The Importance of a Fair and Accurate Census Has Been Established. The results of the census serve as the basis for determining a State's representation in the House of Representatives and have also become important in allocating Federal funds to local and State government programs. Historically, the census has undercounted minorities, undocumented workers, people with limited English skills, homeless people, and those living in inner cities. In 1987, the Census Bureau considered but declined to provide for an adjustment of the 1990 census. In response, a suit was filed by Los Angeles, New York City, and others. This suit resulted in an agreement in which the Secretary of Commerce would reconsider the Bureau's decision and make this public by July 15, 1991.

As predicted, minorities were again undercounted in the 1990 census and at an even higher rate than in previous decennial censuses. On April 18, 1991, the Census Bureau released preliminary estimates based on two separate research programs, the postenumeration survey and demographic analysis, which found that an undercount indeed occurred. Nationally, the Census Bureau estimated that as many as 2.5 percent or 6 million residents were missed in the 1990 census. The undercount rate for blacks is estimated as high as 6.2 percent or 1,973,000. Hispanics even higher at 7.3 percent or 3,416,000. The Asian undercount is estimated as high as 4.4 percent or 334,000.

The undercount in California was one of the worst in the country. The Census Bureau estimated the undercounting was as high as 4.7 percent or 1.4 million Californians not counted.

Faced with these estimates, there is no doubt that in the interest of fairness and accuracy, the Secretary of Commerce should adjust this 1990 census. However, the Census Bureau's initial statements indicated that it was not willing to undertake the actions necessary to adjust the 1990 census. At a joint congressional hearing held in March of 1991, the Census Bureau stated that it may not have the information ready for the Secretary of Commerce to base the adjustment decision on the July 15, 1991, deadline. The release of the estimates on the undercount by the Census Bureau is an encouraging sign; however, it is still unclear whether the Secretary of Commerce will adjust the 1990 census.

Despite the commendable efforts by the Census Bureau to count minorities in the 1990 census, it is nearly impossible to count everyone. These undercounts are unavoidable but correctable. The Census Bureau has theoretical tools to adjust the census results to reflect accurately the current composition of our Nation.

Currently, the decision to adjust the census is in the hands of the Secretary of Commerce. The adjustment decision was imposed on the Secretary as a result of a lawsuit agreement. It is surprising that there is no requirement in law for the Secretary of Commerce to make necessary adjustments to the census to reflect accurately the Nation's population. There should be a law mandating that the Secretary of Commerce reconsider the undercount of the 1990 census. This important decision should not be left to the discretion of this and future Secretaries of Commerce.

Mr. President, at this time I would like to commend my distinguished colleague from New York, Senator MOYNIHAN, who has introduced legislation, S. 28, which would direct the Secretary of Commerce to adjust this census and future census results to correct this undercount. I commend the distinguished Senator from New York for his leadership in this area and encourage my colleagues to support this legislation which will ensure the fairness and accuracy of the census.

IMPLEMENTATION OF THE CIVIL JUSTICE REFORM ACT

Mr. BIDEN. Mr. President, I am pleased to report that implementation of the Civil Justice Reform Act of 1990 is proceeding well. In particular, there have been a few developments in recent weeks about which I would like to inform my colleagues.

As we all know, Congress recently passed the Dire Emergency Supplement to the Civil Justice Reform Act of 1990. As noted in the initial statements of the Civil Justice Reform Act of 1990, this legislation designates, among other things, approximately $7.8 million for the rest of this fiscal year to the Federal courts, the Administrative Office of the U.S. Courts, and the Federal Judicial Center, in order to implement the Civil Justice Reform Act. The President signed the bill into law on April 10, 1991.

I would like to thank my good friend and distinguished colleague from South Carolina, Senator HOLLINGS, who chairs the Subcommittee on Commerce, Justice, State, and Judiciary of the Appropriations Committee. His continued interest in this funding is very much appreciated.

The importance of having obtained this funding for the Civil Justice Reform Act at this early date cannot be overstated. The funds appropriated will help address some of the most pressing needs of the district courts in implementing the act, such as the funding for analysis of court conditions and payment of advisory group reporters.

The Civil Justice Reform Act mandates that "within 90 days after the date of the enactment of this chapter, the advisory group required in each United States district court shall be appointed." Since the President signed the bill on December 1, 1990, the date by which the advisory groups were to be appointed was March 1, 1991. The latest report from the Advisory Committee indicates that virtually all district courts have made their appointments, in compliance with the statutory mandate.

The membership of the advisory groups that I have seen thus far has been exemplary. On January 30, I brought to the attention of my colleagues the actions of Chief Judge Frank Freedman of the Northern District of Florida and Chief Judge Platt in the Eastern District of New York. The quality of their advisory groups is excellent, and it looks as if many other districts will follow suit.

