

AMERICANS WITH DISABILITIES
ACTHATCH AMENDMENTS NOS. 705
THROUGH 709

(Ordered to lie on the table.)

Mr. HATCH submitted five amendments intended to be proposed by him to the bill (S. 933) to establish a clear and comprehensive prohibition of discrimination on the basis of disability, as follows:

AMENDMENT No. 705

On page 76, between lines 9 and 10, insert the following new subsection:

(c) EXEMPTION.—An entity or an agent of such entity shall not be required to meet the requirements of this section if such entity or agent is engaged in an industry affecting commerce and has less than 15 employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, except that, for 2 years following the effective date of this title, an entity or an agent of such entity shall not be required to meet the requirements of this section if such entity or agent is engaged in an industry affecting commerce and has less than 25 employees for each working day in each of 20 or more calendar weeks in the current or preceding year.

AMENDMENT No. 706

On page 83, line 21, insert "and" after the semicolon.

On page 83, beginning with line 22, strike through page 84, line 7, and insert the following:

(B) may, to vindicate the public interest, assess a civil penalty against the entity in an amount—

- (i) not exceeding \$1,000 for a first violation;
- (ii) not exceeding \$5,000 for a second violation; and
- (iii) not exceeding \$50,000 for any subsequent violation.

AMENDMENT No. 707

On page 78, line 9, insert "and" after the semicolon.

On page 78, line 23, strike "; and" and insert a period.

On page 78, beginning with line 24, strike through page 79, line 6.

On page 80, line 23, strike "36" and insert "18".

AMENDMENT No. 708

On page 95, after line 14, insert the following new section:

SEC. 567. FEDERAL WILDERNESS AREAS.

(a) STUDY.—The National Council on Disability shall conduct a study and report on the effect that wilderness designations and wilderness land management practices have on the ability of individuals with disabilities to use and enjoy the National Wilderness Preservation System as established under the Wilderness Act (16 U.S.C. 1131 et seq.).

(b) SUBMISSION OF REPORT.—Not later than 1 year after the enactment of this Act, the National Council on Disability shall submit the report required under subsection (a) to Congress.

AMENDMENT No. 709

At the appropriate place, insert the following new section:

SEC. . REFUNDABLE TAX CREDIT FOR COSTS ASSOCIATED WITH PUBLIC ACCOMMODATIONS REQUIREMENTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 34. COSTS OF PROVIDING NONDISCRIMINATORY PUBLIC ACCOMMODATIONS TO DISABLED INDIVIDUALS.

"(a) GENERAL RULE.—In the case of an eligible small business, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the lesser of—

- "(1) the eligible public accommodations access expenditures for the taxable year, or
- "(2) \$5,000.

"(b) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term 'eligible small business' means a person—

- "(1) engaged in the trade of business of operating a public accommodation to which the requirements of title III of the Americans with Disabilities Act of 1989 applies,
- "(2) the gross receipts of which for the preceding taxable year did not exceed \$1,000,000,
- "(3) which employs fewer than 15 employees, and
- "(4) which elects the application of this section for the taxable year.

"(c) ELIGIBLE PUBLIC ACCOMMODATIONS ACCESS EXPENDITURES.—For purposes of this section—

- "(1) IN GENERAL.—The term 'eligible public accommodations access expenditures' means amounts paid on incurred.
- "(A) for the purpose of removing architectural, communication, or transportation barriers which prevent a public accommodation from being accessible to, or usable by, an individual with a disability, or
- "(B) for providing auxiliary aids and services to individuals with a disability who are employees of, or using, the public accommodation.

"(2) EXPENSES IN CONNECTION WITH NEW CONSTRUCTION ARE NOT ELIGIBLE.—The term 'eligible public accommodations access expenditures' shall not include expenses described in paragraph (1)(A) which are paid or incurred in connection with the design and construction of any facility the first occupancy of which occurs after December 31, 1989.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

- "(1) AUXILIARY AIDS AND SERVICES AND DISABILITY.—The terms 'auxiliary aids and services' and 'disability' have the meanings given such terms by paragraphs (1) and (2) of section 3 of the Americans with Disabilities Act of 1989.
- "(2) PUBLIC ACCOMMODATION.—The term 'public accommodation' has the meaning given such term by section 301(3) of the Americans with Disabilities Act of 1989.
- "(3) CONTROLLED GROUPS.—

"(A) IN GENERAL.—All members of the same controlled groups of corporations (within the meaning of section 52(a)) and all persons under common control (within the meaning of section 52(b)) shall be treated as 1 person for purposes of this section.

"(B) DOLLAR LIMITATION.—The Secretary shall apportion the dollar limitation under subsection (a)(2) among the members of any group described in subparagraph (A) in such manner as the Secretary shall by regulations prescribe.

"(4) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership, the limitation under subsection (a)(2) shall apply with respect to the partnership and each partner.

A similar rule shall apply in the case of an S corporation and its shareholders.

"(5) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in calendar year 1991 or thereafter, this section shall be applied by increasing the \$5,000 amount under subsection (a)(2) and the \$1,000,000 amount under subsection (b)(2) by the cost-of-living adjustment for the calendar year. The cost-of-living adjustment for any calendar year shall be determined under section 1(f)(3), except that subparagraph (B) thereof shall be applied by substituting '1990' for '1987'.

"(6) NO DOUBLE BENEFIT.—No deduction or credit shall be allowed under this chapter with respect to any amount for which a credit is allowed under subsection (a).

"(e) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out the purposes of this section, including regulations for determining what expenditures are to be treated as eligible public accommodations access expenditures."

A similar rule shall apply in the case of an S corporation and its shareholders.

"(5) COST-OF-LIVING ADJUSTMENT.—In the case of any taxable year beginning in calendar year 1991 or thereafter, this section shall be applied by increasing the \$5,000 amount under subsection (a)(2) and the \$1,000,000 amount under subsection (b)(2) by the cost-of-living adjustment for the calendar year. The cost-of-living adjustment for any calendar year shall be determined under section 1(f)(3), except that subparagraph (B) thereof shall be applied by substituting '1990' for '1987'.

"(6) NO DOUBLE BENEFIT.—No deduction or credit shall be allowed under this chapter with respect to any amount for which a credit is allowed under subsection (a).

