SENATE—*Friday, September 25, 1987*

The Senate met at 8:15 a.m., and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray.

Come now, and let us reason together, saith the Lord: Though Your sins be as scarlet, they shall be as white as snow; though they be red like crimson, they shall be as wool.—Isaiah 1:18.

Gracious, kind Father in heaven, the compelling words of the prophet Isaiah remind us of Your loving and compassionate grace—forgiveness and cleansing from sin. Be patient with us for the caricature we hold in our minds about You, viewing You as an impersonal, indifferent, inflexible judge who delights in punishment. Be patient with us for arrogance and pride which refuses to acknowledge our sin or ignorance of Your love which causes us to be overcome by our sin or indifference which keeps us from coming to You for absolution and pardon so graciously offered in Your Son. Praise and thanksgiving unto You for the unconditional, universal love of Him in whose name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 25, 1987.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

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

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

LEADER TIME YIELDED

Mr. BYRD. Mr. President, I have the approval of the distinguished Republican leader to yield to the able Senator from Wisconsin [Mr. PROXMIRE] our combined time of 5 minutes.

The PRESIDING OFFICER (Mr. BYRD). The Senator from Wisconsin [Mr. PROXMIRE] is recognized for 5 minutes.

Mr. PROXMIRE. I want to thank my good friend, the majority leader for so graciously yielding me his time.

WHY SHOULDN'T UNITED STATES INFLATE ITS WAY OUT OF DEBT? HERE'S WHY:

Mr. PROXMIRE. Mr. President there is a quick, easy, painless solution to our colossal national debt and deficit problem. It's also absolutely the wrong way to go. It will endanger and maybe destroy our marvelously productive economy. It will certainly impoverish tens of millions of Americans. But it is a way that has an increasingly seductive appeal. For weeks now the Congress has been huffing and puffing and moaning and groaning about our huge deficit and the necessity of reducing it. By a big majority the Senate has once again shown it doesn't have the stomach to cut spending across the board, increase taxes if necessary and get serious about solving the most irresponsible and reckless fiscal policy in this Nation's history.

Instead of taking decisive action to reduce the deficit, Congress repaired the automatic cutting mechanism in the Gramm-Rudman law. What did this repair entail? First, the deficit targets were relaxed, especially for the next 2 fiscal years, fiscal year 1988 and 1989. The Congress will not have to face serious cuts in spending until after the 1988 election. Another negative aspect of the bill was the increase in the national debt to $2.8 trillion. That level should last until May 1989, after the election.

This bill, however, did do some good. It reinstated the automatic cut mechanism. It made it tougher to use one-shot savings to reduce the deficit. These changes make good sense.

The record of the last few years cannot help but raise a suspicion. Assume the country gets through the next election and meets the relaxed deficit goals in the new law. Then comes 1989 and a new President. The debt limit will providentially expire about 4 months into the first term. The budget under consideration at that time will require some big cuts to meet the new deficit targets. Will that target be relaxed once again?

And if that weren't enough, some year along the line—1988 or 1989 or 1990—the next recession will hit. No one knows when it will come. We do know that it will come. And when it comes it will be a real killer. The Federal Government will not be able to fight the next recession with countercyclical fiscal policy unless it is willing to run a series of annual $400 or $500 billion deficits for 2 or 3 years.

So what's the "easy, painless" seductive and wrong solution? This solution is to pursue the policy virtually every country that has driven itself deeply into debt has pursued throughout history. It is to inflate the currency. And by 1989 or 1990 that is likely to be enticing for more than just the Members of the Congress. A deliberate and very big inflationary program would have short-term benefits for many people. Think of it. Inflation brings a barrel full of happiness to debtors. And this country today has more debtors than ever before in history. Superinflation will help those debtors. It will mean the debtor pays back his debt in cheaper currency. If the Federal Government through the Federal Reserve Board deliberately inflates the currency tenfold or by 1,000 percent, that would overnight cut the national debt and the deficit too by a factor of 10. Let's assume that sometime in the next 2 or 3 years the long overdue recession hits our country. Assume the deficit swells to somewhere between $300 and $600 billion and the national debt quickly climbs to $4 or maybe $5 trillion. Then assume the Fed opens the monetary floodgates. It buys $2 or $3 trillion of that debt. Inflation streaks ahead by tenfold or 1,000 percent. The $4 trillion national debt shrinks promptly to $500 billion in real terms. The $500 billion annual deficit fades all the way down to a mere $50 billion in real terms. Presto. There's no painful cutting of any popular social program or military program. There's no election losing tax increase. The nightmare deficit problem has vanished. The national debt has been cut down to size in real terms. In fact, the Congress can revalue the currency. It can make 10 or the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

old dollars the equalivalent of 1 new dollar.

Now, of course, with this kind of solution there will be king-size headaches in cost-of-living adjustments. Inflation will, indeed, raise the cost of government in many respects. But not in one vital and rapidly growing respect. It will not increase the interest payments on the debt the Federal Government has already accumulated if it is sufficiently long term. For several months now the Government has been wisely moving its borrowing more and more into the long-term market. The "real" burden of this debt will be greatly lessened by the inflation. Since interest on the national debt is the most rapidly rising cost of Government, this short-run benefit of inflation will be specially appealing to the Congress.

Of course, this kind of inflation will exact a big political price from the millions of Americans on fixed income. On the other hand American households are in debt as never before. Those households will benefit from the inflation that enables them to pay back their debt in much cheaper dollars. But how about the savings of American households? Won't those savings suffer from inflation? If they're liquid they certainly will. But savings and especially liquid savings have sharply dropped as a percentage of income in America in recent years. In fact, they may this year actually be negative. The huge debt of American businesses also would become a lighter burden with a sudden massive inflation.

So, not only would the inflation bring a quick and easy solution to the Government's huge debt problem. It would help American households and American business with what is becoming their biggest and most serious problem. So, inflation, big inflation would have solid and, understandable political appeal.

So, what's wrong with it? Plenty. First, it would shoot prices up out of sight and make it impossible for more than 100 million American workers to stay abreast of the soaring cost of living. Second, it would swiftly drive interest rates right through the roof as lenders would insist on an inflation premium that would probably exceed the actual inflation. Third, in this kind of unstable, volatile environment business would be unable to plan or build on any kind of a reliable future. Fourth, wage and price controls would become politically irresistible. When enacted they would slap a counterproductive, bureaucratic lock on our economy.

No matter how the Congress twists and turns there is no way we can escape from the ultimate necessity of cutting Federal spending and cutting it everywhere—every program without exception must be included. We also have to raise Federal taxes and raise them big. There is no realistic way we can escape from a reduction in the American standard of living to make up for living beyond our means for the past 7 years. Inflation won't save us. Only thrift and sacrifice will.

THE TREATMENT OF WOMEN IN THE MARINES AND NAVY

Mr. PROXMIRE. Mr. President, the findings of a recent report document a serious problem on the treatment of women in the Marines and the Navy.

The report, prepared by the Pentagon's Defense Advisory Committee on Women in the Services, cites widespread professional and personal mistreatment against military women in the Pacific. Among some of the abuses mentioned were sexual and verbal harassment, lack of advancement opportunities for women, and commanders who ignored complaints from enlisted women. One of the most demeaning and appalling examples of the mistreatment concerns a Navy captain who offered to "sell" female sailors to Koreans.

The treatment of military women in the Pacific is totally unacceptable and the response of the Department of Defense is equally unacceptable. Instead of proposing a commission to study the abuses against women, the Secretary of Defense and the Secretary of the Navy must take strong action to make sure that this intolerable situation does not continue. Secretary Weinberger and Secretary Webb must send a strong message throughout the services that this behavior is repugnant to the military and will not be tolerated. This action should include plans of restitution for the victimized women plus strict and swift disciplinary action against those responsible for the abuses.

In addition, the Department of Defense must take long-range action to ensure the professional treatment of women in the military. This action should include the presence of more women at the policymaking level advising Secretaries Weinberger and Webb as a way of giving the female sector of the military representation. The Department of Defense must also make a concerted effort to increase the career opportunities for women in the services. By taking action to eliminate discriminatory practices and increase opportunities for women at all levels of service, the Department of Defense will send a strong message that abuses against women will not be tolerated and that they are committed to the professional status of women in the military.

I urge my colleagues to look into the scandal in the Pacific and the broader issues of women in the military, and hope that they will join me in developing a solution to this chronic and intolerable problem.

I ask unanimous consent that the article from the Washington Post be printed in the RECORD.

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

[From the Washington Post, Sept. 18, 1987]

PENTAGON UNIT FINDS SEXUAL HARASSMENT—WIDESPREAD PROBLEMS IN PACIFIC REPORTED

(By Molly Moore)

Pentagon advisers have accused Navy and Marine Corps leaders of condoning "overt and blatant sexual harassment" of women in the services and discrimination that hampers their chances of promotion.

The advisory group said it found the problems to be widespread and cited one case in which women assigned to a naval salvage vessel accused their commander of "public sex" aboard the ship and of attempts to "sell" female sailors to Koreans during a tour in the western Pacific.

Defense Secretary Caspar W. Weinberger, responding to the investigation by the Defense Advisory Committee on Women in the Services announced yesterday that he has established a task force to review policies and recommend changes.

"Sexual harassment is contrary to our policy," said David J. Armor, the Pentagon's personnel chief, "The secretary has decided that his past statements have not been sufficient."

But Armor said the military faces a difficult task in attempting to change the attitudes that have fostered the "morally repugnant" actions of many male officers and enlisted personnel described in the committee's study.

Some of the major problems cited in the report, which was compiled after an investigation of U.S. Navy and Marine Corps facilities in the Pacific, included:

Charges that ranking officers block the efforts of women to report cases of sexual abuse, including the case involving the skipper of the salvage ship USS *Safeguard*, who is accused of attempts to "sell" female sailors to Koreans, "fraternization" with enlisted female sailors and "public sex," a charge that the goverment refused to clarify.

Incidents of abusive behavior toward women ranging from "verbal abuse to overt and blatant sexual harassment" at every installation visited by the committee's investigating team.

A widespread perception among female officers and enlisted personnel that the command structure of the Navy and Marine Corps is seeking "to force women out of the armed forces" by hampering promotional opportunities for women and condoning sexual harassment by allowing on-base activites such as noontime burlesque shows and meals at base clubs in the Philippines that emphasize sexually oriented entertainment.

Inadequate housing and recreational facilities and isolation at overseas bases that "contribute to conditions in which extremist behavior [lesbianism] is fostered."

Seven members of the committee conducted their investigation of Pacific naval and marine bases Aug. 4-18. The agency reported similar findings last year after a tour of U.S. military facilities in Europe. The group reported then that women found "an indecisive, if not uninterested, attitude among the chain of command when confronted with episodes of sexual harassment."

In its most recent report, the committee wrote, "it has been alleged that the hierarchies of the Navy and Marine Corps, in particular, continue to project attitudes that are biased against women, in part as a means of fostering the macho mystique that is intrinsic to military service."

In the aftermath of the incidents reported aboard the USS *Safeguard*, the Navy has launched its own investigation of harassment and discrimination against female members of the service. The ship's skipper, Lt. Cmdr. Kenneth D. Harvey, 40, has been removed as commander and is awaiting further action pending the outcome of a Navy investigation.

The study also found that women in the Navy and Marine Corps believe that in many cases they are discriminated against in the promotion process. The report stated that the Navy's policies on barring women from certain combat-related jobs are far more restrictive than Congress intended.

"This trip revealed once again the pervasive problem that the services have in managing their people," the report said.

Defense Department personnel chief Armor said the new task force would study the issues of promotions and treatment of women in the military, as well as allegations that the different services are inconsistent in the types of jobs categorized as combat positions that exclude women.

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

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 10 minutes to be equally divided.

SENATOR JOE BIDEN

Mr. DECONCINI. Mr. President, I would like to take this opportunity to pay tribute to a friend of mine and colleague of all of us, Senator JOE BIDEN. While I regret his decision to pull out of the 1988 Presidential race, I respect that decision and salute him for the courage and dignity with which he confronted his current political problem.

I have known JOE BIDEN since coming to the Senate in 1977. I know him to be a man of ideals, great integrity, genuine personal warmth and a sense of humor, one with ideals that are firmly planted in the country, a dedicated family man, and someone who believes that this country can change and be better and wants to participate in that.

JOE BIDEN is a decent, honorable, and caring human being. I am especially impressed that as chairman of the Senate Judiciary Committee, JOE BIDEN has not allowed his personal problems to affect his conduct in the confirmation hearings on the nomination of Robert Bork, and he has conducted himself in an absolutely impartial manner even though he has very strong feelings on this subject matter.

The temptation to tilt one way or the other has to be very great when you made up your mind and feel very strongly on the issue. Senator BIDEN has demonstrated his leadership.

Anyone who has closely watched the Bork hearings would have to concur that Senator BIDEN has conducted them with great acumen, has been fair to all witnesses and to members of the committee, extending himself, quite frankly, beyond the patience this Senator would have.

JOE BIDEN has freely admitted that he made some serious mistakes during his Presidential campaign. It may have been too much to take on as chairman of the Judiciary Committee under the circumstances and also run a full-fledged Presidential campaign at the same time.

But he makes no excuses for this. He has apologized and promised to learn from those mistakes. It takes a very strong man to stand before the cameras of the media and before the people of this country to admit mistakes, to indicate that he has learned from them. My hat is off to him.

I sincerely regret that JOE BIDEN's voice will not be part of the 1988 Presidential dialog and debate. I have not chosen a candidate to endorse because they are so many that I know well, including a former colleague here and a former Governor of my State of Arizona.

His voice and ideals would have enriched the campaign. I hope that in spite of his current adversities, JOE BIDEN will continue to value public service and will continue to contribute to making this country and the world a better place for future generations.

Mr. President, I would like to enter into the RECORD at this time an article entitled "Was Biden an Echo * * * Echo * * * Echo * * * Echo," which indicates how ludicrous it is to pick on people who happen to list quotes from people's texts. I ask unanimous consent that the article from the New York Times of September 21, 1987, be printed in the RECORD.

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

[From the New York Times, Sept. 21, 1987]

WAS BIDEN AN ECHO . . . ECHO . . . ECHO . . . ECHO . . . ECHO?

(By Conrad Teitell)

Senator Joseph R. Biden Jr. has been taking flak for speeches in which, without crediting the source, he echoed the words of Robert F. Kennedy and the British Labor Party leader, Neil Kinnock. He has also borrowed language (not to mention gestures) from John F. Kennedy's inaugural address.

I come not to criticize or praise Senator Biden, but to show that honorable men before him have appropriated words without later having to eat them.

President Kennedy's famous statement "Ask not what your country can do for you; ask what you can do for your country" is a case in point. Mr. Kennedy did not say, "As Warren Harding—addressing the 1916 Republican National Convention in Chicago—said, 'We must have a citizenship less concerned about what the Government can do for it and more anxious about what it can do for the nation.' "

To be fair, Harding didn't let slip that he was paraphrasing Le Baron Russell Briggs, who wrote in 1904, "The youth who loves his Alma Mater will always ask, not "What can she do for me?' but 'What can I do for here?' "

Then again, Briggs didn't credit Oliver Wendell Holmes Jr. who in 1884 said, "It is now the moment . . . to recall what our country has done for each of us, and to ask ourselves what we can do for our country in return."

Franklin D. Roosevelt wasn't afraid to say, "The only thing we have to fear is fear itself" in his 1933 inaugural address without crediting Henry David Thoreau, who in 1851 said, "Nothing is so much to be feared as fear."

Thoreau himself—apparently in a moment of quiet desperation—had overlooked the Duke of Wellington's 1831 comment that "the only thing I am afraid of is fear."

Nor did Wellington admit that he was merely citing Francis Bacon, who said in 1623, "Nothing is terrible except fear itself." And Bacon did not fess up that Montaigne in 1580 said, "The thing I fear most is fear." Montaigne, of course, didn't let on that he had been flipping through his Bible and came across "Be not afraid of sudden fear" (Proverbs 3:25).

In 1940, Churchill's statement to the House of Commons—"I have nothing to offer but blood, toil, tears and sweat"—had its 1823 antecedent in Byron's words: "Year after year they voted cent per cent,/Blood, sweat and tear-wrung millions. . . ." Byron's prescursor was John Donne who said in 1611, "Mollify it with thy tears, or sweat, or blood."

As you can see, there is no new thing under the sun (Ecclesiastes, 1:9). Remember, borrowing is the soul of wit. So keep your book of familiar quotations handy in case you're called upon to say a few words.

TRIBUTE TO EMORY SNEEDEN

Mr. DECONCINI. Mr. President, I also want to pay tribute to General Sneeden. Last night I learned late in the evening that he had passed away. He is someone who had become a friend of mine and Senator THURMOND. A number of Senators made statements on this matter. I want to echo those statements. I worked with him for many years in the Judiciary Committee. He was indeed a tribute to his profession and someone who crossed party lines and assisted this Senator a great deal. My heart goes out to that family.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATIONS FISCAL YEAR 1988

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the consideration of H.R. 2907, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2907) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1989, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. DECONCINI. Mr. President, it is an honor for this Senator to bring before the Senate, the fiscal year 1988 Treasury, Postal Service, and general Government appropriation bill. I believe that the bill, as reported by the full Appropriations Committee, is an excellent bill that warrants the overwhelming support of the Senate.

Mr. President, prior to markup of this bill, the committee went through nearly a month of the most agonizing debate over its so-called 302(b) budget allocations. The distinguished chairman of our committee; Senator STENNIS, Senator HATFIELD; Senator JOHNSTON; Senator BURDICK; and I all offered plans to try to reach a compromise among our colleagues regarding the proper allocation of the budget "pie" that has been delegated to the Appropriations Committee. It was not a pleasant experience. There was much pain and suffering. Some sharp words were exchanged over the various plans for dividing up our budget totals. But we finally reached an agreement; we met our obligations under the Budget Act; and I am pleased to say that the bill that is before you is within the 302(b) budget allocation that was finally given to the Treasury, Postal Service Subcommittee. In fact, this bill is $312.7 million under its 302(b) allocation for budget authority and approximately $5.8 million under in outlays. Both the Congressional Budget Office and the Senate Budget Committee have scored our bill accordingly.

FUNDING SUMMARY

Mr. President, the Treasury appropriations bill as reported out of committee provides a total of $15.056 billion in new budget authority, plus another $11 million in reappropriations that have resulted from enactment of the Supplemental Appropriations Act of 1987, Public Law 100-71, for a total aggregate amount of $15.067 billion. Total outlays for the bill, including prior year outlays, are $15.144 billion.

The bill is approximately $1 billion or about 6 percent over current fiscal 1987 enacted levels and $450 million or about 3 percent over the President's fiscal year 1988 budget estimates. However, of this amount over fiscal 1987 levels, $505.2 million is for Presidentially requested mandatory items in the bill.

The bill is also $282.8 million below the House-passed bill. Of the six line item accounts in the bill, the committee has recommended the President's budget or lower in 47 or 77 percent of those accounts. In fact, if you were to subtract out the one major account where we are over the President—postal subsidies—this bill would be about $67 million below the President's request. So I believe that the bill is fiscally responsible. It meets the budget allocation targets imposed by the committee. It is substantially below the levels in the House-passed bill. And it is only slightly over the President's budget request for fiscal 1988.

Mr. President, the size of the bill is only one part of the story of the bill. The most important elements of this bill, in my view, are the funding priorities that the committee has approved within the "budget targets." The committee deserves great credit, and especially the distinguished chairman and ranking member, Senator STENNIS and Senator HATFIELD, respectively, for reporting a bill that funds some of the most important Government programs and agencies in our system. I will highlight some of the major provisions of the bill at this point.

TITLE I: DEPARTMENT OF THE TREASURY

Title I of the bill contains funding for most offices of the Department of the Treasury, including some of the most important law enforcement and revenue-raising agencies in the Federal Government. Total funding under title I is $7.311 billion or about $116.6 million over the President, but $84.9 million below the House.

Included in this title of the bill are the following major initiatives: $225 million for the Bureau of Alcohol, Tobacco and Firearms, including an additional $10 million for the highly successful armed career criminal program; $1.147 billion for the U.S. Customs Service, including:

One, an additional $75 million and 1,735 positions for a major improvement of the commercial operations of the Customs Service that will generate an estimated $300 to $400 million in additional revenue in fiscal 1988 and $1 billion a year thereafter; and

Two, $150 million for the Customs air interdiction program, including funding to continue the asset improvement program started under the omnibus drug bill and other legislation last year; $12 million for the installation of a drug interdiction aerostat radar surveillance system on the island of Puerto Rico; $4.989 billion for the internal revenue service, including: First, an additional $58 million over the President's request for taxpayer Service programs; second, an overall increase of $544.4 million over fiscal year 1987 enacted levels to continue the President's revenue initiative at IRS in fiscal 1988; and $373 million for the U.S. Secret Service, including $29.9 million for protection of our Presidential candidates.

TITLE II: U.S. POSTAL SERVICE

The committee has recommended $517 million for continuation of the Postal Service subsidy program at the "bare minimum" level necessary to maintain current rates for most categories of mailers under current law, for most of fiscal year 1988.

TITLE III: EXECUTIVE OFFICE OF THE PRESIDENT

The committee has recommended a total of $107.3 million for the Executive Office of the President agencies, a cut of about $427,000 below the President's request and $600,000 below the House. The committee recommendations include continuation of the White House Conference for a Drug Free America and enhanced funding for the National Critical Materials Council.

TITLE IV: INDEPENDENT AGENCIES

Mr. President, the bill also includes funding for a number of important independent agencies, including the General Services Administration; the Federal Election Commission; the National Archives and Records Administration, the Office of Personnel Management; and the U.S. Tax Court. Total funding under title IV of the bill is $7.120 billion of $111 million below the President's budget and $157 million below the House-passed bill.

Included under this section of the bill are several important programs, projects, and activities, including: $83.5 million for a major capital improvement program to repair and rebuild our Southwest border stations and facilities at our ports of entry from Texas to California; authority to initiate or design new Federal buildings in Oakland, CA; San Francisco, CA; Baton Rouge, LA; and a new headquarters building for the Environmental Protection Agency in Washington, DC; and $13 million for four major strategic materials research projects and/or studies under the auspices of the National Defense Stockpile Transaction Fund.

TITLES V AND VI: GENERAL PROVISIONS

Mr. President, this bill also includes a number of general provisions that have been carried in the Treasury, Postal Service bill for years and which

the House has included in its bill year after year. We have also deleted some of those provisions that are no longer necessary. The committee has also included or deleted several important general provisions at the request of the administration, including:

Deletion of three provisions dealing with goals and commodities in the stockpile.

Inclusion of language requested by the President to authorize a new productivity "shared savings" program directed by OMB.

Inclusion of language authorizing OPM to start the process of establishing an improved pay scale for the uniformed division of the Secret Service.

Inclusion of language allowing the GSA to proceed with industrial funding within the Federal Supply Service to improve the way our agencies purchase supplies and services; and

Inclusion of language clarifying a provision in the newly passed Federal Employee Retirement Act that will facilitate recruitment and retention of top-flight law enforcement managers in our Federal law enforcement agencies.

The committee has included language in titles V and VI of the bill that would: Restrict the transfer of appropriated funds between Government agencies; limit the apportionment of permanent appropriations derived from user fees to pay Customs overtime for commercial business purposes; require cutbacks in Federal space and services for any agency that does not pay its budgeted share of standard level user charges [SLUC] to GSA; facilitate the implementation of the Federal motor vehicle provisions of the 1985 Reconciliation Act and promote private sector participation in the management of Federal motor vehicle fleets; and clarify current law with regard to certain reappointments to the Merit Systems Protection Board.

The committee has also included an important general provision in the bill that would place certain restrictions on the use of so-called detailees from Federal agencies and curb abuses in this regard, beginning in fiscal year 1989, with rigid reporting requirements beginning in fiscal year 1988.

CONCLUSION

Mr. President, that concludes my summary of the Treasury, Postal Service appropriation bill as reported by the committee. It is a good bill. It is a fair bill. It is fiscally sound and it funds some of our most important Federal programs within an overall budget ceiling that has been imposed on us by the committee and the congressional budget resolution. I should also point out in closing that the funding recommended by the committee in this bill for two of our major revenue-raising agencies—IRS and Customs—will generate at least an additional $2 billion in new revenue in fiscal year 1988.

So, Mr. President, I urge my colleagues to support this bill overwhelmingly.

Mr. President, I would like to yield to my distinguished ranking member on the Treasury Subcommittee, Senator DOMENICI, for his comments on the bill, but before I do I would like to pay tribute to him and thank him for his truly outstanding job on this bill.

My good friend and ranking member is a busy Senator. He wears many important hats, including that of ranking member of the Senate Budget Committee. In the Budget Committee realm of "trillion dollar budgets," the relatively meager sums contained in the Treasury, Postal Service bill must look minor and unimportant by comparison. Nevertheless, Senator DOMENICI has tackled his role as ranking member on our subcommittee with great enthusiasm; great depth and foresight; and with his usual great skill. He has rolled up his sleeves and learned this bill inside and out. He took time out of his busy schedule during the August recess to come to Nogales, AZ, to hear from my business constituents about Customs problems and the terrible problem of drug trafficking along our Southwest border. He has worked with this Senator in the truest form of bipartisanship and I am very grateful for his work on this bill.

I also want to thank his great staff director, Rebecca Davies, who is a real pro on all budget matters, and especially on this particular bill. She has served Senator DOMENICI and the entire committee well and we are grateful to her for her efforts.

Bobby Mills of my staff and the support people have been extremely helpful, and I think that is why we can with a slight bit of pride today be the first appropriations bill brought before the Senate and hopefully our colleagues will agree with us that this makes good sense. It is fiscally sound.

I yield to my friend from New Mexico.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, might I first say to my distinguished colleague from Arizona it was a real pleasure to work with him on this bill. Obviously, a bill called Treasury, Postal Service, and General Government does not really say much. No one really would guess what is in this bill just by looking at that title, but this bill funds an important portion of our Government. It funds everything from the Internal Revenue Service to the General Services Administration to the Customs Service, to that part of our national Government's commitment to the Postal Service where we reimburse the Postal Service of our country for certain categories of mail that receive free or reduced rates.

I am in this position today. If we are going to follow on the game plan that was produced by the budget resolution and the allocations given by the Appropriations Committee to the subcommittees, there is no question that this bill is well within those levels.

There is probably one major item that the administration objects to. I think it is fair to say that I do not know what all of their objections would be yet because we have not had a chance to talk to them about it. And I only mention this because obviously we are apt to get in a very protracted war with the White House once we know whether the Gramm-Rudman-Hollings fix is law or not. We have kind of changed the rules in midstream, if that is the case.

So I do not know what the reaction will be. But I think the Senate should know that at this particular time there is one major objection. It is a very long-standing objection of the White House and our President. It is about $517 million, the payment to the Postal Service for the revenue losses associated with carrying certain categories of mail at free and reduced rates.

Examples being that nonprofit associations, libraries, as well as the blind get to use free or reduced mail rates. We pay the Post Office for that. There are many others. Free mail for the blind is a perfect example of one that everyone agrees on, including the President. There are many that may be close calls. Nonetheless, we saw no way in this bill to do anything but fund the requested reimbursement level because the law on the books says these subsidies should exist.

I mean it is not a question of appropriations coming along and saying let us not fund it. The U.S. Postal Service does not have any way to collect the money for it at this point. It would have to take a postal rate increase action and that is not possible until the end of the fiscal year. We have a law on the books that allows these reduced rates. We must reimburse them until another source of revenue is available. This is the so-called "revenue foregone" issue. This has been with us for some 6 years, and it is with us again. Everybody should know that the $517 million is in there. The President recommended about $32 million as I understand—$32 million to continue only free mail to the blind.

Having said that, Mr. President, let me repeat, this bill is clearly within the allocations that were given to our subcommittee by the Appropriations Committee of the total amounts crosswalked to the committee under the budget resolution.