In the District of Massachusetts, Chief Judge Frank Freedman appointed a very distinguished group, including Prof. Arthur Miller of Harvard Law School as reporter to the committee. Other members of the group include: U.S. District Judge Joseph L. Tauro, chairman; U.S. District Judge David Nelson; U.S. District Judge William Young; U.S. Magistrate Judge Lawrence P. Cohen; John P. Driscoll, President, Border Action; David Berman; Donald R. Frederico, McDermott, Will & Emery; Daniel B. Winslow, Sherin and Lodgen; U.S. Magistrate Judge Michael Ponson; Nicholas C. Theodorou, Foley, Hoag & ELLIS; Cynthia O. Chen, Day & Dorr; Margaret H. Marshall, Choate, Hall & Stewart; Gordon T. Walker, McDermott, Will & Emery; Susan Garsh, Bingham, Dana & Gould; Scott E. Charnas, Feinberg, Charnas & Schwarts PC; the Honorable S. Harshbarger, attorney general; Nancy Gertner, Dwyer, Collora & Gertner; Michael B. Keating, Foley, Hoag & Ellis; Robert J. Smith, Jr., clerk, U.S. district court; the Honorable Wayne A. Budd, U.S. attorney; Judith S. Yogan, associate U.S. attorney; Michael E. Mone, Esdaile, Barrett & Esdaile; Leo Boyle, president, Massachusetts Bar Association; Louis M. Ciavarella, Bunditich & DeCristofaro; John F. Peiser, Goldberg, Goldberg, Stern & Costello, Jr., president, Massachusetts Academy of Trial Attorneys; Louis Elisa, president, Boston Branch of NAACP; Richard S. Milstein, Ely & King, Ronald E. Mazzone, assistant general counsel, Digital Equipment Corp.; and Gael Mahony, Hill and Barlow.

Chief Judge Douglas W. Hillman of the Western District of Michigan also appointed an impressive collection of individuals to his advisory group. The members include: Frederick D. Dilley, Dilley & Dilley; Roger Gardner, vice president of claims, Citizens Mutual Insurance Co.; Stephen R. Drew, Williams & Asschenbroek; Donald J. Simon, Warner, Norcross & Judd; Patricia A. Streeter; John A. Smietanka, U.S. attorney; H. Rhett Pinsky, Pinsky, Smith et al.; Roger Martin, vice president, Boston University; Elisa A. Bellisario, Community Relations, Steelecase, Inc.; Jon G. March, Miller, Johnson, Snell & Cunninlsey; Steven C. Kohl, Landman, Latimer; John R. Weber; Matthew E. McLogan, vice president, Boston College; Robert A. Ackerman, University of Massachusetts; Thomas N. Edmonds.
sheriff; David Edick; James H. Geary, chairman, Howard & Howard; and U.S. District Judge Richard A. Ensen. I should not that Judge Enslen testi-
ified on his advisory group: Donald Smaltz, chairman, Morgan, Lewis & Bockius; Leonard Brossman, clerk of court, U.S. district court; Lourdes Baird, U.S. at-
torney; Daniel Patrick Seini as report-
er, associate dean, Loyola Law School; Joseph A. Ball, Ball, Hunt, Hart, Brown & Baerwitz; George Babikan, Arco Products Corp.; Howard O. Boltz, Jr., Rogers & Wells; Richard H. Borow, Irell and Manella; William B. Carter, Arco Products Corp.; Daniel G. Clement, Pacific Enterprises; Richard M. Coleman, Coleman & Marcus; Douglas Dalton; Richard L. Pruin, Jr., Lawler, Felix & Hall; Howard R. Scharam, Scharam, Salkin & DeRoy; Peter M. Horstman, Federal public defender; John M. McCormick, Lewis, D'Amato, Brisbois & Bisgaard; William M. Molfetta, Molfe-
ta & Raymond; Brian O'Neill, O'Neill & Lyons; Joan Shores Ortol-
ano, Pacific Bell; Michelle A. Reing-
luss; James D. Riddet, Aronson & Riddet; Frank Rothman, Skadden, Arps, Slate, Meagher & Flom; Garvin F. Roberts, Elgin & Garvey; Wayne W. Smith, Gibson, Dunn & Crutcher; Robert Talcott, Talcott, Lightfoot, Van de Velde, et cetera; and William W. Vaughan, O'Melveny & Myers.