"(e) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out the purposes of this section, including regulations for determining what expenditures are to be treated as eligible public accommodations access expenditures."

(b) CONFORMING AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting:

"Sec. 35. Costs of providing nondiscriminatory public accommodations to disabled individuals.

"Sec. 36. Overpayments of tax."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1989.

VETERANS COMPENSATION ACT

CRANSTON (AND OTHERS)
AMENDMENT NO. 710

(Ordered referred to the Committee on Veterans' Affairs.)

Mr. CRANSTON (for himself, Mr. MATSUNAGA, Mr. DeCONCINI, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill (S. 13) to amend title 38, United States Code, to increase the rates of disability compensation and dependency and indemnity compensation for veterans and survivors, to increase the allowances paid to disabled veterans pursuing rehabilitation programs and to the dependents and survivors of certain disabled veterans pursuing programs of education, and to improve various programs of benefits and health-care services for veterans; and for other purposes, as follows:

At the end thereof, add the following new title:

TITLE IV—MISCELLANEOUS
PROVISIONS

SEC. 401. EXPANSION OF SELECTION COMMISSIONS. Section (3) of the Department of Veterans Affairs Act (Public Law 100-527; 102 Stat. 2635) is amended—

- (1) in subsection (b)(2)(B)—
- (A) by striking out "Two" in clause (ii) and inserting in lieu thereof "Four"; and
- (B) by adding at the end the following new clause:

"(vii) One person, selected by the Secretary at the Secretary's discretion, from among persons in categories described in clauses (i), (ii), (iii), or (vi);" and

- (2) in subsection (c)(2)(B)—
- (A) by striking out "Two" in clause (ii) and inserting in lieu thereof "Four"; and

these, United Community Ministries served 17,224 people last year alone.

But for United Community Ministries, it is not enough to help people only on an emergency basis; rather it targets the systemic causes which generate the need for assistance in the first place. Its advocacy efforts are respected by others in the community. That is because its mission is very simple and straightforward: To lend assistance and to promote human dignity and self-sufficiency in the community of which it is a part.

Woven into the fabric of United Community Ministries' success is enthusiastic and widespread community support. Churches, schools, boy scouts, girl scouts, businesses, PTA's, women's clubs, civic associations, service groups, and thousands of individuals all pitch in. And this support grows each year as the difficulties for the poor in the community become more visible.

United Community Ministries is realistic, too. It recognizes that it cannot meet all the needs all the time. There is far too much that needs to be done. So, it supports and helps organize others dedicated to community service. And, when a program becomes successful, and is ready for independence, it is spun off into a new entity.

To me, the true test of the merit of a group like United Community Ministries can best be measured by asking those who the program serves if it is meeting their needs.

Please let me read you a letter recently received by the staff which, I believe, captures the spirit—the essence really—of this very special group:

I just wanted you to know . . . we are now able to feed our kids and pay a few bills. We'll never forget the food, gas, and rent money given to us to help us out during a very difficult time. To set the record straight, we have gladly donated \$168 this year to United Community Ministries via the Combined Federal Campaign Fund. We realize it is hardly a drop in the bucket, but we have long memories for kindnesses granted large and small. God bless you all. Thanks for the help when we really needed it.

That to me, says it all.●

APPOINTMENT BY THE REPUBLICAN LEADER

Mr. DOLE. I ask unanimous consent that the Senator from Idaho [Mr. SYMMS] be appointed to the Impeachment Trial Committee, in re Walter L. Nixon, Jr., in lieu of the Senator from Utah [Mr. HATCH], resigned.

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

EXPRESSING GRATITUDE TO DAVID A. BRODY

Mr. DOLE. I send a resolution to the desk on behalf of myself and the distinguished majority leader and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 173) to express gratitude to David A. Brody.

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

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

Mr. MITCHELL. Mr. President, I am pleased, today, to pay tribute to David Brody for more than 40 years of service to the Anti-Defamation League of the B'Nai B'rith, and to his country.

David Brody's value to the Members of this body, as a resource for information and guidance, has earned him the nickname "the 101st Senator." Those of us who know David Brody can attest that he is deserving of this title.

His commitment to the American-Jewish community, and moreover, his commitment to civil rights and civil liberties for all Americans has contributed to our efforts to ensure that every citizen is guaranteed an equal opportunity to succeed.

I rise to join the distinguished minority leader, Senator DOLE, in submitting a resolution which expresses the gratitude of the Senate to David Brody for his efforts on behalf of his Nation as well as the good judgment he has offered to the Senate and its Members over the past 40 years.

Mr. DOLE. Mr. President, last February—after more than 40 years of service—David Brody retired as the Washington representative of the Anti-Defamation League of the B'Nai B'rith.

As a result of his effectiveness over the years as a spokesman for the ADL, David Brody has earned the reputation as the "101st Senator." I can tell you that this reputation is well-deserved. I know that many here in this Chamber, as well as many former Members of the Senate, have found David Brody to be an invaluable resource on a wide range of issues—issues of concern not only to the American-Jewish community but also to all Americans. And I know that I count myself among those who have come to rely upon David Brody's considered judgment and warm friendship.

So I am proud to join today with the distinguished majority leader, Senator MITCHELL, in submitting a resolution expressing the Senate's gratitude to David Brody for the wise counsel he has offered to the Senate and its Members over the past 40 years.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 173

Whereas David A. Brody is an American of uncommon wisdom and vision;

Whereas David A. Brody has served this country faithfully, as an officer in the United States Navy during World War II, as an attorney in the Department of Agriculture, and as a distinguished lawyer and lobbyist in Washington, DC;

Whereas David A. Brody has devoted more than 40 years of his life to the promotion of issues that concern not only the Jewish-American community, but also all Americans;

Whereas such issues include the security and prosperity of Israel, Soviet Jewry, civil rights, civil liberties, and social welfare;

Whereas David A. Brody has been an exemplary representative of the Anti-Defamation League of the B'Nai B'rith, particularly as the Director of the Washington Office of such League;

Whereas during the past 40 years, the advice and judgment of David A. Brody has proven to be an invaluable and welcome resource to the Senate;

Whereas many past and present members of the Senate consider David A. Brody to be a dear and trusted friend; and

Whereas David A. Brody has often been described as the "101st Senator": Now, therefore, be it

Resolved, That—

(1) the Senate commends David A. Brody for his years of exemplary and faithful service to the Anti-Defamation League of the B'Nai B'rith and to the United States, and

(2) the Senate expresses its gratitude to David A. Brody for the wise counsel he has provided to the Senate during the past 40 years.