All of the subcommittees have received appropriation targets. When

you add them up, they are within the overall budget resolution allocation for appropriations. That is what we are going to follow as a plan on the discretionary spending side. This bill is well within our targets. Once we have Gramm-Rudman-Hollings II in place, that may be the game plan for getting $23 billion in deficit reduction, and there is some other plan elsewhere to get the $23 billion. I do not see how we as appropriators, in particular this subcommittee, being asked to get things done can wait any longer. We are finished. Our work is done. I think we have done a credible job, and I think the Senate ought to pass this. By the time we go to conference, by the time we decide whether to present a free-standing bill or something else to the President, there will be ample time to take another look at what is the final judgment of the majority of the U.S. Congress and the President, if they decide to work together and see what their judgment is with reference to how we might achieve the $23 billion in savings.

Mr. President, I would like to join my good friend, and the distinguished chairman of the Senate Treasury, Postal Service and General Government Appropriations Subcommittee, Mr. DECONCINI, in urging my colleagues to support this appropriations bill.

The bill provides a total of $15,056,250,000 in funding for fiscal year 1988 for important programs of the U.S. Department of the Treasury, the Postal Service, the Executive Office of the President, and other independent agencies. Included among these other agencies are the General Services Administration, the Office of Personnel Management, the Federal Election Commission, and the National Archives.

Of the total amounts assigned to the Appropriations Committee in the fiscal year 1988 budget resolution adopted by the Congress, the committee allocated $15.38 billion in budget authority and $15.15 billion in outlays to the Treasury, Postal Service, and General Government Subcommittee. The bill we present here today is under these spending allocations made to the subcommittee.

The total $15.1 billion funding level recommended for fiscal year 1988 is $450 million above the level of the President's request and $283 million below the total funding level recommended in the House-passed bill. It is also $1 billion above the total fiscal year 1987 appropriations level for programs funded in this bill.

The $1 billion increase over the current year funding level is attributable to a $544 million increase above the current funding level for the Internal Revenue Service—still $83 million short of the increase requested by the President for fiscal year 1988—and a $494 million increase over the current level for two payments the Federal Government is required to make by law. These two payments include the payment for the Government's share of health benefit cost for annuitants, survivors, and certain other Federal employees; and the payment to the Civil Service Retirement and Disability Fund.

Consistent with the assumptions of the budget resolution adopted by the Congress, with few exceptions, savings in civilian travel and overhead and management have been assumed in all accounts included in this bill. Even with these small reductions, this bill provides adequate appropriation levels to meet the fiscal year 1988 needs of the important programs and activities it funds.

The bill recommends a total $7.3 billion in appropriations for the U.S. Department of the Treasury; $517 million for the U.S. Postal Service; total funding of $107 million for the Executive Office of the President; and a total of $7.1 billion for those independent agencies it funds.

Included in the total funding recommended for the Treasury Department is $30 million for the Federal Law Enforcement Training Center; $225 million for the Bureau of Alcohol, Tobacco, and Firearms; and $373 million for the U.S. Secret Service. These appropriation levels will continue the missions of these important law enforcement agencies in fiscal year 1988. Also included is $1.1 billion in appropriations for the U.S. Customs Service. This funding level will permit customs to continue to place a strong emphasis on the interdiction and enforcement of illegal drugs, in keeping with the Anti-Drug Abuse Act and additional resources provided in the Omnibus Drug Supplemental Appropriations Act of last year. It will also allow for a major enhancement of Customs' commercial operations to bolster the enforcement and processing of cargo at key ports of entry throughout the Nation.

For the Internal Revenue Service [IRS], a total funding level of $4.989 billion is recommended. Although this level of funding is $83 billion below the President's requested level for fiscal year 1988, the committee has directed that this reduction be achieved in travel, administrative, and overhead and management savings so as not to impact the revenue increase associated with enhanced IRS revenue collection activities. At the same time, the committee has recommended that IRS taxpayer service and counseling for the elderly be sufficiently funded in light of the fact that taxpayers will be dealing with the numerous changes made by the Tax Reform Act of 1986 in this next filing season.

For the U.S. Postal Service, the committee is recommending a $517 million payment for the revenue loss associated with carrying certain categories of mail at free and reduced rates. The President requested $32 million to continue only free mail for the blind. The committee's recommendation will allow current rates to continue for all categories of free and reduced mail until a postal rate increase action can be taken to cover some of this revenue loss. This one item funded in this bill has been a source of disagreement between the administration and the Congress for years now. I understand that its inclusion again this year will make the bill objectionable to the administration.

The committee's funding recommendations for the General Services Administration include $83 million to commence a major capital improvements initiative along the Nation's Southwest border. The state of most of our cargo processing facilities at our Southwest border ports is a disgrace to this country. The repair, upgrade, and expansion of these facilities will eliminate traffic congestion and provide the capacities and capabilities necessary to perform necessary inspection functions while facilitating the flow of trade across the border.

The committee has approved a number of provisions requested by the administration. These include language on the shared savings program to provide incentives for productivity improvements in Federal agencies, and a provision granting OPM and the Secretary of the Treasury the authority to increase pay rates for the Uniformed Division of the Secret Service in order to place it on an equal pay and benefit scale with other law enforcement organizations in the Washington metropolitan area. The bill also includes the administration's proposal to authorize full cost recovery of all management, operation, and overhead expenses in the prices charged for goods and services provided to customer agencies by GSA's Federal Supply Service. This so-called industrial funding program eliminates the requirement to appropriate funds to the Federal supply service for operating expenses. Under this new system, agencies must reflect the full cost of their operations, using GSA facilities and services only when they are cost-effective. I might add that, although the committee supports this industrial funding concept, it was also assumed in the budget resolution and the savings resulting from its enactment have been included in the budget totals assigned to the Appropriations Committee.

I want to close again by thanking the chairman of the subcommittee, Mr. DECONCINI, from my neighboring State of Arizona for his leadership and hard work. There are many items we can be proud of in this. We do not

have enough time today. But clearly he mentioned one, the Internal Revenue Service. I have been an advocate and my friend, the chairman, has joined with me very willingly, that if we are going to spend extra money on the Internal Revenue Service to enforce, and we should, then we ought to spend extra money for helping our citizens understand that complicated tax law and make sure that every available resource is there for service to the taxpayer. We have enhanced the service here. We have also enhanced the money available for collection activities by increasing the Internal Revenue Service's budget for those people who do the audits and the like.

I want to also say we have had excellent staff work. This is a very difficult bill when you have $15 billion. You are putting together a very detailed appropriations bill. The staff has been tremendous, Senator DECONCINI's staffer, Robert Mills, and my particular staff assistant, Becky Davies, and I thank them both and others.

With the explanation that I have made, I recommend that the U.S. Senate approve this appropriations bill. We will have in due course ample opportunity to see if there are some changes in the signals around here in order to achieve the deficit reduction required.

I yield the floor.

Mr. DECONCINI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I want to thank my distinguished colleague. I also want to thank the chairman and ranking member of the Appropriations Committee for several things: No. 1, for their leadership in getting these bills moving as soon as the allocations were made, and once we knew what the House was doing. And, second, for their particular courtesy shown to me last week in markup session where I had to be at the nomination hearings of Robert Bork in the Judiciary Committee, and they provided us some special consideration and understanding so that we could pass this bill.

At this moment I would be glad to yield to the Senator from Mississippi.

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

Mr. STENNIS. Mr. President, I think the subject matter has been well covered. I want to highly commend and especially thank the Senator from Arizona and also former chairman of our committee, the Senator from Oregon, who is on the floor.

This exceptionally fine work is on highly important measures that are in this bill. It has been handled well by Mr. Mills. I want to mention him and also, Rebecca Davies, and Ms. Marilyn Washington.

I especially thank the Senator from Oregon, as I say, and we could not have had a better active member of the committee than the Senator from New Mexico, who has just covered this in a very fine statement, and Senator DECONCINI who covered this. I will not repeat. They covered the important language. It is a very, very fine estimate of the work that has been done. I thank them again.

I yield the floor, Mr. President.

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

Mr. HATFIELD. Thank you, Mr. President. Thank you, Mr. Chairman, for yielding.

I, too, want to join with our chairman, Senator STENNIS, in commending the subcommittee chairman, Senator DECONCINI from Arizona, and the ranking member, Senator DOMENICI from New Mexico.

Mr. President, I think the legitimate question might be asked why on September 25 are we having our first appropriation bill? I think it is very important for the record to say that the Senator from Arizona, and the Senator from New Mexico have been very diligent about their work as has the entire Appropriations Committee.

I think it is important to note that the Gramm-Rudman-Hollings law said that the budget resolution should be adopted by April 15.

That did not happen until July, just before we went on our August recess. So the timeframe in itself was delayed a great deal by the budget procedure, not to the fault of anyone, but just to the procedures that we have established but failed to follow.

Then let me add one additional factor under the Gramm-Rudman-Hollings measure; adopting different rules for the House Appropriations Committee than for the Senate Appropriations Committee. The Gramm-Rudman-Hollings Act said that if by May 15, 1 month after the budget resolution is required to be reported by law, the Budget Committee has not reported that resolution or that resolution has not been adopted, the House of Representatives may proceed to consider the bills but not the Senate.

So there again the impediment was upon us, in the tradition that every thing the budget procedure tends to stumble, we get ratcheted down on the Appropriations Committee.

There has been nothing but outstanding work by the members of the Appropriations Committee. But under the kind of straitjacket and the kind of restrictions that have been applied to the Appropriations Committee, through either the Budget Act or by Gramm-Rudman-Hollings, it has been very difficult to make a report to the floor of our bills.

We have reported 6 of the 13 bills from the Appropriations Committee. The first one reported was energy-water, which was reported a week ago and has been on the calendar. We have five others that are presently on the calendar, once this Treasury-Postal Service-General Government bill has been acted upon.

We have four other appropriations bills in the committee that are in the process, that in the next few weeks—perhaps more than 2 and maybe within 1 week or 10 days—will report. The House of Representatives has not acted upon the remaining three.

I am very hopeful, that we can proceed with all expeditious manner to act upon these bills, because I suppose we can assume that we will pass the pending CR which extends the time to November 10. I am very hopeful that we will work all 13 bills through the normal process in this extended period that has been given us through the CR, or will be given us, so that Congress may act on each one separately and the President may have the right to work out his views on each one separately.

I do not think anyone on the Appropriations Committee looks forward to trying to do the Nation's business through one bill, the CR. That is a very poor way of funding the Nation's Government. I am very hopeful that we can avoid that with the adoption of the CR, which will extend our time to November 10. Speaking now only on my own behalf, but having talked to the chairman and knowing of his desire and knowing of his concern about moving the appropriations process along, I can assure this body that we will report as quickly as possible each bill during that period and seek to move to conference and move that bill on down to the White House.

I say again that there has been a marvelous and magnificent performance here of leadership in the committee and in the full committee—Senator DECONCINI and Senator DOMENICI—in providing us this bill this morning. I am very hopeful that we can act on the others very quickly.

Mr. BINGAMAN. Mr. President, I would like to lend my strong support for the adoption of H.R. 2907, the Treasury, Postal Service, and General Appropriations Act for fiscal year 1988. Let me congratulate my colleagues, the chairman of the Appropriations Subcommittee, Mr. DECONCINI and the ranking member, my senior colleague from New Mexico, Mr. DOMENICI, for their fine work in bring-

ing this important bill to the Senate in such a diligent manner.

The bill appropriates $15.1 billion for the Treasury Department, the U.S. Postal Service and certain other agencies for fiscal 1988. Although the bill exceeds the President's budget request by $450 million, I believe it is below the President's request on most items. In fact the bill is $282 million less than the version passed by the House of Representatives on July 15, 1987. The one major item where the committee is in disagreement with the administration is in the area of postal subsidies. Despite White House objections the bill provides $445 more than the administration's request for postal subsidies for free and reduced-rate mail, which provides cheaper rates for nonprofit groups, rural newspapers, and libraries.

I fully support maintaining the postal subsidies. Many of the worthy groups, like the National Federation of the Blind and others, absolutely rely on the subsidy and without it, their important services would be severely hampered. As a result I support the continuation of the postal subsidy.

There are also a number of items covered in this bill which are important to all Americans, particularly those in New Mexico and other border States. There are included needed increases for Customs Service funding which are intended to help stop the flow of illegal drugs into the United States.

The bill also includes language urging incentives to boost productivity of Federal employees and clarifying rules governing retirement of Federal law enforcement officials.

For these reasons, I support adoption of this bill.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the committee amendments to H.R. 2907 be considered and agreed to en bloc.

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

The committee amendments agreed to are as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1988, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

[OFFICE OF THE SECRETARY

[SALARIES AND EXPENSES

[For necessary expenses of the Office of the Secretary including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; not to exceed $22,000 for official reception and representation expenses; not to exceed $200,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $573,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex, $56,650,000.

[INTERNATIONAL AFFAIRS

[For necessary expenses of the international affairs function of the Office of the Secretary, hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,000,000 for official travel expenses; and not to exceed $73,000 for official reception and representation expenses; $24,391,000.]

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs and improvements of, and purchase of commercial insurance policies for real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $95,000 for official reception and representation expenses; not to exceed $200,000 for unforseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; not to exceed $573,000, to remain available until expended, for repairs and improvements to the Main Treasury Building and Annex, $77,165,000 (31 U.S.C. 301, 332, 325(c); 5 U.S.C. 301).

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including purchase (not to exceed eight for police-type use); and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; not to exceed $3,000,000 for major maintenance and facility improvements, and related equipment for the Federal Law Enforcement Training Center facility to remain available until expended; *not to exceed $200,000 for the development of a Master Plan for future land and facility use at Glynco, Georgia, to remain available until expended;* not to exceed $5,000 for official reception and representation expenses; and services as authorized by 5 U.S.C. 3109: *Provided,* That funds appropriated in this account shall be available for State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation; acceptance of gifts; training of private sector security officials on a space available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the [Center;] *Center: Provided further, That the Federal Law Enforcement Training Center shall hire and maintain an average of not less than 325 direct full-time equivalent positions for fiscal year 1988: Provided further, That the new residential facility at the Federal Law Enforcement Training Center at Glynco, Georgia, shall be designated as the "Aubrey A. 'Tex' Gunnels Dormitory Complex";* [$26,133,000] *$30,000,000.*

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, [$270,004,000] *$196,667,000,* of which not to exceed $7,213,000 shall remain available until expended for systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of [three] *five* hundred vehicles for police-type use for replacement only; and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; not to exceed $5,000 for official reception and representation expenses; *for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement;* [$218,226,000] *$225,000,000,* of which $15,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1988, and of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2): *Provided,* That no funds appropriated herein shall be available for administrative expenses in connection with consolidating or centralizing within the Department of the Treasury the records of receipts and disposition of firearms maintained by Federal firearms licensees or for issuing or carrying out any provisions of the proposed rules of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, on Firearms Regulations, as published in the Federal Register, volume 43, number 55, of March 21, 1978: *Provided further,* That none of the funds appropriated herein shall be available for explosive identification or detection tagging research, development, or implementation: *Provided further,* That not to exceed $300,000 shall be available for research and development of an explosive identification and detection device: *Provided further, That funds made available under this Act shall be used to maintain a base level of 3,451 full-time equivalent positions for fiscal year 1988.*

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to [five hundred motor vehicles for replacement only, including four hundred and ninety for police-type use;] *one thousand motor vehicles for replacement only, including nine hundred eighty for police-type use and commercial operations; for additional purchase of up to 500 new passen-*

ger motor vehicles for police-type use and commercial operations; hire of passenger motor vehicles; not to exceed [$10,000] *$20,000* for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; [$963,090,000] *$986,809,000,* [of which $499,198,000 shall be derived from the Customs User Fee Account and shall be used for commercial operations only, pursuant to Public Law 99-509;] of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed [$1,000,000] *$4,000,000,* to remain available until expended, for research: *Provided,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further,* That the Commissioner or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: [*Provided further,* That none of the funds made available by this Act may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program:] *Provided further,* That none of the funds made available by this Act shall be available for administrative expenses to reduce the number of Customs Service regions below seven during fiscal year 1988: *Provided further,* That the United States Customs Service shall hire and maintain an average of not less than [15,837] *16,361* full-time equivalent positions in fiscal year 1988: *Provided further,* That none of the funds made available in this or any other Act may be used to fund more than nine hundred positions in the Headquarters staff of the United States Customs Service in the fiscal year ending September 30, 1988: *Provided further,* That no funds appropriated by this Act may be used to reduce to single eight hour shifts at airports and that all current services as provided by the Customs Service shall continue through September 30, 1988: [*Provided further,* That not less than $300,000 shall be expended for additional part-time and temporary positions in the Honolulu Customs District:] *Provided further,* That $600,000 shall be available only for the purchase of 6 additional mobile X-Ray Systems for the United States Customs Service.

OPERATION AND MAINTENANCE, AIR INTERDICTION PROGRAM

For expenses, not otherwise provided for, necessary for the hire, lease, acquisition (transfer or acquisition from any other agency), operation and maintenance of aircraft, and other related equipment of the Air Program; [$86,210,000] *$150,000,000: Provided, That no aircraft or other related equipment, shall be transferred on a permanent basis to any other Federal agency, Department, or office outside of the Department of the Treasury during fiscal year 1988.*

CUSTOMS FORFEITURE FUND

(LIMITATION ON AVAILABILITY OF DEPOSITS)

For necessary expenses of the Customs Forfeiture Fund, not to exceed $10,000,000, as authorized by Public Law 98-473 and Public Law 98-573; to be derived from deposits in the Fund.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $486,000, for expenses for the provision of Customs services at certain small airports designated by the Secretary of the Treasury, including expenditures for the salaries and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98-573 for each of these airports, and to remain available until expended.

PAYMENT TO THE GOVERNMENT OF PUERTO RICO

For payment of a grant to the Government of Puerto Rico, $12,000,000 to remain available until expended, for the purchase and installation of an aerostat radar drug interdiction surveillance system.

UNITED STATES MINT

SALARIES AND EXPENSES

For necessary expenses of the United States Mint; $44,000,000, of which $965,000 shall remain available until expended for research and development projects and of which $100,000 may be used to host the International Mint Directors' Conference in the United States in 1988, including but not limited to reception and representation expenses: Provided, That such fees as are collected from participants at the International Mint Directors' Conference shall be merged with and credited to this account, notwithstanding the provisions of 31 U.S.C. 3302.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; [$241,426,000] *$217,000,000.*

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For payment of Government losses in shipment, in accordance with section 2 of the Act approved July 8, 1937 (40 U.S.C. 722) $400,000, to remain available until expended.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided; for executive direction and management services, and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$87,165,000] *$86,382,000,* of which not to exceed $25,000 for official reception and representation expenses and of which not to exceed $500,000 shall remain available until expended, for research.

PROCESSING TAX RETURNS

For necessary expenses of the Internal Revenue Service not otherwise provided for; including processing tax returns; revenue accounting; computer services; and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,702,576,000] *$1,680,020,000,* of which not to exceed $80,000,000 shall remain available until expended for systems modernization initiatives: *Provided, That of the total amount appropriated under this heading, $16,900,000 shall be available for the Statistics of Income Program in fiscal year 1988.*

EXAMINATIONS AND APPEALS

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; employee plans and exempt organizations; tax litigation; hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; [$1,856,581,000] *$1,810,000,000.*

INVESTIGATION, COLLECTION, AND TAXPAYER SERVICE

For necessary expenses of the Internal Revenue Service for investigation and enforcement activities; including purchase (not to exceed four hundred and fifty-one for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); securing unfiled tax returns; collecting unpaid accounts; examining selected employment and excise tax returns; technical rulings; enforcement litigation; providing assistance to taxpayers; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: *Provided,* That notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to reduce the number of positions allocated to taxpayer service activities below fiscal year 1984 levels, or to reduce the number of positions allocated to any other direct taxpayer assistance functions below fiscal year 1984 levels, including, but not limited to Internal Revenue Service toll-free telephone tax law assistance and walk-in assistance available at Internal Revenue Service field offices: *Provided further, That of the total amount appropriated under this heading, no less than $318,468,000 shall be available for taxpayer service programs: Provided further,* That the Internal Revenue Service shall fund the Tax Counseling for the Elderly Program at $2,650,000. The Internal Revenue Service shall absorb within existing funds the administrative costs of the program in order that the full $2,650,000 can be devoted to program requirements; [$1,483,528,000] *$1,412,657,000.*

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed [5] *3* per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation.

SEC. 2. Not to exceed 15 per centum, or $15,000,000, whichever is greater, of any appropriation made available to the Internal Revenue Service for document matching for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation for document matching.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed three hundred and forty-three vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local govern-

ments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; the conducting of and participating in firearms matches and presentation of awards and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided,* That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed [$7,500] *$12,500* for official reception and representation expenses; for payment in advance for commercial accommodations as may be necessary to perform protective functions in fiscal year 1988; and for uniforms without regard to the general purchase price limitation for the current fiscal year; [$369,999,000] *$373,000,000,* of which [$6,000,000] *$6,500,000* shall remain available until expended for continued construction *at the James J. Rowley Secret Service Training Center,* and of which $29,911,000 shall be available for Presidential candidate protective activities pursuant to 18 U.S.C. 3056(a)(7).

DEPARTMENT OF THE TREASURY—GENERAL PROVISIONS

SECTION 101. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

SEC. 102. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1954 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection complies with subsection (a) of section 805 (relating to communication in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 103. Not to exceed [1] *3* per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. However, no such appropriation shall be increased or decreased by more than 1 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

[SEC. 104. None of the funds made available by this Act may be used to place the United States Secret Service, the United States Customs Service, or the Bureau of Alcohol, Tobacco and Firearms under the operation, oversight, or jurisdiction of the Inspector General of the Department of the Treasury.]

SEC. 104. RELIQUIDATION OF CERTAIN ENTRIES AND REFUND OF ANTIDUMPING DUTIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the entries listed in subsection (b) shall be reliquidated without liability of the importer of record for antidumping duties, and if any such duty has been paid, either through liquidation or compromise under section 617 of the Tariff Act of 1930 (19 U.S.C. 1617), refund thereof shall be made.

(b) SPECIFIC ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number:	*Date of Entry:*
144549	*March 26, 1976*
150297	*April 27, 1976*
152729	*May 11, 1976*
156068	*May 26, 1976*
161653	*June 23, 1976*
168759	*July 30, 1976*
173393	*August 25, 1976*
175173	*September 3, 1976*
178811	*September 23, 1976*
108842	*November 18, 1976*
113000	*December 9, 1976*
115229	*December 21, 1976*
120070	*January 17, 1977*
120908	*January 20, 1977*
121403	*January 24, 1977*
130005	*March 10, 1977.*

SEC. 105. The Department of the Treasury shall undertake a study analyzing the economic impact and administrative complexity resulting from section 453(c) of the Internal Revenue Code, and recommending revenue-neutral alternatives to this section which would minimize that impact and complexity. The study shall also analyze the impact of the effective date of section 453(c) on fiscal year taxpayers. The study shall be completed as soon as practicable but no later than August 15, 1988.

This title may be cited as the "Treasury Department Appropriations Act, 1988".

TITLE II—UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund [for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004 and] for revenue forgone on free and reduced rate mail, pursuant to subsection (c) of section 2401 of title 39, United States Code; [$556,507,000] *$517,000,000: Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That six-day delivery and rural delivery of mail shall continue at the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1988.

UNITED STATES POSTAL SERVICE—ADMINISTRATIVE PROVISION

SECTION 1. None of the funds appropriated in this Act or made available by 39 U.S.C. 2401(a) shall be used by the United States Postal Service or any other governmental agency for the purpose of locating a regional mail distribution center in the Westchester Business Park on Westpark Drive in the Town of North Castle, New York, for a period of one hundred and eighty days.

This title may be cited as the "Postal Service Appropriation Act, 1988".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided, further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

[EXECUTIVE RESIDENCE AT THE WHITE HOUSE

[OPERATING EXPENSES

[For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,403,000, of which $2,400,000 for the repair of the face of the Executive Residence shall remain available until expended, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.]

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; [$16,309,000] *$16,000,000* including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

WHITE HOUSE CONFERENCE FOR A DRUG FREE AMERICA

SALARIES AND EXPENSES

For necessary expenses of the White House Conference for a Drug Free America, $2,500,000.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $20,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; [$26,926,000] *$26,426,000.*

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,403,000, of which $2,400,000 for the repair of the face of the Executive Residence shall remain available until expended, to be expended and accounted for as provided by 3 U.S.C. 105, 109-110, 112-114.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $75,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $258,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; [$2,183,000] *$2,163,000.*

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021); [$2,580,000] *$2,500,000.*

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; [$3,058,000] *$3,000,000.*

NATIONAL CRITICAL MATERIALS COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Critical Materials Council, including activities as authorized by Public Law 98-373; [$350,000] *$500,000: Provided, That the Council shall hire and maintain no fewer than five full-time permanent positions to carry out the requirements of Public Law 98-373.*

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; [$5,203,000] *$5,000,000.*

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; [$39,913,000] *$38,000,000*, of which not to exceed $4,500,000 shall be available to carry out the provisions of 44 U.S.C., chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): [*Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the review of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs:] *Provided further*, That none of the funds made available by this Act or any other Act shall be used to reduce the scope or publication frequency of statistical data relative to the operations and production of the alcoholic beverage and tobacco industries below fiscal year 1985 levels: *Provided further*, That none of the funds appropriated by this Act shall be available to the Office of Management and Budget for revising, curtailing or otherwise amending the administrative and/or regulatory methodology employed by the Bureau of Alcohol, Tobacco and Firearms to assure compliance with section 205, title 27 of the United States Code (Federal Alcohol Administration Act) or with regulations, rulings or forms promulgated thereunder.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109; [$2,466,000] *$2,300,000.*

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 1988".

TITLE IV—INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.) including not to exceed $1,000 for official reception and representation expenses; [$1,881,000] *$1,865,000.*

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Advisory Commission on Intergovernmental Relations Act of 1959, as amended, 42 U.S.C. 4271-79; [$1,390,000] *$1,378,000*, and additional amounts not to exceed $200,000, collected from the sale of publications shall be credited to and used for the purposes of this appropriation.

ADVISORY COMMITTEE ON FEDERAL PAY

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306; $200,000.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From the Blind and Other Severely Handicapped established by the Act of June 23, 1971, Public Law 92-28, [$825,000] *$875,000.*

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $14,174,000.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

[The revenues and collections deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)),] *For additional expenses necessary to carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), $83,483,000 to be deposited into said Fund. The revenues and collections* shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of [$2,913,772,000] *$3,016,035,000*, of which (1) not to exceed [$151,850,000] *$177,536,000* shall remain available until expended for construction of additional projects [as authorized by law] at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

Arizona:

Tucson, Federal Law Enforcement Building, Site acquisition only, $1,500,000

District of Columbia:

Environmental Protection Agency, Design, $14,000,000;

International Cultural and Trade Center, Design, $3,700,000 (to be transferred to the Pennsylvania Avenue Development Corporation for reimbursement).

