patrick Moynihan, D-N.Y., who has proposed cutting Social Security taxes—in part because he wants to stop the administration and Congress from using Social Security surpluses to disguise the true size of the deficit.

Bush said the Social Security system shouldn't be changed in any fashion, and then moved on, without addressing Moynihan's motive for proposing the change.

The president took the same tack while he discussed the need to improve education in this country. He described the destination—the admirable goals he and the nation's governors set forth in last year's education summit—without saying what road the country would take to get there.

Vagueness is to be expected in State of the Union addresses. Even so, there was something unsettling about the president's speech.

Perhaps it was because this country now has seen two different presidents and five different Congresses pledge, again and again, to wipe away the massive deficits and begin paying off the debt. The deficits however, continue to roll in, and the national debt now is roughly \$3 trillion—or approximately three times the size of this year's federal budget. Eventually, the pledges cease being convincing.

Or perhaps it was because the president talked too much about the advances of this past year—advance, by the way, that the people in Eastern Europe made largely on their own—and too little about how Americans must respond to the changes.

More likely, it was the theme that links those two sources of uneasiness—the subtext in the president's speech suggesting that great and needed changes will just happen. Without extensive planning. Without great sacrifice. Without hard work.

That isn't the way the world works, and the American people know it.

### U.S. APPAREL INDUSTRY— VICTIM OF FOREIGN POLICY

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. FRANK. Mr. Speaker, a recent study released by Economic Policy Institute refutes much of the conventional thinking of about the apparel industry in America. This study demonstrates that, thanks in substantial part to the excellent work force which is available to the apparel industry in this country, creative employers in the apparel industry can thrive in the United States, and that one of the major obstacles to the success of that industry has been American Government policy.

The EPI report documents the extent to which American policy has been unfair to the

apparel industry, and has in some ways used it as a sacrificial lamb for foreign policy goals, to the great disadvantage of working people in this country. A recent article in the Boston Herald by Phil Primack does a first-rate job of summarizing this study and making clear the extent to which the apparel industry in this country, with the support of the ILGWU and the ACTWU, could play an important economic role with proper Government policies.

As an example, Mr. Primack quotes from the report as follows:

An apparel manufacturer can get far more U.S. Government assistance . . . for manufacturing in the Caribbean than for manufacturing in Los Angeles or North Carolina.

Mr. Speaker, I commend the business section of the Boston Herald for bringing this important study to the attention of the public and I commend the International Ladies' Garment Workers' Union and the Amalgamated Clothing and Textile Workers' Union for their efforts. Because this is a significant matter for American economic policy, I submit Mr. Primack's article about that important study here:

#### UNION STUDY TARGETS U.S. FOREIGN POLICY (By Phil Primack)

Angelo DiChaira, Susie Tay and Lenny Mirasolo didn't need to read the study released in Washington earlier this week to know that America's once-vibrant apparel industry now hangs by a thread.

DiChaira runs House of Charmil Inc., an Essex Street apparel shop. Every week, workers like Tay and Mirasolo produce up to 1,800 high-quality pleated skirts bearing the Freedberg label and bound for such stores as Louis, Boston, where they cost about \$250.

"I think the professional women who buy this skirt would be surprised to learn it was made right here in Boston," said Fran King, DiChaira's niece and the shop manager. "A lot of people think this industry doesn't exist at all any more."

The apparel industry—in Boston and across the country—is in decline. The number of people making apparel in Massachusetts has shrunk by more than half in two decades, from 48,300 in 1970 to about 22,000 last year.

Indeed, conventional wisdom sees apparel as a "sunset industry" destined for the cheap labor of foreign lands.

"Half the policymakers and intellectual gate keepers in America have written off this industry," said Roger Hickey, spokesman for the union-supported Economic Policy Institute. "We think that's just wrong and bad for the future of this country."

The EPI study, released Thursday, concludes that the apparel industry's woes are not so much due to low wages paid to foreign workers as to U.S. government policies that favor foreign competitors at the expense of domestic apparel makers.

"An apparel manufacturer can get far more U.S. government assistance . . . for manufacturing in the Caribbean than for manufacturing in Los Angeles or North Carolina," said the EPI report written by Richard Rothstein, a former textile workers union official.

At the same time, weak U.S. enforcement of existing import requirements and Reagan administration refusal to back tougher restrictions have jeopardized what's left of the U.S. industry, Rothstein found.

"Having lost half of its domestic market, the U.S. apparel industry is now teetering

between survival and extinction," the report said.

Extinction, it added, would mean the loss of more than 1 million jobs held primarily by women, minorities and immigrants for whom other alternatives may not exist.

As she sat next to two dozen other Chinese women stitching pleated skirt pieces at House of Charmil, Susie Tay said she wouldn't know what to do if the small factory closed.

"This is all I've done for more than 20 years," Tay said.

On either side of her, the other women worked on Singer sewing machines to turn piles of fabric into the finished skirts that were hanging from a rack at one end of the factory floor. The women are paid on a piece-work basis, and earn an average of \$6.50 an hour, DiChaira said.

A half-dozen other workers, most of them Hispanic, pleated material, a skilled task that Charmil does on its own rather than paying to contract out.

Across the old factory floor, steam presses hissed. Presser Lenny Mirasolo, whose father is also a presser, worked one of the machines.

"A lot of guys like my dad are close to retiring," he said. "But I'm just 40, I have a wife, two kids and a mortgage. I depend on this industry."

It's not just foreign competitors that make their business precarious, DiChaira and King said.

High Boston rents are a big problem, they said. So are the cyclical slumps in the retail industry. And unforeseen developments like the Campeau bankruptcy reach right up to the seventh floor of the old Chinatown building where Charmil's machines hiss and hum.

Some economists argue that quotas only sustain inefficient operations that should be allowed to die a natural death.

But the EPI study concludes that far from favoring its own industry, government policy has created an uneven playing field. Given an even chance, it said, American firms can compete.

Charmil proves that theory, according to one ILGWU Local official, surviving in large part because it found a solid market niche in high-quality pleated skirts.

"Even if they can't compete with foreign wages, operations like (Charmil) have advantages like quick turnaround time and proximity to markets," said Warren Pepicelli of the ILGWU. "They make high-quality garments, not junk."

### SOCIAL SECURITY QUESTIONS

#### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, February 21, 1990, into the CONGRESSIONAL RECORD:

#### SOCIAL SECURITY QUESTIONS

In recent weeks the Social Security system has been the object of increased attention. Hoosiers frequently ask questions about the current operation and future outlook of this program.

Why is Social Security raising a surplus? For most of its history, Social Security worked on a pay-as-you-go basis: payroll



taxes paid by workers went out almost immediately as benefits to retirees. In 1983, the Congress changed the system to address the prospect that when the baby boomers (those born between 1946 and 1964) reached retirement age, there would be too few workers to support their large numbers. The solution was to have baby boomers pay for the benefits of current retirees while also stockpiling funds to finance a significant portion of their own future benefits. To create the large surplus, or trust fund, scheduled increases in Social Security taxes were speeded up. The current payroll tax rate is 15.3 percent of wages (split between employee and employer), on the first \$51,300 earned. The trust fund could be enormous. Its worth, currently \$165 billion, is projected to be approximately \$12 trillion in the early 21st century.

How does Social Security affect the budget deficit?

Social Security is considered off-budget in that its tax revenues are paid into a separate fund rather than into the general Treasury, and that benefits are paid from this fund. However, Social Security benefit payments and revenues are included in the unified federal budget, which provides an overall indication of the impact that the federal government is having on the nation's economy. The unified budget is used to determine the annual federal budget deficit for purposes of the Gramm-Rudman deficit reduction law. The large Social Security surpluses make the deficits appear smaller, masking their true size and lessening political pressures to reduce them. The 1990 budget deficit would be closer to \$205 billion than the estimated \$138 billion if the Social Security surpluses were not counted.

How can the trust fund be used?

Social Security taxes, by law, must be used to pay Social Security benefits. The surplus funds do not just sit somewhere piling up, but, by law, must be used to buy interest-bearing Treasury certificates. The Treasury can then use these borrowed funds for general government purposes. The funds loaned by Social Security to the general Treasury have always been paid back with interest.

How well is the trust fund build-up working?

The general consensus is that the current approach is not working well. Because the federal government has been running large annual budget deficits in recent years, the Social Security surpluses loaned to the government have been used to offset the deficits. In return, Social Security has received certificates, or IOUs, from the general Treasury. These IOUs, however, will not provide resources to pay benefits; they simply give Social Security a claim on government funds. When the IOUs come due, the government will have to find new revenue to meet this demand. Other taxes will have to be raised, expenditures curtailed, or more borrowing done.

How could the system be improved?

Without changing the basic nature of Social Security, three major alternatives have been suggested:

First, expand trust fund investment options: Some suggest allowing the trust fund to invest not only in federal securities but also in private stocks and other ventures. They claim such a policy would produce higher yields, reduce the IOUs piling up from the general Treasury, and increase the amount of capital available to invest in the economy. Critics argue, however, that there would be endless controversy over how the

trust fund should be invested, the federal government would end up owning a large chunk of private industry, and unpredictable market forces, such as a sharp fall in the stock market, could threaten the Social Security reserves. In addition, the federal deficit has to be financed. If Social Security does not provide funds, government bonds must be sold in the private markets, thereby replacing funds that could have been used by businesses for productive investment.

Second, remove Social Security from budget deficit calculations: Others argue that Social Security should be eliminated from budget considerations entirely. Unmasking the true size of the budget deficit could force the Congress and the President to come to grips with it. Balancing the budget would ensure that the trust funds are protected and are used to increase national savings. Critics worry that a completely separate trust fund could tempt policymakers to increase Social Security benefits for current retirees or cut payroll taxes, thereby decreasing reserves available for the future.

Third, return to pay-as-you-go: Some believe that Social Security taxes should be cut, returning the program basically to pay-as-you-go. Social Security taxes have increased sharply in recent years, and have more than offset income tax reductions in the 1980s. Counting the employer share, nearly three quarters of Americans pay more Social Security taxes than they do income taxes. Proponents also argue that the Social Security tax hits low-income workers hardest, boosts labor costs, and discourages employment. Opponents claim that cutting Social Security taxes would increase the deficit dramatically and drive up interest rates. In addition, returning Social Security to pay-as-you-go would, like the current situation in which the surpluses are not being saved, leave no extra funds to help meet the baby-boomers' retirement needs.

What is the outlook?

Debate over how best to deal with Social Security will go on for some time. Social Security should not continue to be used merely to finance the deficit run up by the rest of the government, and the alternative policies need to be explored. My inclination is to favor the approach which removes Social Security from budget calculations entirely, or some variation thereof. The Congress must come to grips with the deficit while protecting the retirement benefits of future Americans. Social Security represents a commitment to Americans, and the Congress must act to uphold this trust.

## INTRODUCTION OF THE RURAL NURSING INCENTIVE ACT OF 1990

**HON. BILL RICHARDSON**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. RICHARDSON. Mr. Speaker, I am pleased to join with my friend and colleague from North Dakota, the Honorable BYRON DORGAN, in introducing reimbursement to nurse practitioners and clinical nurse specialists for services provided in rural areas. This legislation is critically needed in my own State of New Mexico.

Last year, a nurse practitioner in New Mexico was fired because of confusion over Medicare's reimbursement policy for nurse practitioner services. Understandably, New Mexico's certified nurse practitioners, numbering over 200 individuals, are concerned about job security and their ability to continue to provide quality health care to New Mexicans. The legislation we are introducing today will put an end to this confusion. Medicare's reimbursements to nurses in advanced practice will now be made on a direct, fair, and equitable basis.

Currently, in Medicare's eyes, a nurse practitioner is "just a nurse" despite the fact that the advanced clinical training of nurse practitioners allows them to provide most of the primary care services usually performed by a physician. In fact, between 75 and 80 percent of adult primary care services, and up to 90 percent of pediatric primary care services can be provided by nurse practitioners. Additionally, a study by the Office of Technology Assessment concluded that nurses in advanced practice provide high quality care in a cost-effective manner.

In short, better utilization of advanced practice nurses can save money. Nurse practitioners serving in outpatient medical clinics can reduce hospital stays for their patients by 50 percent. Effective utilization of a nurse practitioner can increase the productivity of a solo practice physician by approximately 70 percent. To illustrate this point in dollars and cents, one study found that for 58 tasks, the average bill was \$8.13 when performed by a nurse practitioner and over \$16 when performed by a physician.