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

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

The motion to lay on the table was agreed to.

Mr. MITCHELL. 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. 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.

ORDERS FOR THURSDAY, SEPTEMBER 7, 1989

RECESS UNTIL 9:30 A.M. AND MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. on Thursday, September 7, and that following the time for the two leaders there be a period for morning business not to exceed beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each.

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

PROCEED TO CONSIDERATION OF S. 933 AT 10 A.M.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that at 10 a.m. the Senate proceed to the consideration of Calendar Order No. 216, the Americans with Disabilities Act.

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

PROGRAM

Mr. MITCHELL. Mr. President, under the unanimous-consent request granted earlier, the Senate will resume consideration of the legislative branch appropriations bill at 12 noon tomorrow with the Wilson amendment No. 698 on congressional mailing as the only remaining amendment to the bill. Senators should be on notice that votes are likely during tomorrow's session and will extend into the evening beyond 7 p.m. tomorrow.

Mr. DOLE. Mr. President, will the majority leader yield briefly?

Mr. MITCHELL. I certainly will.

Mr. DOLE. It is my understanding that we will proceed to the ADA bill at 10 o'clock. I assume there may be a number of opening statements and most of that time between 10 a.m. and noon will be consumed by opening statements and we probably would not be getting any controversial amendment until the afternoon part; is that correct?

Mr. MITCHELL. That is correct. That is my understanding. I consulted with the principal author and manager of the bill, Senator KENNEDY, who is here at this time and I ask him to confirm that.

Mr. KENNEDY. Mr. President, it is the intention of Senator HARKIN and myself that the first 2 hours would be taken up with an exposition on the legislation and then we would welcome the opportunity to move toward the amendments. We have been notified of five amendments, some of which have been listed in the committee report, and a few others. But we are prepared to address those in a timely fashion. We do not believe it should take a great deal of time to dispose of those. So we would be eager, for those of our colleagues that do have amendments, that they get them in to us at an early time tomorrow so we can proceed.

Mr. President, I want to express my appreciation—I am sure I speak for Senator HARKIN—to both the leaders for the timely attention they have given to this legislation. This is legislation of enormous importance to some 43 million Americans. It is appropriate that we deal with it this year. It is the 25th anniversary of the first civil rights legislation.

This legislation has had the strong support of the majority leader, and I think all of us who have followed the work of the disability movement know of the very specific interest Senator DOLE has had in this area as well. We also recognize that we would not be at this point tonight if we did not have the strong support of the President of the United States.

I am very hopeful that we will be able to move in a timely fashion. As chairman of the committee I want to express our very deep personal appre-

ciation to both the leaders for bringing us to this point this evening.

Mr. HARKIN. Mr. President, I want to thank the majority leader for his accommodation on bringing the Americans with Disabilities Act to the floor in such a timely fashion. I also want to thank the minority leader, Senator DOLE for his leadership which has helped bring us to this historical moment. Finally, I want to thank President Bush for his endorsement of this landmark legislation which will allow all Americans share in the American dream. I look forward to its swift passage.

AUGUSTA, ME. BECOMES 50TH STATE CAPITAL WITH C-SPAN

Mr. MITCHELL. Mr. President, on September 5, Augusta, ME, become the 50th State capital in the United States to make C-SPAN available to its cable television viewers. With the addition of Augusta's 18,000 cable subscribers, that means every State capital now has a front-row seat at political events that affect them in Washington, DC.

To celebrate this new service, C-SPAN spent September 5 in Augusta, televising live interviews with Governor McKernan, Representatives BRENNAN and SNOWE, Senator COHEN and myself. The network also aired interviews with dozens of other Maine citizens who talked about the everyday issues that are important to them.

In addition to Augusta, C-SPAN went on the air that day for the first time in Maine communities including Bangor, Eastport, Belgrade, Rumford, Saco, Lincolnville, Unity, and Hermon.

On behalf of Senator COHEN and all of my colleagues, I want to extend a warm welcome to each and every one of those new viewers.

C-SPAN, the Cable-Satellite Public Affairs Network, has been televising live, unedited proceedings on the House floor since March 1979 as a nonprofit public service of the cable TV industry. Senate proceedings have been on C-SPAN II since June 1986.

The two networks also air live and recorded congressional hearings, speeches, political conventions, call-in programs and other public affairs programming from Washington and other parts of the world that are unavailable anywhere else.

This fall, for example, C-SPAN begins televising selected proceedings from the British House of Commons, offering a view of a European country's government. Next year, the network plans to take a look at the French Parliament.

C-SPAN has been called "America's Town Hall" because it allows viewers around the country to witness firsthand how their representatives make laws and run the Federal Government.

And for 3 hours each day, it allows viewers from around the country and the world to call in with their com-

ments and questions to lawmakers, journalists, and public officials.

That kind of informative, interactive television is an important part of the democratic process in this modern age of telecommunications. I am very proud to be a part of that process, and again, I want to welcome our new Maine viewers to "America's Town Hall."

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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 TOMORROW AT 9:30 A.M.

Mr. MITCHELL. If the distinguished Republican leader has no further business and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:30 a.m., on Thursday, September 7, 1989.

Thereupon, the Senate, at 7:51 p.m., recessed until Thursday, September 7, 1989, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 6, 1989:

DEPARTMENT OF STATE

KENNETH L. BROWN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

CHARLES E. COBE, JR., OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

JOHN GIFFEN WEINMANN, OF LOUISIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

DEPARTMENT OF DEFENSE

CHRISTOPHER JEHU, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE GRANT S. GREEN, JR., RESIGNED.

CRAIG S. KING, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY, VICE LAWRENCE L. LAMADE, RESIGNED.

JAMES R. LOCHER, III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE CHARLES S. WHITEHOUSE, RESIGNED.

BARBARA SPYRIDON POPE, OF MISSISSIPPI, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE KENNETH P. BERGQUIST, RESIGNED.

DEPARTMENT OF THE INTERIOR

DENNIS B. UNDERWOOD, OF CALIFORNIA, TO BE COMMISSIONER FOR RECLAMATION, VICE C. DALE DUVALL, RESIGNED.