Louisiana:

Baton Rouge, Federal Building and Courthouse, Design, $3,000,000

Michigan:

Detroit, Ambassador, Bridge Cargo Inspection Facility, Site, $3,800,000

New Jersey:

Camden, Federal Building, Courthouse Annex, [Site, $300,000] *Site and Design, $1,486,000*

Virgin Islands:

St. Croix, Federal Building, Courthouse, Site, $550,000

Construction Projects, less than $500,000, $1,000,000:

Other Selected Purchases including options to purchase, [$150,000,000] *$148,500,000*: *Provided,* That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further,* That all funds for direct construction projects shall expire on September 30, 1989, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That claims against the Government of less than $50,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed [$426,983,000] *$527,428,000,* which shall remain available until expended, for repairs and alterations: *Provided further,* That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate for a greater amount:

Repairs and Alterations:

Alabama:

Birmingham, Federal Building, Courthouse, $3,899,000

California:

Fresno, Sisk Federal Building, Courthouse, $2,879,000

Los Angeles, Federal Building, $10,422,000

San Francisco, Federal Building, Courthouse, $16,962,000

District of Columbia:

Central Heating Plant, $15,500,000

West Heating Plant, $9,201,000

Elevator Replacement, $26,700,000

Forrestal Building, $2,578,000

GSA Regional Office Building, $1,036,000

Agriculture Administration Building, $530,000

Agriculture South Building, $3,360,000

Courthouse, $1,887,000

Perkins Federal Building, $1,644,000

GSA Headquarters, $929,000

Hoover Federal Building, $1,627,000

Department of the Interior, $1,858,000

New Post Office, $1,006,000

Veterans Administration, $1,355,000

Florida:

Miami, Federal Building, $11,481,000

West Palm Beach, Post Office, $2,900,000

Georgia:

Atlanta, Federal Annex, $2,400,000

East Point, Federal Archives and Records Center, $1,102,000

Illinois:

Chicago, Dirksen Federal Building, Courthouse, $7,334,000

East St. Louis, Post Office, Courthouse, $3,762,000

Iowa:

Des Moines, Federal Building, $1,300,000

Louisiana:

New Orleans, F. Edward Hébert Federal Building, $12,525,000

Maryland:

Baltimore, Appraisers Stores, $2,668,000

Bethesda, Federal Building, $700,000

Massachusetts:

Boston, McCormack Post Office, Courthouse, $2,200,000

Missouri:

St. Louis, Mart Federal Building, $28,964,000

St. Louis, Federal Center #104, $8,983,000

New Jersey:

Trenton, Post Office, Courthouse, $2,823,000

New York:

Brooklyn, Federal Building No. 2, $11,472,000

New York, Foley Square Courthouse, $4,655,000

New York, 201 Varick Street, $14,475,000

North Carolina:

Raleigh, Federal Building, Post Office, Courthouse, $9,640,000

Pennsylvania:

Philadelphia, Byrne Courthouse, $6,875,000

Pittsburgh, Post Office, Courthouse, $16,572,000

Texas:

San Antonio, Post Office, Courthouse, $8,154,000

Virginia:

Arlington, Federal Building No. 2, $4,080,000

Arlington, Pentagon, $8,080,000

Minor Repairs and Alterations, $167,427,000

Capital Improvements of United States-Mexico Border Facilities:

Arizona:

Nogales, $3,292,000

California:

Calexico; San Ysidro/Otay Mesa, $21,255,000

New Mexico:

Santa Teresa, $5,100,000

Texas:

Brownsville; El Paso; Hidalgo; Laredo; Los Ebanos, $36,486,000

Other Approved Border Facility Projects, Arizona; California; New Mexico; and Texas, $17,350,000: *Provided further,* That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further,* That all funds for repairs and alterations prospectus projects shall expire on September 30, 1989, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (3) not to exceed $133,105,000 for payment on purchase contracts entered into prior to July 1, 1975; (4) not to exceed [$1,193,400,000] *$1,169,532,000* for rental of space; (5) not to exceed $845,384,000 for real property operations; (6) not to exceed $48,014,000 for program direction and centralized services; and (7) not to exceed $115,036,000 for design and construction services which shall remain available until expended: *Provided further,* That the Administrator of General Services is hereby directed to enter into a contract for construction of a building in Oakland, California, on a site donated by the city of Oakland. The contract shall provide, by lease or installment payments over a period not to exceed 30 years, for the payment of the purchase price, which shall not exceed $141,700,000, and reasonable interest thereon. The contract shall further provide that title to the building shall vest in the United States at or before the expiration of the contract term upon fulfillment of the terms and conditions of the contract: *Provided further, That the Administrator of the General Services Administration is hereby directed to enter into an agreement, pursuant to a competitive selection process, for the lease-purchase of a building in San Francisco, California, during fiscal year 1988 of not less than 430,000 but not more than 550,000 office occupiable square feet on a site donated by that city. The agreement shall provide for annual lease or installment payments from funds available for the rental of space in the Federal Buildings Fund over a period not to exceed 30 years for the payment of the purchase price of such building, which shall not exceed the cost per square foot of the Oakland Federal Building project authorized by this Act, and shall provide for title to the building to vest in the United States on or before the expiration of the contract term upon fulfillment of the terms and conditions of the agreement*: *Provided further,* That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490), and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further,* That none of the funds available to the General Services Administration *with the exception of those for Capital Improvements for United States-Mexico Border Facilities; Other Approved Border Facility projects; and the San Francisco, California Federal building project,* shall be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus[: *Provided further,* That notwithstanding any other provision of law the Administrator of General Services is authorized, under section 210(h) of the Federal Property and Administrative Services Act of 1949, to acquire the building in Chicago, Illinois, approved under this heading in fiscal year 1987, from any commercial or private entity, through a lease to ownership transaction. Said lease shall not exceed 30 years, on such terms and conditions as he deems appropriate. These terms and conditions may include an option to permit the Federal Government, if the Administrator deems that it is in the best interest of the Federal Government, to execute a succeeding lease]: *Provided further,* That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: [*Provided further,* That not later than 60 days after the date of the enactment of this Act, the Administrator of General Services shall submit under the Public Buildings Act of 1959, a prospectus for acquiring by purchase or lease-purchase (1) a building which has not to exceed 1,400,000 occupiable square feet for the Environmental Protection Agency, and (2) a building which has not to exceed 1,800,000 occupiable square feet for the Department of

Transportation. The lease-purchase shall provide for annual lease or installment payments from funds available for the rental of space in the Federal Buildings Fund over a period not to exceed 30 years for the payment of the purchase price of such building and reasonable interest thereon and shall provide for title to the building to vest in the United States on or before the last day of the term of the lease-purchase transaction. If a lease-purchase prospectus for a building described in this paragraph is approved under the Public Buildings Act of 1959, the Administrator of General Services may enter into a transaction for the lease-purchase of such building in accordance with the terms specified in such approved prospectus and applicable provisions of law and may make annual lease or installment payments from funds available for the rental of space in such fund:] *Provided further,* That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056 as amended, shall be available from such revenues and collections: *Provided further,* That revenues and collections and any other sums accruing to this fund during fiscal year 1988 excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of [$2,913,772,000] *$3,016,035,000* shall remain in the Fund and shall not be available for expenditure except as authorized in appropriation Acts.

[FEDERAL SUPPLY SERVICE

[OPERATING EXPENSES

[For expenses authorized by law, not otherwise provided for, necessary for supply distribution (including contractual services incident to receiving, handling and shipping supply items), procurement (including royalty payments), inspection, standardization, property management, and other supply management activities, transportation activities, transportation audits by in-house personnel; utilization of excess and disposal of surplus personal property, and the rehabilitation of personal property including services as authorized by 5 U.S.C. 3109; $176,749,000: *Provided,* That the annual limitation of $5,200,000 through September 30, 1989, in the Supplemental Appropriations Act, 1985, Public Law 99-88, payable from overcharges collected, for expenses of transportation audit contracts and contract administration, is hereby superseded by Public Law 99-627 establishing permanent authority for these expenses at not to exceed 40 percent of the overpayments collected annually.

[GENERAL MANAGEMENT AND ADMINISTRATION

[SALARIES AND EXPENSES

[For necessary expenses of agency management of activities under the control of the General Services Administration, and general administrative and staff support services not otherwise provided for; for providing accounting, records management, and other support incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109; $124,159,000, of which $800,000 shall be available only for, and is hereby specifically earmarked for personnel and associated costs in support of Congressional District and Senate State offices: *Provided,* That funds appropriated in this Act for General Management and Administration shall be available only to the extent set forth for each activity contained in the Program and Financing schedule submitted in support of the Budget: *Provided further,* That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code.]

FEDERAL PROPERTY RESOURCES SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for carrying out the functions of the Administrator with respect to utilization of excess real property; the disposal of surplus real property, the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act, as amended (50 U.S.C. 98, et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.) including services as authorized by 5 U.S.C. 3109 and reimbursement for recurring security guard service; [$43,248,000, of which $12,248,000 shall be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-5), and of which $31,000,000 for the transportation, processing, refining, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile shall remain available through fiscal year 1989] *$12,134,000 to be derived from proceeds from transfers of excess real property and disposal of surplus real property and related personal property, subject to the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460i-5), and in addition, $31,080,000 for the transportation, processing, refining, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile by reimbursement from the National Defense Stockpile Transaction Fund.*

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND

[For the fiscal year ending September 30, 1988, in addition to any other funds previously appropriated or appropriated under this Act, $5,000,000 is appropriated, to remain available until expended, for a grant for continued construction of a strategic materials research facility at the University of Massachusetts at Amherst, pursuant to sections 2 and 8(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(a) and 98g(a)), and notwithstanding section 9 of such Act (50 U.S.C. 98h). For the fiscal year ending September 30, 1988, in addition to any other funds previously appropriated or appropriated under this Act, $5,000,000 is appropriated, to be available until expended, for a grant for construction of a strategic materials research facility at the University of Hawaii at Manoa, pursuant to sections 2 and 8(a) of the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98a and 98g(a)), and notwithstanding section 9 of such Act (50 U.S.C. 98h).] *For the fiscal year ending September 30, 1988, in addition to the funds previously appropriated for the National Defense Stockpile Transaction Fund, notwithstanding the provisions of 50 U.S.C. 98h, there are hereby appropriated, to remain available until expended, the amounts for the following:*

University of Hawaii at Manoa pursuant to 50 U.S.C. 98a and 98g(a), for a grant for construction of a strategic materials research facility, $4,000,000;

University of Utah pursuant to 50 U.S.C. 98a and 98g(a)(2)(C) for a grant to pay the Federal share of the cost of construction and equipment for a Center for Biomedical Polymers, $4,000,000;

University of Arizona pursuant to 50 U.S.C. 98a and 98g(a)(2)(C) for a grant to pay the Federal share of the cost of construction and equipment for a Center for Advanced Studies for Copper Recovery and Utilization, $4,000,000; and

University of New Mexico pursuant to 50 U.S.C. 98a and g for a grant to study replacements for metallic alloys that use critical materials, $1,000,000.

During the fiscal year ending September 30, 1988, not to exceed [$5,000,000] *$36,080,000,* in addition to amounts previously appropriated, all to remain available until expended, may be obligated from amounts in the National Defense Stockpile Transaction Fund, for the acquisition and upgrading of strategic and critical materials under section 6(a) (1) and (3) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a) (1) and (3)), transportation, storage, and other incidental expenses related to such acquisition and upgrades, development of current specifications of stockpile materials and the upgrading of existing stockpile materials to meet current specifications (including transportation, when economical, related to such upgrading), testing and quality studies of stockpile materials, studying future material and mobilization requirements for the stockpile [under section 9(b) of the Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98(h)(b)), as amended by Public Law 99-661] *and other reasonable requirements for management of the stockpile, including relocation, operating, and management expenses incident to operating the stockpile, are hereby authorized to the extent provided in Appropriations Acts.*

GENERAL MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of agency management of activities under the control of the General Services Administration, and general administrative and staff support services not otherwise provided for; for providing accounting, records management, and other support incident to adjudication of Indian Tribal Claims by the United States Court of Claims, and services authorized by 5 U.S.C. 3109; $122,500,000, of which $800,000 shall be available only for, and is hereby specifically earmarked for personnel and associated costs in support of Congressional District and Senate State offices: Provided, That funds appropriated in this Act for General Management and Administration shall be available only to the extent set forth for each activity contained in the Program and Financing schedule submitted in support of the Budget: Provided further, That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to subsections (a) and (b) of section 1535 of title 31, United States Code.

REAL PROPERTY RELOCATION

For expenses not otherwise provided for, [$47,000,000] *$15,000,000*, to remain available until expended, necessary for carrying out the functions of the Administrator with respect to relocation of Federal agencies from property which has been determined by the Administrator to be other than optimally utilized under the provisions of section 210(e) of the Federal Property and Administrative Services Act of 1949, as amended: *Provided*, That such relocations shall only be undertaken when the estimated proceeds from the disposition of the original facilities approximate the appraised fair market value of such new facilities and exceed the estimated costs of relocation. Relocation costs include expenses for and associated with acquisition of sites and facilities, and expenses of moving or repurchasing equipment and personal property. These funds may be used for payments to other Federal entities to accomplish the relocation functions: *Provided further*, That nothing in this paragraph shall be construed as relieving the Administrator of General Services or the head of any other Federal agency from any obligation or restriction under the Public Buildings Act of 1959 (including any obligation concerning submission and approval of a prospectus), the Federal Property and Administrative Services Act of 1949, as amended, or any other Federal law, or as authorizing the Administrator of General Services or the head of any other Federal agency to take actions inconsistent with statutory obligations or restrictions placed upon the Administrator of General Services or such agency head with respect to authority to acquire or dispose of real property.

INFORMATION RESOURCES MANAGEMENT SERVICE

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for carrying out Government-wide and internal responsibilities relating to automated data management, telecommunications, information resources management, and related activities, including services as authorized by 5 U.S.C. 3109; and for the Information Security Oversight Office established pursuant to Executive Order 12356; [$32,588,000] *$30,000,000*.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General; [$24,649,000] *$24,334,000*: *Provided*, That not to exceed $10,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138; [$1,128,000] *$1,198,000*: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with [(1)] *the* cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129)[; and (2) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Office of Management and Budget].

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

[SEC. 3. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.]

SEC. [4] *3*. Not to exceed [1] *3* per centum of funds made available in appropriations for operating expenses and salaries and expenses, during the current fiscal year, may be transferred between such appropriations for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

SEC. [5] *4*. Funds in the Federal Buildings Fund made available for fiscal year 1988 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary for mandatory program requirements. Any transfers proposed shall be submitted promptly to the Committees on Appropriations of the House and Senate for approval.

[SEC. 6. Funds hereafter made available to the General Services Administration for the payment of rent shall be available for the purpose of leasing, for periods not to exceed thirty years, space in buildings erected on land owned by the United States.]

SEC. 5. For expenses of transportation audit contracts and contract administration, the annual limitation of $5,200,000 through September 30, 1989, in the Supplemental Appropriations Act, 1985, Public Law 99-88, payable from overcharges collected for expenses of transportation audit contracts and contract administration, is hereby superseded by Public Law 99-627 establishing permanent authority for these expenses at not to exceed 40 per centum of the overpayments collected annually.

SEC. 6. The Administrator of General Services shall acquire space for the Bureau of Mines at the lowest quality solicitation for offer price option in the suburban Washington Metropolitan region.

SEC. 7. The General Services Administration shall transfer without compensation or reimbursement to the Veterans' Administration a tract of land located in the NW ¼ of Section 39, Township 10 North, Range 3 East, New Mexico Principal Meridian, consisting of 5.081 acres, more or less, in Bernalillo County, New Mexico, that:

(1) was formerly part of the Veterans' Administration Medical Center, Albuquerque, New Mexico;

(2) was transferred to the State of New Mexico at no cost for use as a highway corridor in 1974; and

(3) was subsequently retransferred by the State of New Mexico to the General Services Administration at no cost.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with National Archives and Records Administration and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, [$116,266,000] *$117,000,000*, of which $4,000,000 for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, shall remain available until expended, and of which $6,000,000 for design and planning of a new archival facility *in Maryland* shall remain available until expended.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; [$102,360,000] *$102,000,000* in addition to [$65,746,000] *$68,746,000* for administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Office of Personnel Management in the amounts determined by the Office of Personnel Management without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, U.S.C. No part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose. The President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1988, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

REVOLVING FUND

Pursuant to section 4109(d)(1) of title 5, United States Code, costs for entertainment expenses of the President's Commission on Executive Exchange shall not exceed $12,000.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849),

as amended, $1,788,931,000, to remain available until expended.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, $4,720,913,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended (22 U.S.C. 3682(e)), August 19, 1950, as amended (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles; [$21,114,000] *$21,000,000*, together with not to exceed [$1,600,000] *$1,200,000* for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of the Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978 (Public Law 95-454), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $4,701,000.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; [$17,951,000] *$17,801,000*: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government Service, and compensation as authorized by 5 U.S.C 3109.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; [$28,120,000] *$27,877,000*: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1988".

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans' Administration; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 506. No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions, or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970: *Provided*, That a factor of 75 per centum in lieu of 50 per centum shall be used for evaluating foreign source end products against a domestic source end product. This section shall be applicable to all solicitations for bids opened after its enactment.

SEC. 507. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position of guards, elevator operators, messengers, and custodians, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92-28.

SEC. 508. No funds appropriated in this Act shall be available for administrative expenses in connection with implementing or enforcing any provisions of the rule TD ATF-66 issued June 13, 1980, by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms on labeling and advertising of wine, distilled spirits and malt beverages, except if the expenditure of such funds is necessary to comply with a final order of the Federal court system.

[SEC. 509. None of the funds appropriated or made available by this Act shall be used to competitively procure electric utility service, except where such procurement is expressly authorized by the Federal Power Act or by State law or regulation.

[SEC. 510. None of the funds appropriated in this Act may be used for administrative expenses to close the Federal Information Center of the General Services Administration located in Sacramento, California.]

SEC. [511] *509*. None of the funds made available by this Act for the Department of the Treasury may be used for the purpose of eliminating any existing requirement for sureties on customs bonds.

SEC. [512] *510*. None of the funds made available by this Act shall be available for any activity or for paying the salary of any government employee where funding an activity or paying a salary to a government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

SEC. [513] *511*. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, out of the Treasury Department.

SEC. [514] *512*. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. [515] *513*. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitle-

ment, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any member or committee of Congress as described in paragraph (1) of this subsection.

SEC. [516] *514.* Except for vehicles provided to the President, Vice President and their families, or to the United States Secret Service, none of the funds provided in this Act to any Department or Agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than twenty-two miles per gallon. The requirements of this section may be waived by the Administrator of the General Services Administration for special purpose or special mission automobiles.

SEC. [517] *515.* No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverages for abortions.

SEC. [518] *516.* The provision of section [517] *515* shall not apply where the life of the mother would be endangered if the fetus were carried to term.

[SEC. 519. Effective March 30, 1988, none of the funds made available by this Act may be used to store, to maintain or to protect more than 83,000,000 troy ounces of silver deposited in the National Defense Stockpile.

[SEC. 520. No later than October 1, 1989, the Administrator of General Services, or any Federal officer assuming the Administrator's responsibilities with respect to management of the stockpile, shall use all funds authorized and appropriated before January 1, 1985 from the National Defense Stockpile Transaction Fund to evaluate, test, relocate, upgrade or purchase stockpile materials to meet National Defense Stockpile goals and specifications in effect on October 1, 1984.]

SEC. [521] *517.* No part of any appropriation contained in this Act shall be available for the procurement of, or for the payment of, the salary of any person engaged in the procurement of stainless steel flatware not produced in the United States or its possessions, except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of stainless steel flatware produced in the United States or its possessions, cannot be procured as and when needed from sources in the United States or its possessions or except in accordance with procedures provided by section 6-104.4(b) of Armed Services Procurement Regulations, dated January 1, 1969. This section shall be applicable to all solicitations for bids issued after its enactment.

[SEC. 522. None of the funds made available by this Act shall be used for the payment of the salary of any employee of the General Services Administration located and assigned to Region 2 for the performance of any activities relating to the operation, management, or direction of the Federal Supply Service which were administered by General Services Administration employees located and assigned to Region 1 prior to January 1, 1986.

[SEC. 523. None of the funds appropriated by this Act may be used for implementing any test or program of the "port of arrival immediate release and enforcement determination" at any port not already included in the test on June 23, 1987.]

SEC. [524] *518.* None of the funds appropriated by this Act may be used to solicit bids, lease space, or enter into any contract to close or consolidate executive seminar centers for the Office of Personnel Management.

SEC. [525] *519.* None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, lease, rental, excessing, surplusing, or disposal of any portion of land on which the Beltsville Agricultural Research Center is located at Beltsville, Maryland, without the specific approval of Congress.

[SEC. 526. Not later than October 1, 1988, the amount made available pursuant to section 519 of the Treasury, Postal Service and General Government Appropriations Act, 1987, as incorporated in section 101(m) of Public Laws 99-500 and 99-591 shall be obligated, in addition to the current upgrading program for chromium and manganese authorized by Public Law 99-661, for the upgrade and acquisition of first tier strategic materials as defined in the Office of Technology Assessment of "Strategic Materials: Technologies to Reduce United States Import Vulnerability" authorized by section 9(b)(2)(A) and (C) of the Strategic and Critical Materials Stock Piling Act. The funds used in this section for upgrading shall not exceed $2,000,000.]

SEC. [527] *520.* None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, lease, rental, excessing, surplusing or disposal of any portion of land on which the Phoenix Indian School is located at Phoenix, Arizona without the specific approval of Congress.

SEC. [528] *521.* None of the funds appropriated by this Act may be obligated or expended in any way for the purpose of the sale, excessing, surplusing or disposal of lands in the vicinity of Bull Shoals Lake, Arkansas administered by the Corps of Engineers, Department of the Army without the specific approval of Congress.

[SEC. 529. The Administrator of the General Services Administration, under section 210(h) of the Federal Property and Administrative Services Act of 1949, as amended, shall acquire, by means of a lease of up to 30 years duration, space for the United States Courts in Tacoma, Washington, at the site of Union Station, Tacoma, Washington.

[SEC. 530. Funds in this Act shall be available as authorized by 5 U.S.C. 4502(d).

[SEC. 531. Funds under this Act shall be available as authorized by sections 4501-4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1988.]

SEC. 522. Notwithstanding any other provision of law, funds appropriated by this Act are available to pay rates of basic compensations of officers and members of the United States Secret Service Uniformed Division at rates higher than provided under section 501 of the District of Columbia Police and Firemen's Salary of 1958 (D.C. Code, sec. 4-416), if and to the extent that payment of such higher rates is authorized by the Office of Personnel Management, under the procedures used in the administration of section 5303 of title 5, United States Code, on the basis of a determination by the Office that the recruitment or retention of such officers and members is, or is likely to become, significantly handicapped by higher pay rates paid by Federal or non-Federal law enforcement organizations in the metropolitan Washington, D.C., area.

SEC. 523. Funds appropriated by this Act may be available for use by other agencies of the Government only for the performance of the work for which the funds were appropriated in this Act and only when such work can be accomplished more efficiently and/or at a lesser cost to the Government: Provided, That such funds shall only be made available as a result of a written memorandum of understanding between the heads of the agencies that are party to such agreement: Provided further, That any such agreement involving $1,000,000 or more must be approved in advance by the Committees on Appropriations of the House and the Senate.

SEC. 524. None of the funds appropriated under this Act may be used to apportion or impose any administrative limitation upon the amount of user fees established by subsection (a) of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) that are used to fund customs overtime inspectional services, or to reimburse any appropriation for customs overtime inspectional services pursuant to subsection (f) of section 13031 of such Act and 19 U.S.C. 1524.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $6,600 except station wagons for which the maximum shall be $7,600: *Provided,* That these limits may be exceeded by not to exceed $2,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further,* That the limits set forth in this section shall not apply to electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

SEC. 602. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 603. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese,

Cambodian, and Laotian refugees paroled in the United States after January 1, 1975: *Provided,* That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further,* That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further,* That the above penal clause shall be in addition to, and not in substitution for any other provisions of existing law: *Provided further,* That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 604. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 605. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided,* That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 606. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

[SEC. 607. Funds made available under this Act or any other Act for employing agency contributions prescribed by the Civil Service Retirement System (5 U.S.C. ch. 83) and the Federal Employees' Retirement System Act of 1986 (Public Law 99-335), as amended, for any Executive agency, as defined in 31 U.S.C. 102, with direct pay costs in fiscal year 1988 of over $15,000,000, shall be available only for such purpose. If the total amount obligated for fiscal year 1988 for such employing agency contributions is less than the estimate for such contributions reflected in the President's Budget, then the difference between the estimated and actual obligations shall not be available for obligation. This section shall not apply to funds made available for the Veterans Administration's medical care appropriation.]

SEC. [608] *607.* Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided,* That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. [609] *608.* No part of any appropriation contained in this or any other Act, shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. [610] *609.* Funds made available by this or any other Act to (1) the General Services Administration, including the fund created by the Public Building Amendments of 1972 (86 Stat. 216), and (2) the "Postal Service Fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c): *Provided,* That when the Administrator of General Services delegates responsibility to protect property under his charge and control to the head of another Federal agency, that agency may employ guards to protect the property who shall have the same powers of special policemen in same manner as the foregoing.

[SEC. 611. None of the funds available under this or any other Act shall be available for administrative expenses in connection with the designation for construction, arranging for financing, or execution of contracts or agreements for financing or construction of any additional purchase contract projects pursuant to section 5 of the Public Building Amendments of 1972 (Public Law 92-313) during the period beginning October 1, 1976, and ending September 30, 1988.]

SEC. [612] *610.* None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. [613] *611.* No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration [for the fiscal year for which appropriations were granted]: *Provided, That the amount of space and service levels provided will be adjusted commensurate with the amounts appropriated, or otherwise made available therefor in Appropriations Acts.*

SEC. [614] *612.* (a)(1) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal years ending September 30, 1988, or September 30, 1989, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or any employee covered by section 5348 of that title—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury, Postal Service, and General Government Appropriations Act, 1987, as incorporated in section 101(m) of Public Laws 99-500 and 99-591, until the first day of the first applicable pay period that begins not less than ninety days after that date, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder, if any, of fiscal year 1988, and that portion of fiscal year 1989, that precedes the normal effective date of the applicable wage survey adjustment that is to be effective in fiscal year 1989, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) of this subsection by more than the overall average percentage adjustment in the General Schedule during fiscal year 1988.

[(b) Notwithstanding the provisions of section 9(b) of Public Law 92-392 or section 704(b) of Public Law 95-454, the provisions of subsection (a) of this section shall apply (in such manner as the Office of Personnel Management shall prescribe) to any prevailing rate employee to whom such section 9(b) applies, except that the provisions of subsection (a) may not apply to any increase in a wage schedule or rate that is required by the terms of a contract entered into before the date of enactment of this Act.]

[(c)] *(b)* Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, may be paid during the periods for which subsection (a) of this section is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

[(d)] *(c)* For the purpose of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule that was not in existence on September 30, 1987, shall be determined under regulations prescribed by the Office of Personnel Management.

[(e)] *(d)* Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on Septem-

ber 30, 1987, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

[(f)] *(e)* The provisions of this section shall apply with respect to pay for services performed by any affected employee on or after October 1, 1987.

[(g)] *(f)* For the purpose of administering any provision of law, including section 8431 of title 5, United States Code, or any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit, that requires any deduction or contribution, or that imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate or salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

[(h)] *(g)* Nothing in this section may be construed to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

[(i)] *(h)* The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

[SEC. 615. None of the funds made available in this Act may be used to plan, implement, or administer (1) any reduction in the number of regions, districts or entry processing locations of the United States Customs Service; or (2) any consolidation or centralization of duty assessment or appraisement functions of any offices in the United States Customs Service.]

SEC. [616] *613.* During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to renovate, remodel, furnish, or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such renovation, remodeling, furnishing, or redecoration is expressly approved by the Committees on Appropriations of the House and Senate.

SEC. [617] *614.* (a) If any individual or entity which provides or proposes to provide child care services for Federal employees during fiscal year 1988 or any fiscal year thereafter, applies to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which such individual or entity provides or proposes to provide such service, such officer or agency may allot space in such a building to such individual or entity if—

(1) such space is available;

(2) such officer or agency determines that such space will be used to provide child care services to a group of individuals of whom at least 50 percent are Federal employees; and

(3) such officer or agency determines that such individual or entity will give priority for available child care services in such space to Federal employees.

(b)(1) If an officer or agency allots space during fiscal year 1988 or any fiscal year thereafter, to an individual or entity under subsection (a), such space may be provided to such individual or entity without charge for rent or services.

(2) If there is an agreement for the payment of costs associated with the provision of space allotted under subsection (a) or services provided in connection with such space, nothing in title 31, United States Code, or any other provision of law, shall be construed to prohibit or restrict payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.

(3) For the purpose of this section, the term "services" includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone service), and security systems (including installation and other expenses associated with security systems).