Twenty-eight States have recognized the important role nurses play in providing health care by passing legislation requiring direct reimbursement for nurses. More importantly, both CHAMPUS and the Federal Employees Health Benefits Program have provided direct reimbursement to nurse practitioners for over a decade. Medicare is the only major insurer that does not provide direct reimbursement to nurses in advanced practice.

As the representative of a largely rural district, I am appalled at the disparities in our health care system that allow the poor and elderly in rural areas to go without health care. It is imperative that access to quality health care be provided for everyone, regardless of where they live. Nurses in advanced practice can play an important role in addressing these disparities by providing quality care in a cost-effective manner. In closing, it is time for Medicare and the Health Care Financing Administration to recognize the important contributions of nurses in advanced practice by reimbursing them directly.

Mr. Speaker, for the RECORD, am inserting correspondence outlining the concerns of the New Mexico Nurse Practitioner Council.

NEW MEXICO  
NURSE PRACTITIONER COUNCIL,  
Albuquerque, NM, September 25, 1989.  
Congressman BILL RICHARDSON,  
332 Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN RICHARDSON: I am writing you on behalf of the New Mexico Nurse Practitioner Council. The Council is an organization which provides a forum for nurse practitioners to discuss issues affect-

ing nurse practitioners in New Mexico. We represent the 249 nurse practitioners currently certified in New Mexico. It has been brought to our attention that in recent weeks nurse practitioners have been denied payment for their services by Medicare. These services were provided by nurse practitioners in collaboration with their supervising physicians and billed to Medicare under the physician's provider number. Traditionally, these services have been provided by nurse practitioners, billed by the physician or clinic and paid by Medicare. Recent fiscal concerns have prompted increased review of these claims and thus, denial of claims for services provided by nurse practitioners.

As a result of this, one nurse practitioner here in New Mexico has been fired because her services are no longer reimbursable and the jobs of other nurse practitioners are in jeopardy.

Nurse practitioners provide care to patients in rural areas where it is difficult to attract or retain physicians. They are also the providers of health care to frail elderly in nursing homes and at other sites. The loss of Medicare payments for nurse practitioner services will lead to decreased services in some areas, and possibly, even the closure of some facilities. This presents a health care crisis for the citizens of New Mexico in that this would greatly decrease the accessibility of health care to older New Mexicans.

Current law provide for reimbursement of physician assistants but not for nurse practitioners. For years, however, both nurse practitioners and physician assistants have provided similar services and worked in similar capacities.

It is imperative that something be done immediately to change this situation. We are not asking to expand our practice only to be reimbursed for the services which we have been providing and, in turn, provide for access to health care for the citizens of New Mexico.

Sincerely,

MICHAEL E. LaFAYETTE,  
Secretary.

## MASS TRANSIT INCENTIVE PLAN

### HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. GALLO. Mr. Speaker, today I am introducing a bill that will encourage employers to create a realistic employee incentive which will convince more commuters to take mass transit and allow all of us to breathe a little easier.

The 1990's promises to be a decade of challenge and opportunity for innovative solutions to old problems. With traffic gridlock and air pollution plaguing our cities and surrounding areas, lawmakers must look toward mass transit to help solve these complex issues.

As a strong advocate of mass transit, I have opposed, and will continue to oppose, any efforts to cripple or kill Federal programs that are essential to our Nation's efforts to provide affordable rail transportation as an alternative to highway travel.

But, we need to go beyond the status quo by promoting use of bus, rail, and van pool alternatives.

A commuter incentive will promote cleaner air over our most polluted urban areas and ease the traffic gridlock that has become a daily frustration for millions of Americans.

My mass transit incentive plan recognizes that we cannot continue to build bigger and bigger roads and pump more and more pollutants into the air by encouraging automotive, rather than mass transit, commuting habits. The tax laws clearly discourage the use of mass transit and discriminate against its users. The individual who drives to work and parks in the parking place can recover his parking costs tax-free, but the individual who commutes by train, bus, or subway receives no such help.

Under current law, employers can provide up to \$15 per month to reimburse employees mass transit commuting costs, but if the employer provides one penny more, he or she loses his business expense deduction and the employee must pay income taxes. My initiative will increase the allowed amount to more closely reflect the current costs of commuting on buses, trains, subways, or in van pools.

By reducing the number of cars on the road at rush hour, we would improve the quality of our air and relieve the pressure on our Nation's highways.

Consider the facts as they directly affect northern New Jersey and other urban and suburban areas.

Roughly 102,000 people drive into New York City each weekday.

New York City officials estimate that 43 percent of these drivers receive tax-free employer-provided parking subsidies. Of these drivers 16 to 25 percent say they would switch to mass transit if it were more affordable. That would mean up to 25,000 fewer cars on the road.

Automobiles are the largest single contributor to the ozone and carbon monoxide problems in New York and in the entire Northeast.

The answer is obvious. Each time a commuter chooses mass transit over driving to work he or she is making a significant contribution to reducing air pollution, making productive use of time formerly spent in traffic and saving the cost and environmental losses caused by destroying open space for new roads and parking lots.

New Jersey is not alone in facing this critical problem. Traffic gridlock and air pollution plague most of our Nation's cities and suburbs. Now, more than ever, we need alternatives to auto travel for commuters.

Increased ridership on mass transit, in turn, helps to keep fares low and provide money for service improvements.

Mass transit represents a necessary investment in the future of our Nation. Continued economic development and continued improvement in the quality of our lives will not be possible without it.

## HOLLYWOOD'S NEW SUBPLOT: ENVIRONMENT

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. UDALL. Mr. Speaker, a short 60 days remain until Earth Day. A short time indeed, when we consider the tasks that are before us. One of the primary tasks of this celebration is to educate the populous of the world regarding the problems of the environment. It is important that we use every remaining day to accomplish this goal.

According to Nielson Research, the average television viewing time in November 1987 was approximately 19½ hours per week. As long as people are watching that much television, it would be nice to see one of its messages center on environmentally responsible behavior.

In fact, concern for our environment seems to have arrived in Hollywood. I would like to insert into the RECORD an article from USA TODAY regarding this newly accepted theme to be broadcast over our television sets.

One of the most effective protections against environmental degradation is an educated public. There is no legislation that can take the place of a population that simply won't stand for dirty air and water, a toxic waste site in their city or community, or landfills filling up with waste that is recyclable. Once the people make demands, we will get action.

Mr. Speaker, I applaud the work of the individuals who are bringing greater attention to the needs of our environment. I hope that their fine efforts are successful.

#### HOLLYWOOD'S NEW SUBPLOT: ENVIRONMENT (By Anita Manning)

Hollywood is doing its part for the planet. "On thirtysomething," Hope (Mel Harris), is active in a community effort to stop a waste incinerator. Characters discuss the merits of cloth diapers, fret about pesticides and wear environmental T-shirts.

In a segment of "My Two Dads" to air at the end of the month, Joey (Greg Evigan) gets involved in a protest against ocean pollution.

Leonard Nimoy's upcoming film "New York Times" features a political cartoonist who is an environmentalist.

A pilot for the first environmentally themed series, "The Elite," has been produced by Paramount for CBS. The two-hour action/adventure features a team of scientific experts who form an ecological crime-fighting team. No air date yet.

Efforts to encourage environmental themes have met with "tremendous support at all levels of the industry," says Andy Spahn, head of the 6-month-old Environmental Media Association.

The group, whose steering committee includes actors, studio heads and producers—including Ted Danson, Robert Redford, Norman Lear, Brandon Tartikoff, Grant Tinker and Jack Valenti—has met with writers from more than 20 shows.

"A one-minute scene that makes clear recycling is normal social behavior can send a positive signal," says Spahn.

Sneaking in environmental messages is very satisfying, says David Simon, producer

of "My Two Dads." "In the '60s, we were fighting the people in power. Now, we're 'the man.' All these ex-radicals are in government, in the media. This is true activism. It's really thrilling to be able to do something."

**HAYWOOD DAVIS' SERVICE TO CIVIC EDUCATION**

**HON. H. MARTIN LANCASTER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. LANCASTER. Mr. Speaker, we, as a nation have enjoyed the longest lasting constitutional democracy in history. As we witness the rebirth of democracy in European nations formerly under the yoke of tyrannical governments, we try to encourage in their citizens recognition of the importance of the principles and values of free government we have cherished so long.

We must, meanwhile, strive even more diligently to pass on to our own youth the understanding of our democratic institutions. For this reason, I am most pleased to commend the efforts of Haywood Davis of the Pender County schools in my congressional district, whose dedication to the improvement of the civic education of our students has been exemplary. Mr. Davis coordinates the We the People . . . Bicentennial Programs on the Constitution and Bill of Rights which includes the National Bicentennial Competition, its non-competitive companion program, Congress and the Constitution, and the National Historical Pictorial Map Contest.

Because of Mr. Davis' dedication, thousands of upper elementary, middle and high school students have studied the program's curriculum and are more knowledgeable and appreciative of the origins of our democracy. This curriculum, introduces students to the philosophical ideas of our Founders, the historical background of the Philadelphia Convention, and the issues and debates that shaped the writing of our Constitution. Most importantly, students learn of the responsibilities which accompany the rights of citizenship in a democracy.

It seems ironic that while people throughout the world are clamoring for the right to vote in free elections, in the United States, only one out of five eligible voters under the age of 30 takes advantage of that very right. Obviously, we must work to eliminate this apathy, and education and informed participation are our best tools.

I am pleased to express my admiration and appreciation to Haywood Davis for his impressive contributions to the development of competent and responsible citizenship.

**REMEMBERING RABBI CHASKEL WERZBERGER**

**HON. STEPHEN J. SOLARZ**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. SOLARZ. Mr. Speaker, these are violent times, when life can be shattered with the sud-

deness of a gunshot. That's what happened on the quiet streets of Williamsburg, Brooklyn, recently when an unknown assailant brutally murdered Rabbi Chaskel Werzberger, a beloved leader of the Satmar Hasidic community.

The police reported that during the early morning hours of February 8, Rabbi Werzberger was attacked and shot as he got into his car. Rabbi Werzberger died on Sunday, February 11.

A survivor of the horrors perpetrated by the Nazis at Auschwitz, Rabbi Werzberger came to America as a teenager and grew into a man dedicated to the life of his community. Although he lost much of his family in the Holocaust, Rabbi Werzberger was not a bitter man. Instead, he remained joyful, optimistic, and committed to the future and to the celebration of life and its remarkable possibilities.

Rabbi Werzberger was a devoted and skillful assistant to the Satmar Rebbe, Grand Rabbi Moses Teitelbaum. He loved his community and its members, and they deeply appreciated and valued his guidance. He presided at weddings and funerals and strove to impart the values and principles contained in the Jewish faith to the young generation.

As one dear friend who knew Rabbi Werzberger for 36 years told the New York Times, "The guy was happy at your weddings and had tears in his eyes at funerals. He was part of your family, whatever you did. It was not show. It was with feelings and heart. From cradle to grave, he served his fellow members."

Rabbi Werzberger leaves his dear wife, Rifka, two sons, and four daughters.

Mr. Speaker, it is always a sad day when we must mourn the passing of so fine and generous a neighbor. It is sadder still when that life is cut short prematurely by such a brutal act of criminal insanity. I urge each of my colleagues to reflect on the life of Rabbi Werzberger, his compassion, and his many contributions so that we might be inspired in our work to serve our communities with the same love and dedication he brought to those around him.

**SOUTH AFRICA FREE OF RACIAL DIVISION**

**HON. JOHN EDWARD PORTER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. PORTER. Mr. Speaker, as cochairman of the bipartisan, 185-member Congressional Human Rights Caucus, I applaud the decision taken by South African President F.W. De Klerk to unconditionally release Nelson Mandela, the man who embodies black South Africans' struggle for basic human rights and full political enfranchisement. This significant step toward a South Africa free of racial division is a most welcome development and a clear signal to the outside world that an end to the era of internal struggle in South Africa may be on the horizon.

The courage and vigilance which Mandela has displayed throughout his long ordeal is representative of the hardships that have

been endured by the majority community of blacks in South Africa. Yet his willingness to enter into discussions with South African authorities demonstrates his desire to secure a peaceful end to apartheid. Hopefully, his freedom, after 27 years of detention, will be the stimulus that will lead South Africa down an irreversible path toward a democratic and just society.