DEPARTMENT OF TRANSPORTATION

JERRY RALPH CURRY, OF VIRGINIA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, VICE DIANE K. STEED, RESIGNED.

DEPARTMENT OF ENERGY

MELVA G. WRAY, OF CONNECTICUT, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, VICE RAYMOND G. MASSIE, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

RONALD E. RAY, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND ADMINISTRATION), (NEW POSITION)

THE 1,635TH DAY OR TERRY ANDERSON'S CAPTIVITY

Mr. MOYNIHAN. Mr. President, today, as we resume Senate business, we also mark the 1,635th day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that a Time article of March 20, 1989, on this subject be printed in the RECORD.

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

THE MAN WHO HOLDS THE HOSTAGES

It is no secret who holds Terry Anderson. Imad Mughniyah is his name. He is a 38-year-old Lebanese leader of the Shi'ite fundamentalist group Hizballah whose history of terrorism is grimmer than the record of Palestinian renegade Abu Nidal. Mughniyah's villainy, U.S. officials say, runs from bombings, like the suicide attacks on the U.S. embassy and Marine barracks in Beirut, to hijackings. He is a prime suspect in the U.S. for his alleged role in the 1985 skyjacking of TWA Flight 847 in which a Navy diver was murdered. And he has made a specialty of kidnaping: U.S. officials believe that Mughniyah, under the cloak of cover names like Islamic Jihad and the Revolutionary Justice Organization, has been involved in the kidnaping of at least 31 Westerners since 1984 and that he continues to hold most of the 13 still in captivity.

The kidnapers specifically wanted Terry Anderson. Fatefully, perhaps, the reporter advertised his availability the day before his capture, when he ventured into Beirut's southern suburbs to quiz Hizballah spiritual leader Sheik Mohammed Hussein Fadlallah. But Anderson's colleagues at the Associated Press believe he may have put himself on Hizballah's blacklist as far back as 1983, when he traveled to their stronghold in Baalbek to grill Shi'ite leaders about the bombing of the U.S. Marine barracks.

The grandson of a Shi'ite mullah, Mughniyah trained with Yasser Arafat's Fatah faction of the Palestine Liberation Organization. A high school dropout, he excelled at terrorism; his boldness and quick grasp of explosives and weaponry impressed his commanders. But he fell out with Fatah leaders and in 1982, when Israeli troops invaded Lebanon and occupied his village, Teir Debbe, Mughniyah joined the newly formed and more radical Hizballah (Party of God). He took to wearing religious garb even as he recruited activists and professionals to the Shi'ite cause. He rose quickly to the top of the organization, and as security chief, Mughniyah is thought to be the group's most powerful figure. He continues to hold the Westerners captive despite public pleas from Fadlallah that they be set free.

His original motivation was to avenge the mistreatment of Shi'ites in Lebanon and to vent his hatred of the U.S. and Israel. But U.S. sources say he has become obsessed with trying to secure the freedom of his brother-in-law Mustafa Badreddin and 16 other Shi'ites jailed in Kuwait after a 1983 bombing blitz. Mughniyah launched his subsequent kidnaping and hijacking spree to spring the 17 in a prisoners-for-hostage swap. Among his victims: William Buckley, the CIA station chief, who died in captivity.

Mughniyah reportedly gets his financing from Tehran, and is considered Iran's man in Lebanon; his closest mentors there include conservative leaders locked in rivalry with Iran's would-be pragmatists. Even so, Mughniyah has been forced to free numerous American, French and West German hos-

tages when it served Iran's interests, while his personal demands have never been met.

Mughniyah seems content to bide his time until the U.S. breaks. But he has not tired of finding ways to press Hizballah's confrontation with the West. Britain's *Guardian* newspaper reported last month that he was busy organizing mass demonstrations in Lebanon. The cause: demanding Salman Rushdie's death for writing *The Satanic Verses*.

ADDITIONAL VIEWS TO THE COMMITTEE REPORT ON THE AMERICANS WITH DISABILITIES ACT OF 1989

Mr. HATCH. Mr. President, I understand that the Senate will shortly be turning its attention to S. 933, the Americans With Disabilities Act of 1989. This is an important piece of legislation that deserves the careful attention of all of our colleagues. Since the committee report became available only last Friday, September 1, I am submitting for today's RECORD a copy of my additional views for the benefit of those who wish to study them. I ask unanimous consent that a copy of those views be printed in the RECORD immediately following these comments.

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

ADDITIONAL VIEWS OF SENATOR HATCH

The story of America is one of ever growing inclusiveness, as more and more Americans have become able to participate in the great mainstream of American life. Persons with disabilities, no less than other Americans, are entitled to an equal opportunity to participate in the American dream.

Indeed, through their own efforts, and with the benefit of a growing array of programs and antidiscrimination provisions at the local, state, and federal levels designed to enhance their abilities to lead lives of independence, not dependence, persons with disabilities have long been writing an inspiring chapter in this quintessential American story. Persons with disabilities, through their hard work and determination, have already made great advances and destroyed many stereotypes which have been used to deny them equal opportunities in the past. They have demonstrated they are no "insular minority" in America. But more can still be done to provide equal opportunity for persons with disabilities.

At the outset of the hearings on S. 933, I stated my support for a comprehensive federal civil rights bill banning discrimination against persons with disabilities. Such protection against discrimination is long overdue. At the same time, I also expressed the view that such legislation must be both meaningful and reasonable. Accordingly, I was unable to endorse S. 933, as introduced. There were several serious problems with S. 933, as introduced, including: its excessive penalty scheme; its breadth of coverage of "public accommodations"; its significant departure from the standards of section 504 of the Rehabilitation Act of 1973, which bans disability discrimination in programs or activities receiving federal aid and in federally conducted programs; and its onerous treatment of the private bus industry.

The substitute version, which emerged from a period of negotiations and was adopted unanimously by the Labor and Human Resources Committee, is still not a perfect compromise. It retains features that

I believe merit further improvement. But it incorporated enough important changes to enable me to cosponsor it at the mark-up, while I reserved my right to pursue further changes on the Floor.

At the mark-up, the Committee accepted an amendment which I offered, requiring the Attorney General, in consultation with other federal agencies, to develop and implement a plan to assist covered entities in understanding their duties under the bill.