SEC. [618] *615.* Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

[SEC. 619. None of the funds appropriated by this Act or any other Act shall be used for preparing, promulgating or implementing any regulations dealing with organization participation in the 1987 and 1988 Combined Federal Campaign other than repromulgating and implementing the 1984 and 1985 Combined Federal Campaign regulations, unless such regulations provide that any charitable organization which participated in any prior campaign shall be allowed to participate in 1987 and 1988 campaign: *Provided further,* That none of the funds appropriated by this Act or any other Act shall be used for preparing, promulgating or implementing new regulations dealing with the Combined Federal Campaign ("CFC") which require or allow the Office of Personnel Management to directly or indirectly determine the eligibility of any agency to participate in the CFC (other than the local service of those agencies which perform a substantial preponderance of their services in the United States) if that agency is a member of a qualified federated group.]

SEC. 616. (a) None of the funds appropriated by this Act or any other Act shall be used for preparing, promulgating or implementing any regulations dealing with the organization and participation in the 1988 Combined Federal Campaign (CFC) other than repromulgating and implementing the regulations used to conduct the 1984, 1985, 1986, and 1987 Combined Federal Campaign, unless such revised regulations conform to the provisions of subsection (b) as follows:

(b) 1. Eligibility.

(A) Eligibility rules relating to lobbying, litigation, or public policy advocacy shall be no more restrictive than the law and regulations require for organizations under sections 501(c)(3) or 501(h) of the Internal Revenue Code.

(B) Any other eligibility criteria (such as the definition of health and welfare) for individual charities and federations shall be at least as inclusive as those in the regulations used in 1984, 1985, 1986, and 1987, and shall allow the participation of the plaintiffs in (D.D.C.) Nos. 83-0928, 86-1367.

(C) Public accountability standards such as boards of directors, audits, etc., shall remain similar to the existing criteria. Office of Personnel Management (OPM) shall provide for those instances in which smaller organizations shall be allowed to submit a Form 990 in lieu of an independent audit.

2. National Eligibility.

Any agency which otherwise complies with eligibility requirements and has provided services, benefits, assistance, or conducted program activities in 15 or more different States over a three-year period shall be given a letter of national eligibility by OPM that will permit it to participate in any local CFC to which it submits a copy of the letter, or alternatively, OPM may issue a national list incorporating such agencies. Eligibility requirements relating to International Service Agencies shall remain the same as the existing requirements. Any agencies attaining national eligibility hereunder and any agency which is a member of International Service Agencies shall not be required to demonstrate local presence to participate.

3. Federation Certification.

The participating federated groups of charitable organizations, certified by OPM or a Local Federal Coordinating Committee (LFCC) as meeting the eligibility criteria shall be authorized to certify the eligibility of their respective member agencies to participate in the CFC; except that, OPM for national federations and LFCC's for local federations shall retain authority to require voluntary agencies to provide information supporting certification decisions, and, if after a hearing on the record it is determined that such information is deficient, to bar the agency from participation in the CFC for a period of one year.

4. OPM Oversight.

OPM shall exercise oversight responsibility to ensure that—

(A) the new regulations are uniformly and equitably implemented in all local CFC's;

(B) the local federal coordinating committee allows all federations to fairly compete for the role of Principal Combined Funding Organization (PCFO);

(C) all PCFO's consult with all participating federations on CFC plans, preparations and operations, and all campaign materials prior to their printing, and all PCFO's include all participating federations in campaign events and other activities;

(D) all participating federations have access to all CFC reports, budgets and audits; and

(E) a federation that has been found pursuant to a hearing on the record to have violated the regulations may be prevented from serving as PCFO for a period of one year.

5. Consultants.

PCFO's shall be prohibited from delegating decisionmaking authority to unrelated private consultants.

6. Undesignated Funds.

A national formula shall be established for sharing the undesignated contributions received from donors in each local CFC among the participating federated groups that requires the local United Way to retain no more than 82 percent of undesignated funds and the remainder of undesignated funds to be transferred to other national federations participating in the CFC in accordance with a formula established by OPM after consultation with such other federations; and provided that, OPM shall adjust this formula for CFC's after 1988 in response to campaign experience, but in no event shall the local United Way be allocated more than 82 percent of undesignated contributions.

7. Write-ins.

In each local CFC the option available to Federal employees to write-in charities that are not listed in the campaign brochure shall be eliminated, provided that any eligibility process allows any charity to demonstrate its local eligibility.

8. Release of Names.

The names of contributors shall be released to the recipient organization unless a contributor indicates that his or her name is not to be released, but no list of contributors may be sold.

9. Brochures.

The names and brief description of the programs of the participating voluntary agencies shall be published in each local CFC brochure arranged by federated group, with CFC organization code numbers corresponding to each agency and federated group.

10. Employee Coercion.

Protection against employee coercion shall be strengthened and clarified.

11. New National Federations.

OPM may admit new national federated groups of at least 15 organizations, and may withdraw federation status from any previously accredited federated group for a period of one year if after a hearing on the record it is determined that the federated group has not complied with regulatory requirements.

12. Compliance.

OPM is authorized to bar from CFC participation for a period not to exceed one year any voluntary agency it determines, after a hearing on the record, has failed to comply with a reasonable request by OPM to furnish it with information relating to such agency's accounting and auditing practices.

[SEC. 620. None of the funds appropriated by this or any other Act may be used prior to July 15, 1987, to repeal, amend, or modify any policy, procedure, or practice contained in subpart 19.5 of title 48 of the Code of Federal Regulations (as such subpart was in effect on July 31, 1986) except if such subpart requires modification to implement the amendments made by section 911 (relating to small business set-asides) of H.R. 4438 (99th Congress, 2d Session), or the amendments made by any successor provision to such section, if such bill is enacted into law.]

SEC. 617. Of the funds appropriated in this or any other Act, estimated productivity savings resulting from specified program functions participating in the Shared Savings Plan in the President's Productivity Improvement Program (Executive Order 12552) shall be withheld from obligation unless estimated savings are not achieved: Provided, That notwithstanding any fiscal year limitations on the availability of appropriations, a portion of the estimated savings shall be made available for obligation in the fiscal year after the fiscal year in which the savings occur to be used as bonuses for employees (as authorized by 5 U.S.C. 4501 et seq.) and for future productivity improvements to carry out those purposes authorized by law: Provided further, That 50 per centum of the savings shall lapse or be deposited into miscellaneous receipts of the Treasury with the exception of amounts in special or trust funds, which shall remain in such funds and be available in accordance with and to the extent permitted by law.

SEC. 618. Section 7 of the Service Contract Act of 1965, as amended (41 U.S.C. 351 et seq.) is amended as follows:

(a) by striking out "and" at the end of subsection (6)

(b) by striking out the period at the end of subsection (7), inserting a semicolon in lieu thereof, and adding "and" at the end

(c) by adding at the end of section 7:

"(8) any contract for motor vehicle fleet management services pursuant to Federal Motor Vehicle Expenditure Control requirements contained in subtitle C of title XV of the Consolidated Omnibus Reconciliation Act of 1985, Public Law 99-272.".

SEC. 619. (a) Section 109 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 756) is amended as follows:

(1) In section 109(a) (40 U.S.C. 756(a)), by striking out everything after the second sentence and inserting in lieu thereof "The General Supply Fund shall be available for use by or under the direction and control of the Administrator for paying the direct and indirect costs of carrying out the functions of the Administrator with respect to (1) the operation of a system for supplying personal property (including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents) and nonpersonal services for the use of Federal agencies in the proper discharge of their responsibilities, including carrying out the functions of the Administrator with respect to the repair, rehabilitation, and conversion of personal property; (2) the utilization of excess personal property and the donation, sale or other disposal of surplus personal property pursuant to this Act; (3) the sale for executive agencies of personal property pursuant to section 201(c) of this Act, or any other Act; (4) the utilization and disposal of abandoned, seized, and forfeited personal property pursuant to this Act, or any other Act; and (5) travel and transportation management and services pursuant to this Act, or any other Act.".

(2) In section 109(b) (40 U.S.C. 756(b)), (a) by striking out the second sentence and inserting in lieu thereof "Such prices shall be fixed at levels so as to recover all direct and indirect costs of furnishing supplies and services."; and (b) by adding at the end thereof "With respect to any transaction under subsections (a) (3), (4), and (5), except where the proceeds from the transaction are to be credited to the General Supply Fund, the Administrator, at his discretion, may establish, and agencies shall pay, a charge fixed at levels so as to recover all direct and indirect costs of carrying out such functions. The Administrator, considering the proceeds of sale from surplus personal property which are credited to the fund, may reduce any charge pursuant to subsections (a) (3) and (4) by such amount as he deems appropriate. The indirect costs included in the prices and charges fixed by the Administrator pursuant to this section shall not exceed the limitations if any, specified in annual appropriations Acts.".

(3) In section 109(c) (40 U.S.C. 756(c)), (a) by inserting "(1)" after the word "with"; and (b) inserting after the semicolon "(2) the proceeds from sales of surplus personal property made by the Administrator pursuant to section 203 of this Act, except proceeds from sales which are subject to sections 204 (b), (c), or (e) of this Act, or which otherwise are required to be paid to the agency or organization which reported the property for disposal; and (3) any charges paid under this section, and expenses or charges paid under section 204(c) of this Act, or any other Act;".

(4) In section 204 (40 U.S.C. 485), (a) by striking out "and (e)" in subsection (a) and inserting in lieu thereof "(e), and (h)"; (b) by striking out the period at the end of subsection (c) and inserting in lieu thereof ", including any charges imposed by the Administrator pursuant to section 109 of this Act."; and (c) by adding immediately after subsection (g) the following new subsection:

"(h) Proceeds from sales by the Administrator of surplus personal property, except proceeds from sales subject to subsections (b), (c), or (e) of this section, or which otherwise are required to be paid to the agency or organization which reported the property for disposal, shall be credited to the General Supply Fund in accordance with section 109(c) of this Act.".

(b) Section 3726 of title 31, United States Code, is amended as follows: Subsection (c) (31 U.S.C. 3726(c)) is amended to read as follows:

"(c) Expenses of postpayment transportation audit activities, including contracts, contract administration, and other direct and indirect costs, shall be financed from overpayments collected from carriers on transportation bills paid by the Government and other similar type of refunds. Payment to any contractor shall not exceed 50 percent of the overpayment identified by any contractor audit.".

(c) Subsection (d) is amended by redesignating it as subsection (e) (31 U.S.C. 3726(e)).

(d) Subsection (e) is amended by redesignating it as subsection (f) (31 U.S.C. 3726(f)).

(e) Subsection (f) is amended by redesignating it as subsection (g) (31 U.S.C. 3726(g)).

(f) Subsection (g) is amended by redesignating it as subsection (h) (31 U.S.C. 3726(h)).

(g) A new subsection (d) (31 U.S.C. 3726(d)) is added, which reads as follows:

"(d) The General Supply Fund provided for in section 109 of the Federal Property and Administrative Services Act, as amended, (40 U.S.C. 756), shall be available for use by or under the direction and control of the Administrator for paying all elements of cost of the expense of prepayment transportation audit of transportation billings, including reclaims, by the General Services Administration, or its agents under conditions the Administrator will prescribe. Payment by agencies for which prepayment audits are performed by the General Services Administration shall be at prices fixed by the Administrator at levels which will recover so far as practicable all such elements of cost. The provisions of this subsection shall not inhibit the delegation of prepayment audit authority to another agency nor shall this subsection be applicable when prepayment audit authority has been delegated to another agency or agencies as provided in subsection (f) of this section.".

(h) This provision shall take effect on October 1, 1987.

SEC. 620. Section 1202(b) of title 5, United States Code, is amended by adding a new sentence as follows: "Any new member serving only a portion of a seven-year term in office may continue to serve until a successor is appointed and has qualified, except that such member may not continue to serve for more than one year after the date on which the term of the member would otherwise expire, unless reappointed.".

SEC. 621. None of the funds appropriated or made available by this Act shall be used to competitively procure electric utility service, except where such procurement is expressly authorized by the Federal Power Act or by State law or regulation.

SEC. 622. Notwithstanding any other provision of law, for the fiscal year ending September 30, 1989, when any individual Federal employee is detailed to an executive

branch agency other than his or her employing agency for a period of 60 days or more, the detailing agency shall bill the executive branch to which said employee has been assigned for all salaries and expenses of said employee for the period of assignment after 60 days and shall be fully reimbursed for all such costs: Provided, That all executive branch agencies shall submit a quarterly report to the House and Senate Committees on Appropriations on all reimbursable and nonreimbursable detailees used by such agency during the fiscal year ending September 30, 1988.

SEC. 623. Title 5 U.S.C. section 8401(17)(B) is amended by deleting the words "10 years" and inserting in lieu thereof "3 years".

This Act may be cited as the "Treasury, Postal Service and General Government Appropriations Act, 1988".

AMENDMENT NO. 738

Mr. DECONCINI. Mr. President, I ask unanimous consent that an amendment be in order to make four technical corrections in the bill, and I send to the desk an amendment on behalf of myself and Senator DOMENICI and ask for its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself and Mr. DOMENICI, proposes an amendment numbered 738.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 17, line 3 and line 7, delete the citation "453(c)" and insert in lieu thereof the citation "453C";

On page 44, line 4, after the comma, delete the words through the first comma on line 8.

On page 72, line 9, beginning with the word "for", delete the line-type through the word "granted" on line 10;

On page 81, line 19, delete the word "national".

Mr. DECONCINI. Mr. President, the technical amendment at the desk makes four noncontroversial corrections in the text of the bill. None of them will affect the substance of the bill. Each change affects a printing or drafting error in the bill before the Senate.

I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 738) was agreed to.

Mr. CRANSTON. Mr. President, I would like to ask my distinguished colleague, Mr. DECONCINI, chairman of the Subcommittee on Treasury, Postal Service, and General Government, for his assistance in clarifying the intent of language in H.R. 2907—the Treasury, Postal Service, and General Government appropriation bill—with regard to Customs Service operations at the San Jose Airport in California.

I would like the comments of the Senator from Arizona as to whether the moneys set aside under the bill for additional Customs Service presonnel would include the personnel necessary to cover pending Aeromexico Airline flights landing at the San Jose Airport.

Mr. DECONCINI. Yes, the bill would have sufficient staffing levels to cover the situation at San Jose. I understand that for over 7 years now, the San Jose Airport has been working in conjunction with Aeromexico Airlines to initiate passenger service into the San Jose area. The last restriction inhibiting initiation of passenger service is the lack of U.S. Customs Service and other FIS personnel to provide customs inspections for landing in San Jose. While initially there would only be one flight into the airport, a steady growth of service between Mexico and the San Jose Airport is anticipated.

Presently Customs officers travel to Oakland Airport from the San Francisco Airport to service international flights. San Jose and Oakland Airports are nearly equidistant from the San Francisco Airport. The same procedure would be appropriate for San Jose. In order to provide this service, the Customs Service would need only to increase its personnel at the San Francisco Airport by three full-time persons. These additional persons would be covered by the 1,735 additional personnel provided for in this appropriation bill.

Mr. CRANSTON. I am told San Jose is prepared to construct immediately all the necessary facilities for the Customs Service to operate at the airport. The airport and city of San Jose are committed to assist the Customs Service in implementing the new customs service. I believe the cost would be small in comparison to the enormous benefit Aeromexico service would provide to the economic activity in the San Jose, and south San Francisco Bay areas.

Mr. DECONCINI. Yes, I agree.

Mr. CRANSTON. I thank the Senator for his clarifications.

LOAN PROGRAM STUDY

Mr. BUMPERS. In Senate Report 99-425 accompanying H.R. 5161, the 1987 appropriations bill for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, this committee directed the Small Business Administration to conduct a study of the section 7(a) Loan Guaranty Program to evaluate the impact of the program on tax revenues, employment and job creation, and other appropriate economic factors. SBA was to conduct the study and submit a report to Congress no later than June 1, 1987.

SBA determined in January 1987 that the Internal Revenue Service would be the best source of information for the study, and signed an agreement with the IRS in May 1987 under which the IRS will process the loan program information and provide data to SBA. SBA has requested an extension of the June 1, 1987, report date. Because the authorizing committee anticipates reviewing the loan program information during its consideration of reauthorization legislation for the SBA, we direct the SBA to submit an interim report of the IRS findings to this committee by April 1, 1988, and we encourage the IRS to complete its review by August 1, 1988. A final report shall be submitted to Congress by SBA no later than September 1, 1988.

Mr. DECONCINI. Senator BUMPERS, I acknowledge the importance of the loan program information the IRS is to provide to the authorizing committee as well as the need for the committee to review that information prior to its consideration of legislation reauthorizing the Small Business Administration and its various programs. Therefore, I direct the Internal Revenue Service to promptly begin its review of the information necessary to complete the study of SBA's Business Loan Program, and to provide the SBA with a final report by August 1, 1987.

Mr. BUMPERS. I thank the Senator from Arizona for his support of the efforts of the Small Business Committee to move forward with this review of SBA's Business Loan Program. It is essential that the committee have at least preliminary data from the IRS on hand early in 1988 as it begins to consider SBA reauthorization legislation. Any further delay would render the IRS study immaterial for use during the 1988 and 1989 appropriations cycle.

SBA LOAN ASSET SALES

Mr. DECONCINI. I understand that the Senator from Arkansas wishes to discuss the sale of loan assets of the Small Business Administration.

Mr. BUMPERS. I thank the Senator from Arizona. The Appropriations Committee has included provisions in its bill making appropriations for the Small Business Administration, at the request of the authorizing committee, which prohibit the sale of direct loans made by the Small Business Administration under the authority of the Small Business Act and the sale of loan guarantees made by the SBA under the authority of the Small Business Investment Act. The restriction applies only to sales to third parties of disaster assistance direct loans and debentures issued by Certified Development Companies and Small Business Investment Companies which were held by the Federal Financing Bank

on September 30, 1987. The restriction has no application to any plan concerning prepayment of loans by borrowers, nor does it affect sales of loan guarantees made under section 7(a) of the Small Business Act, or sales of debenture guarantees which were not held by the Federal Financing Bank on September 30, 1987.

Mr. DECONCINI. I understand the Senator from Arkansas is concerned that, despite the prohibition on certain loan asset sales in that bill, the Treasury Department may choose to proceed with certain proposed sales of SBA loan assets.

Mr. BUMPERS. That is right. The authorizing committee would like to discourage the Treasury Department from circumventing the intent of the Senate Appropriations Committee by offering for sale loan assets held by the Federal Financing Bank on behalf of the Small Business Administration.

Mr. DECONCINI. Why does the Senator oppose the sale of certain loan assets, which could significantly reduce our budget deficit?

Mr. BUMPERS. The Small Business Administration proposes to sell upward to 3 billion dollars' worth of SBA loan assets at the projected return of less than 33 percent of face value. In many cases, the sale could bring as low as 15 cents on the dollar. The White House originally intended to raise $643 million from these sales, which would include selling $500 million in development company loans, $740 million in disaster loans, and approximately $1 billion in business loans.

Selling these loans at such fire-sale prices may produce an immediate positive effect on the deficit, but due to the proposed requirements that these loans be sold promptly and without recourse, that positive effect could be more than offset by a longer run increase in the deficit. If the SBA should continue to maintain these loans, we will have a greater yield for the taxpayer as it would be approximately 93 percent on disaster loans, and 80 percent on SBA-originated direct loans. Furthermore, if SBA should forgo the benefit of future loan repayments by borrowers to help finance the loan program, it will put itself in the compromising position of tapping the Treasury in the near future in order to recapitalize the loan programs.

In addition, we must be concerned with the position of the taxpayer, or consumer, as we consider the impact of these savings. The principal concern is the possible loss of forbearance granted by SBA to the borrower. In virtually all of its loan programs, SBA has a policy of being more lenient with borrowers in comparison with private lenders. Therefore, asset sales could expose holders of SBA loans to more strict guidelines, upsetting their personal and business financial stability.

Mr. DECONCINI. In light of those arguments, I agree that Treasury not circumvent the intent of the Appropriations Committee and forgo the sale of any SBA loan assets held by the Federal Financing Bank.

DRUG INTERDICTION PROGRAMS IN THE CUSTOMS SERVICE

Mr. DECONCINI. Mr. President, the committee-reported bill contains a total of $150 million for the Customs Service air interdiction program—an important program for our on-going war on drugs.

Included under the Operation and Maintenance, Air Interdiction Program line item account is a total of $31,200,000 to continue the P-3/360 degree radar surveillance aircraft program and to proceed with follow-on P-3/360-degree platforms, beginning in fiscal year 1983.

The committee has included language in its report—Senate Report 100-160—which would place certain reporting requirements and performance milestones on the followup—P-3/360-degree radar-equipped aircraft. However, I want to clarify for the Senate that the committee in no way intended to halt work on the followup P-3/360-degree radar surveillance aircraft—merely to require the Customs Service to closely scrutinize the performance of the initial prototype P-3 surveillance aircraft and report periodically to the committee regarding the progress and performance of the prototype. The committee report language should not send any signal whatsoever to the Office of Management and Budget or to the Drug Enforcement Policy Board at the Justice Department that the Customs Service should not proceed with the follow-on P-3/360-degree radar surveillance aircraft program.

Mr. President, as the committee report indicates, the combination of a fleet of P-3/360-degree radar surveillance aircraft and the loaned Navy E-2C aircraft will provide the Customs Service, as the lead drug interdiction agency, with a significant air surveillance capability to combat the narcotics smuggler.

Mr. CHILES. Mr. President, each appropriations bill is subject to a spending limit known as a 302(B) allocation. As chairman of the Senate Committee on the Budget, I am pleased to report that the Treasury-Postal appropriations bill, H.R. 2907, is under its 302(B) budget authority ceiling by $0.3 billion and under its 302(B) outlay ceiling by less than $50 million. I commend the distinguished chairman of the subcommittee, Senator DECONCINI, and the ranking minority member Senator DOMENICI for their success in crafting this bill.

Mr. President, I have a table from the Budget Committee showing the official scoring of the Treasury-Postal appropriations bill, and I ask unanimous consent that it be printed in the RECORD.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 2907—TREASURY—POSTAL—SPENDING TOTALS

[Senate-reported, dollars in billions]

Bill scoring	Fiscal year 1988	
	Budget authority	Outlays
H.R. 2907, Senate-reported (new BA and outlays)	15.1	13.4
Outlays from prior-year BA and permanent appropriations		1.8
Bills enacted this session: 1987 Supplemental Public Law 100-71	+(1)	+(1)
Adjustment to conform mandatory programs to resolution assumptions	−(1)	−(1)
Bill total	15.1	15.1
Subcommittee 302(b) allocation	15.4	15.2
Difference	−0.3	−(1)
Comparisons		
Bill total above (+) or below (−):		
President's request	+0.5	+0.4
House-passed bill	−0.3	−0.3

[1] Less than $50 million.

Details may not add to totals due to rounding.
Prepared by the Senate Budget Committee.

Mr. DECONCINI. Mr. President, I yield to the distinguished ranking member for any further comments he has before we conclude and go to final passage of the bill.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to my friend the chairman of the subcommittee, who is here, and my friend from Oregon, the ranking member of the committee, that I alluded a while ago to the fact that we do not know if we have a Gramm-Rudman-Hollings II or not, because the President has not decided. The ranking member expressed a desire that we send one bill at a time to the President, because everybody has been saying that one big continuing resolution, with all the full-year bills, is not the way to do business. But I suggest that we all ought to be thinking about an anomaly.

Under the new Gramm-Rudman-Hollings fix, one, two, three, or four appropriations bills may get passed at a new appropriation level with new program targets, but others may not be passed in time for the November 20 sequester. The Senator from Oregon will recall that we had a dialog on the floor. It may be that those that are in at the lowest level, because they are still at last year's level, may get hit just as much or more than those programs that are in at newly adjusted levels because we have worked our will through the appropriations process. So we have 45 or 50 days to think that problem through.

I wanted to make sure, before we closed, that everybody knows that this new situation adds to the complexity of one bill or many bills and the effect on programs and the desires of the Appropriations Committee as they set new appropriation levels.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDENT pro tempore. Is all time yielded back?

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

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Alaska [Mr. STEVENS] and the Senator from Virginia [Mr. TRIBLE] are necessarily absent.

I further announce that the Senator from Connecticut [Mr. WEICKER] is absent due to illness.

Mr. BYRD. Mr. President, I ask for regular order.

The PRESIDING OFFICER. Regular order has been called for.

Are there any other Senators in the Chamber who wish to vote or to change their vote?

The result was announced—yeas 84, nays 7, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—84

Adams	Conrad	Graham
Armstrong	Cranston	Grassley
Baucus	D'Amato	Harkin
Bentsen	Danforth	Hatch
Bingaman	Daschle	Hatfield
Bond	DeConcini	Hecht
Boren	Dixon	Heflin
Bradley	Dole	Heinz
Breaux	Domenici	Hollings
Bumpers	Durenberger	Inouye
Burdick	Evans	Johnston
Byrd	Exon	Karnes
Chafee	Ford	Kassebaum
Chiles	Fowler	Kasten
Cochran	Garn	Kennedy
Cohen	Glenn	Kerry
Lautenberg	Moynihan	Sanford
Leahy	Murkowski	Sarbanes
Levin	Nunn	Sasser
Lugar	Packwood	Shelby
Matsunaga	Pell	Simpson
McCain	Pressler	Specter
McClure	Pryor	Stafford
McConnell	Quayle	Stennis
Melcher	Reid	Thurmond
Metzenbaum	Riegle	Warner
Mikulski	Rockefeller	Wilson
Mitchell	Rudman	Wirth

NAYS—7

Gramm	Proxmire	Wallop
Helms	Roth	
Nickles	Symms	

NOT VOTING—9

Biden	Gore	Stevens
Boschwitz	Humphrey	Trible
Dodd	Simon	Weicker

So the bill (H.R. 2907) was passed.

Mr. DECONCINI. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRAHAM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the Senate insist on its amendments and requests a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer appointed Mr. DECONCINI, Mr. PROXMIRE, Ms. MIKULSKI, Mr. STENNIS, Mr. DOMENICI, Mr. D'AMATO, and Mr. HATFIELD conferees on the part of the Senate.

Mr. DECONCINI. Mr. President, I thank the Senate for their cooperation and I thank the members of the Appropriations Committee who were here this morning in support of the bill.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 1174, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Weicker-Hatfield Amendment No. 712, to require compliance with the provisions of the War Powers Resolution.

(2) Byrd Amendment No. 732 (to Amendment No. 712), of a perfecting nature, to provide that Congress express its support for (1) a continued U.S. presence in the Persian Gulf and the right of all non-belligerent shipping to free passage in the Gulf; (2) continued work with the countries in the region and with our Allies to bring about a de-escalation of the conflicts in the region, and to bring a halt to those activities which threaten the freedom of navigation in international waters in the region; and (3) diplomatic efforts underway in the United Nations and elsewhere to bring about an early resolution of the conflict between Iran and Iraq, identify the actions which led to the current conflict and contribute to its continuation, achieve a cease-fire as called for by United Nations Security Council Resolution 598, and take early action toward imposing sanctions on any party which refuses to accept a cease-fire.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1988

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the Calendar Order 336. This is the joint resolution on the continuing appropriations.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 362) making continuing appropriations for the fiscal year 1988 and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

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

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, House Joint Resolution 362, is the first continuing resolution for the fiscal year 1988. I hope it is the last. This resolution provides what we refer to as a temporary, stopgap funding for the Federal Government for the period October 1, 1987 until November 10, 1987 or until the enactment of the regular, annual appropriation bills, whichever comes first.

This is a simple, clean, noncontroversial continuing resolution which provides temporary, restrictive funding for the functions of Government at the current level of operation, that is, the level of operation for the current fiscal year 1987.

This House joint resolution covers all programs, projects and activities included under the regular, annual appropriation bills, of which there are 13 in number.