By initiating reforms just 7 months into his term, President F.W. De Klerk has shown true political fortitude. His lifting of the restrictions against the African National Congress, the release of some political prisoners, the end of prohibitions on free media coverage, and the abolition of other emergency restrictions are most welcome and long overdue. Together, they indicate his recognition that no government can suppress freedom of expression and deny the right to political participation without engendering continued civil unrest.

Even so, basic human rights and freedoms still hang in the balance. The Congressional Human Rights Caucus continues to call for the release of all political prisoners, the lifting of all emergency restrictions, and an end to the system of apartheid. The upcoming discussions between Mr. Mandela and members of the South African Government should produce substantial progress toward those goals.

Both Nelson Mandela and President De Klerk are now buffeted by extremism, a force which both men must resist. For his part, Mr. Mandela must exercise leadership to promote peaceful change and prevent further violence at all costs. As for President De Klerk, he must restrain those who oppose political reform and sustain a dialog with the newly legitimized African National Congress.

As Mr. De Klerk stated in his historic address to Parliament on February 2, "the eyes of responsible governments across the world are focused upon us." Indeed they are, Mr. President, and will continue to be until basic political and human rights become a permanent reality for all South Africans.

**FICA TAXES AND CHILDREN'S CAMPS**

**HON. JIM MOODY**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. MOODY. Mr. Speaker, I am pleased to join with my colleague Representative HANK BROWN to introduce legislation to modify existing youth employment FICA tax exemptions to include the seasonal employment of full-time students as seasonal camp counselors.

Children's camps throughout the country offer millions of young people the opportunity for an enriched learning experience. Every year, thousands of volunteers, foreign exchange students, and American college students serve as staff members at seasonal camps.

Unfortunately, the seasonal children's camping industry is now facing troubling economic developments. Skyrocketing land values and liability insurance premiums are putting the industry under real pressure. In ad-

dition, there is a shrinking pool of students willing and qualified to work with young children. The bill we are introducing today would help reverse the trend.

Current law provides for several exceptions from FICA taxes, typically for youth-oriented employment. For example, students working for colleges and universities, student nurses employed by hospitals, and young men and women who deliver newspapers are not now subject to FICA taxes.

If the same student takes a summer job working with children at a seasonal summer camp, FICA taxes are assessed. This inequity is compounded by the fact that summer camp counselors are paid an average of \$800 for the season—usually far less than the student's academic financial obligations.

Our bill would expand current youth-oriented FICA exemptions to include full-time students employed as children's camp counselors. Only full-time students, employed by seasonal children's camps for less than 13 weeks a year, would be covered by the exemption. Thus professional and adult support staff, most college seniors, nonstudents, and owner/operators would continue to pay FICA taxes, as would long-term employees and all employees of year-round camps.

Extending existing exemptions to seasonal employment of student counselors will help stabilize the employment situation in the summer camp industry and thus ensure that children will be led by qualified individuals. By helping to promote children's camping programs, we will also help improve the lives of millions of American children.

I urge my colleagues to join us in sponsoring this important bill.

#### INTRODUCTION OF THE NELSON MANDELA RESOLUTION

### HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. HAYES of Illinois. Mr. Speaker, on February 11, the world watched Nelson Mandela walk out of 27 years of captivity as a political prisoner. He is now back among his people with his dignity intact, and his resolve stronger than ever to see an end to the inhuman system of apartheid. He is not a bitter man for his incarceration. He is not seeking revenge and although he is now free from the prison walls that held him for those 27 years, he is by no means a free man. Until the bondage of apartheid is erased from South African society, Nelson Mandela and his 28 million brothers and sisters, who make up the black majority in that country, will never enjoy true freedom.

The examples Nelson Mandela has set, both by his action before being jailed, and now, after being released, are a testament to his unyielding commitment to freedom and democracy—values which Americans have cherished since the founding of this country over 200 years ago.

Mr. Speaker, these are indeed remarkable times. Democratic reforms are taking place in Eastern Europe almost on a daily basis. Arms control treaties are being put forth, not only by

our country, but also by our cold war opponent, the U.S.S.R. Now we have a South African President opening opportunities for positive change in this country. We also have an African National Congress leader, expressing kind words for a South African President. These are indeed remarkable times, Mr. Speaker.

It is my hope that this Congress, the representative body of the world's most progressive democracy, will take time to officially recognize one of the world's foremost freedom fighters, Nelson Mandela. Just as we have welcomed freedom fighters in the past, including most recently Lech Walesa, it is only fitting that we do the same for one who champions the dreams and aspirations of 28 million of his brothers and sisters who long for true democracy. It is only fitting, Mr. Speaker, that this body host Nelson Mandela in a joint session during his upcoming visit to our country.

In celebration of that future event, I am today introducing a resolution designating the week of his visit as "Nelson Mandela Week." It is my hope that all of our colleagues, Republicans, Democrats, Conservatives, and Liberals, and all those in between, join me in this salute to a true champion of democracy.

#### THE 100TH ANNIVERSARY OF THE PENNSYLVANIA DIVISION OF THE TRAVELERS PROTECTIVE ASSOCIATION

### HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. YATRON. Mr. Speaker, as you know, the Travelers Protective Association has given over 100 years of service and safety education to the communities they faithfully serve. In January 1990 the Pennsylvania division of the Travelers Protective Association, having a membership of over 21,900, celebrated its 100th anniversary in Harrisburg, PA.

Mr. Speaker, the Travelers Protective Association was founded in Chicago in 1882, and was originally named the Traveling Men's Club. TPA was intimately involved with the creation of the Department of Labor and Commerce, and one of their original endeavors was to have legislation passed requiring railroads to manufacture their railroad cars with steel instead of wood. This alone has undoubtedly saved many lives over the past century. In 1946, TPA also inaugurated a child's accident prevention week, reminding us of simple measures we can all take to help everyone lead safer lives.

In 1975, TPA established a Deaf and Near Deaf Scholarship Program, which has helped many children since then. Indicative of their strong desire to assist deaf youth, at the 1989 National Travelers Protective Association Convention the membership approved the transfer of \$1 million to the Deaf and Near Deaf Scholarship Program. This year, the program is already helping 50 children with hearing and other auditory aids and financial assistance. This scholarship program helps deaf and near-deaf children lead normal, productive lives, enabling them to contribute their great insight and learning to our society.

TPA also recently established a Child-Orphan Dent Program and has recently erected a child fire escape training trailer in Lancaster, PA, to teach children how to safely get out of fires.

Mr. Speaker, the Pennsylvania TPA division is quite active and visible, selflessly helping many in the Commonwealth of Pennsylvania. They lead a statewide Labor Day coffee break at many roadside rest stops. They collect eyeglasses and hearing aids for Pennsylvania's elderly. And they teach Halloween safety, bike safety, and street safety to students throughout the State. The Pennsylvania division of TPA is the largest of the 38 Travelers Protective Association divisions in the United States.

The success of the Pennsylvania TPA division is the product of its strong and devoted membership and its tireless leadership, and I would like to personally commend President Kenneth Brisan, Secretary and Treasurer John Szakasitz, Vice Presidents Walter Pasierbek, Larry Bidelsbach, and Milt Stevens, Board Chairman Carl Smolinger, National Director Robert Fitzkee, State Publicity Chairman George Keebler, State Ritual Chairman Michael Wagner, and alternative Director Leroy Hoeltzel for their tremendous exertions over the past year. Their actions help lay the groundwork for the second century of TPA service to the Nation and community. Let us take a moment to recognize their achievements.

#### TRIBUTE TO CHIEF ART CARNAHAN

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Chief Art Carnahan of my 17th Congressional District of Ohio, who is retiring from the Liberty Fire Department after 32 years of dedicated service.

Chief Carnahan became a volunteer for the Liberty Fire Department in 1957. Since that time, Art has received various promotions. In 1965 he was made a volunteer lieutenant, then in 1969 he was made a full-time captain. Finally, in 1971 he became the Liberty Fire Department fire chief.

Chief Carnahan has devoted many years to his community. He has shown great interest and caring for his fellow citizens and for his position with the Liberty Fire Department. He has been an inspiration for his fellow firefighters and to his community.

Mr. Speaker, I would like to take this opportunity to congratulate Chief Art Carnahan on his retirement after 32 years on the Liberty Fire Department. Chief Carnahan's dedication is greatly appreciated and I am proud to have this opportunity to pay tribute to such a fine individual. I am honored to represent this outstanding citizen.

## END THE TRAGEDY IN KOSOVO

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. BONIOR. Mr. Speaker, on February 7, 1990, a number of Albanian-Americans, including some from Michigan's twelfth district, began a vigil in front of the White House in hope of bringing attention to the terrible plight of ethnic Albanians in Kosovo. Their message must not fall on deaf ears. The time has come for the United States to speak out clearly and unequivocally for democratic change and an improvement of the deplorable human rights situation in Kosovo.

The province of Kosovo, whose population is 90 percent Albanian, has been autonomous since 1974. However, for nearly a year, Slobodan Milosevic has imposed martial law on Kosovo. Recent peaceful demonstrations there for free elections and a release of political prisoners have been answered with bullets, clubs and tear gas. The current crack-down by Yugoslavian authorities has claimed at least 30 lives.

Ethnic Albanians have suffered terribly under Milosevic. Schools teaching the Albanian language have been closed. Jail sentences have been handed down for the mere possession of Albanian national symbols. Hundreds of political prisoners remain in Yugoslavian jails for speaking out against these injustices.

The number of political prisoners continues to grow. Over 60 percent of all political prisoners in Yugoslavia are ethnic Albanians. Conditions in Yugoslavian jails are horrendous. Allegations of beatings and torture of ethnic Albanian prisoners are widespread. As a beacon of freedom, the United States must shine a light on such flagrant human rights abuses.

As democratic change sweeps across Eastern Europe, Yugoslavia is at a crossroads. It is important that the terrible suffering of ethnic Albanians in Kosovo be brought before our national conscience. I urge the administration and my colleagues to speak out on this issue so that justice may prevail.

**EFFICIENCY IN GOVERNMENT ACT****HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. KANJORSKI. Mr. Speaker, today I am introducing legislation entitled the Efficiency in Government Act. Its premise is simple: it requires each Federal agency to examine everything that it does, whether by contract or by Government employee, and to identify changes which will make its operations more efficient and cost effective.

This bill is the product of many oversight hearings held by the Human Resources Subcommittee of the Post Office and Civil Service Committee, which I chair, as well as hearings before several other House committees. An important feature of this legislation is a major overhauling of the way in which the Federal

Government determines whether or not to contract to the private sector those functions presently performed by Federal employees. It does this in a manner which should improve the quality of Federal contract drafting, management, and oversight while simultaneously achieving great efficiency and cost savings for those activities which continue to be performed by Federal employees.

This bill requires all agencies to identify and implement their most efficient organizations. After 3 years, if the agency head decides that the private sector may be able to provide the service at an increased savings to the Government, a risk/benefit study is initiated to determine if this could be accomplished consistent with the agency's needs.

In this process, the Efficiency in Government Act addresses a growing contracting problem by ensuring that the Government does not contract with the private sector for services that are inherently "government functions," for example: an act of governing, such as administering grant money or processing and collecting tax returns.

In conducting the contract risk/benefit studies, agencies would be required to compare the costs of keeping the function in-house with those of going to contract. The study must ensure: that the analysis is based on the most efficient organization; that actual costs to agencies are used in the study; that all costs to the Government, including contractor bonuses and severance pay for Federal employees are taken into account; and, equally important, that the possible costs associated with reconverting a contracted function back to an in-house function, if the contracting decision was incorrect.

The Office of Management and Budget would also be required to establish uniform, Government-wide accounting and management procedures when conducting cost comparison studies. Incredibly, this does not now exist despite the last two administrations' enthusiasm for contracting out.

The Efficiency in Government Act also calls for comprehensive economic impact statements on the effect of contracting out on Federal employees and local communities if more than 25 jobs are affected. It also provides early retirement benefits for those Government employees terminated when converting their jobs to a contractor. In addition, the Office of Personnel Management will be required to develop a priority placement program and a retraining program to assist employees who are displaced from conversions to contract in locating and developing skills for future employment.