I also have further concerns about the bill in certain areas.

I. SMALL BUSINESS EXEMPTION FOR PUBLIC ACCOMMODATIONS

Title I of the bill bans employment discrimination and is effective in two years. At that time, the employment discrimination provisions will apply to employers with 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding year. Two years thereafter—four years after enactment—the employment provisions will apply to employers of 15 or more employees.

Title III of the bill covers "public accommodations and services operated by private entities." Private entities defined as "potential places of employment" are subject only to accessibility requirements concerning new facilities designed and constructed for first occupancy later than 30 months after the bill's enactment. These entities include facilities intended for nonresidential use and whose operations affect commerce. Section 301(s).

Private entities defined as "public accommodations," which include much of the private sector, are subject not only to this new construction requirement but also to a wide variety of prohibitions and obligations with respect to their existing facilities and general policies. These prohibitions and obligations pertain to a business in its treatment of customers, clients, and visitors.

The term "public accommodation" is defined very broadly. It includes not only businesses covered by Title II of the 1964 Civil Rights Act, which bans racial, ethnic, and religious discrimination in public accommodations, defined as places of eating; places of lodging; places of entertainment; and gasoline stations, but it also includes retail stores, service establishments, and other elements of the private sector. Section 301(3).¹

This ban on discrimination in privately operated "public accommodations" in Title III of the bill is effective 18 months after enactment. In stark contrast to the small business exemption from the bill's employment provisions, however, the bill contains no small business entity exemption whatsoever from these public accommodations provisions.

Thus, the bill creates the following anomaly: a mom-and-pop grocery store is not subject to the bill when it hires a clerk as a new employee, but it is subject to all of the bill's requirements in its treatment of customers, as well as to an extremely onerous penalty scheme when it violates any of those requirements.

Even under the standards of the substitute bill, the costs some small businesses may incur can be significant.² In the disabili-

¹ Religious organizations and entities controlled by religious organizations are completely exempt from coverage under Title III.

² Some persons may assert that costs should not be a factor in designing a disability civil rights law. In the context of a disability rights law, however, costs may have to be incurred in order to provide nondiscriminatory treatment; e.g., putting in a ramp, providing auxiliary aids and services, and other accommodations. Indeed, the failure to incur reasonable costs in order to provide access is re-

ity rights area, nondiscrimination requirements, including those in this bill, not only require elimination of outright exclusion based on stereotypes, they often impose additional duties to make reasonable accommodations to the needs of persons with disabilities. I support these requirements. But, we must acknowledge that these accommodations can cost money. Sometimes the cost is not great, but even under the standards of this bill, these costs can be more than de minimus where necessary to provide accessibility. This is a crucial difference between a disability civil rights statute and a civil rights statute in the race area. In order to provide equal treatment to racial minorities, a business need only disregard race and judge a person on his or her merits. To provide equal opportunity for a person with a disability will sometimes require additional actions and costs than those required to provide access to a person without a disability.

For example, under the public accommodations title of this bill, covered entities must seek to provide "full and equal enjoyment of [their] goods, services, facilities, privileges, advantages and accommodations." Section 302(a). Among the specific requirements applicable to the smallest businesses are:

1. The obligation to provide auxiliary aids and services to persons with disabilities, unless to do so would cause either an undue burden to the entity or a fundamental alteration in its activities. Section 302(b)(2)(A)(iii). Auxiliary aids and services are defined in Section 3(1) and can include providing qualified interpreters, qualified readers, signage, taped texts; the acquisition or modifications of equipment or devices; and similar actions and devices.

2. The obligation to make reasonable modifications in policies, practices, and procedures, unless doing so fundamentally alters the entity's activities. Section 302(b)(2)(A)(ii).

3. The obligation to remove "architectural barriers, and communication barriers that are structural in nature, in existing facilities . . . where such removal is readily achievable." Section 302(b)(2)(A)(iv). The term "readily achievable" is defined in Section 3(5).

4. The obligation to remove "transportation barriers in existing vehicles used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles by the installation of a hydraulic or other lift), where such removal is readily achievable." Section 302(b)(2)(A)(v).

5. Where the removal of a barrier described in paragraphs 3 and 4 is not readily achievable, an obligation "to make [the entity's] goods, services, facilities, privileges, advantages available through alternative methods if such methods are readily achievable." Section 302(b)(2)(A)(v).

6. The elimination of eligibility criteria that screen out or tend to screen out a person or persons with disabilities unless the criteria are shown to be necessary to the conduct of the activity in question. Section 302(b)(2)(A)(i).

garded as discriminatory. At some point, however, the undertaking of an accommodation can be so costly or represent such a fundamental alteration in the covered entity's program that the failure to undertake the accommodation is simply not discriminatory. This principle reflects Supreme Court caselaw interpreting Section 504 of the Rehabilitation Act of 1973. E.g. *School Board of Nassau County v. Arline*, 480 U.S. 273, 287 n. 17 (1987); *Alexander v. Choate*, 469 U.S. 287 (1985); *Southeastern Community College v. Davis*, 442 U.S. 397, 409-414 (1979).

While these requirements will, in theory, generally translate into less actual cost the smaller the entity, any financial or administrative impact on the smallest businesses can be very troublesome for those businesses. Even comparatively "lesser" costs can be quite burdensome for a small business struggling to survive. Further, the determination as to whether an accommodation is an undue burden or a barrier removal is readily achievable may ultimately be made by a federal agency or judge. A small business is less able to absorb an overreaching determination by these authorities than a larger business.

Moreover, government compliance reviews (Section 308(b)(1)), and the costs of private as well as Attorney General litigation, will add further to those expenses small businesses must bear under the bill's public accommodations title. Indeed, in a private enforcement action, a plaintiff can obtain injunctive relief and attorneys fees. For larger businesses, these costs can be more readily absorbed and passed on to a large consumer base. For some smaller businesses, the cost of compliance with injunctive relief combined with attorneys fees might be onerous.

But it is the penalty scheme in an Attorney General action to enforce the public accommodations title that is of particular concern. In an Attorney General action, a court, at the request of the Attorney General, can order the smallest business to pay monetary damages to aggrieved persons. Moreover, the court can order such a business to pay a civil penalty of up to \$50,000 for a first violation and up to \$100,000 for subsequent violations. This remedy scheme is potentially a very heavy burden, which I will also address as a separate concern.