The House of Representatives has passed and has sent to the Senate, 10 of the 13 annual appropriation bills for fiscal year 1988. The Senate Committee on Appropriations has reported six of these appropriation bills as of this date; and we anticipate reporting all of the 13 annual bills between now and November. The defense appropriation bill, the agriculture appropriation bill and the foreign operations appropriation bill have not been reported or

taken up in the House of Representatives as of this date.

The proposed termination date in this continuing resolution is November 10, 1987. This should be sufficient time to enable the Senate to consider all thirteen of the fiscal year 1988 appropriation bills.

Mr. President, a brief explanation of this proposed continuing resolution includes the following principal points:

The resolution provides interim funding at a rate of operations not in excess of the current rate of operations and under the current terms and conditions in effect during the fiscal year 1987 for the 13 regular, annual appropriation bills. This resolution is clean of extraneous matters. It simply continues the current terms and conditions which are in effect during this current fiscal year, 1987, for the duration of this resolution which is for 40 days.

For the foreign operations appropriation bill, the rate of operation shall not be in excess of the current rate or the rate provided for in the budget estimate, whichever is lower.

The funding made available by this resolution continues to be available until November 10, 1987, or until the enactment of the regular appropriation acts.

New starts are prohibited during this interim time period. The resolution also carries the usual, necessary technical provisions relating to obligation or expenditures made during the duration of the continuing resolution.

I emphasize, again, that this is a clean, simple, traditional continuing resolution, without any controversy to my knowledge, and I urge the Senate to pass it without amendment. This will clear this matter for the President's approval as soon as possible. I know of no problems in connection with this measure and I urge the Senate to approve this in its present form.

Mr. President, let me give a one-sentence summary.

In the Appropriations Committee, we consider this a highly important matter, necessary to carry on the functions of Government. I am happy it has gotten this far. Without further ado, I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time will be divided equally between the two sides.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, this continuing resolution is what a continuing resolution ought to be—of limited duration, with a straightforward funding formula for all the agencies and activities covered. I hope it will be passed expeditiously and free of amendment.

The appropriations process is moving along well. The House has passed 10 of the 13 regular appropriations bills, and the Senate Appropriations Committee has reported 6 of those 10. Our chairman is pressing forward to complete markup on all our bills and bring them to the Senate as soon as possible, and I understand that the majority leader has committed to give us floor time for those bills as they become available. But we do not yet have any appropriations bills for fiscal year 1988 enacted into law, and so this measure is necessary to continue the spending authority necessary for Government operations.

This continuing resolution establishes the current rate of spending as the level of spending for the agencies and activities normally funded in the following 12 bills: Agriculture, Commerce, Defense, District of Columbia, Energy and Water, HUD, Interior, Labor-HHS, Legislative, Military Construction, Transportation, and Treasury. The rate of operations for the activities normally funded under the foreign operations bill is established at the current rate or the rate provided for in the budget request, whichever is lower.

The resolution expires on November 10, 1987. If any regular appropriations bill is enacted into law before that time, and I expect there will be several, then the funding levels, terms, and conditions established by that regular bill will supercede those set by this resolution.

Two amendments were adopted during consideration of this measure in the House. The first waives section 502(a)(1) of the National Security Act of 1947 to continue the authority for appropriations providing for intelligence activities. The second allows the continued obligation of funds already appropriated in fiscal year 1987 for assistance to the Contras, and establishes a monthly rate of $2,650,000 for humanitarian assistance to the Contras.

According to the Congressional Budget Office, this measure is within the total 302(b) allocation of the Committee on Appropriations for fiscal year 1988.

Again, Mr. President, I believe we ought to pass this measure promptly and move on to our regular appropriations process.

Mr. LUGAR. Mr. President, I rise for the purpose of engaging in a colloquy with the distinguished chairman of the Subcommittee on Agriculture, Rural Development, and Related Agencies of the Appropriations Committee, Senator BURDICK.

Section 101(a)(1) of House Joint Resolution 362 provides that funding continue "under the current terms and conditions and at a rate for operations not in excess of the current rate" for, among other provisions, section 1241(a)(1) of the Food Security Act of 1985. Section 1241(a)(1) provides that the Commodity Credit Corporation shall fund the Conservation Reserve Program for fiscal years 1986 and 1987.

As the distinguished Senator is aware, some people have expressed uncertainty regarding whether cost-share payments and annual rental payments can be paid using funds of the CCC after October 1 and during the life of this resolution.

Mr. President, it is my understanding that section 101(a)(1) of this continuing resolution would allow cost-sharing payments and annual rental payments for the conservation reserve to be paid from CCC funds throughout the life of the resolution. Is that the understanding of the distinguished chairman?

Mr. BURDICK. Yes it is, Mr. President. It is my understanding that the language of the continuing resolution would allow funding of the Conservation Reserve Program to continue in the same manner during the life of this resolution as it has for the 2 preceeding fiscal years.

Mr. LUGAR. I thank my friend, the honorable chairman of the subcommittee.

Mr. BURDICK. I thank my friend, the distinguished ranking minority member on the Agriculture Committee.

Mr. LEAHY. It is my understanding that House Joint Resolution 362, the first continuing resolution for fiscal year 1988, extends all the conditions and limitations in force in fiscal year 1987. In particular, it is my understanding that the continuing resolution extends, for the term of the resolution, the moratorium on the prepayment of certain rural rental housing loans financed under section 515 of the Housing Act of 1949 which is contained in section 634 of the fiscal 1987 continuing resolution and which was extended in the fiscal 1987 supplemental appropriations bill. Am I correct?

Mr. BURDICK. The Senator is correct.

Mr. ADAMS. Mr. President, obviously a continuing resolution is needed and has to be passed by this body. I want to make two points, however.

First, the need for a continuing resolution provides further evidence—as if any of us needed further evidence—to support the conclusion that budget process has broken down. As I indicated in my remarks to this body when we considered the Gramm-Rudman-Hollings fix on the debt ceiling, I believe that things have gotten out of hand. It is time to go back to basics, back to a system which allows the budget to establishes some priorities rather than continuing to move

toward a system where the budget dictates decisions to the authorizing and appropriating committees.

Second, there is a specific provision in this bill—the humanitarian aid to the Contras—which deeply disturbs me. As my colleagues know, I oppose continued Contra funding. I believe that the Congress and the country would have profited from a full and free debate of this request.

This Senator wants to see peace and democracy in Central America. If we are to achieve this goal, we must support the peace process currently underway in Central America. I have serious doubts about whether or not this $3.5 million will make a positive contribution to that effort. As we all know, money is fungible, and the General Accounting Office has found that extensive deficiencies in our ability to account for previous humanitarian aid we have sent to the contras. The fact that these funds are to be distributed by the Central Intelligency Agency and the Department of Defense, instead of an international humanitarian organization, gives me further pause. But, President Arias has told us that he does not believe that this aid will damage the peace effort in Central America. As the architect of the present peace initiative, we must give his opinion a great deal of respect.

In spite of my deep reservations about this $3.5 million, I will not vote against this bill today for two reasons. First, I believe we must give the Arias peace plan every chance to succeed. Second, voting against the bill could endanger the normal operations of the Federal Government which would have serious ramifications for us all.

Let me go on record to make it clear, however, that I cannot support additional funds for the Contras. The position of this administration to request an additional $270 million for the Contras sometime after the start of the new fiscal year is counterproductive to the pease process and should be rejected by the Congress. I will work with my colleagues on the Foreign Relations Committee and throughout the Congress to defeat any such request.

Mr. INOUYE. Mr. President, House Joint Resolution 362 provides such amounts as may be necessary to continue programs, projects, and activities which were conducted in fiscal year 1987 and for which funding was provided in the Foreign Assistance and Related Programs Appropriations Act, 1987. A proviso to the bill which passed the House establishes the rate of operations under foreign assistance and related programs at the current rate or the rate provided for in the budget estimate, whichever is lower.

This formula for funding of foreign assistance and related programs under the continuing resolution is more stringent than that applied to programs, projects, and activities funded under other appropriations acts. I support this more restrictive language, because a formula which set the rate of spending under the continuing resolution at the current rate of operations would run the risk of thwarting congressional priorities for the fiscal year 1988 budget.

Funding for foreign assistance and related programs under the fiscal year 1988 budget resolution is sharply reduced from that which was available in the Foreign Assistance and Related Programs Appropriations Act, 1987. We cannot accommodate, even for the period of a short-term continuing resolution, spending at the fiscal year 1987 rate of operations. Although I would, personally, favor increased funding for foreign assistance, we must recognize the programmatic implications of the budget resolution. We must adjust spending downward.

Therefore, the Appropriations Committee has agreed with the action of the House to move now to restrict fiscal year 1988 foreign assistance funding. The committee may determine at a later date to provide more or less funding for individual projects or accounts and, therefore, believes that it is best to act now to preserve its options for funding under a regular bill.

There is, however, one fault in this formula for the continuing resolution. As noted by my counterpart on the House Foreign Operations Subcommittee, Chairman DAVID OBEY, for fiscal year 1987, the administration has requested a separate line-item for economic assistance for sub-Saharan Africa. Since no such line item was included in the fiscal year 1987 appropriations act, using the formula contained in House Joint Resolution 362 for foreign assistance funding would result in no funding being made available for sub-Saharan Africa.

To correct this fault, I wish to make it known that for the purpose of determining the rate of operations for development assistance under the continuing resolution, it is the intention of the committee that the fiscal year 1987 request level for each of these accounts be considered as including an amount for sub-Saharan Africa.

The committee incorporates into the development assistance accounts the following levels for annual funding of programs, projects, and activities in sub-Saharan Africa: Agriculture, Rural Development and Nutrition—$198.8 million; Population—$18.5 million; Health—$29.9 million; Child Survival Fund—$14 million; Education and Human Resources—$66 million; Energy and Selected Development Activities—$27.3 million; Sahel Development Program—$72.2 million.

Mr. President, the committee expects the Agency for International Development not to exceed the rate of operations implied by this level of funding.

Mr. BINGAMAN. Mr. President, I am opposed to the continuing appropriations resolution and I will vote against it primarily because it contains $3.5 million in aid to the Contras.

The continuing appropriations resolution is the omnibus catch-all spending bill which will allow the Federal Government to continue its operations in the absence of permanent appropriations. I think it is unfortunate we cannot finish our consideration of the annual appropriations bills in a more timely manner necessitating the need for a continuing. I am pleased, at least, that the continuing has not become the vehicle for nongermane legislative items as is the usual practice.

I still feel, however, that I cannot in good conscience vote for aid to the Contras which is to be administered by the CIA and the Department of Defense. I have consistently opposed aid to the Contras and I feel compelled to maintain that position here today.

I regret the bill cannot be amended to remove the aid and I, therefore, must oppose the entire bill in favor of a more orderly process where debate can more freely occur.

I oppose this measure and urge my colleagues to do the same.

Thank you, Mr. President.

Mr. KENNEDY. Mr. President, the Senate will vote shortly on a continuing resolution that will keep the Government in operation until November 10. Included in this bill, is $3.5 million in so-called humanitarian aid to the Contras as well as an extension of the intelligence agencies' authority to deliver lethal aid currently in the pipeline to the Contras.

It is difficult to understand the need for this Contra assistance at this time. If this aid is critical to the survival of the Contras, they are in worse shape that we thought and this level of aid will not help; if it is not critical to the Contras, we should not be sending it in the midst of delicate negotiations of the Arias plan.

The administration has repeatedly pledged not to abandon the Contras when the current $100 million runs out on September 30. Vice President Bush has pledged not to let the Contras twist in the wind—despite assurances by the National Security Advisor that enough aid is available to sustain the Contras "at least through November." And Secretary Shultz' announcement of the administration's intention to seek $270 million in new aid to the Contras reveals the administration's disdain for the Arias peace plan.

It is time this administration recognized that its right wing agenda is not working in Central America. The Contras are not, have never been, and never will be a serious threat to the Sandinistas. The Nicaraguan people do not support them, nor do the American people. A Harris poll published on

August 14 indicates that a "massive 67-29 percent" of the American people oppose the $100 million in military aid to the Contras. The same poll indicates that 58-36 percent oppose all aid to the Contras.

When this continuing resolution before us expires, the deadline for compliance with the Arias peace plan will have arrived. The United States will then face a decision whether to undermine this historic accord by continuing a failed policy to undermine this historic accord by continuing a failed policy or to provide its full support to this historical accord. When the deadline of November 7 arrives, compliance will not be perfect, some of the deadlines will need adjustments, some of the mechanisms will be altered. But we've tried the administration's plan for 7 years. The time has now come to try the Central Americans' plan. I am one Senator who will work to ensure that the United States takes those steps asked of us by the Arias plan, including no more aid to the Contras after November 7, whether that aid is in the pipeline or not.

The Arias peace plan is crystal clear on calling for an end to U.S. aid to the Contras. It states:

> The Governments of the five Central American States shall ask the Governments of the region and outside of the region which, openly or covertly, provide military, logistic, financial, or propagandistic, or manpower, arms, munitions and equipment aid to irregular forces or insurrectional movements to cease that aid, as an indispensable element for achieving a stable and lasting peace in the region.

Cessation of such aid shall go into effect on November 7.

Assistance for repatriation, relocation, and reintegration into normal life of the Contras is permitted. Not lethal aid, not the broadly defined humanitarian aid, not intelligence sharing, not CIA overflights.

The authority extended to the intelligence agencies to deliver lethal aid already in the pipeline will expire on November 10. That authority should not be renewed once the Arias peace plan is in effect. Should we decide that some further assistance is needed—as defined and permitted by the accord—there are plenty of public ways to provide that aid. Once we cease lethal aid, we no longer need covert supply routes.

The next month and a half is critical to the achievement of peace in Central America, and significant progress has already been made since the peace plan was signed on August 7. Let us commit ourselves fully to supporting that effort rather than attempting to scuttle the plan at every turn.

There are many ways the United States can promote democracy in Nicaragua. The press, the church, the democratic parties, the farmers, the business men and women all need our assistance. Those are the members of the true democratic opposition in Nicaragua—not Ronald Reagan's Contras. Let us pledge full support to those in Central America who support democracy the right way, by supporting enforceable and verifiable agreements among the countries of the region, not the far-right way by sending more guns to the Contras.

The PRESIDING OFFICER. Is there further debate on the joint resolution?

Mr. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. HATFIELD. Mr. President, the chairman of the committee, Mr. STENNIS, and I as ranking member, are not aware of anyone who has asked to speak on this particular bill.

As you know, there are no amendments in order because of the unanimous consent agreement. The Senator from Vermont [Mr. LEAHY], has a separate standing 10-minute allocation under the unanimous consent, and therefore, Mr. President, I am ready to yield back the remaining period of the time under my control.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. That will be the order.

The Senator from Mississippi.

Mr. STENNIS. Mr. President, regarding the time Senator LEAHY has, 10 minutes under special dispensation, I make no reference to that. The general bill is all that we have, and all that we have knowledge about is there is no other request for time from any source, Mr. LEAHY excepted. I therefore yield back the time, unless anyone wants to use it. I yield back the time.

The PRESIDING OFFICER. The Senator from Mississippi yielded back his time. The Senator from Oregon has yielded back his time.

The majority leader is now recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I shall suggest the absence of a quorum to give Senator LEAHY time to get here from his office. He did not realize that this was going to be called up so quickly.

In the meantime, there will be a rollcall vote requested. And I suggest that we not go forward with that rollcall vote before the two caucuses.

So I ask unanimous consent that once Senator LEAHY has completed his remarks prior to the caucus that this continuing resolution be temporarily laid aside until later in the day at which time the two leaders will consult with the two managers and will set a definite time for a vote.

The PRESIDING OFFICER. That will be the order.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

CONTINUING RESOLUTION AND AID TO THE CONTRAS

(Later the following occurred:)

Mr. LEAHY. Mr. President, the Senate is about to vote on a continuing resolution to fund the Federal Government until November 10. If the past is any guide, on November 10, the Senate will have to vote on yet another continuing resolution. We have fallen into a very bad pattern of funding the Government for large portions of the fiscal year through these continuing resolutions.

I hope that this year, under the leadership of the distinguished majority leader, the Senate will pass all the normal appropriations bills. We passed one this morning. He has said we are going to get to work on the bills, and in that he has my strong support.

But, I have a special concern about this continuing resolution which makes it impossible for me to vote for it. It contains $3.5 million in additional nonlethal aid to the Nicaraguan Contras, and renewed authority for executive branch agencies to remain involved in the Contra war to overthrow the Government of Nicaragua.

Mr. President, I am deeply opposed to the unworthy and failed policy of aiding the Contras. Our Nation stands for something better and more positive. We should be supporting the Central American peace process now underway, not providing the money to buy more guns for Nicaraguans to kill Nicaraguans.

Just this week, Witness for Peace released a devastating report documenting Contra human rights abuses and atrocities in their war against the Nicaraguan Government. It is a stain on the honor of this great Nation that the American taxpayers' money is going to pay for this bloody, losing fight against the Sandinistas.

Some Contra aid opponents have argued privately that we should ignore this small amount for nonlethal humanitarian assistance in the interests of not provoking a premature confrontation with the administration while the peace negotiations in Central America are in progress. We should focus, they suggest, on fighting the administration's request for $270 million in military aid that we all know is coming soon.

I respect these arguments. I will work with other Senators to defeat the $270 million in more military assistance when that request comes before the Senate. But, I cannot vote for any money to support the Contra war, even if it is a token amount and is disguised as humanitarian aid, as the administration likes to call nonlethal assistance to the rebels.

Therefore, I will vote against this continuing resolution.

We have seen in the past that this so-called humanitarian aid is practically anything that does not go bang or explode. That really does not foster peace in Central America. It also allows other agencies of the U.S. Government to be involved in the war there.

At some point, Mr. President, we are going to have to ask ourselves what are the security interests of the United States in Central America. Is it in our security interest to support the Contras in their effort to overthrow the Government of Nicaragua?

If that is so, then we should ask ourselves at least two questions: Why do we continue to have diplomatic relationships with Nicaragua? And why do we, with the most powerful Army, Navy, and Air Force in the world, have to call on a group of Contras, who continue to commit atrocities against civilians, to in effect carry the banner of the United States of America?

I think it is because we do not really see our security interests threatened by Nicaragua. Let us be honest with the American people. Let us have a straight up or down vote on our policy there. Let us vote and see whether the American people support further aid to the Contras or not. That is a far better way, a far more honest way to decide this question, than this piecemeal approach. That is why I will vote against the continuing resolution.

I thank the distinguished majority leader for protecting my right to be able to speak on this issue.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Mr. BYRD. Mr. President, I shall suggest the absence of a quorum for the moment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, I ask unanimous consent that the continuing resolution be temporarily laid aside, and that the Senate resume consideration of the DOD authorization bill.

I have an understanding with the distinguished Senator from Illinois [Mr. DIXON] that if Mr. LEAHY comes to the floor in the next few minutes arrangements will be made for Mr. LEAHY to proceed inasmuch as he has 10 minutes under his control on the continuing resolution.

So I make that request.

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

The Senator from Illinois.

Mr. DIXON. Mr. President, my friend, the distinguished Senator from Delaware, has two amendments. I wish he would accommodate me by offering the amendment to provide $50,000 for North Atlantic Interparliamentary Assembly study first because that is acceptable to our side. And there is some question about the other one.

Would he do that, please?

Mr. ROTH. Yes, I will be happy to.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

AMENDMENT NO. 739

Mr. ROTH. Mr. President, I send an amendment to the desk on behalf of the distinguished senior Senator from Georgia, and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. NUNN, proposes an amendment numbered 739.

On page 43, after line 21, insert the following new section:

Sec. . of the funds appropriated pursuant to Sec. , $50,000 shall be provided to the North Atlantic Interparliamentary Assembly for a Study on the Future of the North Atlantic Treaty Organization.

Mr. ROTH. Mr. President, I believe that every member of this body will agree with me when I assert that a mainstay of our defense and security is now, as it has been in the past, the North Atlantic Treaty Organization. Currently, our day to day attention is frequently focused upon the troubled regions of Central America and the Persian Gulf. However, these situations should not distract us from the primary threat to the peace and security of the free world, namely, the massed forces of the Warsaw Pact, ranging from the east bank of the Elbe into the very heart of the Soviet Union.

That threat has been effectively deterred by the solidarity and cohesion of NATO's 16 Nations. We may not field as many troops as the Warsaw Pact and we may suffer from marked inferiority in such areas as tank and artillery forces but, nevertheless, the fact that the United States and the nations of Western Europe have been willing to stand shoulder to shoulder in their common defense has formed a bastion which Moscow and its satellites have proved unwilling to assault.

However, the fact that NATO has proved successful in the past should not be allowed to blind us to potential future problems. Already we have witnessed serious intra-NATO disputes over counterterrorism policy, defense burden sharing and our overall perception of the nature and extent of the Warsaw Pact threat. All of these disputes, taken singly or together, have the capacity to inflict serious damage upon the alliance and, consequently, upon our own National Security.

If these potential problems are to be dealt with, we must learn to plan and to anticipate. A problem foreseen is a problem mitigated. Consequently, I believe it is of the utmost importance that the NATO allies now begin to discuss their serious differences with a view to resolving them before they inflict serious damage upon the fabric of the alliance.

In addition, we must be cognizant of the fact that the NATO alliance has evolved radically since its establishment. What was once a lop-sided alliance of a debilitated Western Europe and a militarily potent United States now has become power of equal abilities. Western Europe has prospered economically for the last 10 years and that prosperity has been mirrored by self-assertion in the international arena, often leading to serious arguments with Washington. Clearly, if NATO is to survive and prosper, its structures must alter and evolve to shape themselves to these new economic and political realities.

Pending arms control agreements point up the need for this reappraisal of the roles and structures of NATO. Traditionally, the Western Alliance has sought to counterbalance its conventional inferiority with nuclear weaponry. In the new political climate of the 1980's, this strategy increasingly appears politically unviable. Indeed, the United States and the Soviet governments, even now, are discussing the scrapping of their intermediate and short range nuclear weaponry which would be most relevant to a European conflict. Such an agreement would constitute significant a step forward for arms reduction, but, simultaneously, would expose our woeful conventional inferiority. Clearly, if this situation is to be dealt with, the alliance must now begin to discuss its various conventional defense budgets and its overall conventional strategy.

To this end, the Standing Committee of the North Atlantic Assembly, in which I and several other Members of

this body play an active part, has proposed to embark upon a study of the future of the North Atlantic Treaty Organization, taking a look forward into the 1990's in an effort to discern the problems we will face and the strategies we must adopt to mitigate those problems. The Standing Committee has asked me to chair this study committee, which is composed of political representatives from most NATO nations, and I am happy to say that I am joined on the study committee by my distinguished colleague, the senior Senator from Georgia, and by Congressmen BILL RICHARDSON and DOUG BEREUTER from the House of Representatives.

This project has received strong support from the President of the Assembly, Mr. Ton Frinking of the Netherlands, the Secretary General of the Assembly, Mr. Peter Corterier and the leadership of the various national delegations. Many members of the alliance, including West Germany, Denmark, Norway, Spain, Turkey, the Netherlands, and Belgium have committed themselves to supporting this study financially. Consequently, the study committee has already been able to hold a most instructive hearing with such distinguished figures as Mrs. Harold Brown, Richard Perle, Richard Burt, Brent Scowcroft, Eugene Rostow, Irving Kristol, and Earl Ravenal. The purpose of the amendment which I send to the desk on behalf of myself and the Senator from Georgia is quite simple, Mr. President. It provides for $50,000 to be taken from the authorization for title III, operations and maintenance to finance the U.S. contribution for what I believe is a most worthwhile undertaking. I trust that my colleagues will agree that this is, indeed, a most important topic and that they will accept this amendment without objection.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I congratulate the distinguished Senator from Delaware on this fine amendment, which is cosponsored by the distinguished chairman of the Armed Services Committee. This side is prepared to accept this amendment and will support the amendment.

Mr. President, I announce to all my colleagues, wherever they may be around the Capitol, that when this amendment is disposed of, there are still 88 amendments. The store is open; we are doing business. All Senators are invited to the floor. We will begin to call on them, because we want to dispose of amendments.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. I yield time to the distinguished chairman of the committee.

Mr. NUNN. Mr. President, I am pleased to be a cosponsor of this amendment with my friend from Delaware.

This is a very important study at a very important time in the life of NATO, particularly in light of the INF probable agreement that is emerging.

NATO is going to have to do a lot of rethinking of its overall posture in the world relating to conventional arms, conventional arms control, and nuclear arms control. So this study, I think, will be very helpful.

The United States will be participating. We will be having our overall participation, joined in financially by other countries in the alliance.

I think this is a worthy amendment, and I congratulate the Senator from Delaware. I urge its acceptance.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. I yield whatever time is required by the distinguished Senator from California.

Mr. WILSON. Mr. President, I join my colleagues. There is certainly no opposition on our side.

In fact, I think the Senator from Delaware is to be commended. This is not just appropriate or timely. I would add that I think he is quite correct in making the assessment that it is overdue. With the importance of the prospective INF agreement, it assumes even greater importance than otherwise. So we enthusiastically support the amendment.

Mr. ROTH. Mr. President, I thank the distinguished Senators for their support and encouragement.

I yield back any time I may have remaining.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DIXON. I yield back the remainder of my time.

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

The amendment (No. 739) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, the Senator from Delaware has another amendment. We are prepared to go to it.

I regret to tell the Senator from Delaware that we will oppose the amendment, but we are prepared to discuss it and have the rollcall.

At this time, a conference is beginning on our side, but I am advised by the majority leader and the distinguished manager of the bill that we should proceed with the order of business.

What is the time limit on the amendment? Does the Senator from Delaware know?

Mr. ROTH. I think it is 10 minutes equally divided.

Mr. DIXON. That would be satisfactory.

AMENDMENT NO. 740

(Purpose: To extend to major non-NATO allies rights to compete on certain maintenance contracts)

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 740.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 37, after line 10, insert the following new section:

SEC. . ELIGIBILITY OF MAJOR NON-NATO ALLIES TO COMPETE ON CERTAIN MAINTENANCE CONTRACTS.

(a) IN GENERAL.—Any major non-NATO ally shall be eligible to bid under competitive procedures and any Department of Defense contract for maintenance, repair, and overhaul associated with the European workload program. Any contract with such a non-NATO ally may be carried out in the ally's facilities or in facilities in NATO/Europe.

(b) DEFINITION.—For purposes of subsection (a), The term "Major Non-NATO Ally" has the meaning given that term by Section 1105(g)(1) of the Department of Defense Authorization Act, 1987 (Public Law 99-661).

The PRESIDING OFFICER. There is no prearranged time limit on this amendment. Do Senators wish a time limit?

Mr. DIXON. Mr. President, the time limit indicated by the distinguished Senator from Delaware would be satisfactory to the manager on this side—10 minutes equally divided.

I say to the Senator from Delaware that he will recall that the majority leader, when he took up this bill, asked that we set aside time for the distinguished Senator from Vermont to make a brief statement. May we do that before we get into this amendment?

Mr. President, I ask unanimous consent for 10 minutes equally divided on the amendment.

The PRESIDING OFFICER. Without objection, the time on the amendment of the Senator from Delaware will be 10 minutes. That amendment will be set aside, and the Senator from Vermont is recognized for 10 minutes.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Illinois and the distinguished Senator from Delaware for yielding.

(Mr. LEAHY's statement is printed earlier in the RECORD under proceedings on the continuing resolution.)

AMENDMENT NO. 740

The PRESIDING OFFICER. The matter before the Senate is the amendment of the Senator from Delaware.

Mr. DIXON. Mr. President, while the Senator from Delaware is preparing, may I make another statement regarding this whole subject matter?

I want to again say to all Senators that I hold in my hand the list of amendments which constitutes several pages in today's calendar of business. There are still 88 amendments remaining, 87 after we deal with the amendment from the distinguished Senator from Delaware, and we expect to be in business until we finish, Mr. President. That is sad news but the leader and the chairman of the committee are conferencing now. I believe it is essential that we finish the bill and the sooner Senators come over here and get rid of their amendments the sooner we can finish and go home.