By requiring both the Government and contractors to identify and implement their most efficient organization, this bill will save the Government millions of dollars by making sure that all organizations, whether Government or contractor, are accountable.

This bill sends a clear message to the American people that we are committed to making major movements in the way Government operates. Efficiency and cost effectiveness will be the new criteria by which its operations are measured. The status quo is no longer good enough. I urge my colleagues to join with me in this effort by cosponsoring this measure.

## HONORING NATHAN KOLODNEY

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. ENGEL. Mr. Speaker, on Sunday, February 25, 1990, an outstanding community leader from the Bronx, Nathan Kolodney, will be honored.

Nat is not only completing his 11th year at Bronx House, which is a Jewish Community Center in the Pelham Parkway section of the Bronx, but he is also celebrating his 10th anniversary as its executive vice president.

During his time at Bronx House and due to his leadership, we have seen the establishment of a parent/toddler center, a latchkey program for elementary school-age children, the creation of an outreach service for the homebound elderly, and the development of health-related programs for all ages—with special emphasis on the needs of senior citizens.

Nat, however, does not limit his activities and his talents only to Bronx House. He has worked and continues to strive for the betterment of all the residents of Bronx County. He is a founder and chairperson of the Bronx Council of UJA-Federation Agencies. Nat also helped establish and currently serves as vice president of the Neighborhood Initiatives Development Corp., a local housing and neighborhood improvement corporation. He also serves as a member of the Bronx Borough President's Economic Development Committee.

I have had the honor and privilege of working with Nat Kolodney during most of the years I have been in public office. He is a dedicated community worker who has shown the kind of commitment to people and neighborhoods that is rarely seen today.

I am pleased to join the community and its leadership in honoring Nat Kolodney.

**GEN. THADDEUS KOSCIUSZKO, REVOLUTIONARY WAR HERO****HON. FRANK ANNUNZIO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. ANNUNZIO. Mr. Speaker, February 12 marked the 244th anniversary of the birth of the great Polish patriot and hero of the American Revolution, Gen. Thaddeus Kosciuszko. His achievements during the War for Independence embody the hopes and aspirations of the Polish people, and all freedom-loving people, who strive to achieve liberty and self-determination.

Thaddeus Kosciuszko was born in Poland on February 12, 1746, and studied at the Corps of Cadets in Warsaw and the French Higher Military School, where he developed an expertise in military strategy, demonstrating a talent for using the area's terrain for defense purposes.

Four years after he was driven into exile by the partitioning of Poland in 1772, Thaddeus

Kosciuszko offered his services to the Continental Congress. His hope was to contribute to the cause of American independence, and was able to achieve successes which were at the time unattainable for his beloved native home of Poland.

Kosciuszko's first important assignment as military engineer occurred at the Battle of Saratoga. The British plan was to isolate New England from the other colonies. By helping to defeat this strategy and forcing the surrender of Britain's general, "Gentleman Johnny" Burgoyne, Kosciuszko's actions served as a catalyst for bringing both France and Spain into the war, since these countries recognized that the American colonies had the potential to win in their struggle for independence.

Kosciuszko's most important contribution in the battle for American independence was the construction of the fortifications at West Point. The location of the fortifications at the Hudson River was essential to preserve communication among the State, and it took Kosciuszko 2 years to make West Point impregnable to enemy forces.

Because of his meritorious service, Congress in 1783 made him a brigadier general, and Gen. George Washington nominated General Kosciuszko for membership in the Order of the Cincinnati, an organization of the officers of the Continental Army.

Mr. Speaker, today as the people of Poland struggle to establish a true democracy in their beloved nation, I am proud to join with Polish-Americans in the 11th Congressional District of Illinois, which I am honored to represent, and Americans of Polish descent throughout the United States, in commemorating the birth of Thaddeus Kosciuszko. His name and his deeds are a source of strength and inspiration for all peoples who are committed to the just causes of liberty and freedom.

#### INTERNATIONAL CORRESPONDENCE SCHOOLS CELEBRATE CENTENNIAL

### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. McDADE. Mr. Speaker, International Correspondence Schools, Inc. [ICS] based in Scranton, PA, the world's oldest and largest correspondence school, is celebrating its centennial this year.

For a century now, ICS has helped people in the United States, as well as around the world, realize their career hopes and dreams by helping them get better jobs, earn more money, and attain greater job security through correspondence education.

ICS has grown from a one-course coal mining school to an educational institution offering home-study education and training to more than 250,000 students located in more than 130 countries around the world. In February, the school enrolled its 10 millionth student.

Currently, the company offers more than 40 courses domestically and 60 courses around the world; ranging from art to computer programming to TV/VCR repair.

Highways, bridges and buildings across America—including the Panama Canal, Coulee and Hoover Dams, the San Francisco/Oakland Bay Bridge, Pittsburgh's Forbes Field and St. Luke's Hospital in Kansas City, MO—were designed and/or built by ICS alumni and staff. In addition, more than 100 buildings in Lackawanna County and surrounding counties in the heart of my congressional district can lay claim to an ICS influence. In more ways than one, it can be said that ICS has helped change the face of northeastern Pennsylvania.

Today, ICS is used by more than 2,000 American corporations, including nearly half of the Fortune 500 to train their employees.

On behalf of the U.S. House of Representatives, I would like to congratulate International Correspondence Schools and its 300 employees on their 100th birthday and extend best wishes as it moves into its second century of home-study education.

#### INTRODUCTION OF YOUTH SERVICE ACT OF 1990

### HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. GUNDERSON. Mr. Speaker, today I am joined by Mr. GOODLING, Mr. SMITH from Vermont, and Mr. HENRY to introduce legislation which will address two areas critical to the future of our Nation—the need to instill in our young people the necessary work skills and work ethics to ensure a well qualified work force into the next century, and the need to further explore and better utilize our often untapped human resources in addressing the difficult issues facing our communities today.

The Youth Service Act of 1990 helps to address both of these needs simultaneously by working through existing programs and recognizing the opportunities each of these situations presents to the other. No new bureaucracies are created, no new costs are incurred at any level of government, no mandates are leveled, yet new resources are brought to bear to address the needs of both our young people and our communities.

Under the Youth Service Act, three new programs would be authorized through the Job Training Partnership Act. The first, the Community Service Program for Youth, would allow youths to serve in a myriad of service agencies and organizations, from State and local agencies to senior centers, hospitals, libraries, day care centers and recreational facilities. Through such service, these young participants would gain valuable insight into the working world, learning skills which will not only result in personal career benefits but also in benefits to their future employers and, ultimately, our Nation.

At the same time, the valuable service these young people would provide while improving their own work place skills will improve the welfare of their fellow citizens and their communities, helping to bridge the gap between available resources and the needs of service provider and their consumers.

The second program to be established under the Youth Service Act is the Conserva-

tion Corps Program for Youth. Under this program, the resources of our youths would be tapped to address the many environmental needs of our communities. Projects would be developed in conjunction with appropriate State, local, and Federal agencies in areas ranging from conservation, rehabilitation and improvement of wildlife habitats, parks and recreational facilities to urban revitalization, energy conservation and enhancement, and waterfront improvement.

Again, the benefits accrued to the individual participants through enhanced self-esteem, skills and understanding of the work ethic would be matched by important benefits for the community as a whole.

The third component of the Youth Service Act is the School-based Service Learning Program for Youth. Under this program, students would join school-sponsored service programs throughout the community, developed cooperatively with community leaders to address local needs. Service would be coupled with a formal learning component to ensure that the educational skills of participants would be supported and enhanced throughout program participation.

Taken together, these three programs would provide significant, demonstrable benefits to both participants and their communities—benefits which are long term and lasting rather than short term and fleeting. As we watch our communities bring new resources to bear on their needs and our young people enhance their personal and employment skills, we will be watching the future of our Nation.

#### A SALUTE TO MONICA B. ZULAUF

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues the achievements of a fantastic lady, one who believes in giving rather than receiving, Mrs. Monica B. Zulauf.

Monica is a resident of Hastings-on-Hudson, NY, but to classify her as a mere "resident" does not do justice to the achievements of this outstanding person.

Monica Zulauf has been chairman of the Hastings-on-Hudson Chamber of Commerce for the past 7 years. Her tenure has been an active and vital one. However, even before becoming chairman, Monica was famous for the festive manner in which she decorated the village every Christmas and Channukah time for the holiday season.

Monica serves on the safety council of the village of Hastings-on-Hudson, and chaired the villages' ethics committee for 6 years. She also serves on the board of trustees for the Community Hospital at Dobbs Ferry, and is a volunteer with St. John's Hospital.

Monica can always be found diligently working for the less fortunate. For over 5 years, she chaired the Bike-a-thon in Hastings which benefited children with cystic fibrosis. She also works closely with the Kiwanis and Key clubs, and is an active member of the Hast-

ings Lions' club and the League of Women Voters.

Monica was appointed to the Waterfront Redevelopment Committee in 1981, and served through the completion of that committee's mandate. A planning firm was eventually chosen to review all prior plans and to propose a realistic means of redeveloping the waterfront neighborhood.

Mr. Speaker, the Hastings-on-Hudson Chamber of Commerce will soon be honoring Monica Zulauf as the "Woman of the Year" for 1990. For many, this is a recognition long overdue. For myself, it is especially a poignant moment, for Monica has been my friend and an invaluable helper for many years.

Mr. Speaker, I invite all of our colleagues to join with me in saluting Monica Zulauf for her stellar achievements.

#### THE EMERGENCY FEDERAL JUDGESHIP ACT OF 1990

**HON. LAMAR S. SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. SMITH of Texas. Mr. Speaker, today our Nation faces a critical shortage of Federal judges. Despite the growing workload of the Federal courts, Congress has not created any new judgeships since 1984.

That is why today I am introducing the Emergency Federal Judgeship Act, a bill to provide for the creation of 20 new judicial positions. The assignment of these positions will be based on the needs of those Federal district courts that have been most severely impacted by the increase in drug crime related case.

Federal courts have witnessed an explosion in the number of criminal cases filed, particularly those related to drug felonies. In the last 5 years, the average number of felony drug cases handled by Federal judges has skyrocketed 70 percent. There are many reasons behind the alarming trend of overburdened Federal court dockets. More criminals are being sent to the courthouse for drug indictments as a result of our increasingly successful efforts in fighting the war on drugs.

Law enforcement reforms such as the implementation of mandatory sentencing guidelines that lessen the incentive of criminals to plea bargain, and passage of the Speedy Trial Act, which requires that drug felony defendants go to trial within 70 days of their indictment, have contributed greatly to the deluge of criminal cases flooding the courts.

One serious impact of the criminal case increase is the growing backlog of civil cases pending trial. Since 1984, the number of pending civil cases over 3 years old has jumped over 40 percent. This does not, however, reflect a productivity or efficiency problem in the Federal judiciary. For example, the Western District of Texas has a pending civil caseload that is 750 percent above the national average. At the same time, this district is highest ranking in the Nation in the number of trials completed per judge. The problem is simply that the Federal court system has been overwhelmed.

As we commit more resources and manpower to our drug enforcement and interdiction efforts, the strain on the Federal courts will continue to increase.

Federal judges in addition to these 20 will still be needed all across the country. However, given the realities of existing Federal bench vacancies and the inherently slow nomination process, we must prioritize the assignment of new judges.

Top priority must go to the areas where the drug war has put the greatest demand on our criminal justice system. My bill will direct the Judicial Conference to recommend the assignment of the 20 new judgeships according to drug-related case filings per district. Creating 20 new positions would be a step toward alleviating the crisis that exists in high-intensity drug crime areas such as Texas, New York, California, Florida, and Arizona.

We cannot continue to beef up our drug interdiction and law enforcement efforts while neglecting the Federal court system and its overburdened resources. I strongly urge my colleagues to join me in cosponsoring this much-needed legislation.

#### ORGAN MOUNTAINS NATIONAL CONSERVATION AREA

**HON. JOE SKEEN**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. SKEEN. Mr. Speaker, today I am introducing legislation that will establish the Organ Mountains National Conservation Area [NCA] in southern New Mexico. The Organ Mountains NCA shall consist of approximately 58,560 acres of land managed by the Bureau of Land Management.