Opponents of a small business exemption in the public accommodations title of S. 933 claim that since Title II of the 1964 Civil Rights Act has no small business exemption, neither should S. 933. There are several responses to this argument:

1. S. 933 already departs from Title II of the 1964 Civil Rights Act in two important ways:

A. Title II only covers places of eating, lodging, entertainment, and gasoline stations. S. 933 goes well beyond such coverage, encompassing virtually all elements of the private sector as "public accommodations" or "potential places of employment," except religious organizations and entities controlled by religious organizations.

B. Title II provides only for injunctive relief in Attorney General actions; this bill, as mentioned earlier, permits recovery of monetary damages and huge civil fines in Attorney General actions.

Thus, it is inconsistent for the opponents of a small business exemption to rely upon Title II as the basis for their opposition when they have so readily departed from that parallel statute in other important respects.

2. In any case, compliance with Title II of the 1964 Civil Rights Act imposes no costs—it simply requires admitting and serving persons without regard to their color, ethnicity, or religion. As mentioned earlier, compliance with S. 933 can result in costs to covered entities. This difference between Title II and S. 933 alone justifies a small business exemption in public accommodations.

I favor an exemption of small businesses from the prohibitions and obligations in the public accommodations provisions of the bill, i.e., provisions relating to a business's existing facilities and general policies. I would not, however, exempt any public accommodation from the requirement that its new facilities be accessible. The cost of accessibility to a new facility when "built-in" to the plans and construction of such a new

facility is not burdensome. But for businesses in the operation of their existing facilities and in the provision of auxiliary aids and services, modification of policies, procedures, and criteria, a small entity exemption is appropriate.

I also believe that even with an exemption for small businesses, the marketplace will exert pressure on small businesses which will lead to increased accessibility. When a small business operator sees a larger competitor gain customers with disabilities because the latter business is accessible, the small business operator is likely to take steps it can afford to get some of those customers—even if those steps don't meet every single requirement of this title—without exposure to the costs of compliance reviews and litigation.

With this voluntary activity, the requirement that all new facilities be accessible, and the full coverage of all "public accommodations" other than small businesses, I believe we can provide genuine access to public accommodations for persons with disabilities, while assuring that we do not overly burden small businesses in America.

II. EXCESSIVE PENALTIES AGAINST PUBLIC ACCOMMODATIONS

Under Title II of the 1964 Civil Rights Act (hereinafter "Title II"), as mentioned earlier, a private plaintiff can obtain injunctive relief and attorneys fees. The Attorney General can obtain injunctive relief. No monetary damages or civil penalties are available in either action.

Under S. 933, in an action for a violation of the public accommodations title, a private plaintiff can obtain an injunction and attorneys fees. I believe such relief, paralleling that of Title II, is appropriate.

But, in an Attorney General action under this bill the court can award not only an injunction, but also civil penalties of up to \$50,000 for a first violation, and up to \$100,000 for subsequent violations. Further, the court can award monetary damages to aggrieved persons when requested to do so by the Attorney General. This relief is excessive and unjustifiable.

The threat of litigation, its cost to covered entities, the added expenses of paying the plaintiff's attorneys fees in private litigation, and marketplace factors are all powerful incentives for a business to comply with this bill in the first instance.

Moreover, if an entity is in noncompliance, injunctive relief is significant. An injunction requires the offending entity to cease its discrimination. If a ramp must be put in, a bathroom made accessible, or policies changed, pursuant to the entity's duties under the bill's public accommodations provisions, a court can order such relief.

Everyone knows that 25 years ago black people and other racial and ethnic minorities were routinely denied the opportunity to eat, to lodge, and to be entertained in places they could afford. Today, while there are still instances of racial and ethnic discrimination in public accommodations, we face an entirely different situation. The public accommodations covered by Title II are now essentially open on a nondiscriminatory basis. This resulted largely from Title II's enactment, with the injunctive relief and attorneys fees enforcement scheme previously described.

Yet, relief in an Attorney General action against a public accommodations under this bill goes well beyond the relief available in an Attorney General action under Title II.

Ironically, a private party, in his own action, cannot obtain monetary damages for himself. The court can award monetary

damages, however, to an aggrieved person, in an Attorney General action.

There is a further anomaly in the bill. The bill subjects state and local governments to the remedies available under Section 505 of the Rehabilitation Act of 1973. Under Section 505, a federal agency, in an enforcement action, may either terminate federal aid to the part of a covered entity where the discrimination occurs or it may refer the case to the Department of Justice for injunctive relief. Civil penalties are not recoverable by the federal government in an enforcement action. Thus, in an Attorney General action, state and local governments, with their enormous tax resources, are subject to lesser penalties than the private sector, which is not supported by tax revenues or, for the most part, federal aid. The potential for a sole proprietor, a mom-and-pop business, or any other business to be more harshly sanctioned than a state or local government in an Attorney General action requires further consideration.

Our purpose here should not be punitive. Providing for monetary damages and huge civil penalties in Attorney General actions is excessive. To the extent we are trying to provide access by enacting this bill, since such access can impose costs on covered entities, rather than penalize a public accommodation by imposing monetary damages and huge civil penalties, we should keep the money available to the entity for use in providing access pursuant to the injunctive relief.

Proponents of the stiff remedy provisions in S. 933 assert that it parallels remedies now available in an Attorney General action under the Fair Housing Act, as amended last year. This analogy, however, is unpersuasive.

In the field of housing, the original remedies of the 1968 Fair Housing Act proved inadequate to the task of rooting out racial and ethnic discrimination in housing as quickly as hoped. Why? In my opinion, it is because housing discrimination is probably the most persistent form of racial discrimination in the nation today. Thus, toughening the penalties for such discrimination in 1988 made sense and I supported the effort to do so.

But the record in the public accommodations area is much different. As mentioned earlier, the Title II penalties—injunctive relief and attorneys fees—have been adequate to work a revolution of equal opportunity.

If the Fair Housing Amendments Act of 1988 had not added disability discrimination to the list of prohibited conduct under the Fair Housing Act, and a ban on housing discrimination on the basis of disability was being added in this bill, the use of Fair Housing Act remedies for such housing discrimination would be appropriate. It is inappropriate, however, to use the Fair Housing Act, rather than Title II of the 1964 Civil Rights Act, as the analogue for the remedies in the public accommodations context in this bill.