Chief Judge Brieant of the Southern District of New York appointed the following members to his advisory group: as chairman, U.S. District Judge Robert W. Sweet; Marcia Ahz-
arak, Arco Products Corp.; Con-
non, Gaia, Gir, Connon, Stergern & Mackau; Philip L. Graham, Jr., Sulli-
van & Cromwell; U.S. District Judge Thomas P. Griesa; Edna Wells Handy, vice president of legal affairs and gen-
eral counsel, New York City Health & Hospitals Corp.; Henry L. King, chair-
man and managing partner, Davis Polk & Wardwell; Clifford P. Kirsch, district court executive; Joseph T. McLaughlin, P. S. Hastings, Jaffe, Stempky & Walker; Daniel G. Clement, Pacific Enterprises; Richard M. Coleman, Coleman & Marcus; Douglas Dalton; Richard L. Pruin, Jr., Lawler, Felix & Hall; Howard R. Scharam, Scharam, Salkin & DeRoy; Peter M. Horstman, Federal public defender; John M. McCormick, Lewis, D'Amato, Brisbois & Bisgaard; William M. Molfetta, Molfe-

Not only did Sioux Manufacturing contribute to our Nation's success in Operation Desert Storm, but it helps the Devils Lake Sioux every day in their fight to build a better future for themselves and their children.

The Forbes article refers to Sioux manufacturing as "an unusually suc-
cessful 100 percent tribally owned company." Among my greatest hopes is that from now, Sioux Manu-
facturing will not be so unusual.

The article follows:

[From Forbes magazine, Mar. 4, 1991]

VICTORY AT DEVILS LAKE

(3 by Joel Millman)

On the average winter's day in the com-
munity of Devils Lake, N.D., the tempera-
ture drops to minus 20. Adult unemploy-
ment on this reservation, home to 3,500 Santee Sioux, runs 45 percent. Alcoholism is endemic.

But there is another side to Devils Lake.

Sioux Manufacturing Co., a defense con-
tractor owned by a tribe of the Santee Sioux, and the reservation's largest employ-
er, is thriving. Last year the firm sold the 
$25 million in helmets, shrapnel armor and helmets, destined for

Operation Desert Storm. Sioux Manu-

facturing has booked $40 million in business for the next year and expects to make $14 million this year. The company pumps over $125,000 in week-

ly salaries into the reservation's econo-

omy three times the value of government assistance programs.

A few years ago none of this prosperity

seemed likely. In the mid-1970s Washing-
da hands of Congress; J. Gordon Forester, Jr., Greenstein,

Delorme & Luchs; Richard A. Green, Stohman, Beuchert, Egan & Smith; D. Jeffrey Hirschberg, Ernst & Young; Jane Lang, Sprenger & Lang; Myles Lynk, Dewey; Ballantine; Palmer & Wood; Arnold I. Melnick, office of counsel, Washington Metropolitan Area Transit Authority; Elliot C. Mineberg, director, legal depart-

ment, People for the American Way; Alan B. Morrison, Public Citizen Litiga-
tion Group; Irving R.M. Panzer, pro-

fessor of law, Catholic University; John Payton, acting corporation coun-

sel; Dr. Vincent Reed, vice president of communications, the Washington Post; Deanne & C. Siemer, Pullsbury, Madison & Sutro; Linda Singer, Licht-

man, Trister, Singer & Ross; Fred Souk, Crowell & Moring; Nathaniel Speights, Speights & Michel; U.S. Mr. President, many following members to his advisory group: as simil-

arly excellent membership. I do not have the time to mention them all. At this juncture, it does appear that the quality of the advisory groups that I, at least, have seen is indicative of the importance that the courts are giving to implementation of the act. I am encouraged by their actions.

VICTORY AT DEVILS LAKE

Mr. CONRAD. Mr. President, today I rise to pay tribute to a company that has made tremendous strides in the State of North Dakota. That company, the Sioux Manufacturing Corp., is owned by a tribe of the Devils Lake Sioux Tribe.

Forbes magazine recently published an article entitled "Victory at Devils Lake," which describes the success of Sioux Manufacturing and the exem-
plicable efforts of the company's presi-

dent, Carl McKay. I commend this ar-
ticle to my colleagues and ask that it be printed in the Record immediately following my remarks.

Mr. President, many tribal contra-

ators, including Sioux Manufacturing, made vital contributions to our country's efforts in Operation Desert Storm. Yet they exist in remote loca-
tions that are typically overwhelmed with poverty—reservations where, de-

spite their contributions to the econo-

omy, unemployment often exceeds 50 percent. Tribal companies like Sioux Manufacturing provide critical job op-

portunities that help tribes build a

better future for themselves and their children.

Mr. President, we in North Dakota are proud of Sioux Manufacturing. We are proud of the company's management, its employees, and its mission.