This area is already a popular recreation area for thousands of individuals who have a wide range of interests—from picnicking to hiking to rock climbing. The creation of this NCA will help improve, conserve, and protect a diverse area that includes unique and nationally important ecological, cultural, scenic, scientific, and recreational resources. This legislation will establish a plan that will ensure future generations enjoy these outstanding public resources.

The Organ Mountains lie directly east of Las Cruces, NM, the largest city in my district and one of the fastest-growing communities in the Nation. These mountains provide a spectacular backdrop to Las Cruces with a 5,000-foot elevational change from the Mesilla Valley to Organ Peak. These are truly magnificent mountains and they act as a powerful magnet to thousands of people who have made the Organs one of the most popular playgrounds in the State.

The Organ Mountains connect with the Franklin Mountains to the south. This area is known to biologists as one of the most botanically unique regions in the Southwest with 24 rare, threatened, or endangered species. It is an area of tremendous biological diversity where the Chihuahuan Desert, Rocky Mountains, and Mexican Highlands meet. Prehistoric occupation has been noted from at least 9,500 B.C. There are numerous historic ruins

within this area including remnants of the Van Patten Resort at Dripping Springs which was built in the 1880's. Nearby are several still houses which accommodated tuberculosis patients in the early 1900's.

The Organ Mountains coordinated resource management plan, finalized in 1989, shall be adopted as the initial master plan governing land uses within the Organ Mountains NCA. In addition to the current 55-unit overnight camping and picnic area at Aguirre Springs on the east side of the mountains, and the 16 day-use units of the west side at La Cueva and Dripping Springs, future plans call for an expansion of facilities. The old Cox Ranch headquarters, which was acquired by the BLM with the help of The Nature Conservancy, has been refurbished to create the A.B. Cox Visitor Center with a maintenance shop and additional day-use group picnic facilities.

Besides Baylor Pass Trail and Pine Tree Trail, totaling 10 miles, future plans include the creation of approximately 40 miles of new trails to connect the A.B. Cox Visitor Center and Aguirre Springs with the Franklin Mountains State Park in Texas.

The legislation requires the Department of the Army and the Department of the Interior to develop a cooperative management agreement with provisions for the joint protection and management of scenic, cultural, and natural values within the Organ Mountains NCA.

Livestock grazing will be permitted to continue within the Organ Mountains NCA. Hunting and trapping will be permitted in accordance with applicable laws and regulations of the United States and the State of New Mexico. Subject to valid existing rights, the land within the Organ Mountains NCA will be withdrawn from operation under the general mining laws of the United States.

This legislation, with its inclusive management plan, will provide for the protection, improvement and conservation of some of the most unique public lands in the United States. I am also pleased to state that the concept of an Organ Mountains NCA has produced enthusiastic local support. The Las Cruces City Council and the Dona Ana County Commission have passed resolutions endorsing the creation of a national conservation area. Even the local BLM District Advisory Board unanimously passed a resolution in support of the NCA concept for the Organ Mountains.

Therefore, it is most fitting that Congress takes this legislative step now before the footsteps of the future trample out the legacy of the past. Rare plants, incredible views, opportunities for recreation, solitude, and education await us all in the Organ Mountains. I urge my colleagues to join me in this opportunity to preserve and protect our national heritage.

#### SALUTE TO THE WEST HENRIETTA BAPTIST CHURCH

**HON. LOUISE M. SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Ms. SLAUGHTER of New York. Mr. Speaker, this weekend, the West Henrietta Baptist Church will celebrate 175 years of ministry. Its

distinguished contributions over the years have enriched the community of West Henrietta, NY, and the congregation has earned special recognition.

The church has grown and accomplished much in its 175-year history and stands as a model of spiritual guidance for the residents of the community and my congressional district.

Through their deep concern for others and a commitment to serve mankind, Pastor Richard Myers and the congregation of the West Henrietta Baptist Church continue to build on their historic foundation. The church has been a pillar of community spirit through sponsorship of religious and civic activities.

The church has actively participated in "Habitat for Humanity" and other programs to aid the poor. In addition, the congregation places a strong emphasis on youth activities and promotes interdenominational cooperation and religious liberty.

We are a nation of diverse religions, yet the church has been the cornerstone of most communities throughout our history. The West Henrietta Baptist Church is a sterling example of how such a strong foundation can help an institution strengthen with age.

I salute Pastor Meyers and his congregation for the achievements of the past, the promise of the present, and the possibilities for the future.

#### TRIBUTE TO MR. TOM TIJERINA

### HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. TORRES. Mr. Speaker, it is my distinct pleasure and high honor to recognize Mr. Tom Tijerina.

After more than 30 years of dedicated and effective service to his country, Tom is retiring from the Department of the Navy on March 2, 1990. Tom Tijerina has had an illustrious career with the Navy. But he may best be remembered for his work as a procurement analyst and professional adviser to the director of the small and disadvantaged business utilization in the Office of the Secretary of the Navy. In this latest capacity, Tom was the Navy's principal staff member responsible for the implementation of the Small Business Administration's section 8(a) program, and related small disadvantaged business programs. It is no surprise, therefore, that the Navy's performance in this area has achieved a level of excellence during Tom's tenure. Mr. Tijerina has gained wide recognition among the small disadvantaged business community for his expertise, innovation, and guidance in implementing the Navy's procurement policies.

Mr. Speaker, I want to congratulate Mr. Tom Tijerina for a job well done, and to wish him the best for the future.

## EXTENSIONS OF REMARKS

### HONORING THE JOHN BOOTH SENIOR CENTER

#### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. CARDIN. Mr. Speaker, John Booth Senior Center will celebrate its 25th anniversary of service to the East Baltimore community on Sunday, February 25, 1990.

First opened on February 25, 1965, the center was the culmination of planning and construction efforts by all segments of the community: students from Patterson High School, the Baltimore Metropolitan Area United Auto Workers Retired Workers Council, the United Democratic Club, city councilman William Bonnett, civic leaders Irvin Kovens, Dr. Frank Marino, and Mr. Harold S. Callowhill, and the city of Baltimore Bureau of Recreation.

In 1965 the John Booth Senior Center was one of only 350 senior centers in the United States. Today, there are over 18,000 such groups and centers across our country responding to the needs of our aging population.

I rise to salute the efforts of the John Booth Senior Center founders and supporters. The John Booth Senior Center under the leadership of Ms. June Goldfield, continues to be the focal point of the community, providing opportunities and options for older persons to continue active and creative lives as part of the Baltimore community.

### NATIONAL RECREATIONAL TRAILS FUND ACT OF 1990

#### HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. CRAIG. Mr. Speaker, I rise today to introduce the National Recreational Trails Fund Act of 1990.

The measure would set aside a fair portion of the highway trust fund moneys for use in constructing and maintaining off-highway recreational trails. These funds would be allocated to qualified States through a grant program. The bill would also establish a National Recreational Trails Advisory Committee.

All fuel users pay a fuel tax in exchange for a benefit. Not excluded from these taxpayers are those who use highway vehicles off-highway, and other motors not used on highways, such as snowmobiles, all-terrain vehicles, and motorcycles.

Although the recreational trails and back country terrain used by off-highway vehicles must be constructed and maintained, such needs receive little priority in the budgetary process.

In addition, these trails are used by nonmotorists. They would likewise benefit from the improvement of our recreational trails.

Therefore, for safety, environmental protection, and recreational reasons, reserving a portion of the taxes imposed on motor fuel

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used in off-highway recreational trail motors is warranted.

Mr. Speaker, I urge my colleagues to join me by cosponsoring this important initiative.

### CYPRUS: THE TRUE STORY

#### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. BURTON of Indiana. Mr. Speaker, on January 31, 1990, several of my colleagues participated in a special order on the House floor to discuss the Cyprus issue. Regrettably, this discussion presented only one side of the Cyprus equation. A fair hearing for the Turkish Cypriot side of this controversy is long overdue. A great injustice was done to the Turkish Cypriots between 1960 and 1974. Accordingly, I would like to share with my colleagues the historical facts which took place on the island during that period of time.

Cyprus became part of the Turkish empire in 1571. At that time the island was populated by a mixture of people from many different parts of the eastern Mediterranean and Europe. Over three centuries later the island became part of the British empire. In 1960 Britain recognized that both the Greek and Turkish Cypriot communities had a right of self-determination. For this reason, Britain transferred sovereignty not to the Greek Cypriots but to both communities, acting as equal partners under a constitution agreed to by each as political equals.

In December 1963, the Greek Cypriots launched their first major armed attack against the Turkish Cypriot people only 3 years after the establishment of the joint partnership Republic. From that day forward, Turkish Cypriots lived in fear for their lives. Many were killed in constant attacks on their villages and towns. The Turkish Cypriots were forced into fortified enclaves for mutual protection, squeezed into less than 3 percent of the island, and ejected by force from their rightful place in the bicomunal government. Therefore, it was in 1963 not 1974, that Cyprus became divided.

Article IV of the 1960 Treaty of Guarantee gave Turkey the legal right to intervene if the 1960 agreement was violated. They refrained from doing so despite the attack of 1963 and refrained again when attacks on the Turkish Cypriots resumed in 1967. However, when Greece invaded on July 15, 1974, and tried to annex the island, Turkish forces intervened and established an area in Northern Cyprus where Turkish Cypriots could live in safety.

Many of my colleagues often argue that having defeated the Greek Cypriot attack, Turkish troops should withdraw and leave the Turkish Cypriots to live in terror again. Obviously, withdrawal of the Turkish Cypriot troops before a settlement for the island is agreed upon by both peoples—Turkish and Greek—is not a solution. British troops, United Nations troops, and a constitution failed to protect the Turkish Cypriots from 1963 to 1974. The Turkish Cypriots are justified in demanding Turkish troops to ensure their survival. As long as Greek Cypriots do not understand that securi-



ty for the Turkish Cypriots is one of the crucial factors in reaching an overall settlement for the island, it is unlikely that there will be an agreement.

On January 26, 1989, the Greek Cypriot leader, George Vassilios, said "Cyprus is a bastion of Greece. The number of islands which are Greek are many and Cyprus is just one of them." In my view, this represents the fundamental problem preventing a resolution of the Cyprus issue. It must be made clear to the Greek Cypriots that Cyprus is not a Greek island, but an island which belongs to both the Greek and Turkish Cypriots.

The Greek Cypriots repudiated the 1960 treaty and the Constitution of the Republic of Cyprus, by their conduct from 1963 to 1974, and by express declarations in February 1966 and June 1967. Therefore, it can be argued that the exclusively Greek Cypriot administration now operating in Southern Cyprus is no more legitimate than the government established by the Turkish Cypriots.

In my opinion, there can be no hope of a settlement in Cyprus until the Turkish and Greek Cypriots accept each other as political equals. In the interest of both peoples of the island, again, I call upon my colleagues to learn more about the Turkish Cypriot side of the Cyprus issue.

#### THE TIME HAS COME TO PROTECT THE FLAG

#### HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. ROHRBACHER. Mr. Speaker, to my disappointment, the House of Representatives has yet to vote on the proposal to add an amendment to the Constitution which prohibits desecration of the flag.

One of my constituents, Idabell Griffin of Huntington Beach, recently wrote to me asking Congress to enact the amendment. She wrote: "Having lost two brothers in World War II, one a Marine killed on Iwo Jima, March 10, 1945, and my oldest brother in the Navy, I support President Bush returning respect and honor to our flag. The flag is our Nation's symbol of freedom, a reminder of the sacrifice and pride instilled in our hearts."

Ms. Griffin's testimony eloquently demonstrates the need for an amendment to the Constitution to protect the flag of the United States. It is my hope that in this session Congress will vote on this critical issue.

#### A TRIBUTE TO MR. AND MRS. MORTON L. FRIEDMAN

#### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. MATSUI. Mr. Speaker, I rise today to congratulate Mr. and Mrs. Morton L. Friedman on the opening of their new business, Caffe Donatello, in the Town and Country Village Shopping Center in Sacramento, CA.

This is indeed a special honor for Mr. and Mrs. Friedman, their family, and their friends. I have no doubt that the operation of their business will be both successful and exciting. This fine establishment will be an added delight to the Town and Country Village Shopping Center.

I commend these Sacramentans for the dedication and commitment invested in starting one's own business. I know that their commitment to excellence will provide the Sacramento community with the highest quality of restaurant service. I ask my colleagues to join me in congratulating the Friedmans and wishing them many years of success.