I note that, with respect to employment discrimination, S. 933 uses the remedies available under the parallel civil rights statute, Title VII of the 1964 Civil Rights Act. Unfortunately, this parallelism was not maintained with respect to public accommodations.

I prefer to retain such parallelism in remedies. I am prepared, however, to break the parallelism with Title II and to consider a more modest enforcement scheme in this area that goes beyond Title II relief but is more reasonable than the provision currently in the bill.

III. THE BILL'S THREAT TO THE PRIVATE BUS TRANSPORTATION INDUSTRY

The bill applies to transportation services "provided by a privately operated entity that is primarily engaged in the business of transporting people," except for air carriers. Section 304(a). This coverage includes private rail, limousine, taxi, and bus companies.

I am especially concerned about this bill's impact on the private bus transportation industry. The bill imposes a variety of requirements on these companies, including:

1. The obligation to make reasonable modifications in policies, practices, and procedures, unless to do so would fundamentally alter the company's activities. Section 304(b)(2)(A).

2. The obligation to provide auxiliary aids and services to persons with disabilities, unless to do so would cause an undue burden or fundamentally alter the company's activities. Section 304(b)(2)(B).

3. The obligation to remove "transportation barriers in existing vehicles . . . where such removal is readily achievable." This obligation does not include the addition of a lift. Section 304(b)(2)(C).

4. Where the removal of a barrier described in paragraph 3 is not readily achievable, an obligation "to make [the entity's] goods, services, facilities, privileges, advantages available through alternative methods if such methods are readily achievable." Section 304(b)(2)(C).

I favor these provisions.

The truly onerous provision, however, is the requirement that all small bus companies must purchase or lease all new over-the-road buses with lifts six years after the bill's enactment; large bus companies must do so beginning five years after enactment. In the meantime, ironically, having imposed this major requirement on the private bus transportation industry, the bill requires a three-year study to determine whether this requirement is, in effect, feasible. The requirement, however, is not contingent on the results of the study—it remains in place under this bill even if the study shows that the requirement is excessive.

The bill, in its present form, presents the strong likelihood that private intercity and charter and tour bus service will be seriously curtailed soon after the bill's new bus requirements become effective, if not virtually eliminated at some point thereafter. The stakes are that high.

Unlike state and local government mass transit, which is heavily subsidized by the federal government, private transportation companies receive virtually no federal aid. Private companies provide virtually all of the intercity bus transportation in the country. There are well over one thousand such private, intercity bus companies, such as Greyhound, Gold Line, East Coast Parlor, and Peter Pan. Some of these companies provide two kinds of services: over the road regular route service—that is, scheduled service between communities—and charter and tour services. Other companies provide only charter and tour services.

These companies serve about 10,000 communities, most of which have no other intercity transportation available to them. The number of communities served has been declining in the last 30 years. According to an Interstate Commerce Commission staff analysis, there was a net loss of nearly 3,400 communities reeking intercity bus service between 1982 and 1988 alone. Ninety percent of the communities losing this service had populations of less than 10,000. This industry operates on a low profit margin. In many rural areas, including in Utah, this private bus service is the only available

intercity transportation. There is only token Amtrak service available. Intercity buses provide transportation for those who need a low cost transportation alternative.

The requirement that all new buses have wheelchair lifts would quickly accelerate the loss of private, intercity bus service to our nation's communities, if not entirely end such service, according to the American Bus Association, United Bus Owners of America, and Greyhound (the largest company). Delaying this result by five or six years, in the hope an efficient and economical lift will appear on the scene, is small comfort.

A lift for an intercity bus is more expensive than for an intracity bus, such as the Metrobuses used in the District of Columbia, because with the baggage compartment and other differences, access to the intercity bus is higher off the ground—as much as four or six feet, rather than one foot for an intracity bus.

The added costs for new buses for these private companies include not only the cost of the lift but widening the aisles and making the bathrooms accessible. There are maintenance costs—and there is little experience with maintenance of intercity bus lifts. There will be a loss of as many as four seats, which especially hurts bus companies during their peak periods, such as holiday periods. Moreover, particularly in rural areas, these companies are successful because of their package express service. The room available for carrying such packages, however, is reduced in lift-equipped buses.

Even if the least expensive lift is used on all new buses—and this is, I am told, a lift which has had little use in this country and one which not all bus companies might feel is suited to their operations—the cost of this provision is unreasonable. Indeed, I understand that the principal basis for this provision is information from the Regional Transportation District of Denver, Colorado. According to the Department of Transportation, however, Denver has only 17 buses which use a "less expensive" lift developed in Germany. I understand these buses have been in use in Denver for about one year. Moreover, according to the Department of Transportation, Denver uses these buses on one-way routes of less than 30 miles. This usage is atypical for the private bus industry as a whole, which consists of some 20,000 buses which travel far greater distances on trips.

Representatives of the private bus transportation industry have stated that their lowest annual cost estimate for the bill's requirement regarding new buses, which includes lift and accessible restroom installation, loss of revenue seats for lift and restroom accessibility, maintenance costs, and training costs would be so high as to seriously threaten the viability of the private bus transportation industry. This lowest annual cost estimate is based on a cost of \$10,160 per new bus for each year of its service, and assumes a 10-year life span for the industry's 20,000 bus fleet. In other words, under this analysis, each new bus will cost a company \$101,600 over the life of the bus. I note that representatives of the industry believe these estimates are unrealistic and actual costs will be higher.

The Committee heard virtually no testimony on this vital issue.

I, along with proponents of the present provision, can point to correspondence from officials of the Denver system and the American distributor of the lift in question citing a variety of different figures and costs related to wheelchair accessibility for these over-the-road buses. Following the hearings on the bill, the cost figures have been flying

back and forth concerning costs associated with the lift which has recently begun to be used in Denver. The dispute over the utility of any particular lift and its costs are precisely why a study is most appropriate.

I support a requirement that bans discrimination based on stereotypes against persons with disabilities in their use of privately operated buses. I also support a requirement that private bus companies make reasonable accommodations to the needs of persons with disabilities with respect to their current bus fleet.