Mr. WARNER. The Senator realizes there is a caucus going on now. That is what they are trying to do now.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I sent an amendment to the desk.

Mr. WARNER. Mr. President, I wonder, if the Senator would forebear for a moment, I have just arrived. I arrived here at 7 o'clock, but just now in the Chamber.

The PRESIDING OFFICER. The amendment has been reported previously. Does the Senator from Delaware yield to the Senator from Virginia?

Mr. ROTH. I am happy to yield to the Senator so long as I do not yield any of my time.

I yield 1 minute.

Mr. WARNER. Mr. President, I acquaint Senators that the Republicans are now caucusing in an effort to gather and sequence amendments. So I think we are fully in compliance with the leadership and the managers.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, the amendment which I sent to the desk is designed to place into the Senate DOD authorization bill certain language which has already been adopted in the House of Representatives. This language will enable non-NATO allies to bid on contracts for maintenance, repair, and overhaul which are put out to offer under the European Workload Program.

Currently, the United States does not attempt to maintain all of the militarily related equipment which it deploys in NATO Europe. Rather, it puts these contracts out to bid to NATO allies. This amendment simply extends to non-NATO allies of the United States the right to bid on those contracts.

The Secretary of Defense, in consultation with the Secretary of State, shall determine which nations may be designated as a major non-NATO ally. In the light of certain political and geographic realities, the practical effect of this amendment will be to allow the state of Israel to bid on contracts under the European Workload Program. Israeli expertise in military maintenance, particularly with regard to aircraft and aviation technology is broadly recognized. Consequently, I believe it is fair to say that both Israel and the Untied States will benefit through the extension of this program.

In addition, in the aftermath of the abandonment of the Lavi project, I believe it would be timely for the United States to make some moves toward assisting Israel's aircraft industry. Of course, this amendment does not allocate any increased funding to Israel or its military infrastructure. It merely grants the right, and I emphasize the right, to bid on certain DOD contracts which, are currently restricted to NATO members. Nevertheless, I believe that this constitutes a worthwhile gesture and I ask my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I must rise regrettably to oppose this amendment. The Department of Defense opposes this amendment, Mr. President.

The Defense Department requires that maintenance work on U.S. military equipment stationed overseas be performed by companies in the theater in which the equipment is stationed. Now that is the key issue here, Mr. President, in the theater where the equipment is stationed.

This includes both routine maintenance and unanticipated repair for major equipment like F-16 aircraft in Belgium, F-111 aircraft in Great Britain, Sidewinder missiles in West Germany, and the like.

Now, major non-NATO allies of ours like Israel, Egypt, South Korea, Japan, and Australia are permitted now to bid to do the work in the theater.

The problem with the amendment of my distinguished friend is that it would permit them to bid to do the work outside the theater. It is the opinion of the Department of Defense and it is the opinion of the Armed Services Committee that this would appreciably affect the readiness and preparedness of our forces in Europe. In other words, from the standpoint of depot maintenance and from the standpoint of building your industrial base in Europe, it is advantageous for us to have the work done right there in Europe.

I want to stress to my colleagues who will vote on this amendment shortly this does permit competitive bidding already by these friends and non-NATO allies of ours if they will do the work in Europe in the theater or any theater for that matter, but since it is specifically mostly for Europe, let us talk about Europe.

So instead of taking the airplanes to Israel, Egypt, or Korea somewhere to work on them, you have to repair and do the work on the maintenance and repair work in the theater in question.

So I must reluctantly advise my friend from Delaware that for good and sufficient reasons regarding the readiness and preparedness of our military forces in particularly Europe, but in all other theaters of the world, we think this is an unacceptable amendment and at the appropriate time I regret that I will be required to move to table the amendment to be offered by my distinguished friend from Delaware and if there are no other comments on this side, I would be willing to yield the remainder of my time so my friend can conclude.

Mr. ROTH. Mr. President, I would be brief.

I would just point out that in no way does this adversely affect, in my opinion, the maintenance of equipment in a theater. All my amendment does is to permit, and I want to emphasize, to permit the Secretary of Defense to allow such maintenance contracts to be performed outside, out of the theater when that is in the interest of security.

There is nothing in this amendment that requires it be done. I am shocked that the Secretary of Defense does not want to have this flexibility. It seems to me that we know the Israelis in particular have tremendous technical expertise in these areas. Why we should not permit them the opportunity where appropriate and I emphasize the words "where appropriate" is hard for me to understand.

Why should we not open the door to those countries determined by the Secretary of Defense entirely in his discretion to bid on contracts where it can be done better by and at a lower cost perhaps in Israel, rather than in Europe.

So, Mr. President, I would just point out that this amendment was adopted on the House side, and I would hope that the Senate would do the same so that it becomes part of the ultimate legislation.

I yield back the floor. I yield any time I have back.

The PRESIDING OFFICER. The Senator from Delaware has yielded back his time.

Mr. DIXON. May I say to my friend from Delaware, if it is satisfactory to him, I will withhold making a motion to table and the subsequent rollcall

until the two conferences are finished. Because conferences on both sides are presently trying to determine how we get rid of these amendments and how we prioritize, it would be, I think, an accommodation to let them continue to talk until they finish.

The PRESIDING OFFICER. Both Senators have yielded back their time.

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

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

RECESS FOR 20 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 20 minutes.

There being no objection, the Senate, at 10:14 a.m., recessed until 10:33 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. WIRTH).

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

EXTENSION OF RECESS FOR 20 MINUTES

Mr. CRANSTON. Mr. President, I ask unanimous consent that the recess be extended for an additional 20 minutes.

There being no objection, the Senate, at 10:33 a.m., recessed until 10:54 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. WIRTH).

RECESS UNTIL 11:10 A.M.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the recess be extended for 15 additional minutes.

There being no objection, the Senate recessed at 10:54 a.m. until 11:10 a.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. WIRTH).

RECESS FOR 5 MINUTES

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate stand in recess for an additional 5 minutes.

There being no objection, the Senate, at 11:10 a.m., recessed until 11:16 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. WIRTH).

Mr. DIXON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the amendment offered by the Senator from Delaware [Mr. ROTH].

Mr. DIXON. Mr. President, may I say I am prepared to offer a motion to table the amendment by the Senator from Delaware as soon as he returns to the floor. I will advise the Chair, who was not here on the prior discussion, that both sides had completed their debate and yielded back the balance of their time. I think we are prepared to go to the rollcall on this amendment if the Senator from Delaware is prepared to do that.

The PRESIDING OFFICER. All time has been yielded back. Therefore, nobody has any further time for debate.

Mr. NUNN. 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. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. DIXON. Mr. President, I move to table the amendment by the distinguished Senator from Delaware and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois [Mr. DIXON] to table the amendment of the Senator from Delaware [Mr. ROTH]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the the Senator from Connecticut [Mr. WEICKER] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The results were announced, yeas 49, nays 48, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—49

Adams	Ford	McCain
Baucus	Fowler	McClure
Bentsen	Garn	Metzenbaum
Boren	Glenn	Moynihan
Bradley	Graham	Nunn
Breaux	Harkin	Pryor
Bumpers	Hatfield	Quayle
Byrd	Hollings	Reid
Chiles	Inouye	Rockefeller
Cochran	Johnston	Sanford
Conrad	Kassebaum	Shelby
Daschle	Kennedy	Stennis
Dixon	Kerry	Trible
Dodd	Lautenberg	Warner
Dole	Leahy	Wirth
Evans	Levin	
Exon	Matsunaga	

NAYS—48

Armstrong	D'Amato	Heflin
Biden	Danforth	Heinz
Bingaman	DeConcini	Helms
Bond	Domenici	Humphrey
Boschwitz	Durenberger	Karnes
Burdick	Gramm	Kasten
Chafee	Grassley	Lugar
Cohen	Hatch	McConnell
Cranston	Hecht	Melcher
Mikulski	Proxmire	Specter
Mitchell	Riegle	Stafford
Murkowski	Roth	Stevens
Nickles	Rudman	Symms
Packwood	Sarbanes	Thurmond
Pell	Sasser	Wallop
Pressler	Simpson	Wilson

NOT VOTING—3

Gore	Simon	Weicker

So the motion to lay on the table amendment No. 740, was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1988

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, all time has been consumed on the pending resolution. There is a request for a rollcall vote. I have discussed with Mr. DOLE having that vote right now. He indicated that it would meet his approval.

I, therefore, ask unanimous consent that the Senate proceed now to the consideration of the continuing resolution.

I ask that the vote occur now.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 362) making continuing appropriations for the fiscal year 1988, and for other purposes.

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

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Connecticut [Mr. WEICKER] is absent due to illness.

SEVERAL SENATORS. Regular order, Mr. President. Regular order.

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 70, nays 27, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—70

Adams	Ford	Moynihan
Bentsen	Fowler	Murkowski
Bond	Glenn	Nickles
Boren	Graham	Nunn
Boschwitz	Harkin	Packwood
Bradley	Hatfield	Pell
Breaux	Heflin	Pressler
Bumpers	Heinz	Pryor
Burdick	Hollings	Quayle
Byrd	Humphrey	Reid
Chafee	Inouye	Riegle
Chiles	Johnston	Rockefeller
Cochran	Kassebaum	Rudman
Cohen	Kennedy	Sanford
Cranston	Kerry	Sarbanes
D'Amato	Lautenberg	Sasser
Danforth	Levin	Shelby
DeConcini	Lugar	Simpson
Dixon	Matsunaga	Specter
Dodd	McConnell	Stennis
Dole	Melcher	Stevens
Domenici	Metzenbaum	Thurmond
Evans	Mikulski	
Exon	Mitchell	

NAYS—27

Armstrong	Grassley	Proxmire
Baucus	Hatch	Roth
Biden	Hecht	Stafford
Bingaman	Helms	Symms
Conrad	Karnes	Trible
Daschle	Kasten	Wallop
Durenberger	Leahy	Warner
Garn	McCain	Wilson
Gramm	McClure	Wirth

NOT VOTING—3

Gore	Simon	Weicker

The joint resolution (H.J. Res. 362) was passed.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on the Byrd amendment in the second degree to the Weicker amendment.

Mr. DIXON. Mr. President, I ask unanimous consent that be set aside in order to proceed to other business.

Mr. QUAYLE. Reserving the right to object, we are going to set it aside to take up—I think we ought to specify what amendments, so it will come back. Otherwise you will set it aside indefinitely. I do not think you want to do that.

Mr. DIXON. Mr. President, my present understanding is that the distinguished Senator from Indiana has three amendments that are his amendments that have been cleared on this side. It is my understanding that the distinguished senior Senator from Hawaii has an amendment that is about to be cleared on their side; that the senior Senator from Pennsylvania, has an amendment cleared on their side under consideration. It probably will be cleared on our side. It is my understanding that the President, the occupant of the Chair, has an amendment that is being cleared on both sides; and that the Senator from Michigan [Mr. LEVIN] has an amendment that should be ready in about 45 minutes.

So I think we have seven probable amendments that could be disposed of, probably within the next hour timeframe if everything goes well.

Mr. QUAYLE. Reserving the right to object, the unanimous-consent request would then be amendment by amendment? Or are you asking unanimous consent en bloc?

I will offer an amendment, once the amendment is disposed of. Then the Byrd-Weicker amendment will come back and we will have to ask unaimous consent for that.

I think we probably ought to do it either en bloc, if we can get agreement on these amendments, or do it amendment by amendment.

Mr. WARNER. Mr. President, reserving the right to object, if I understood the manager of the bill, the acting manager, he stated that the senior Senator from Hawaii had an amendment that was about to be cleared.

We have made efforts to clear it. It is my understanding that the Senator who is the ranking member of the subcommittee having jurisdiction desires to come to the floor. He will have to speak for himself. It may be in opposition or it may be colloquy, but we are doing everything we can to expedite the amendment.

Mr. DIXON. Could I respond to my friend from Virginia by saying, if we could get to these amendments, they do not necessarily have to be agreed to. We can have rollcalls. We had one already today on the amendment by the Senator from Delaware.

We have people here ready to have their amendments considered. The Senator from Pennsylvania is ready; the Senator from Indiana is ready. I just want to move some business.

Mr. QUAYLE. Mr. President, reserving the right to object, my I suggest to my dear friend from Illinois that I am about to submit one of those three amendments. Before I offer that I will ask unanimous consent to set the Byrd-Weicker amendment aside in order to have my amendment go to the desk and I suggest that each offeror of an amendment do that. Therefore, you will have a clearing procedure here that the amendments, at least for the time being, will be basically those agreed upon. If that is all right, I would be ready to proceed. I have an amendment ready to offer.

Mr. DIXON. That is agreeable on this side, Mr. President, although I think it would be more expeditiously done if we just set aside the Byrd-Weicker amendment and go to his amendments as they come up from time to time, because we are working assiduously on them and we will have a decent number of them if we do not waste time discussing them.

Mr. QUAYLE. I do not think we are going to waste a lot of time. I think we are going to run into problems of which amendments you want to have come up.

Mr. DIXON. Mr. President, I ask unanimous consent that the Byrd amendment be temporarily set aside so we may consider three amendments by the Senator from Indiana.

Mr. WARNER. Mr. President, reserving the right to object, and it is not my intention to object, but you seek to set aside the Weicker amendment which presently has an amendment to it by the distinguished majority leader. The majority leader is still on the floor. There is one procedural aspect of the majority leader's amendment which possibly can be completed now.

At the time I asked for the yeas and nays, I wanted to allow him time to make possible changes to his amendment. I wonder if we might complete that procedural change before we lay these amendments aside.

Mr. BYRD. Mr. President, I am not in a position at the moment to supply the language. I am sure I will have one change. I want to have a few minutes in which to go over this language carefully on the expedited procedures.

Mr. WARNER. Mr. President, that satisfies me.

Mr. BYRD. I have no objection to getting the yeas and nays now if I am permitted to make the expedited procedural modification.

Mr. WARNER. That is quite agreeable. Could I restate my request for the yeas and nays on both the Byrd amendment in the nature of a substitute and the pending Weicker amendment?

Mr. BYRD. I misspoke myself. I would ask the Senator to withhold that.

Mr. WARNER. I will withhold.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Reserving the right to object, may I have some clarification as to what the amendments are? I keep hearing that there is this amendment and that amendment. What, specifically, is the amendment about that is about to be offered by the Senator from Indiana?

Mr. QUAYLE. Will the Senator yield for a response?

Mr. EXON. Yes.

Mr. QUAYLE. Mr. President, I will tell my friend from Nebraska that I have three amendments that have

been cleared by both sides. They all deal with reports.

One is a report requirement of what NATO's military requirements may be after an INF agreement is reached.

A second amendment will be a report on the manpower for implementing the missile proliferation accord the United States reached with seven other nations.

One of the problems that I think we have, as we reduce United States and Soviet missiles, is the spread of missile technology to other nations. I brought this up in the committee and asked if the Defense Department had enough staff to monitor missile proliferation activities.

What this amendment does is to get a study on how the Department of Defense will implement the missile technology control regime, which the United States entered into April 16 of this year.

The third amendment is an amendment the Senator will be very familiar with. It is a consolidation of the existing SDI reports. Presently, there are three separate SDI reports. There is the annual report, the Quayle report, and also a Warner report on accidental launching. What we do is take those three reports and consolidate them into one.

You can see that these amendments are very noncontroversial. I predict, if we are able to proceed, we will dispose of three amendments in a period of less than 10 minutes.

Mr. EXON. Mr. President, I appreciate that fine explanation. Two of those amendments are under the jurisdiction of the subcommittee I chair. Now that I know what they are, I fully support them and have no objection.

Mr. QUAYLE. I thank the Senator.

The PRESIDING OFFICER. There is a request to set aside the Byrd-Weicker amendment so that the three amendments of the Senator from Indiana may be offered. Without objection, it is so ordered.

AMENDMENT NO. 741

(Purpose: To require the Secretary of Defense to submit a report to Congress regarding adequacy of NATO defenses in light of the proposed INF treaty)

Mr. QUAYLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana (Mr. QUAYLE) proposes an amendment numbered 741.

Mr. QUAYLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 114, between lines 13 and 14, insert the following new section:

SEC. . REPORT REGARDING NATO DEFENSES.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Supreme Allied Commander, Europe, shall submit to Congress a report on the options available to the North Atlantic Treaty Organization (NATO) to ensure continued deterrence against war in Europe and continued NATO unity in light of the proposed Intermediate Range Nuclear Treaty (INF) between the United States and the Soviet Union. The report shall include, at a minimum, the following:

(1) Requirements for nuclear modernization of NATO.

(2) Non-nuclear forces that would be needed to support the operational concept of Follow-on-Forces Attack (FOFA).

(3) The status of improvements being made in the air defenses of NATO in Europe.

(4) Possible effects of a conventional arms control agreement on the military balance between NATO and Warsaw Pact forces.

(b) DEADLINE FOR REPORT.—The Secretary shall submit the report required by subsection (a) not later than January 31, 1988, or before the President submits to the Senate for its advice and consent any treaty relating to intermediate range nuclear missiles in Europe, whichever occurs first.

Mr. QUAYLE. Mr. President, in summary, this amendment requests a report on the military requirement that NATO may have after an INF agreement, which I assume at some time will be approved by the Senate.

If that does happen, I think, we have to figure out what we are going to do as we move toward zero-zero.

There are four specific issues I ask the report to examine that deal with potential modernization programs, including conventional modernizations.

Also, I have been a strong proponent of looking at the air defense requirement, particularly, ATBM. INF will not touch Soviet missiles of 500 kilometer range or less. As a matter of fact, I believe that the really important issue will be not the SS-20 but the SS-21 and the SCUD upgrades and other shorter range ballistic missiles that fall below the 300-mile range presently in the treaty. My amendment would require an analysis of what extended air defense might be needed to cope with these remaining shorter range missiles.

Finally, Mr. President, I ask this report to look at possible conventional arms control proposals. Obviously, after we get beyond zero-zero in INF, we must examine what we ought to do in the conventional area.

I have a lot of concern with the proposed treaty but want to wait and see what the final details are. One of its positive features, though, is the unequal reductions it calls for. I believe unequal reductions would have to be applied to a conventional arms control agreement as well because of the vast conventional superiority the Warsaw Pact has in relationship to NATO. This will be covered in the report. We will have a better survey of the post-INF landscape.

I think in the spirit of trying to get information, I offer this amendment and am glad to have the support of the other side, particularly the chairman of the subcommittee.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have looked at this amendment and I think it is an important step in the right direction. I hope we can dispose of this matter favorably.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, as chairman of the Conventional Subcommittee, I wonder if I can ask my good friend a question on this.

We have worked very closely on conventional capability. As I read this amendment, there is no judgment rendered in the amendment on the current state of the conventional balance, nor is there any prejudgment as to what changes would be necessary, if any, in that balance, or as to what conventional arms control proposals would be appropriate.

This simply asks the Defense Department for a study as to what, in their judgment, would be necessary if anything relative to conventional capability or conventional arms control would have an effect on the balance. Is that correct?

Mr. QUAYLE. Yes; the Senator is correct.

What we looked at in the conventional area—and the Senator is a very astute Senator in this area and I enjoy working with him and look forward to further working with him in this area—there are two things that the amendment deals with in the conventional area. One, we want to look at potential conventional modernization programs that would be necessary in a post-INF environment because we are going to be relying more and more on conventional forces to provide for peace.

One of the other elements—and I know we have talked a lot about this, and it is going to be a major issue of discussion—is what should we be doing with any kind of conventional arms control proposals.

I think this is going to be on the table. I think we are going to be discussing this. I know the Senator from Michigan talked to me privately about how we can begin to develop the consensus of what we ought to do.

There is really no prejudging. We are asking for—the Senator from Michigan and I worked together on this committee and other committees—information. We want to get the thinking of NATO, the thinking of our

military planners over there. We want to start to lay it on the table. The best way to come to good conclusions and good decisions and make good public policy is to get as much information on the table as possible.

That is the thrust of the amendment.

Mr. LEVIN. I thank my friend for that assurance because he knows as he participated in scheduled hearings on the conventional weapons and on conventional arms control. I wanted to be certain there was nothing in this amendment or assumption behind it relative to a conclusion. We are simply seeking facts and opinions. We make no assumptions or conclusions ourselves in this amendment.

Mr. QUAYLE. There are no conclusions. Let me read it. Nonnuclear forces that would be needed to support the operational concept of the follow-on forces attack. That is a very important concept that we have in our military doctrine. And the other one, possible effects of a conventional arms control agreement on the military balance between NATO and Warsaw Pact forces. The report in no way says what the numbers should be, asking simply for information. We hope to get a very detailed, thorough report. I think this is going to be a very important report. I think what they say on this will be very instrumental in the deliberations in our subcommittee and quite frankly, in the entire Senate.

Mr. President, my amendment requests a report on the problems and opportunities NATO will face after the INF Treaty is signed and the nuclear missiles are destroyed.

There are two reasons for requesting this report at this time. First, both the United States Department of Defense and NATO military and political authorities have been conducting studies on a post-INF Europe since the Iceland summit in 1986. Since one set of analysis is being done for the executive branch, and the other set for NATO, the results will not necessarily be made available to Congress. The report requested under my amendment would have to draw from these other studies, thus providing Congress with their insights.

Second, there are other questions which I believe many of my colleagues share with me that may not be addressed by ongoing official studies, yet are an integral part of the balance of forces equation in Europe, both before and after the elimination of INF missiles.

Specifically, my amendment requests analysis in four general areas: nuclear modernization, nonnuclear modernization, air defense requirements and progress, and nonnuclear arms control possibilities. This amendment simply asks for information. It does not prejudge or in any way anticipate the answers.

But it is important to note two things the request in my amendment does do. It acknowledges that the Supreme Allied Commander, Europe, may have views that differ from the Joint Chiefs of Staff, and that these views should be explicitly taken into account by the Secretary of Defense in responding to this request.

Furthermore, this request recognizes the NATO's continuation and success is at least as dependent on political unity and will as it is on maintenance of military force and deterrence of war, and that the effect of an INF agreement on these intangibles should be a primary factor is considering force deployment and arms control options after INF.

The Senate must be fully aware of all the costs and opportunities represented by the INF Treaty. Passage of this amendment will ensure that the Congress recieves the best information and analysis on some of the key issues. This information will be central to the Senate's consideration of INF Treaty ratification.

Mr. LEVIN. I thank my friend.

I ask unanimous consent I be listed as a cosponsor of this amendment.

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

Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Indiana [Mr. QUAYLE].

The amendment (No. 741) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 742

Mr. QUAYLE. Mr. President, in accordance with the unanimous-consent agreement, I send my second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. QUAYLE] proposes an amendment numbered 742.

Mr. QUAYLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At an appropriate place in the bill, add the following new section:

SEC. . REPORT ON MANPOWER REQUIRED TO IMPLEMENT THE MISSILE TECHNOLOGY CONTROL REGIME.

(a) Not later than February 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report identifying the functional responsibilities of the Department of Defense for implementing the Missile Technology Control Regime, describing the number and skills of personnel currently available in the Department of Defense to perform these functions, and assessing the adequacy of these resources for the effective performance of this mission.

(b)(1) The report described in subsection (a) shall identify the total number of current Department of Defense full-time employees or military personnel, the grades of such personnel, and the special knowledge, experience, and expertise of such personnel to carry out each of the following Missile Control Technology Regime tasks:

(A) Review of private-sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Enforcement and technology security operations.

(F) Technical review.

(b)(2) The report shall contain the Secretary's assessment of the adequacy of staffing in the categories specified above in sections (b)(1)(A-F), and shall make recommendations on measures, including legislation if necessary, to eliminate any identified staffing deficiencies, and to improve interagency coordination.

Mr. QUAYLE. Mr. President, a few months ago this Nation signed a very important agreement concerning missile proliferation that quite frankly has been overlooked in the debate of where we are going to go in the future with ballistic missiles and particularly with nuclear weapons. We have been consumed and perhaps rightly so with INF, with START, although I believe there are other issues such as missile proliferation that we ought to be talking about with the Soviet Union. But this missile proliferation agreement was signed on April 16 with important countries: Britain, France, Germany, Italy, Japan, and Canada. Unfortunately, some very important countries are missing, particularly China, India, and the Soviet Union.

But if we are going to come to grips with nuclear ballistic missiles, we are going to have to look at the potential for missile proliferation beyond the two countries of the United States and the Soviet Union. I wish the Soviet Union were a signatory of this agreement. I hope at some time they will be. But it is a very important accord, as a matter of fact a historic accord that was signed. There was not much discussion about it. There should be.

This ballistic missile accord was a major step forward. The question is about some of the nonsignatories, like Brazil, India, China, particularly the Soviet Union, and hopefully they will come to the table and the sooner the better. Mr. President, since we have this accord, which, I believe, is a very good one, my amendment simply asks the Defense Department to look at how we are going to use the staff within the Department of Defense to implement the accord. How many times have you heard the discussion

91-059 O-89-25 (Pt. 18)

on this floor about compliance, about verification, about carrying out the treaty?

My own personal bias is that this report is probably going to come back and show there is inadequate personnel assigned to this area to deal with the implementation of this treaty. I think that is what is going to come back. My own first choice is really to add some personnel but questions about how best to do it were raised.

So I think this amendment which has been accepted on both sides will give us the facts, will give us the information that we can in fact see. I assume and I know it will be accepted.

The PRESIDING OFFICER. Is there further debate?

Mr. QUAYLE. Mr. President, my amendment requests a report from the Secretary of Defense on the manpower required to implement the missile technology control regime agreement announced earlier this year. We are all concerned about curbing the spread of dangerous technology. It's essential for true arms control.

That's the reason the United States, Britain, France, Italy, Germany, Canada, and Japan agreed last April to ban the export or transfer of cruise or ballistic missile technology to any nation that might use it for military purposes.

My concern is that we simply haven't dedicated enough full-time experienced staff to implement this agreement. The information I have is that we have no more than two experienced Government officials working full-time on this task.

If this information is even remotely correct, we are in trouble. To give you some idea of what's needed, the Defense Department currently has at least 170 officials working full-time just to monitor East-West technology transfers. There are over 250 officials Governmentwide assigned to this task.

To control the spread of dangerous technology including missile technology, requires people. My amendment gives the Defense Department an opportunity to identify just how many will be required.

I would probably add slots right now for this task but I think the Defense Department should tell us what it needs first. Their needs, however, will depend on what other resources agencies have dedicated to support or follow-up the Defense Department's efforts.

This is the information we need and will get from the Defense Department report.

Mr. President, I could say more about this issue and just how pressing the missile proliferation problem is. In fact, I already have. Rather than speak any further, I ask unanimous consent that the full text of an op-ed on missile proliferation I wrote for the Washington Post be printed following my remarks along with a chart reviewing the current missile inventories and development efforts of the Third World.

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

MISSILE WOES

(By Dan Quayle)

Not all military threats are created equal. Some are publicized but unlikely. Others get scant attention but are quite real.

Take missile proliferation. Its most recent manifestations—the cruise missile attack against the USS Stark and the Chinese sale of Silkworm cruise missiles to Iran—are bad enough.

Yet worse may be in store: smaller nations are developing ballistic missiles, and some will soon export them.

The Senate Armed Services Committee got an early warning about this when it held hearings in April 1986 on the emerging tactical ballistic missile threat in Europe, Asia and the Middle East. At that session, I released a Congressional Research Service report detailing the spread of missile technology to the Third World. The report examined missile development programs in India, Brazil, Pakistan, Argentina, Israel, South Korea and Taiwan, as well as existing missile arsenals in Syria, Egypt, Iraq, Libya and North Korea.

That was a year ago. Now no fewer than six new, large military ballistic missile programs are under way—and Libya and South Africa have programs of their own. Specifically, since April 1986:

Argentina has successfully tested its first solid-fuel rocket and announced plans to mass produce a longer-range version in late 1987 capable of reaching the Falklands.

Brazil has revealed plans to flight test a theater ballistic missile in mid-1988. Developed for export by the firm Avibras, this missile would have characteristic identical to Soviet missiles now deployed in Europe and in the Middle East. A rival Brazilian firm, Engesa, has announced it will compete by extending the range of the ballistic missile it is now testing.