#### AID TO ISRAEL

#### HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. ANDREWS. Mr. Speaker, as a supporter of strong United States-Israel relations, I was extremely disturbed by Senator DOLE's January 16 proposal to cut aid to Israel and other major United States foreign aid recipients by 5 percent. I hope that my colleagues will join me in working to defeat any such proposal.

There are places where I think we can, and should, reduce United States aid, but Israel is not among them. In fact, Israel's needs are increasing.

Israel is already beginning to receive what is going to be a huge influx of immigrants from the Soviet Union—an influx the United States has been encouraging for more than a decade. Clearly, it is going to need financial assistance in resettling these immigrants.

Moreover, the military threat to Israel appears to be on the rise, particularly with the acquisition of modern weapons by various Arab nations hostile to it.

Again, I do believe that with developments in Eastern Europe and other areas, we must reassess our foreign aid policies. However, cutting aid to Israel, one of our most staunch and important allies, is not the answer.

#### A TRIBUTE TO OSCAR PETERSEN

#### HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Oscar Petersen for his 50 years of dedicated service to the Flower Hill Hose Co., No. 1, of the Port Washington Fire Department.

The volunteer fire department is one of the great institutions in America today. Thousands of our citizens freely give their time, effort, and sometimes their lives in order to protect our communities.

For the past 50 years, Oscar Petersen has proudly upheld this tradition. On countless occasions in his career, Oscar answered the call for help in his community, regardless of the time of day, or the possible danger to himself. He has served his community and the Port

Washington Fire Department with pride and distinction.

Mr. Speaker, I take great special pride in the many volunteer fire departments throughout the Third Congressional District of Long Island. Those who serve these departments prove that the values of community spirit and voluntarism are still alive and well in America today.

On April 28, 1990, the Port Washington Fire Department and the entire community will honor Oscar Petersen at a cocktail reception. I join them in their salute and wish Oscar well in his future endeavors.

#### INTRODUCTION OF THE DIS- ABILITIES PREVENTION ACT OF 1990

#### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. CONTE. Mr. Speaker, today I join with my colleagues, Mr. WAXMAN, Mr. MADIGAN, and Mr. TAUKE in introducing the Disabilities Prevention Act of 1990.

Some 15 percent of the U.S. population, or 38 million Americans, suffer from some kind of physical, sensory, mental disability or chronic disease. These disabilities can take many forms—from head and spinal cord injuries to blindness, birth-related, or developmental impairments. We have long understood the precautions that can be taken to prevent certain types of disabilities—prenatal care, early treatment of potentially disabling diseases, use of seatbelts or bike helmets. But we can also take action to prevent those already living with disabilities from becoming further disabled.

In 1988, the Centers for Disease Control began a national program to address these important issues. The purpose of the Disabilities Prevention Program is to reduce the incidence of disabilities in the general population and to prevent further injury or disability in those persons who already have disabilities in order to assist their independence, productivity, and integration into the community.

Already, the program has been successful in several areas. It has brought new focus and coordinating activities to CDC's efforts in injury prevention and control. And the program is assisting the States with their own disability prevention programs, providing epidemiological data and technical assistance.

This legislation would set forth our priorities for the activities that CDC conducts with respect to disabilities prevention. In brief, it would direct the use of funds for research and demonstration projects, educating the public and training health professionals, and providing technical assistance for the implementation of those activities.

There has been much discussion in this Congress on what needs to be done to remove the barriers to full community participation of those with disabilities. But we must not neglect the public health needs of these people. Given the ability and potential of this program to prevent disabilities and to improve the lives of those currently disabled, I am please today to introduce this legislation that

would formally authorize this important program.

**GREATER HOLLYWOOD CHAMBER OF COMMERCE HONORS BOB GIACIN AND DICK BLATTNER**

**HON. LAWRENCE J. SMITH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. SMITH of Florida. Mr. Speaker, on February 17, 1990, the Greater Hollywood Chamber of Commerce presented its annual "Community Service Award" to Mr. Bob Giacin. Bob is a public accountant and has had an accounting firm in Hollywood since 1963. Bob has been chosen by the chamber for this award for his outstanding public service over the last year. He is a trustee for the Greater Hollywood YMCA and was honored as Community Leader of the Year 1986. He is a past president of the Downtown Kiwanis Club of Hollywood and the Greater Hollywood Jaycees. Bob and his wife Kay have two beautiful children who are also very active in the community. Bob Giacin is a highly respected member of the community and well deserving of this award.

At the same time, the Greater Hollywood Chamber of Commerce presented its annual "Leadership Hollywood Alumni Award" to Richard Blattner. Since 1978, the Greater Hollywood Chamber of Commerce has conducted leadership classes that provide education and an opportunity for community-minded individuals to take a more active role in local issues, problems, and their solutions. Dick Blattner has been chosen for this award for his outstanding leadership and participation in activities which have enhanced Hollywood's image. Dick is past president of the Hollywood Leadership Alumni and serves on many country and local boards. I have known Dick and his wife Bunny for years and congratulate this achievement.

I commend the Greater Hollywood Chamber of Commerce for their excellent choices. Hollywood is fortunate to have such fine individuals as active members of our community.

**HONORING THE ORDER OF THE ARROW, SEWANAKIE LODGE**

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. ACKERMAN. Mr. Speaker, I rise today to honor one of the finest scouting organizations I have had the pleasure to be associated with, the Order of the Arrow, Sewanakie Lodge. On the 25th of February this organization will celebrate its 60th anniversary with a gala dinner at Queens College.

The Order of the Arrow has a distinguished history in the scouting movement. It is an honor society that holds within its ranks some of the most dedicated scouts; these are pre-

**EXTENSIONS OF REMARKS**

dominantly young persons who have excelled in other troops prior to joining the order. Many of them are Eagle Scouts, the highest rank to which any Scout can aspire.

Not just anyone can join the Order of the Arrow. Admission into the order is dependent upon election by the other members of the order and the applicant must be a Scout under the age of 19. After acceptance into the order, the Scout is given a Native American name since the order has based its whole program on the lifestyle of Native Americans: from their method of cooking to their style of agriculture.

Each member is also required to submit himself to various tests called ordeals, at various stages of his membership. This is also taken from the customs of the Native American. Successful completion of a number of ordeals will move a member to a different rank. In the order, there are three different stages, these are: ordeal membership, brotherhood membership, and vigil honor. The last stage is the most difficult to attain especially since each ordeal becomes successively harder. In order to be eligible for his position, a Scout must partake in 100 different Scouting events and then must submit himself to judgment by his peers, which may not necessarily result in him securing election. Some members may work for 50 years without achieving this highest honor.

Mr. Speaker, as an Eagle Scout and member of the Order of the Arrow myself, I know that the primary responsibility of the members of the order is to serve Scouting. Their motto is to cheerfully serve and promote Scout camping. This may mean restoring and helping set up campsites or training boys in camping techniques and safety. Many will also perform community service.

The order has had a number of illustrious individuals affiliated with it. Among these are judges, Congressmen, mayors, Governors, and other elected officials in State and local government. Sewanakie Lodge, in particular owes a special debt to a number of important individuals who have played major roles in the success of the lodge in the past 60 years. One such person is Mitchell Morgenstern who has shown continued leadership for 33 years and is at present camping chairman; others worthy of mention are Dennis Sackett and Roy Kramer, both lodge chiefs for many years; and we should not forget the contribution of John Pritchard who has been active for 30 years. I am confident that the present chief, Danny Halloran, will lead the lodge to as much success in the future as these gentlemen did in the past.

In a time when our communities seem to be in dire need of individuals dedicated to community service who can serve as an example to our youth, it gives me great pleasure to witness a group like Sewanakie Lodge do just that. Mr. Speaker, I ask my colleagues to join me in congratulating the Order of the Arrow, Sewanakie, Lodge, on its 60th anniversary and to wish it as much success in its second 60 years as it has in its first.

*February 21, 1990*

**IN MEMORY OF ARMY CHAPLAINS ABOARD U.S.S. "DORCHESTER"**

**HON. JOHN G. ROWLAND**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. ROWLAND of Connecticut. Mr. Speaker, 47 years ago this past February 3d a tragedy occurred in the icy waters off the coast of Greenland when the U.S.S. *Dorchester* was torpedoed. What followed aboard the sinking ship for the next 25 minutes was a touching and compelling display of heroism, compassion and patriotism which I would like to commend today.

As a wave of confusion swept across the ship, four U.S. Army chaplains, each of a different faith, restored calm and stability. These men were 1st Lts. Clark V. Poling, Alexander D. Goode, John P. Washington, and George Fox. Courageously and selflessly thinking, they distributed life jackets to the imperiled soldiers. When the supply was exhausted the four chaplains removed their own life jackets and handed them out, knowing that to do so meant certain death.

When the U.S.S. *Dorchester* sank shortly thereafter, 600 men went down as well. The efforts of the brave chaplains, however, helped save the lives of over 200 young soldiers. The last sightings of these chaplains had them standing together, arms linked on the deck, transcending the boundaries of their individual faiths, and praying together.

Mr. Speaker, I rise today to preserve the memory of these heroic chaplains. Their dedication, selflessness, and bravery in the face of death serves as an inspiration to all. It is with great pride and honor that I salute these heroes and all they represent.

**SOLID WASTE**

**HON. MICHAEL DeWINE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 21, 1990*

Mr. DeWINE. Mr. Speaker, each day American households and offices generate more than 800 million pounds of solid waste. We produce so much waste, in fact, that our landfills are reaching capacity at an astounding rate.

In my own State of Ohio, the problem is particularly acute because of out-of-State generated waste. The number of landfills in Ohio has decreased each year, falling from 360 in 1971 to just 172 in 1988. Over 25 percent of the solid waste in Ohio landfills generated in other States, which greatly increases our landfill burden. As a result, Ohio, like other States, will exceed capacity at its current landfills within the next several years.

Mr. Speaker, something must be done. Each State can best determine whether or not to accept waste from another State. I urge my colleagues to join with me in supporting legislation to give this authority to the States. Several bills to prohibit or charge discriminatory

fees for out-of-State garbage have been introduced in this body. This legislation would oblige each State to examine its own policies for disposing solid waste and would encourage more responsible disposal policies. I urge my colleagues to support this legislation so that the Congress can approve it without delay.

IN COMMEMORATION OF THE  
25TH ANNIVERSARY OF THE  
NEW OPPORTUNITIES AT HOF-  
STRA PROGRAM

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. LENT. Mr. Speaker, beginning March 19, Hofstra University will celebrate the 25th anniversary of the new opportunities at Hofstra program (NOAH). In honor of this historic occasion, I would like to congratulate the university's educators and administrators for their outstanding dedication to promoting access to higher education for minority students.

I am particularly proud of my alma mater which had the vision and commitment to pioneer this very special program. The NOAH Program was conceived a quarter of a century ago in the midst of our country's tumultuous struggle for equality and civil rights. The program was established the same year as the Voter Rights Act was passed in Congress and just 1 year after Dr. Martin Luther King's inspirational "I Have A Dream" speech.

At that time the NOAH Program represented the conviction of a few professors and administrators who wanted to proffer the tools of learning upon minority youngsters heretofore denied such opportunities. As the program has grown over the years, that determination and commitment to furthering the principles of equal education has not diminished.

Since its creation in 1965, the new opportunities at Hofstra program has proven a tremendous success. Hundreds of minority students have completed the program, earned their degrees and gone on to secure productive employment in the professions. The NOAH Program has consistently demonstrated that individuals with potential and commitment can overcome steep obstacles if given a chance.

It is important to note, however, that the NOAH Program profits far more people than just those minority students it has enrolled over the years. This program benefits all of us. Indeed, whenever an individual's potential is realized through the encouragement and dedication of others, then society is also enriched.

I commend Hofstra University for its efforts to better our Nation by creating an environment where all Americans can effectively contribute and achieve their fullest potential. Hofstra University merits our congratulations and acclaim as its NOAH Program passes this significant milestone. I offer my best wishes to the university for many more years of success with the new opportunities at NOAH Program.

COMMEMORATING REYNALDO  
LEROY MARTINEZ

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1990

Mr. BILBRAY. Mr. Speaker, I rise today to commemorate an occasion that brings me great pleasure. On Friday, February 23, 1990, the New Mexico Club of Nevada will honor Reynaldo Leroy Martinez, a fine New Mexican and Nevadan, at their annual installation and awards banquet. I have known Rey for many years and he is truly deserving of this honor.

