

The importance of a fair and accurate census is well 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 Government 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 adjustment 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 1,764,000. 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 the 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 by 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 the statistical 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. This adjustment decision was imposed on the Secretary as a

result of a lawsuit agreement. It is surprising that there is no law requiring 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 compensate for the recurring undercount. 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 compliment my distinguished colleague from New York, Senator MOYNIHAN, who has introduced legislation, S. 28, which would direct the Secretary of Commerce to adjust this and future census results to correct the 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 be able 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 Supplemental Appropriations Act, which 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 careful attention to and interest in this funding is very much appreciated.

The importance of having obtained 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 Administrative Office 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 King in the Southern 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 have followed 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, Jr., president, Boston Bar Association; David Berman; Donald R. Frederico, McDermott, Will & Emery; Daniel B. Winslow, Sherin and Lodgen; U.S. Magistrate Judge Michael Ponsor; Nicholas C. Theodorou, Foley, Hoag & Elliot; Cynthia O. Hamilton; Hale and Dorr; Margaret H. Marshall, Choate, Hall & Stewart; Gordon T. Walker, McDermott, Will & Emery; Susan Garsh, Bingham, Dana & Gould; Scott E. Charnas, Feinberg, Charnas & Schwartz PC; the Honorable L. Scott Harshbarger, attorney general; Nancy Gertner, Dwyer, Collora & Gertner; Michael B. Keating, Foley, Hoag & Elliot; Robert J. Smith, Jr., clerk, U.S. district court; the Honorable Wayne A. Budd, U.S. attorney; Judith S. Yogman, associate U.S. attorney; Michael E. Mone, Esdaile, Barrett & Esdaile; Leo Boyle, president, Massachusetts Bar Association; Louis M. Ciavarrà, Bowditch & Dewey; Rudolph F. Pierce, Goulston & Storrs; Walter A. Costello, Jr., president, Massachusetts Academy of Trial Attorneys; Louis Elisa, president, Boston Branch of NAACP; Richard S. Milstein, Ely & King; Ronald E. Myrick, 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, Klukowski, et al.; Valerie Simmons, Warner, Norcross & Judd; Patricia A. Streeter; John A. Smietanka, U.S. attorney; H. Rhett Pinsky, Pinsky, Smith et al.; Roger Martin, vice president, Human Resources and Community Relations, Steelecase, Inc.; Jon G. March, Miller, Johnson, Snell & Cummins; Steven C. Kohl, Landman, Latimer; John R. Weber; Matthew E. McLogan, vice president of university relations; Grand Valley State University; Thomas N. Edmonds,

sheriff; David Edick; James H. Geary, chairman, Howard & Howard; and U.S. District Judge Richard A. Enslen. I should not that Judge Enslen testified at the Judiciary Committee hearings on the legislation, and played a key role in its enactment.

In the Central District of California, Chief Judge Manuel L. Real has chosen the following members to serve on his advisory group: Donald Smaltz, chairman, Morgan, Lewis & Bockius; Leonard Brosnan, clerk of court, U.S. district court; Lourdes Baird, U.S. attorney; Daniel Patrick Selmi as reporter, 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. Campbell, Paul, Hastings, Janofsky & Walker; Daniel G. Clement, Pacific Enterprises; Richard M. Coleman, Coleman & Marcus; Douglas Dalton; Richard L. Fruin, Jr., Lawler, Felix & Hall; Bruce Hochman, Hochman, Salkin & DeRoy; Peter M. Horstman, Federal public defender; John M. McCormick, Lewis, D'Amato, Brisbois & Bisgaard; William M. Molfetta, Molfetta & Raymond; Brian O'Neill, O'Neill & Lysaght; Joan Shores Ortolano, Pacific Bell; Michelle A. Reinglass; James D. Riddet, Aronson & Riddet; Frank Rothman, Skadden, Arps, Slate, Meagher & Flom; Garvin F. Shallenberger, Rutan & Tucker; Wayne W. Smith, Gibson, Dunn & Crutcher; Robert Talcott, Talcott, Lightfoot, Vandeveld, et cetera; and William W. Vaughn, O'Melveny & Myers.

Chief Judge Briant 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 Alazraki, Shea & Gould; Robert L. Conason, Gair, Gair, Conason, Stergman & Mackauf; Philip L. Graham, Jr., Sullivan & Cromwell; U.S. District Judge Thomas P. Griesa; Edna Wells Handy, vice president of legal affairs and general counsel, New York City Health & Hospitals Corp.; Henry L. King, chairman and managing partner, Davis Polk & Wardwell; Clifford P. Kirsch, district court executive; Joseph T. McLaughlin, Shearman & Sterling; Stacey J. Moritz, chief of the civil division, U.S. attorney's office; Benito Romano, Willkie, Farr and Gallagher; Shira A. Scheindlin, Herzfeld & Rubin; Lorie A. Slutsky, president, New York Community Trust; and Gerald Walpin, Rosenman & Colin.