The Committee, however, simply has not been presented with enough clear testimony and data to know what is reasonable with respect to requirements such as lifts on new buses purchased or leased by the private bus industry. That is why a study of private bus accessibility, followed by Congressional action based on the study, is the most sensible course of action with respect to any future requirements, such as lifts, concerning new buses.

It might be suggested that this bill will have no significant impact on bus companies for the next five years. Even this suggestion is doubtful. In an August 1, 1989, letter to Roger Porter, domestic policy advisor to the President, Theodore Knappen, a Senior Vice President at Greyhound Lines, Inc., opposed this provision of S. 933. He wrote, "Greyhound Lines Inc. is a new company, which is the result of the merger of two falling bus systems, Greyhound and Trailways. We are highly leveraged with \$375 million in debt * * * Greyhound 'lost' \$17 million last year and will be marginally profitable this year. The annual cost of full implementation of S. 933 will be at a minimum, \$40 million. Even if the start up is delayed for five years, the financial institutions upon which we rely are not likely to continue to support us in light of this burden. The system will inevitably crumble with the marginal rural service being the first to go. I should add that most small bus companies are in a similar financial situation."

In summary, the current provision regarding the private bus transportation industry's purchase and lease of readily accessible new buses rests on inadequate and contested data and runs a serious risk of unintentionally causing devastating effects in the private bus industry. The prudent course is to study the issue first and then to impose appropriate requirements based on the study—not the reverse, as currently provided for in the bill.

NOMINATION OF LORET MILLER RUPPE TO BE AMBASSADOR TO NORWAY

Mr. CRANSTON. Mr. President, on August 4, 1989, in connection with the Senate's consideration—and, ultimately, confirmation—of Loret Miller Ruppe's nomination to be Ambassador to Norway, I had prepared this statement but it was inadvertently not included in the RECORD for that day.

Mr. President, I worked very closely with Loret over the last 8 years during her tenure as Peace Corps Director. Those years can be best described as an important time of revitalization and expansion for the Peace Corps. Loret's hard work, dedication, and inspirational leadership were the key to bringing the Peace Corps to the high level of visibility and support it enjoys today. She brought incredible energy, enthusiasm, and creativity to what she

called "the best job in Washington." In all of her efforts she combined great skill and talent with a deep concern for the impoverished peoples of the world and a firm commitment to world peace.

As a long-time advocate and ardent supporter of the Peace Corps, I have been extremely impressed with Loret's ability to lead the agency and to reach out to the people who are so important to the Peace Corps. This includes the volunteers and the Peace Corps staff of course. It also includes congressional supporters like myself, the leaders of host countries and of the countries with an interest in receiving volunteers, and the people of the countries the Peace Corps serves around the world.

Under her leadership, the Peace Corps has been invited either to begin or resume programs in nine countries. Loret was instrumental in the bold initiative to send the first volunteers into China—a move which would have been a monumental step for the Peace Corps but became impossible for tragic reasons far beyond her and the Peace Corps' control.

Loret Ruppe, a talented innovator, constantly pushed for the development of programs responsive to current needs—such as creative new programs dealing with food systems in Africa, small enterprise development, child and maternal health, and natural resource conservation and education.

Mr. President, the sound, forward-looking programs and solid base of support with which Loret left the Peace Corps are a great legacy for her successor, Paul Coverdell, and all who will follow her. I can think of no finer tribute to pay to her tenure as Peace Corps Director than to say she was indeed a worthy successor to Sargent Shriver.

It is hard to imagine better qualifications than Loret Ruppe's for an ambassador from our great Nation. Would that all our ambassadors had her skill, experience, and great sensitivity to the cultures and prerogatives of other sovereign nations. Her success in working so hard for international understanding and world peace and her effective leadership of an organization dedicated to those goals make her eminently qualified to be the President's representative abroad.

Mr. President, Loret Ruppe is a person of integrity, competence, compassion, and commitment. She is also a loving, kind, genuine human being. I am confident she will be a great success as Ambassador of the United States to Norway.

Mr. President, I ask unanimous consent that this statement be printed in the permanent RECORD as part of the August 4 consideration of this nomination.

TRIBUTE TO JOSEPH MOQUIN

Mr. HEFLIN. Mr. President, I rise today to pay tribute to one of Alabama's most outstanding business and community leaders as well as my close friend, Mr. Joseph Moquin from Huntsville, AL.

Joe retired as the chief executive officer of Teledyne Brown Engineering on August 31, 1989, following over three decades of loyal service to his company and to the Huntsville community and the nation as a whole. It is evident that Joe Moquin has played a role in every worthwhile enterprise in Huntsville for over 30 years.

In 1956, when Joe Moquin travelled to Huntsville to become the chief management engineer for the Army Ballistic Missile Agency, few people could have foreseen the explosive growth the city would experience over the next three decades or the integral role which Joe Moquin would play in this expansion. Following the Soviet Union's launch of the Sputnik I in 1957, Huntsville's Army team exalted the space frenzy by developing the Redstone and Jupiter missile systems. This team of incredibly gifted engineers, scientists, and planners would place Huntsville on the cutting edge of the growing high-technology research and development industries.

As the chief civilian in the Army Ordinance Missile Command's control office, Joe worked closely with General Mendaris and Dr. Werner von Braun who headed the Army team. Although a brilliant engineer, perhaps Joe Moquin's most important contribution to these efforts came from his managerial and planning ability. He possesses the incredible ability to see the big picture and manage the numerous disparate aspects of such complicated projects.

Another of Huntsville's visionaries, Milton Cummings, recognized both Moquin's technical strengths in engineering and his managerial ability. In 1959, Cummings hired Joe as the executive vice president of Brown Engineering and ensured the success of what was to become one of Huntsville's most successful and ambitious companies. Working together, Joe Moquin and Milton Cummings transformed a small engineering company into a huge, diverse company employing about 3,000 people and helped transform Huntsville from a sleepy cotton town into a technology center for the entire Nation.

Brown Engineering prospered under the guidance of Moquin and Cummings. From four employees in 1953, Brown Engineering grew to several hundred employees in the early 1960's. Joe Moquin and Milton Cummings knew that the time was right for Brown to move to a new, more spacious, design and production facility.

Fortunately for Huntsville, Joe Moquin saw this as more than a time to find a larger building to house his company. He saw this as an opportuni-