Born June 22, 1937, in Chama, NM, Rey moved to Nevada at an early age and attended Basic High School in Henderson. In 1958, he received an A.A. degree from Boise State College in Boise, ID, and he continued his education at Arizona State University, graduating in 1960 with a B.A. in education. He commenced graduate studies at the International University in San Diego, CA.

Returning to Nevada in 1961, Rey was a U.S. Government teacher and baseball coach at Western High School in Las Vegas. He coached Western High School baseball teams to three State championships between 1966 and 1968, and in 1967 was recognized as one of the outstanding teachers in Clark County.

In 1968, he became a lobbyist and political consultant for the National Education Association in Washington, DC. He was recognized as one of the outstanding political and legislative consultants for the NEA in 1980. Then in 1982 he joined the staff of my close friend Senator HARRY REID, who at the time served in this distinguished body as the Congressman from the First District of Nevada, the very honor which I hold today.

The political camaraderie between Rey and HARRY REID goes back to their high school years together at Basic, where Rey was the campaign manager for REID's student council president campaign. As the tradition continued, he became the political consultant for Lieutenant Governor REID and Gov. Mike O'Callaghan in 1970, the campaign coordinator for lieutenant Governor REID for U.S. Senate in 1974, and the campaign manager for Congressman HARRY REID in 1982 and in 1984. For the past 4 years, he has been the Senator's chief of staff here on Capitol Hill.

Mr. Speaker, I ask my colleagues to join me today in commending Reynaldo Martinez for his well-deserved recognition from the New Mexico Club of Nevada. His contributions to the State of Nevada have earned him recognition as an outstanding member of the Hispanic community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and

purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 22, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 23

8:00 a.m.

Veterans' Affairs

To hold hearings on S. 2101 and S. 2103, bills on budget recommendations for veterans programs and on the reorganization of the Veterans Health Service and Research Administration.

SH-216

9:30 a.m.

Governmental Affairs

To hold hearings on the General Accounting Office's financial audit of the U.S. Air Force.

SD-342

Labor and Human Resources

To hold hearings on S. 2104, to revise the Civil Rights Act of 1964 (P.L. 88-352) to restore and strengthen civil rights laws that ban discrimination in employment.

SD-430

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of Arthur J. Hill, of Florida, to be President of the Government National Mortgage Association, Department of Housing and Urban Development, Philip R. Lochner, Jr., of Connecticut, to be a Member of the Securities Exchange Commission, and John J. Adair, of Virginia, to be Inspector General of the Resolution Trust Corporation.

SD-538

Finance

International Trade Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Office of the U.S. Trade Representative, and the International Trade Commission.

SD-215

Foreign Relations

To hold hearings on the report on arms control prospects following Moscow and Ottawa Ministerial meetings.

SD-419

FEBRUARY 26

9:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume oversight hearings on alleged abuses in the Federal student aid program.

SD-342

10:00 a.m.  
Appropriations  
Interior Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Strategic Petroleum Reserve, Geological Survey, Department of the Interior, and conservation programs of the Department of Energy.

SD-116

Finance  
Social Security and Family Policy Subcommittee  
To hold hearings on the Job Opportunities and Basic Skills Training program, an education and training program established by the Family Support Act of 1988 (P.L. 100-485).

SD-215

Joint Economic  
Education and Health Subcommittee  
To hold hearings to examine the future of the Head Start educational program.

2318 Rayburn Building

1:15 p.m.

Appropriations  
Labor, Health and Human Services, Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for ACTION, the National Council on Disability, the Federal Mediation and Conciliation Service, the National Mediation Board, the Railroad Retirement Board, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, and the Occupational Safety and Health Review Commission.

SD-192

2:00 p.m.

Agriculture, Nutrition, and Forestry  
To hold hearings on the nomination of Gary C. Byrne, of California, to be Administrator of the Rural Electrification Administration, Department of Agriculture.

SR-332

Energy and Natural Resources  
Public Lands, National Parks and Forest Subcommittee

To hold hearings on provisions relating to fisheries protection and buffer zones (sec. 104 (e)), and the designation of additional wilderness areas on the Tongass National Forest (title III), of H.R. 987, the Tongass Timber Reform Act.

SD-366

## FEBRUARY 27

9:30 a.m.

Agriculture, Nutrition, and Forestry  
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on hunger in America.

SD-G50

Finance

To resume hearings on proposed legislation to reduce Social Security taxes.

SD-215

Rules and Administration

Business meeting, to consider S. 1543, to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia, the nomination of Robert William Houk, of Ohio, to be Public Printer for the Government Printing Office, and other pending executive,

legislative, and administrative business.

SR-301

Veterans' Affairs

To hold hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Disabled American Veterans.

SH-216

10:00 a.m.

Appropriations  
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the foreign policy context of defense.

SD-192

Banking, Housing, and Urban Affairs  
Housing and Urban Affairs Subcommittee  
To hold hearings to examine HUD projects under the Moderate Rehabilitation program (Section 8), focusing on developers and tax incentives for financing such projects.

SD-628

Labor and Human Resources

To resume hearings on S. 2104, to revise the Civil Rights Act of 1964 (P.L. 88-352) to restore and strengthen civil rights laws that ban discrimination in employment.

SD-430

10:15 a.m.

Rules and Administration

To hold hearings on S. 1655, to revise certain provisions of the Federal Election Campaign Act of 1971 (P.L. 92-225) relating to enforcement and congressional election campaign financing.

SR-301

11:00 a.m.

Rules and Administration

To hold hearings on S. 1727, to revise the Federal Election Campaign Act (P.L. 92-225) to provide comprehensive campaign finance reform, to lessen the power of special economic interests, and to restore competition to American congressional elections.

SR-301

2:00 p.m.

Armed Services

To resume hearings on the amended authorization request for fiscal year 1991 for the Department of Defense and the five year defense plan.

SR-253

Judiciary

To hold hearings on the nominations of Harry F. Manbeck, Jr., of Connecticut, to be Commissioner of Patents and Trademarks; Douglas B. Comer, of Virginia, to be Deputy Commissioner of Patents and Trademarks, both of the Department of Commerce; and Robert H. Hodges, Jr., of South Carolina, to be a Judge of the United States Claims Court.

SD-226

2:30 p.m.

Banking, Housing, and Urban Affairs  
Housing and Urban Affairs Subcommittee  
To continue hearings to examine HUD projects under the Moderate Rehabilitation program (Section 8), focusing on developers and tax incentives for financing such projects.

SD-628

FEBRUARY 28

9:00 a.m.

Armed Services

To continue hearings on the amended authorization request for fiscal year 1991 for the Department of Defense and the five year defense plan.

SD-106

9:30 a.m.

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1991 budget.

SD-608

Commerce, Science, and Transportation  
Consumer Subcommittee

To hold hearings on S. 114, a bill to declare activities of manufacturers or distributors of soft drinks which induce retailers to purchase soft drink syrup solely from such entities to be unfair acts or practices for purposes of the Federal Trade Commission Act.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Appropriations

To hold hearings on the President's proposed budget for fiscal year 1991.

SD-192

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Alcohol, Tobacco and Firearms, and the Federal Law Enforcement Training Center.

SD-116

Banking, Housing, and Urban Affairs

To hold oversight hearings to review the Office of Technology Assessment's report, "Making Things Better: Competing in Manufacturing."

SD-538

Commerce, Science, and Transportation

To hold hearings on the nominations of Eugene Wong, of Missouri, and William D. Phillips, of California, both to be Associate Directors of the Office of Science and Technology Policy, Executive Office of the President.

SR-232A

Judiciary

Constitution Subcommittee

To hold hearings on S.J. Res. 48, proposing an amendment to the U.S. Constitution relative to contributions and expenditures intended to affect Congressional and Presidential elections.

SD-226

Labor and Human Resources

Business meeting, to consider S. 15, Emergency Services and Trauma Care Improvement Act, S. 1511, Older Worker's Benefit Protection Act, S. 722, Food Safety Amendments, S. 685, Employee Pension Protection Act, S. 1425, Nutrition Labeling and Education Act, S. 1883, Tobacco Product Education and Health Protection Act, the proposed National Atmospheric Nuclear Testing Completion Act, and pending nominations.

SD-430

1:00 p.m.  
 Appropriations  
 Agriculture and Related Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture. SD-138

2:00 p.m.  
 Appropriations  
 Labor, Health and Human Services, Education Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Physician Payment Review Commission, the Corporation for Public Broadcasting, the National Commission on Libraries, the U.S. Institute of Peace, the National Commission on AIDS, the Prospective Payment Assessment Commission, the National Commission to Prevent Infant Mortality, and the Soldiers' and Airmen's Home. SD-192

## MARCH 1

9:00 a.m.  
 Appropriations  
 Defense Subcommittee  
 To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense programs, focusing on the unified commands. SD-192

Environment and Public Works  
 Water Resources, Transportation, and Infrastructure Subcommittee  
 To hold hearings on the Corps of Engineers water projects. SD-406

9:30 a.m.  
 Agriculture, Nutrition, and Forestry  
 Conservation and Forestry Subcommittee  
 To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on forestry issues. SR-332

Commerce, Science, and Transportation  
 Surface Transportation Subcommittee  
 To hold hearings on S. 1751 and S. 1904, bills to safeguard the integrity of food shipments. SR-253

Energy and Natural Resources  
 Business meeting, to consider pending calendar business. SD-366

Governmental Affairs  
 Oversight of Government Management Subcommittee  
 To hold hearings to examine the federal role in promoting and using special alternative incarceration, focusing on boot camps. SD-342

Rules and Administration  
 To resume hearings on S. 1655, S. 1727, and other related measures on campaign finance reform. SR-301

10:00 a.m.  
 Appropriations  
 Transportation Subcommittee  
 To hold hearings to review the proposed budget for fiscal year 1991 for the Department of Transportation. SD-138

Armed Services  
 To continue hearings to review the amended authorization for fiscal year

1991 for the Department of Defense and the five year defense plan. SD-192

Banking, Housing, and Urban Affairs  
 To hold hearings on proposals authorizing funds for the Defense Production Act of 1950, including S. 1379, Defense Production Act Amendments of 1989. SD-538

1:30 p.m.  
 Banking, Housing, and Urban Affairs  
 Consumer and Regulatory Affairs Subcommittee  
 To hold hearings to review the Expedited Funds Availability Act of 1988 (P.L. 100-86). SD-538

2:00 p.m.  
 Agriculture, Nutrition, and Forestry  
 Agricultural Production and Stabilization of Prices Subcommittee  
 To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the cotton industry. SR-332

## MARCH 2

9:30 a.m.  
 Commerce, Science, and Transportation  
 Aviation Subcommittee  
 To hold hearings on handicapped access issues. SR-253

10:00 a.m.  
 Agriculture, Nutrition, and Forestry  
 Agricultural Production and Stabilization of Prices Subcommittee  
 To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wool and honey industries. SR-332

Appropriations  
 To resume hearings on the President's proposed budget for fiscal year 1991. SD-192

Appropriations  
 VA, HUD, and Independent Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs. S-126, Capitol

1:00 p.m.  
 Appropriations  
 Agriculture and Related Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Research Service, Cooperative State Research Service, and Extension Service. SD-138

## MARCH 5

9:30 a.m.  
 Agriculture, Nutrition and Forestry  
 Agricultural Production and Stabilization of Prices Subcommittee  
 To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the rice industry. SR-332

Rules and Administration  
 To resume hearings on S. 1655, S. 1727, and other related measures on campaign finance reform. SR-301

10:00 a.m.  
 Finance  
 International Trade Subcommittee  
 To resume hearings to assess progress on the United States-Japan Structural Impediments Initiative (SII). SD-215

2:00 p.m.  
 Agriculture, Nutrition, and Forestry  
 Agricultural Credit Subcommittee  
 To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on agricultural credit. SR-332

## MARCH 6

9:00 a.m.  
 Appropriations  
 Defense Subcommittee  
 To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense programs, focusing on the unified commands. SD-192

Veterans' Affairs  
 To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Veterans of Foreign Wars. SH-216

9:30 a.m.  
 Appropriations  
 Commerce, Justice, State, and Judiciary Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Arms Control and Disarmament Agency, and the Securities Exchange Commission. S-146, Capitol

Energy and Natural Resources  
 Public Lands, National Parks and Forests Subcommittee  
 To hold hearings on S. 366, a bill to enroll twenty individuals under the Alaska Native Claims Settlement Act, S. 1128, a bill for the relief of Richard Saunders, S. 1719, a bill to designate a segment of the Colorado River in the Westwater Canyon, Utah as a component of the National Wild and Scenic Rivers System, S. 1738, a bill to convey certain Oregon and California Railroad Grant Lands in Josephine County, Oregon to the Rouge Community College District, and S. 1837, a bill to direct the Secretary of the Interior to establish a Desert Research Center. SD-366

Governmental Affairs  
 To hold hearings on the General Accounting Office's report on material weaknesses in the Department of Defense's supply system. SD-342

10:00 a.m.  
 Agriculture, Nutrition, and Forestry  
 Agricultural Production and Stabilization of Prices Subcommittee  
 To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the sugar industry. SR-332

Appropriations  
 Agriculture and Related Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on

Food and Nutrition Service and Human Nutrition Information Service.  
SD-138

10:30 a.m.