The last U.S. district court that I would like to mention today is the District of Columbia. Chief Judge Aubrey E. Robinson, Jr. appointed the following people: as chairman, Paul L. Friedman, White & Case; John D. Aldock, Shea & Gardner; William J. Birney, principal assistant to the U.S. attorney; Gregory Davis, executive vice president, D.C. Chamber 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, Ballentine, Bushby, Palmer & Wood; Arnold I. Melnick, office of counsel, Washington Metropolitan Area Transit Authority; Elliot C. Minberg, director, legal department, People for the American Way; Alan B. Morrison, Public Citizen Litigation Group; Irving R.M. Panzer, professor of law, Catholic University; John Payton, acting corporation counsel; Dr. Vincent Reed, vice president of communications, the Washington Post; Deanne C. Siemer, Pillsbury, Madison & Sutro; Linda Singer, Lichtman, Trister, Singer & Ross; Fred Souk, Crowell & Moring; Nathaniel Speights, Speights & Micheel; U.S. District Court Judge Aubrey E. Robinson, Jr.; U.S. District Court Judge Charles R. Richey; U.S. District Court Judge Royce C. Lamberth; U.S. District Court Magistrate Judge Patrick J. Attridge; Nancy Mayer-Whittington, clerk of the court; and LeeAnn Flynn Hall, administrative assistant to the chief judge.

There are many other districts that have also appointed advisory groups with similarly 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 100 percent by 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 exemplary efforts of the company's president, Carl McKay. I commend this article to my colleagues and ask that it be printed in the RECORD immediately following my remarks.

Mr. President, many tribal contractors, including Sioux Manufacturing, made vital contributions to our country's efforts in Operation Desert Storm. Yet they exist in remote locations that are typically overwhelmed with poverty—reservations where, despite their contributions to the economy, unemployment often exceeds 50 percent. Tribal companies like Sioux Manufacturing provide critical job opportunities that help tribes build a more stable economy on their reservations. And they help Indian people better determine their own futures.

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

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 successful 100 percent tribally owned company." Among my greatest hopes is that 10 years from now, Sioux Manufacturing will not be so unusual.

The article follows:

[From Forbes magazine, Mar. 4, 1991]

#### VICTORY AT DEVILS LAKE

(By Joel Millman)

On the average winter's day in the community of Devils Lake, N.D. the temperature drops to minus 20. Adult unemployment 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 Corp., a defense contractor owned by a tribe of the Santee Sioux, and the reservation's largest employer, is thriving. Last year the firm sold the Army \$25 million of camouflage nets, anti-shrapnel armor and helmets, destined for Operation Desert Storm. Sioux Manufacturing has booked \$40 million in business for 1991 and expects to earn \$4 million this year. The company pumps over \$125,000 in weekly salaries into the reservation's economy—three times the value of government assistance programs.

A few years ago none of this prosperity seemed likely. In the mid-1970s Washington began weaning reservations off welfare, urging new companies on reservations to do contract work for the government. Under the plan, orders would be guaranteed during a transition period while Indian managers learned the business.

The Devils Lake Sioux entered into a joint venture with Skokie, Ill.-based Brunswick Corp., whose defense unit is a big producer of camouflage fabric for the Army. Total capitalization of the joint venture came to \$100,000—\$70,000 put up by Brunswick, and \$30,000 by the tribe. Brunswick also lent the new company \$500,000; in addition, \$2 million for plant and equipment came from banks and federal agencies. The idea was that the joint venture would buy camouflage fabric from Brunswick and cut it into appropriate sizes and shapes for shrouding tanks and other weaponry.

In 1974 the new Devils Lake Sioux Manufacturing Corp. shipped its first camouflage kits to the Army. But soon the partners began to bicker. The Sioux wanted to shop around for their basic raw material—the camouflage fabric—but other suppliers refused to sell to them because Brunswick, a competitor, was the Sioux's partner. The Sioux considered making their own fabric, but Brunswick vetoed that as uneconomical.

The business prospered. In 1983 the partners added lightweight armor made with Du Pont's tough Kevlar yarn to its product line. This high-margin product is used to make helmets and interior panels for tanks and armored personnel carriers.

But trouble was brewing. The tribe's executives felt left out. By 1978 the tribe had increased its stake in the joint venture to 51 percent, but Brunswick seemed to be calling all the shots. Relations went steadily downhill.

The nadir was reached in 1986. The joint venture had booked a record \$70 million in contracts. The Sioux wanted to stretch the work out over three years. This would lend