Libya has begun development of a tactical ballistic missile to replace the Soviet missiles it actually fired against Italy last year.

South Africa has announced plans to develop long-range military missiles by the firm Armscor.

Taiwan has begun development of a ballistic missile that could reach Canton, Shanghai and Nanking.

India has announced it will test a variety of tactical missiles and intercontinental-range rockets in 1987. Meanwhile, our exports of supercomputers and antenna equipment have been held up for fear that they might be used in India's military missile effort.

Pakistan has begun a rocket program of its own in response to India's activity.

These are the facts. The question is, what are we going to do about them?

Much was made earlier this year of the missile technology export control agreement President Reagan reached with Canada, France, Germany, Japan, Italy and Great Britain. In fact, this ban on specific dangerous missile technology exports was generally praised.

There's been silence, however, on just how far we intend to promote it diplomatically. Merely controlling the missile exports of our closest allies is hardly going to do the trick. The problem is much bigger. For starters, none of the smaller nations now developing military ballistic missiles is even covered by the accord. Nor are the two largest missile technology suppliers—the People's Republic of China and the Soviet Union. Getting all of these nations signed on should be priority No. 1.

Our second priority should be to implement the obligations we've taken on. Right now the United States has only two experienced full-time government people working missile proliferation export control issues. Yet at least 80 full-time people work on nuclear export controls and well over 250 on East-West technology export control. If we are serious about enforcing missile exports controls, comparable numbers of experienced staff must be hired to monitor missile activities.

These steps should buy us time. With time, three other things can be accomplished.

First, we need to renew our security assurances to some of the problem nations listed above. Taiwan, South Korea, Pakistan and Israel, in particular, need to recognize that they have more to gain from maintaining their security ties with the United States than from developing offensive ballastic missiles of their own. Second, we need to make it expensive for fledgling nations to have missile forces. We should make it very clear that their emerging missile forces will remain extremely vulnerable to highly precise, stealthy, conventional long-range cruise missiles unless they spend heavily for air defense, missile hardening and mobile basing to protect them.

Finally, we need to develop antitactical missile defenses to protect our forces and allies abroad. The better these defenses are, the stronger we can make our alliances and the further we can reduce other nations' attraction to cruise or ballistic missile as a quick, cheap way to increase their regional influence.

This last point is critical. So long as nations think they can make a quantum jump in military power easily by acquiring missiles, many will try. What we've got to do is make sure that missile technology is difficult, expensive and militarily counterproductive for them. If we don't, this technology will spread faster than we can cope with it—so fast that it will make our current crisis in the Persian Gulf the least of our missile woes.

BALLISTIC MISSILES IN THE THIRD WORLD

Country	Ballistic missile program	Description
Argentina	Condor	100 km range, 400 kg payload.
Do.	Condor (upgrade)	800 km range under development, could be used against Falklands.
Brazil	X-40 (or SS-60)	68 km range, 147 kg payload, unguided, now in service.
Do.	SS-300 [1]	300 km range, 1,000 kg payload, similar to Soviet Scud-B now deployed in Middle East, to be operational by 1990.
Do.	MB/EE 150 [1]	150 km range, 500 kg payload, to be operational by 1990.
Do.	MB/EE 150 [1] (follow-ons).	350 km and 600 km range versions under development.
Do.	SS-1000 [1]	1,200 km range, 1,000 kg payload, under development.
Do.	Sonda IV	240-975 km range, 500 kg payload, operational space launch vehicle.
Do.	VLS	Space launch vehicle under development for low-earth orbit payloads, 1st launch expected 1989.
Egypt	SCUD-B	300 km range, U.S.S.R. supplied.

BALLISTIC MISSILES IN THE THIRD WORLD—Continued

Country	Ballistic missile program	Description
Do.	FROG-7	70 km range, unguided, U.S.S.R. supplied.
India	Prithvi [1]	150 km range, 1,000 kg payload set for production by 1993.
Do.	IRBM or ICBM [1]	Development reported.
Do.	SLV-3	Operational space launch vehicle, could be converted into military IRBM 6 months after decision.
Do.	ASLV	For space launch, tested 1987 (failure), 150 kg payload into low-earth orbit.
Do.	PSLV	For space launch, 1,000 kg payload into low-earth orbit expected 1988-89.
Do.	GSLV	For space launch, 1,000 + kg payload into geosynchronous orbit, first launch expected 1991.
Iraq	SS-21	120 km range, Soviet supplied.
Do.	SCUD-B, FROG-7	Soviet supplied.
Do.	ASTROS MLRS [1]	Brazilian supplied uses X-40 missiles.
Israel	Jericho	452-565 km range, 1,000-1,500 kg payload, operational.
Do.	Jericho II	820-1,450 km range, in flight testing.
Do.	Lance	130 km range, U.S. supplied.
Libya	SCUD-B, FROG-7	Soviet supplied.
Do.	ASTROS MLRS [1]	Brazilian supplied.
Do.	Iltissalat [2]	500 + km range missile project under development.
North Korea	FROG-7	Soviet supplied.
Pakistan		Begun development of space launch vehicle.
South Africa	SSM [2]	Development of long-range missile announced by ARMSCOR.
South Korea	Korean SSM (version I).	180 km range, adaption of U.S. supplied Nike-Hercules.
Do.	Korean SSM [1] (version II).	220 to 250 km range.
Do.	Honest John	7-37 km range, unguided, U.S. supplied.
Syria	SS-21, SCUD-B, FROG-7.	Soviet supplied.
Taiwan	Ching Feng	100 + km range, similar to U.S. Lance.
Do.	Intermediate Range SSM.	960 km range, development reported.
Do.	Honest John	U.S. supplied.

[1] New development detailed 1987 CRS report.
[2] Single-source report.

Mr. DIXON. Mr. President, this amendment is a good amendment. We can accept it. I congratulate my friend from Indiana. The report required by this amendment will provide the Congress with needed information on what additional manpower if any the Defense Department will require to perform its role in implementing the multinational agreement signed in April limiting the proliferation of missile technology.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Indiana [Mr. QUAYLE].

The amendment (No. 742) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 743

(Purpose: To consolidate reporting requirements relating to the Strategic Defense Initiative program)

Mr. QUAYLE. Mr. President, in accordance with the unanimous-consent request I send to the desk my third amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. QUAYLE] proposes an amendment numbered 743.

Mr. QUAYLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 24, beginning with line 20, strike out all down through line 14 on page 25 and insert in lieu thereof the following:

SEC. 234. REPORTS ON STRATEGIC DEFENSE INITIATIVE PROGRAMS

(a) IN GENERAL—At the time of the submission by the Secretary of Defense to the Congress of his annual budget presentation materials for each of the fiscal years 1989 and 1990 (but not later than March 15 of the calendar year in which such fiscal year begins), the Secretary of Defense shall transmit to Congress a report on the programs that constitute the Strategic Defense Initiative and other programs, if any, relating to defense against ballistic missiles. Each such report shall include the following:

(1) Details of all programs and projects included in the Strategic Defense Initiative or relating to defense against strategic ballistic missiles.

(2) A clear definition of the objectives of the Strategic Defense Initiative.

(3) An explanation of the relationship between each such objective and each program and project associated with the Strategic Defense Initiative or defense against strategic ballistic missiles.

(4) The status of consultations with other member nations of the North Atlantic Treaty Organization, Japan, and other appropriate allies concerning research being conducted in the Strategic Defense Initiative program.

(5) A statement of the compliance of the planned SDI development and testing programs with existing arms control agreements, including the antiballistic missile treaty.

(6) A review of possible Soviet countermeasures to specific Strategic Defense Initiative programs and an evaluation of the adequacy of the SDI programs outlined in this report to respond to such countermeasures.

(7) Details on the funding of programs and projects for the Strategic Defense Initiative, including—

(A) prior and current year funding levels for all such programs, projects, and tasks in the Strategic Defense Initiative budgetary presentation materials:

(B) the amount requested to be appropriated for such programs, projects, and tasks for the fiscal year for which the budget is submitted; and

(C) the amount programmed to be requested for the following fiscal year.

(8) Details on what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant military threats and help accomplish critical military missions. The missions to be considered include—

(A) defending the United States Armed forces abroad and United States allies against tactical ballistic missiles, particularly new and highly accurate Soviet shorter range ballistic missiles armed with conventional, chemical, or nuclear warheads,

(B) defending against an accidental launch of strategic ballistic missiles against the United States.

(C) defending against a limited but militarily effective Soviet attack aimed at disrupting the National Command Authority or other valuable military assets;

(D) providing sufficient warning and tracking information to defend or effectively evade possible Soviet attacks against military satellites including those in high orbits;

(E) providing early warning and attack assessment information and the necessary survivable command, control, and communications to facilitate the use of U.S. military forces in defense against possible Soviet conventional or strategic attacks;

(F) providing protection of U.S. population from a Soviet nuclear attack; and

(G) any other significant near-term military mission that the application of SDI technologies might help to accomplish.

(a) For each of the near-term military mission's listed in (8), the report shall include—

(A) a list of specific program elements of the Strategic Defense Initiative that are pertinent to these applications;

(B) the Secretary's estimate of the initial operating capability dates for the architectures or systems to accomplish these missions;

(C) the Secretary's estimate of the level of funding necessary for each program to reach these operating capability dates; and

(D) the Secretary's estimate of the survivability and cost effectiveness at the margin of these architectures or systems against current and projected Soviet threats.

(b) REPEALS.—Section 1102 of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2431 note), and section 215 of the Department of Defense Authorization Act, 1987 (Public Law 99-661; 100 Stat. 3843), are repealed.

The PRESIDING OFFICER. The Chair reminds the Senator that we have an agreement on this of 10 minutes equally divided.

Mr. QUAYLE. I thank the Chair.

Mr. President, I will not take my 5 minutes. This amendment is an amendment that in fact would consolidate SDI reports. As I already stated to my friend from Nebraska, presently we have on the books three SDI reports essentially. We have the annual SDI report, we have the Quayle SDI report that looks at early deployment options, and we have the Warner SDI report that looks to defensive capabilities against an accidental launching.

What I would do in this amendment is essentially consolidate these three reports into one report. This makes great sense. We really have not changed anything from the last language. It has been worked out on both sides.

Mr. President, I rise to offer the following amendment to the bill—S. 1174—to authorize appropriations for fiscal years 1988 and 1989 for the Department of Defense activities. The

overall purpose of this amendment is to consolidate reporting requirements relating to the strategic defense initiative program. Specifically, this amendment consolidates two existing and one proposed reporting requirement—first, the SDI annual report originally requested in section 1102 of the DOD Authorization Act of 1985, second, a report requested in section 234 of the current bill, S. 1174, that would report on the defense of the United States against accidental launch—offered in committee by Senator WARNER—and third, a report originally requested in section 215 of the DOD Authorization Act of 1987—the Quayle report—that would report on the SDI deployment schedule.

There are two specific purposes for this amendment. First, the report required by section 234—defense against accidents—and the one required by section 125—SDI deployment schedule—relate to evolving R&D programs. Therefore, it is only natural that Congress should receive periodic updates and recommendations, as is the purpose of the SDI annual report. In submitting the first SDI deployment schedule report on May 1987, the SDI office stated that it had produced only a preliminary document and that submittal was not intended as a final report. Hence, these two existing reports should be included as part of the proposed SDI annual report. Second, to lessen the burden on the SDI office for responding to congressional report requirements, the reports should be consolidated into one report instead of three. Each report, if done as individual reports, would require a security review, printing and other administrative details that would slow the overall report process down. This amendment reduces these requirements by almost half, meaning we will all receive our information in a more timely manner.

The PRESIDING OFFICER. Is there further debate?

Mr. DIXON. Mr. President, I congratulate again my colleague from Indiana. This is a very good amendment. This side is very happy to accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. QUAYLE. I yield back the balance of my time.

Mr. DIXON. I yield back the balance of my time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Indiana [Mr. QUAYLE].

The amendment (No. 743) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, I am about to propound a unanimous-consent request to go to an amendment by the distinguished Senator from Pennsylvania as previously agreed to. But may I say, and I do not mean this critically of the other side, we have just disposed of three amendments by my friend, the manager on the other side from Indiana. We are going to an amendment by the Senator from Pennsylvania. My friend from Hawaii has been trying for at least an hour now to get an amendment that affects his State cleared on the other side. I wish we could try to accommodate some people over here a little bit as well because the Senator has been assiduously working the floor to get clearance.

We would very much appreciate a little consideration for those on our side who are waiting for clearance as well.

I might say after the Senator from Pennsylvania's amendment, we plan to go to an amendment that will probably require a rollcall by the Senator from New Jersey on religious apparel. I would ask please the other side try to accommodate some of our Members who are really wanting to bring up their amendments.

I ask unanimous consent that the Weicker-Byrd amendment be temporarily set aside, Mr. President, so that we can go to an amendment by the Senator from Pennsylvania.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, first, let me thank the Senator from Illinois for his accommodation of this Senator.

As to the matter of clearance for the Senator from Hawaii, this Senator is not one who is objecting in any way to that amendment. Indeed, I do not even know what it is.

I say to the manager of the bill that, in all likelihood, although this amendment can be debated quite briefly, I am going to request a rollcall vote on the amendment. If it would accommodate people, I would be happy to agree to postpone the vote until after the vote on the Lautenberg amendment, so that we did not interrupt people unnecessarily. I do not now make that request.

Mr. DIXON. Mr. President, this side is going to support the amendment of the Senator from Pennsylvania. However, if he still wants a rollcall vote and the Senator from New Jersey has no objection, I think we would just as soon go ahead and dispose of this amendment, and then we would immediately go to the amendment of the Senator from New Jersey.

AMENDMENT NO. 744

(Purpose: To restrict certain United States contributions to international organizations until certain actions to eliminate abuses of the United Nations system are undertaken)

Mr. HEINZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DASCHLE). The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself, Mr. COHEN, Mr. NICKLES, Mr. QUAYLE, Mr. MCCAIN, Mr. KASTEN, and Mr. BOREN proposes an amendment numbered 744.

Mr. HEINZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . (a) The Congress finds that the use of salary remission arrangements whereunder the nationals of member states of the United Nations serving as employees of the United Nations Secretariat or its specialized agencies are required to turn over their salaries to their national governments and retain only a portion of the salary paid to them by the United Nations violates the United Nations Charter and seriously compromises the independence of the United Nations' international civil service.

(b) The elimination of salary remission arrangements that compromise the independence of the international civil service should be a high priority of the United States in its efforts to reform the personnel practices of the United Nations system.

(c) Fifty percent of the funds made available for each fiscal year by any provision of law to meet the obligations of the United States for assessed contributions to the United Nations and its specialized agencies may not be obligated until the President certifies to the Congress that significant progress has been made within the United Nations Secretariat and the United Nations specialized agencies in eliminating—

(1) the excessive use of secondment by member states whereunder nationals of the member states serving as employees of the United Nations Secretariat are seconded to such employment on fixed-term contracts and not allowed to become regular career employees of the United Nations, with a view to implementing the recommendations of the Group of 18 with respect to limits on the use of secondment; and

(2) the blatant control of nationals of member states serving as employees of the United Nations Secretariat or the specialized agencies through regular supervision, consultation, and evaluation of such nationals of member states by their permanent missions to the United Nations or to the specialized agencies of the United Nations.

Mr. HEINZ. Mr. President, the amendment I have sent to the desk is cosponsored by several Senators—Senator COHEN, Senator NICKLES, Senator QUAYLE, Senator MCCAIN—and I suspect there will be others who may want to consider cosponsoring it. It is

an amendment to the DOD authorization bill, which we are dealing with today.

Mr. President, the Defense authorization bill we are considering deals with our Government's most important function—the security of the United States. But our liberty cannot be ensured by weaponry alone, because Soviet military power is not the only threat we face. We also face a very real threat from Soviet espionage.

I am offering an amendment, along with Senators COHEN, NICKLES, QUAYLE, and MCCAIN, that will help neutralize one Soviet espionage weapon, their abuse of the U.N. system. These flagrant abuses by the Soviets and by Warsaw Pact countries, their satellites, use American taxpayer dollars to subsidize Soviet espionage against the West and trample on the international principles of the United Nations.

The amendment I have sent to the desk, as I have said, deals with the United Nations, and it relates directly to our national defense. It deals with espionage, and the problem there is real. The danger is clear and present. The last Soviet national in the U.N. Secretariat who was arrested for espionage, Gennadiy Zakharov, was caught trying to gain access to classified technical information relating to the design of American fighter jet engines. That arrest was almost exactly a year ago, just on the eve of the Reykjavik summit. Although the consequences of that arrest are now history, the wider problem, which is the number of Soviet agents at the United Nations, the excessive use of secondment, the issue of salary skimming, all of which are related—none of those problems have been addressed to date. As a result, we still face an intelligence threat from the abuse of the United Nations, an institution that was created to promote, not to undermine, world peace. The threat we face is an avoidable threat, but we are not taking the measures we need to take to halt it.

As a starting point, it seems to me self-evident that taxpayers' dollars—and the United States is a very generous funder of the United Nations, to the tune of some $210 million a year—have no place in KGB pockets and that the KGB has no place at the U.N. Secretariat.

My amendment would withhold 50 percent of the United States assessed contribution to the United Nations in fiscal year 1988 until the President certifies that there has been significant progress in eliminating the worst Soviet abuse at the United Nations, which help them use the United Nations as a base for espionage activities. I offered a similar amendment to last year's continuing resolution. I emphasize that because it failed narrowly, but on the procedural issue of whether it was germane legislation on an appropriations bill. Although there was very little argument against the substance of my amendment, I want to point out, in case people are confused by either last year's vote or the way they may have voted last year, that what is most significant is that, although we had a very close vote on a procedural issue, where all amendments that were not germane were being tabled, another year has passed since that time and nothing has been done to end the abuse at the United Nations that this amendment specifies.

It is time the Senate went on record demanding that this Soviet trampling of the U.N. Charter come to an end.

The abuses I single out are the excessive secondment of Soviet bloc nationals to the U.N. system, the skimming of salaries from these employees for the benefit of Soviet bloc hard currency accounts, and the blatant control of Soviet bloc nationals in the U.N. Secretariat by their countries' missions to the United Nations.

Secondment is the assignment of individuals to U.N. work on a temporary, contract basis, as opposed to a career basis. It is a legitimate practice when properly controlled, because it allows poor member countries of the United Nations to keep their best-trained personnel and also allows some technically oriented U.N. agencies to exploit the skills of some highly expert personnel who would not be available on a permanent basis. But the Soviets use secondment to keep total control over their citizens in the Secretariat, and to control certain positions in the Secretariat over a long period of time.

Over 98 percent of Soviet employees are under secondment in the Secretariat. There are 200 in New York City and 800 worldwide.

This helps the Soviet bloc to use these supposedly U.N. personnel as de facto, on the job, day in and day out, extensions of their intelligence services. Virtually all Soviets working for the United Nations are on secondment. Last year, the United Nation's own reform committee suggested that there be a cap of 50 percent on secondment levels for each member state. My amendment gives that recommendation some force by tying U.S. funding to ending the Soviet bloc's flagrant abuse of the secondment process.

The other key abuse I address in this amendment is the salary skimming used by the Soviet bloc to gain dollars for their espionage operations. The Soviets are estimated by the U.S. intelligence community to skim some $20 million a year from their nationals who work for the United Nations. The Soviets are not the only ones who skim the salaries. My amendment does not specify the Soviets—it covers any country that undermines the independence of U.N. personnel by taking part of their paycheck.

Mr. President, the information that I have presented to our Senate colleagues in support of this amendment is derived most specifically from the report of the U.S. Senate Select Committee on Intelligence entitled "Soviet Presence in the U.N. Secretariat." That report was issued just over 2 years ago in May 1985.

I have checked with the Intelligence Committee and with members in our intelligence community in a position to know, and they assure me that as they look back at this report issued 2 years ago, with the benefit of additional information, its accuracy remains intact and has been verified and, secondly, they warrant that everything in this report remains virtually unchanged and therefore accurate today.

Mr. HEINZ. Mr. President, I thank my colleagues.

Let me just say in conclusion that if there are any of our colleagues who have doubts about this amendment I urge them to consider two more factors.

First, the successful effort by Senator KASSEBAUM to reform the U.N. budget system not only is successful in starting to bear fruit, but that success is a result of pressure brought in the very first instance here by the Senate, and finally agreed to by the Congress.

Second, I urge everybody to consider that the importance of the abuse of secondment, particularly by the Soviet bloc, is recognized by the administration.

The Reagan administration is now supporting the idea of a resolution in the General Assembly of the United Nations calling for a limit on the secondment of the assignment of U.N. personnel. My amendment will give the U.N. the incentive that it very much needs to make real changes.

Mr. President, I have to say that we cannot necessarily guarantee that the United Nations will heed this warning shot across its bow. I hope it does. I hope so because I consider myself a friend of that organization. I must say, however, I have been deeply disappointed in the response over the last 2 years by that organization to our requests for them to make these changes, which are not just consistent with the U.N. Charter, but are in effect urged by any literal or other reading of the U.N. Charter.

So I urge my colleagues to support this amendment.

I would only ask one other favor of my colleagues and that is their consent to print in the RECORD at this point an article I authored earlier this year for the Reserve Officers Association national security report that elaborates in greater length on the points I have made here on the Senate

floor today. I so ask unanimous consent.

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

U.N. CHARTER IS NOT A LICENSE FOR SOVIET SPIES

(By Senator John Heinz)

How do you as an American taxpayer react to the proposition that your taxes are going to pay for up to 200 Soviet spies employed by the United Nations to work against the United States? How do you feel about your hard-earned money, contributed by our country to the UN, being directly funnelled to help finance Soviet intelligence operations against the West?

The answer to these questions is obvious. The American taxpayer should not be financing Soviet espionage under any guise. The fact of the matter, however, is that these sorts of Soviet abuses of the United Nations system occur. These abuses are documented in public reports issued by the Senate Select Committee on Intelligence, which outline the ways in which Soviet espionage and foreign policy ends are served by Soviet nationals in the UN Secretariat, the permanent staff of the UN organization.

The Reagan Administration has started to crack down on espionage abuses by members of the Soviet embassy to the United Nations in New York by expelling Soviet diplomats identified as spies and placing restrictions on those who remain. It is time to take action to eliminate the Soviet spy nest that operates within the UN itself.

As Pennsylvania's senior United States Senator, I plan to force Congressional action this year to insure that the KGB infiltration of the United Nations is confronted, and that American subsidies to Soviet espionage are stopped.

Vivid proof of Soviet abuse of the UN system was the arrest and expulsion of the confessed Soviet spy Gennadiy Zakharov, who was in theory a UN civil servant. Zakharov, and every one of the other 800 Soviets who work for the UN, must take an oath to work only for the international purposes of the UN, and to not take instructions from any external authority or government. Clearly, Zakharov's oath was worthless.

Article 100 of the United Nations Charter, the legal basis of the UN system, states that in performing their work UN employees "shall not seek or receive instructions from any government or from any other authority external to the organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the organization." That is the basic code of conduct for all UN employees.

Soviet practice at the UN rips that code to shreds. The US intelligence community estimates that up to 200 of the 800 Soviet UN employees are full-time Soviet intelligence agents. The one quarter who are regular agents keep close tabs on the others, who must respond to their requests. And all 800 Soviet UN employees must report to the Soviet mission to the United Nations, which briefs and monitors them, a blatant violation of their oath as international civil servants.

To add insult to injury, the Soviet intelligence apparatus uses American taxpayers' dollars, skimmed off the salaries of Soviet nationals who are UN employees, to finance spying against the United States.

The kickback scheme, under which Soviet employees of the UN turn over their paychecks to the Soviet mission and get only a portion in return, nets the Soviets some $20 million a year, according to US intelligence estimates. This money helps underwrite Soviet diplomatic and espionage activities in the US. Some other countries are rumored to skim the pay of their citizens who work for the UN, but the Soviets are the only ones who use the dollar proceeds of this salary-skimmed directly against the United States—for espionage and subversion.

Another Soviet abuse that tramples on the UN Charter is known as secondment. Under this practice, instead of joining the UN as a career civil servant, persons are assigned temporarily to the UN. This practice was created to protect the smaller UN member countries, who wish to have a presence in the Secretariat but who fear losing their best educated citizens to the relatively comfortable and well-paying United Nations system.

Everyone uses secondment to some extent. The United States has about 20 percent of our citizens working in the UN on temporary assignment. The Soviets, however, have virtually 100 percent of their nationals working at the UN on short-term contracts. This directly violates the letter and spirit of the UN Charter, but it allows the Soviets to keep their citizens in the UN in line and in liege to Soviet, not UN, interests.

Last September the Senate considered my amendment to withhold all UN assessed contributions to the UN until the Secretary General, Mr. Javier Perez de Cuellar, at least undertook an investigation of the Soviet abuses I have described. It fell by a vote of 46-53 on procedural grounds. I believe that with enough education about Soviet abuse of the UN system, a vote on the merits of this issue will produce victory for my proposal.

The United Nations has been put on notice by the Congress that Soviet abuse of the Secretariat will not be tolerated. In 1985, a law was passed requiring US State Department efforts to end the salary kickbacks I described earlier. Last year the US reduced its assessed contribution to the UN because no progress has been made in eliminating the kickback scheme.

But when the US asked the Secretary General of the UN to investigate the salary-skimming scheme, he answered that he had no evidence of the practice and that investigating it would violate the privacy of UN staffers. He gave America, and American taxpayers, the back of his hand.

Unless clear steps are taken by the UN itself to address the Soviet bloc assault on its integrity, Congress must take very strong action, using our budget contributions as leverage, to speed the process along. I plan to initiate this strong action by proposing an amendment that will force the United Nations to confront the cancer within its heart, the Secretariat.

Americans stand for justice and peace not only at home but around the world. They would like to think that the United Nations, an organization created with American support to uphold these values, can make a contribution to a better world. But Americans demand that the UN start by putting its own house in order. This means an end to Soviet bloc espionage that mocks the goals for which the organization was established.

Mr. HEINZ. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DIXON. Mr. President, I am willing to offer the sufficient second.

Does the Senator know we are willing to accept this on our side?

Mr. HEINZ. Yes. I tell him why I am going to have to ask for a vote on this amendment. As I mentioned at the outset last year this amendment was, although narrowly, nonetheless defeated on a procedural vote. I do not want the administration or the prople at the United Nations to think that this is one of those exercises that we kind of took the amendment to dispose of it in conference.

Mr. DIXON. Very well.

Mr. HEINZ. I need a record vote to put the Senate on record on the merits.

Mr. DIXON. If I may say, then, this amendment appropriately addresses a flagrant and unacceptable situation in the United States concerning the assignment of members in the Secretariat. The manager on this side will accept it.

Mr. President, may I further say after this rollcall a debate will begin on Senator LAUTENBERG's amendment on wearing apparel, 1 hour evenly divided, and there will be another rollcall after this rollcall.

My friend from Pennsylvania is asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HEINZ. Mr. President, I ask unanimous-consent that Senators MCCLURE and SYMMS be added as cosponsors.

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

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

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

The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Illinois [Mr. SIMON] and the Senator from Mississippi [Mr. STENNIS], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

I further announce that the Senator from Connecticut [Mr. WEICKER] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays zero, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—95

Adams	Fowler	Mitchell
Armstrong	Garn	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Graham	Nickles
Biden	Gramm	Nunn
Bingaman	Grassley	Packwood
Bond	Harkin	Pell
Boren	Hatch	Pressler
Boschwitz	Hatfield	Proxmire
Bradley	Hecht	Pryor
Breaux	Heflin	Quayle
Bumpers	Heinz	Reid
Burdick	Helms	Riegle
Byrd	Hollings	Rockefeller
Chafee	Humphrey	Roth
Chiles	Inouye	Rudman
Cochran	Johnston	Sanford
Cohen	Karnes	Sarbanes
Conrad	Kasten	Sasser
Cranston	Kennedy	Shelby
D'Amato	Kerry	Simpson
Danforth	Lautenberg	Specter
Daschle	Leahy	Stafford
DeConcini	Levin	Stevens
Dixon	Lugar	Symms
Dodd	Matsunaga	Thurmond
Dole	McCain	Trible
Domenici	McClure	Wallop
Durenberger	McConnell	Warner
Evans	Melcher	Wilson
Exon	Metzenbaum	Wirth
Ford	Mikulski	

NOT VOTING—5

Gore	Simon	Weicker
Kassebaum	Stennis	

So the amendment (No. 744) was agreed to.