Appropriations  
Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Indian Affairs, and the Indian Gaming Commission.

SD-192

2:00 p.m.

Agriculture, Nutrition, and Forestry  
Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on crop insurance.

SR-332

Energy and Natural Resources  
Energy Research and Development Subcommittee

To hold hearings on S. 1976, to provide for continued United States leadership in high-performance computing, focusing on the Department of Energy.

SD-366

### MARCH 7

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the dairy industry.

SR-332

Energy and Natural Resources  
Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

To hold hearings on proposed budget estimates for fiscal year 1991 for the Environmental Protection Agency.

SD-406

Governmental Affairs

To hold hearings on S. 1978, to promote U.S. trade and technology interests by reorganizing the Department of Commerce into a Department of Industry and Technology.

SD-342

10:00 a.m.

Appropriations  
Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Commerce.

S-146, Capitol

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury, and Department Offices.

SD-116

2:00 p.m.

Energy and Natural Resources  
Mineral Resources Development and Production Subcommittee

To hold hearings on S. 1908 and H.R. 737 bills to amend the Stock Raising Homestead Act to prescribe conditions under which U.S.-owned hardrock mineral deposits may be mined or removed from lands whose surfaces are privately owned.

SD-366

### MARCH 8

9:00 a.m.

Appropriations  
Defense Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense programs, focusing on the unified commands.

SD-192

9:30 a.m.

Agriculture, Nutrition, and Forestry  
Conservation and Forestry Subcommittee

To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.

SR-332

Appropriations  
VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Environmental Protection Agency.

S-126, Capitol

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Toxic Substances, Environmental Oversight, Research and Development Subcommittee

To hold hearings to examine the effects of lead exposure on children's health and educational performance.

SD-406

Governmental Affairs

To hold hearings to examine fraud, waste and abuse, focusing on agencies on the high risk list.

SD-342

Rules and Administration

Business meeting, to consider pending legislation on campaign finance reform.

SR-301

Small Business

To hold hearings on implications of technology transfer on small business.

SR-428A

Veterans' Affairs

Business meeting, to consider budget recommendations for veterans programs and proposed legislation to reorganize the Veterans Health Service and Research Administration.

SR-418

10:00 a.m.

Appropriations  
Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration

SD-138

2:00 p.m.

Agriculture, Nutrition, and Forestry  
Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wheat industry.

SR-332

Energy and Natural Resources

To hold hearings on S.J. Res. 154, to consent to certain amendments enacted by the Hawaii State legislature to the Hawaii Homes Commission Act of 1920

SD-366

Foreign Relations

To hold hearings on the nominations of Everett E. Briggs, of New Hampshire, to be Ambassador to the Republic of Portugal, Edward M. Rowell, of California, to be Ambassador to Luxembourg, Robert G. Joseph, of Virginia, for the rank of Ambassador during his tenure of service as U.S. Commissioner on the U.S.-USSR Standing Consultative Commission, and John J. Maresca, of Connecticut, for the rank of Ambassador during his tenure of service as Head of the U.S. Delegation to the Conference on Confidence and Security Building Measures (CSBM).

SD-419

### MARCH 9

9:30 a.m.

Agriculture, Nutrition, and Forestry  
Agricultural Research and General Legislation Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.

SR-332

Commerce, Science, and Transportation  
Science, Technology, and Space Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration (NASA).

SR-253

### MARCH 15

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.

SH-216

### MARCH 20

9:30 a.m.

Appropriations  
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for military health programs.

SD-192

10:00 a.m.

Appropriations  
Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service, Department of the Interior, and the Smithsonian Institution.

S-128, Capitol

Appropriations  
Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for the Small Business Administration, and the U.S. Information Agency.

S-145, Capitol

2:30 p.m.  
 Appropriations  
 Transportation Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.

SD-116

## MARCH 21

9:30 a.m.  
 Governmental Affairs  
 To hold hearings on proposed legislation to establish a position of chief financial officer.

SD-342

10:00 a.m.  
 Appropriations  
 Agriculture and Related Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.

SD-138

Appropriations  
 Treasury, Postal Service, General Government Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.

SD-116

Judiciary  
 Constitution Subcommittee  
 To hold hearings on S.J. Res. 232 and S.J. Res. 233, measures proposing an amendment to the U.S. Constitution with respect to the impeachment of Article III judges.

SD-226

2:00 p.m.  
 Appropriations  
 VA, HUD, and Independent Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.

SD-138

## MARCH 22

9:30 a.m.  
 Governmental Affairs  
 To continue hearings on proposed legislation to establish a position of chief financial officer.

SD-342

Veterans' Affairs  
 To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.

SR-418

10:00 a.m.  
 Appropriations  
 Defense Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.

SD-192

Appropriations  
 VA, HUD, and Independent Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the

National Credit Union Administration, and the United States Court of Veterans Appeals.

SD-116

## MARCH 23

9:30 a.m.  
 Commerce, Science, and Transportation  
 Aviation Subcommittee  
 To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.

SR-253

10:00 a.m.  
 Appropriations  
 Agriculture and Related Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.

SD-138

## MARCH 27

9:00 a.m.  
 Appropriations  
 Defense Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.

SD-192

10:00 a.m.  
 Appropriations  
 Interior Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.

S-128, Capitol

## MARCH 28

10:00 a.m.  
 Appropriations  
 Treasury, Postal Service, General Government Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.

SD-116

## MARCH 29

9:30 a.m.  
 Energy and Natural Resources  
 To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.

SD-366

10:00 a.m.  
 Appropriations  
 Defense Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.

SD-192

Appropriations  
 VA, HUD, and Independent Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.

S-126, Capitol

Appropriations  
 Commerce, Justice, State, and Judiciary  
 Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.

S-146, Capitol

Appropriations  
 Transportation Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.

SD-138

## MARCH 30

10:00 a.m.  
 Appropriations  
 Agriculture and Related Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.

SD-138

## APRIL 2

10:00 a.m.  
 Appropriations  
 Interior Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, and the Office of Surface Mining, both of the Department of the Interior.

S-128, Capitol

## APRIL 3

10:00 a.m.  
 Appropriations  
 Defense Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.

SD-192

## APRIL 4

10:00 a.m.  
 Appropriations  
 Agriculture and Related Agencies Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.

SD-138

## APRIL 5

10:00 a.m.  
 Appropriations  
 Defense Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.

SD-192

Appropriations  
 Transportation Subcommittee  
 To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.

SD-138

Appropriations  
Treasury, Postal Service, General Government Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.

SD-116

2:00 p.m.

Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.

SD-192

APRIL 18

9:00 a.m.

Veterans' Affairs  
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.

SH-216

10:00 a.m.

Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.

SD-138

2:00 p.m.

Appropriations  
Interior Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.

S-128, Capitol

APRIL 19

10:00 a.m.

Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).

SD-138

Appropriations  
Treasury, Postal Service, General Government Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.

SD-116

APRIL 23

2:00 p.m.

Appropriations  
Interior Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.

SD-192

APRIL 24

10:00 a.m.

Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.

SD-192

APRIL 25

10:00 a.m.

Appropriations  
Commerce, Justice, State, and Judiciary Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.

S-146, Capitol

Appropriations  
Treasury, Postal Service, General Government Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.

SD-116

APRIL 26

9:30 a.m.

Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.

S-126, Capitol

10:00 a.m.

Appropriations  
Defense Subcommittee  
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.

S-407, Capitol

Appropriations  
Commerce, Justice, State, and Judiciary Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Legal Services Corporation.

S-146, Capitol

Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.

SD-138

APRIL 30

2:00 p.m.

Appropriations  
Interior Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.

S-128, Capitol

MAY 1

10:00 a.m.

Appropriations  
Commerce, Justice, State and Judiciary Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, and the Judiciary.

S-146, Capitol

MAY 2

10:00 a.m.

Appropriations  
Commerce, Justice, State, and Judiciary Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.

S-146, Capitol

MAY 3

9:00 a.m.

Appropriations  
Defense Subcommittee  
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.

S-407, Capitol

10:00 a.m.

Appropriations  
Interior Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.

S-128, Capitol

Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.

SD-138

10:30 a.m.

Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.

SD-116

MAY 4

10:00 a.m.

Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.

SD-138

MAY 8

10:00 a.m.

Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.

SD-192

MAY 10

10:00 a.m.

Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.

SD-192



Appropriations  
VA, HUD, and Independent Agencies Sub-  
committee  
To hold hearings on proposed budget es-  
timates for fiscal year 1991 for the  
Veterans' Administration.  
S-126, Capitol

Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget es-  
timates for fiscal year 1991 for the  
Federal Aviation Administration.  
SD-138

MAY 14

10:00 a.m.  
Appropriations  
Interior Subcommittee  
To hold hearings on proposed budget es-  
timates for fiscal year 1991 for activi-  
ties of the Secretary of the Interior,  
the Secretary of Energy, and the Sec-  
retary of Agriculture.  
S-128, Capitol

MAY 15

10:00 a.m.  
Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget es-  
timates for fiscal year 1991 for the De-  
partment of Defense, focusing on sea-  
power.  
SD-192

11:00 a.m.  
Appropriations  
VA, HUD, and Independent Agencies Sub-  
committee  
To hold hearings on proposed budget es-  
timates for fiscal year 1991 for the De-  
partments of Veterans' Affairs, Hous-  
ing and Urban Development, and inde-  
pendent agencies.  
SD-138

MAY 16

11:00 a.m.  
Appropriations  
VA, HUD, and Independent Agencies Sub-  
committee  
To continue hearings on proposed  
budget estimates for fiscal year 1991  
for the Departments of Veterans' Af-  
fairs, Housing and Urban Develop-  
ment, and independent agencies.  
SD-138

MAY 17

9:00 a.m.  
Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget es-  
timates for fiscal year 1991 for the De-  
partment of Defense, focusing on  
space programs.  
S-407, Capitol

11:00 a.m.  
Appropriations  
VA, HUD, and Independent Agencies Sub-  
committee  
To continue hearings on proposed  
budget estimates for fiscal year 1991  
for the Departments of Veterans' Af-  
fairs, Housing and Urban Develop-  
ment, and independent agencies.  
SD-138

MAY 22

9:00 a.m.  
Appropriations  
Defense Subcommittee  
To hold closed hearings on proposed  
budget estimates for the Department  
of Defense, focusing on classified pro-  
grams.  
S-407, Capitol

MAY 24

9:00 a.m.  
Appropriations  
Defense Subcommittee  
To resume hearings on proposed budget  
estimates for fiscal year 1991 for de-  
fense programs.  
SD-192

JUNE 5

9:00 a.m.  
Appropriations  
Defense Subcommittee  
To hold hearings on proposed budget es-  
timates for fiscal year 1991 for the De-  
partment of Defense.  
SD-192

CANCELLATIONS

FEBRUARY 27

9:30 a.m.  
Small Business  
To resume hearings on the nomination  
of Kyo R. Jhin, of Maryland, to be  
Chief Counsel for Advocacy, Small  
Business Administration.  
SR-428A

POSTPONEMENTS

FEBRUARY 22

9:30 a.m.  
Energy and Natural Resources  
To hold oversight hearings on the im-  
plementation of the Department of  
Energy's civilian nuclear waste pro-  
gram.  
SD-366