AMENDMENT NO. 745

(Purpose: To authorize the Secretary of the Army to convey certain lands at Fort DeRussy, HI, to the State of Hawaii and the city and county of Honolulu, HI)

Mr. INOUYE. Mr. President, I believe the schedule calls for the recognition of the Senator from New Jersey [Mr. LAUTENBERG] at this stage. However, he has most graciously yielded to me time to bring up my amendment with the understanding that his place will not be lost.

The PRESIDING OFFICER. If the Senator will suspend, the regular order is the Byrd-Weicker amendment. Without objection, that amendment will be set aside.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I call up my amendment which is already at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 745.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 198, between lines 4 and 5, insert the following new section:

SEC. 2826. LAND CONVEYANCE, FORT DE RUSSY, HAWAII

(a) IN GENERAL.—Notwithstanding any other provision of law restricting the sale, lease, rental, or other disposition of any lands which comprise a portion of Fort DeRussy, Hawaii, the Secretary of the Army may convey to the City and County of Honolulu, Hawaii, at fair market value (as determined by the Secretary), all right, title, and interest of the United States in and to not to exceed 45 acres of land (together with improvements thereon) which lie northeast of Kalia Road in Honolulu and which constitute a portion of Fort DeRussy, Hawaii.

(b) AUTHORITY OF THE SECRETARY TO ACQUIRE OTHER LANDS AND CONSTRUCT REPLACEMENT FACILITIES.—The Secretary may acquire land in the vicinity of Honolulu, Hawaii, and design and construct on such land such facilities as may be necessary to replace those facilities on the land conveyed pursuant to subsection (a). The Secretary may also relocate activities currently located on the land conveyed pursuant to subsection (a) to the replacement facilities.

(c) USE AND DISPOSITION OF FUNDS.—The proceeds of the sale authorized by subsection (a) shall be available without fiscal year limitation to acquire land and replacement facilities authorized to be acquired and constructed pursuant to subsection (b) and to pay associated relocation costs. Any funds which may remain after the acquisition of such land and replacement facilities and the payment of associated relocation costs shall be deposited in the Treasury as miscellaneous receipts.

(d) LEGAL DESCRIPTION AND SURVEYS.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the City and County of Honolulu.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance authorized in subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Thank you very much, Mr. President. This amendment authorizes the Secretary of the Army to convey title to the inland portion of Fort DeRussy to the State of Hawaii and to the city and county of Honolulu, if he so wishes.

For the past 4 years, this provision has been a part of the defense bill as it left the Senate.

For the past 4 years, there was different language. This amendment has discretionary language, as the Secretary wishes. This language has been cleared on both sides.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, it is not my intention to interfere with matters of concern to Hawaii, but I want to focus solely on the welfare of our armed services personnel who use the beachfront portion of Fort DeRussy which is provided. This is used by our Armed Forces personnel for a recreation center and has been for a long time. That is my concern. I do not want the welfare of our Armed Forces personnel to be damaged by the adoption of this amendment, and in no way would their future welfare be jeopardized in any respect.

If the Senator from Hawaii can give assurance on that point, it would be helpful.

Let me ask further if this amendment has been part of the bill for the past 4 years, why it has been apparently rejected or stricken in conference?

Third, if the Senator from Hawaii can tell us whether or not the administration supports the pending amendment.

Mr. INOUYE. This amendment was drafted by the Secretary of the Army and approved by the Secretary of Defense. I submitted the amendment in behalf of the Secretary of the Army.

I can further assure my friend that if this conveyance is made at fair market value, the State of Hawaii will be prohibited from reselling this or leasing this to private concerns to build hotels or anything else. The State of Hawaii intends to make this into a park, thereby enhancing the value of the R&R center for the military.

Mr. HUMPHREY. I thank the Senator for his response. I thought we should establish through colloquy the legislative intent.

Is that the only beach which the Armed Forces personnel may use because of the easy access in the Honolulu area?

Mr. INOUYE. With a few exceptions in Hawaii all beaches are public beaches. This beach is owned by the U.S. Government and it will stay so.

Mr. HUMPHREY. Perhaps a better way to phrase the question would be to ask if this is the only beach in the Honolulu area to which the Department of Defense armed services personnel have first rights of access?

Mr. INOUYE. No. You have several beaches in Honolulu, one being at the Marine air base. The whole island is the State of Honolulu, technically. There are several beaches available to the military. Obviously, of the beaches, the beach at Waikiki is the most desirable.

Mr. HUMPHREY. This is the only beach at Waikiki which the Armed Forces have the first right of refusal.

Mr. INOUYE. That is right. And it will be preserved.

Mr. HUMPHREY. I do not want to impinge upon the enjoyment of that historic right in any way.

Mr. INOUYE. I guarantee we will not.

Mr. HUMPHREY. I thank the Senator.

Mr. WARNER. Mr. President, I wish to first thank the distinguished ranking member of the Subcommittee on Armed Services, Mr. HUMPHREY. He brought up very valid questions. I may say there are two sailors back here who enjoyed the benefits of this

beach. I would say there is more romance and lore connected with that small piece of beach than anything else in Hawaii.

I have sat through the Armed Services Committee conferences and have watched this committee go back and forth. I thought there would be a concern that somehow there would be a compromise of all that glorious chapter in history created by the men and women of the armed services who have enjoyed the beach for years.

However, I recognize your problem, that there is that little uncut diamond of Waikiki Beach. It should not be developed. It should be kept as a park. It would be my hope that somehow there would still be a little preferential treatment to the benefit of the Armed Forces, along with the other general public who would still have access. I am sure the Armed Forces will be good trustees as this progresses.

Mr. INOUYE. I am sure.

Mr. HUMPHREY. Mr. President, if the Senator will respond to one further question, I want to be sure that the parcel which is not involved in this amendment, the beachfront parcel, the parcel which is at the Pacific Ocean, is in no way affected by this amendment. In no way will access by Armed Forces personnel to that beachfront parcel be affected by this amendment.

Mr. INOUYE. The beachfront parcel is not affected by this law. In fact, beachfront is protected by law.

Mr. HUMPHREY. I thank the Senator.

The PRESIDING OFFICER. Is there further debate?

Mr. CHAFEE. The distinguished Senator from Hawaii and I have discussed this privately. It is my understanding that should the city and county of Honolulu decide to no longer maintain title to this property, it would not have the right to sell it to some developer.

Mr. INOUYE. The Senator is correct.

Mr. CHAFEE. It either would remain in perpetuity as a park or else would revert to the Armed Forces of the United States.

Mr. INOUYE. That will be one of the conditions that the Secretary of the Army will face in his conveyance.

Mr. CHAFEE. I thank the Senator.

Mr. WARNER. Mr. President, in all likelihood we will now proceed to an amendment to be offered momentarily by the Senator from New Jersey. I wonder if the Senator would forebear for just a matter of 2 or 3 minutes. Another colleague has been waiting literally for 3 days to do an amendment which I think has been cleared on both sides. It is cleared on this side. I will inquire of the manager.

Mr. INOUYE. May we dispose of this amendment?

Mr. WARNER. Certainly.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GLENN. We have no objection. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 745) was agreed to.

Mr. INOUYE. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I have an inquiry. If I do forebear as the majority manager requested, is it understood that the Chair will recognize me next?

Mr. WARNER. That is our understanding; yes.

Mr. McCLURE. Will the Senator yield for a unanimous consent request?

Mr. LAUTENBERG. I am happy to yield for that purpose.

Mr. McCLURE. I ask unanimous consent that the pending amendment be temporarily set aside so that the Senator from Idaho may offer an amendment which has been agreed to on both sides, and that the Senator from New Jersey would then be recognized to offer his amendment.

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

AMENDMENT NO. 746

(Purpose: To provide for an acquisition strategy for a new production reactor)

Mr. McCLURE. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. McCLURE] for himself and Mr. SYMMS offers an amendment number 746.

Mr. McCLURE. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 216 following line 8, insert the following new section:

SEC 3133. ACQUISITION STRATEGY FOR A NEW PRODUCTION REACTOR.

(a) The Secretary of Energy shall submit to the committee on Armed Services of the Senate and House of Representatives a report describing the acquisition strategy of the secretary for new production capacity as soon as possible after the date of enactment of this act, but not later than February 1, 1988.

(b) The report in subsection (a) should contain but not be limited to, an evaluation of the alternative sites and technologies, including all safety features considered, their associated costs and schedules, and the recommendation of the Secretary of Energy with respect to the preferred alternatives. The report in subsection (a) shall also include the recommendations of the Secretary of Energy with respect to an acquisition strategy, either in a phased approach or concurrently, for eventual procurement of two reactors with different technologies in different locations.

Mr. McCLURE. Mr. President, as I mentioned just a moment ago, this has been discussed extensively by staff over the last 3 days. I believe it has been cleared on both sides of the aisle.

M. GLENN. Mr. President, I have been advised that while these discussions have taken place, there may be some of this—while we are happy to accept it this morning as a result of these discussions—wording that we may want to reconsider in conference. But we will be glad to accept it this morning with that proviso.

Mr. McCLURE. I understand.

The PRESIDING OFFICER. Is there further debate?

Mr. THURMOND. Mr. President, I support the amendment of my friend from Idaho. The amendment essentially puts into legislative language the reporting requirement that the Senate Armed Services Committee included in its report on the fiscal year 1988-89 defense authorization bill.

Mr. President, I believe it is important that the Department of Energy does not perceive in this study request any lessening in the urgency that the Armed Services Committee believes should attend the procurement of a new production reactor. Our present nuclear materials production complex is fragile indeed, and we can ill afford today the indecision that accompanied earlier consideration of a new production reactor. I would hope that the Department of Energy is able to complete this study before the February 1988 deadline, and that the initiation of planning and design activities on a new reactor can proceed on the urgent basis that is fully justified by the criticality of the requirement.

Mr. WARNER. Mr. President, I have worked with my distinguished colleague on this amendment. There is no objection on this side.

Mr. McCLURE. Mr. President, I thank the Senator from Virginia, and the managers on both sides of the aisle for working with us in developing this language.

Mr. SYMMS. Mr. President, I am pleased to cosponsor the amendment offered by Senator McCLURE that provides for an acquisition strategy for a new production reactor.

Recent events have severely damaged this Nation's nuclear materials production capability. It's become quite clear that we may well be vulnerable to the disruption of our nuclear materials supply so that the requirements of the President's nuclear weapons stockpile memorandum cannot be met. The decision by the Department of Energy 2 years ago to delay the construction of a new production reactor was unfortunate, if not disastrous, and

not only because that reactor was slated to be built in Idaho.

The Senate Armed Services Committee recognized the seriousness of the matter by providing language to this National Defense Authorization Act for fiscal year 1988 and 1989. This language includes a provision that directs the Secretary of Energy to submit a report to the Committee on Armed Services in both Houses of Congress, describing an acquisition strategy for a new production reactor as soon as possible. However, I believe the committee did not go far enough in that language, for they focused primarily on one new production reactor, and only suggested a two-phase approach where work would begin on one new reactor and planning initiated for a second new reactor.

The amendment Mr. McCLURE and I are offering directs the Secretary of Energy to include in the acquisition strategy report recommendations for eventual procurement of two reactors with different technologies in different locations. This direction includes the requirement that DOE also look at whether these reactors would be constructed in a phased approach or concurrently.

The Nation's material's production complex is aged, and therefore very fragile. One new reactor cannot take the place of the five reactors we had operating in 1985. We must begin now, not only to plan for replacements for these reactors, but to build them, as quickly and as safely as possible.

Much of the world has changed since the present production reactors began operating. Safety and environmental concerns have heightened, and rightly so, to such an extent that they share equal status with the Nation's need for these critical materials. We can no longer make our decisions with respect to the future of our weapons complex in a vacuum; we must weigh the safety and environmental goals against the very security of our Nation as a whole in an effort to achieve both goals.

Nuclear arms control treaties must never be predetermined by our own shortsighted decisions. However, history shows us that budgetary constraints have made DOE defer repeatedly a program to address the future materials requirements until the matter has reached this crisis level. If once again we agree to a piecemeal, patch up program for our critical nuclear material production, we will very quickly be facing a similar crisis.

I am convinced that this legislation is necessary to guarantee that the question of cost and funding for the urgently needed replacement reactors will be addressed now by all of us: Congress, the Department of Defense and the Department of Energy. Two reactors begun concurrently at two sites will protect the Nation from the present situation ever happening again. Concurrent construction would minimize or resolve the possibility that technologies and regulatory risks associated with some reactor types could delay the deployment of an NPR. It will also provide us with a unique opportunity to draw from our most advanced state-of-the-art technologies so that within 10 years we will be able to open the door on the safest, most environmentally benign reactors that this country has ever built for any purpose.

Mr. McCLURE. Mr. President, a short history lesson on this subject would help the Members understand and better appreciate the genesis of this amendment that Senator SYMMS and I bring to the desk.

Four years ago, the Department of Energy embarked on a course that would have lead to the design, siting, and construction of a new production reactor to compliment and ultimately replace reactors in our aging complex of existing materials production reactors, located at Hanford, WA, and at Savannah River, GA. If the department's plan had gone forward, construction activities on a new production reactor [NPR] would be in full swing by now, and we would have had the new facility in operation by the early 1990's.

Unfortunately, the plan was derailed in its infancy, and we find ourselves today at the same crossroads where we were 4 years ago, only this time, with far more serious implications surrounding the issue than ever before.

A lot of things concern me about the Department's cancellation of its original NPR plans, not the least of which is the fact that the facility would be sitting in Idaho, had we moved forward. But even more troublesome than the loss to Idaho is the loss to the Nation of 4 years of precious time that we now realize, with perfect hindsight, was so important.

We cannot get those 4 years back, but we can begin now to initiate and implement a plan that will provide the new materials production capacity that will surely be required in the not-to-distant future.

The facts that were perhaps unclear 4 years ago are crystal clear today: we have a materials production complex that is showing its vulnerability to aging and safety concerns which—whether real or perceived—cannot be ignored.

The amendment we offer today augments the directive that Congress has already laid out in every defense-related appropriations and authorization vehicle now moving through Congress: the Department of Energy must proceed with the planning, design, siting, and construction of new production capacity in the next fiscal year. This amendment augments that directive by delineating an aquisition strategy that will consider the procurement of not one, but two reactors—either concurrently or in a phased approach—using two different technologies at two different locations.

I am convinced that the Department of Energy, in its deliberations over a new production reactor aquisition strategy, will ultimately see the merit, if not the absolute necessity, of a two-reactor approach. From the perspectives of need, safety, and national security, it makes utmost sense to consider two reactors, two different technologies, and two separate locations. This amendment recognizes that fact, and is meant to enhance, rather than sidetrack, the Department's already difficult task of coming to grips with the Nation's materials production needs.

I intend to pursue this subject matter in greater detail at a hearing that the Committee on Energy and Natural Resources has scheduled for October 20, but for today, I am satisfied that adoption of this amendment will get us on the right track toward providing an adequate and secure supply of nuclear materials to meet our future defense needs.

The PRESIDING OFFICER. Is there further debate?

Mr. WARNER. Mr. President, I wish to thank the Senator from New Jersey.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Idaho [Mr. McCLURE].

The amendment (No. 746) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. McCLURE. I thank the Senator from New Jersey.

AMENDMENT NO. 706

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. QUAYLE. Mr. President, parliamentary inquiry: Does the Senator from New Jersey have to set aside the Weicker-Byrd amendment?

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from West Virginia and the Senator from Connecticut will be temporarily set aside.

Mr. QUAYLE. For this amendment?

The PRESIDING OFFICER. Yes.

The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] (for himself, Mr. SIMON, Mr. WILSON, Mr. SPECTER, Mr. BRADLEY, Mr. PROXMIRE, Mr. PRYOR, Mr. DECONCINI, Mr. METZENBAUM, Mr. BINGAMAN, Mr. DASCHLE, Ms. MIKULSKI, Mr. KERRY, Mr. LEVIN, Mr. REID, and Mr. WIRTH), proposes an amendment numbered 706.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert at the appropriate place in the bill:

SEC. . WEARING OF RELIGIOUS APPAREL BY MEMBERS OF THE ARMED FORCES WHILE IN UNIFORM.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended—

(1) by redesignating section 774 as section 775; and

(2) by inserting after section 773 the following new section 774:

"SEC. 774. RELIGIOUS APPAREL: WEARING WHILE IN UNIFORM.

"(a) GENERAL RULE.—Except as provided under subsection (b), a member of the armed forces may wear an item of religious apparel while wearing the uniform of the member's armed force.

"(b) EXCEPTIONS.—The Secretary concerned may prohibit the wearing of an item of religious apparel—

"(1) In circumstances with respect to which the Secretary determines that the wearing of the item would interfere with the performance of the members' military duties; or

"(2) If the Secretary determines, under regulations under subsection (c), that the item of apparel is not neat and conservative.

"(c) REGULATIONS.—The Secretary concerned shall prescribe regulations concerning the wearing of religious apparel by members of the armed forces under the Secretary's jurisdiction while the members are wearing the uniform. Such regulations shall be consistent with subsections (a) and (b).

"(d) RELIGIOUS APPAREL DEFINED.—In this section, the term religious apparel means apparel the wearing of which is part of the observance of the religious faith practiced by the member.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 774 and inserting in lieu thereof the following:

"774. Religious apparel: wearing while in uniform.

"775. Applicability of chapter.".

(c) REGULATIONS.—The secretary concerned shall prescribe the regulations required by section 774(c) of title 10, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the date of the enactment of this Act.

Mr. LAUTENBERG. Mr. President, today I am offering an amendment to permit the wearing of neat and conservative religious apparel in the military. Under my amendment, such apparel would be permitted only if it does not interfere with the performance of military duty.

This amendment tracks S. 248, legislation I introduced earlier this year. That legislation now has 23 cosponsors, including Senators MOYNIHAN, GRASSLEY, SIMON, WILSON, SPECTER, BRADLEY, PROXMIRE, PRYOR, LEVIN, LEAHY, DECONCINI, METZENBAUM, BINGAMAN, DASCHLE, WIRTH, PELL, MIKULSKI, KERRY, GORE, D'AMATO, REID, INOUYE, MELCHER, and HEFLIN.

Last year this amendment was defeated on the Senate floor by only two votes. Language identical to this amendment was approved as part of the House version of the Department of Defense authorization bill this year by voice vote, as it was last year.

I introduced this legislation in response to the 1986 Supreme Court 5-to-4 decision in Goldman versus Weinberger. In Goldman, the Court held that the military's perceived need for uniformity of dress, and for discipline, overrode the first amendment right of an Orthodox Jewish serviceman, Dr. Goldman, to fulfill his traditional Jewish obligation by wearing a yarmulke. Our amendment would permit Dr. Goldman to serve his country while at the same time allowing him to remain true to his religion. And it would permit others like him, of whatever faith, to do the same.

Because this amendment, and this issue, is broader than any one religion. It concerns the right of people of all faiths to serve their country without having to forsake their religious beliefs and practices. it would affirm the religious and ethnic diversity that have made America strong, not weak.

The primary philosophical objection to this amendment has been that wearing visible items of religious apparel may threaten the military uniformity necessary in building unit cohesion. While I appreciate and agree with the importance of unit cohesion and esprit de corps in the Armed Forces, I do not believe that wearing neat and conservative religious apparel threatens this principle.

To the contrary, it would strengthen morale by affirming that the military is a humane and tolerant institution. And as Justice Brennan made clear in his moving dissent to the majority opinion in Goldman, allowing religious apparel to be worn with a U.S. military uniform is an eloquent reminder that the shared and proud identity of U.S. servicemen embraces and unites religious and ethnic pluralism.

Although uniformity is claimed as an important value, the services easily permit other manifestations of religious diversity. Service members attend Christian, Islamic, Jewish, and other religious services. Barracks mates see Mormons wearing temple garments, and Catholics wearing crosses and scapulars. It is obvious that our services are made up of people from different faiths and ethnic backgrounds, and that diversity is America's greatest asset. It is no secret, nor should it be.

Further, I should point out that the record here and abroad on the wearing of religious apparel supports my position. In the Goldman case, for example, it was established that Captain Goldman himself, as well as many other members of the armed services, had worn yarmulkes for many years in the military service without any apparent disruption, difficulty, or adverse impact on military effectiveness.

And the dissenting justices pointed out there was no evidence in the record that the discipline of the Armed Forces would be subverted if Orthodox Jews are allowed to wear yarmulkes with their uniforms, nor did the Air Force offer any basis for such a contention as a general proposition.

Further, for decades, our own Army accepted Sikhs and allowed them to wear their turbans. It still allows them to reenlist under those conditions. Would an Army that believed that the wearing of turbans impaired morale permit these Sikhs to enlist year after year? I think not.

The Army has stoppped enlisting Sikhs since its lawyers voiced concern that if the Army tolerated Sikh turbans, it would have to allow saffron robes as well. So in changing its enlistment policy toward recruits who wear turbans as a matter of religious practice, the Army was objecting not to turbans but to saffron robes. It is my position that the wearing of robes might interfere with the performance of military duty, and would therefore probably not be permitted under the terms of this amendment. However, that would be a decision left for the services to make in the first instance, as would all decisions under this amendment.

There is ample evidence from other countries that wearing religious apparel does not interfere with the fighting spirit of the military unit. The Israeli Defense Forces, for example, have many servicemen who go into battle wearing yarmulkes. After successes in four separate wars, it is hard to argue that the yarmulke in any way interfered with their ability to wage successful war.

Furthermore, research by the Congressional Research Service indicates that in Canada, New Zealand, and India, Sikh and Jewish soldiers are permitted to wear their religious headwear and their religious artifacts with other standard items of clothing.

In the United Kingdom, Sikh members of the services are permitted to wear turbans, and to keep their hair long, if they choose. And the queen's regulations for the Royal Air Force, which generally require all personnel to remove their headdress while on duty before a judge or magistrate, specifically exempt members of the Jewish faith or other religions which

require the head to be covered on solemn occasions.

Our own experience, and that of other countries on this question speaks for itself. There is simply no evidence that the wearing of visible religious apparel interferes with uniformity or unit cohesion.

Our citizens in uniform should not be deprived of their basic constitutional rights, such as the free exercise of religion, the minute they enter the military. There must be a compelling and supportable argument justifying such a prohibition. None has been made.

Some of the services have argued that the neat and conservative standard will be hard to apply, forcing them to make delicate and difficult distinctions between religious garb. But the services have a successful record of using the neat and conservative standard to distinguish acceptable from unacceptable jewelry. If we can make this distinction for neat and conservative jewelry, why can't we make it for religious apparel.

Certainly, the wearing of apparel central to the practice of one's religious beliefs is more important and worthy of review than the wearing of jewelry. The Air Force permits the wearing of up to three rings and one identification bracelet of neat and conservative but nonuniform design. This jewelry is permitted even if, as if is often the case with rings, it associates the wearer with a denominational school or a religious or secular fraternal organization. These items are not deemed to be unacceptably divisive. I cannot see why religious apparel that is neat and conservative would be.

In closing, I want to emphasize, once again, that this amendment is not confined to the wearing of yarmulkes, but addresses the wearing of any item of apparel that is part of the member's religious observance.

I would also like to note, for the record, that when this amendment was considered in the House, Representative DICKINSON, the ranking minority member of the House Armed Services Committee said on the floor of the House that he could think of no good reason why he should oppose this bill.

I urge my colleagues to approve the amendment, so that the practice of religion and service to one's country need not be in conflict.

Mr. President, I ask for the yeas and nays, and I reserve the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the unanimous-consent agreement, 30 minutes have been assigned to each side. The Senator from Ohio is recognized.

Mr. GLENN. I yield 5 minutes to the Senator from Alaska.

Mr. MURKOWSKI. I thank the Senator from Ohio.

Mr. President, I rise as the ranking minority member of the Committee on Veterans' Affairs. At the request of numerous organizations representing service members and veterans of all faiths, I feel compelled to express my concern regarding the amendment of the Senator from New Jersey, which would allow service members to wear religious apparel while in uniform. The American Legion, with over 2.5 million members, and the Military Coalition, representing 16 of the largest organizations for military personnel, do not support the amendment of the Senator from New Jersey.

Let me read the list of these organizations. They are as follows: Air Force Sergeants Association, Association of Military Surgeons of the United States, Commissioned Officers Association, Fleet Reserve Association, Marine Corps Reserve Officers Association, National Association for Uniformed Services, National Military Family Association, Naval Enlisted Reserve Association, Naval Reserve Association, Non-Commissioned Officers Association, Reserve Officers Association, the Retired Enlisted Association, the Retired Officers Association, U.S. Army Warrant Officers Association, U.S. Coast Guard CPO Association, and U.S. Coast Guard CWO and WO Association.

We have letters that have come to the committee, in the minority office, from the chief petty officers of the Coast Guard, the Adjutant Generals Association of the United States, assembled in Salt Lake City, and several others.

Mr. President, I am certainly aware that many Americans wear religious apparel in obedience to the doctrines of their faith. If the issue were simply a recognition of the role of faith and religion in our lives, there would be no debate. But that is not the issue, and I point out that religious freedom is certainly not in issue here. What is at issue here is good order and discipline brought about by uniformity in appearance and the ability to enforce standards.

The Senator from New Jersey has said it would be only if it does not interfere with official duties. The problem is, who is going to make that determination? Uniformity and cohesion, the fabric which binds a military unit together, cannot be achieved when the military uniform is not uniform. This amendment will fray that fabric. That is the issue.

The Department of Defense currently uses a directive which relies on visibility as the primary criterion with respect to dress and appearance. It provides the best means of accommodating the widest variety of religious practices without promoting religious tension. The wearing of religious apparel can be permitted during religious services and in some cases in the barracks or dining hall. Otherwise, visible wear is not permitted. That standard is one that can be evenly applied across the board. As Justice Stevens noted, concurring in the Goldman case, visibility is a "neutral, completely objective standard * * * not motivated by hostility against, or any special respect for, any religious faith."

Mr. President, if this amendment is adopted the Department of Defense could not apply this important standard of visibility. As a result, military leadership—unit commanders—will be placed in the difficult position of having to choose not just among turbans or crosses or whatever, but among religions and the reasonableness of the ways in which our service members may choose to express their religious preferences. And, you can be sure that, if the wearing of an item is disapproved, allegations will be made that the commander's decision is based on religious intolerance. And, you can be just as assured that the commander will have to defend himself against the lawsuit that will inevitably be filed.

And believe me, Mr. President, there is a wide variety of religious symbolism in this country. I am told—and I have a list—that the Veterans' Administration alone has some 25 different religious symbols which can be embossed on the grave markers provided for deceased veterans. There are also many different items of religious apparel which can relate to the practice of faith. This amendment does not say, Mr. President, nor can it constitutionally say, that the wearing of a specific item of religious apparel is permitted. It says that any item of religious apparel, such as, a turban, cross or whatever, "if neat and conservative"—a very subjective standard, I might add—can be worn so long as it relates to the practice of faith by the military member. What may be neat and conservative to one military commander may not be so to another.

I submit that any of the 25 emblems I hold in my hand could adorn a military uniform if the uniform is defined as uniform.

Although the print is getting a little smaller each year, I refer to Webster's dictionary for the definition of "uniform:" "Having always the same form; not varying." If we going to have uniformity, we had better have uniformity.

Mr. President, I suggest to my colleagues that this amendment creates many more problems than it solves. The issue is not religious freedoms. The issue is whether we write into law an arbitrary standard and then tell our military leaders to apply it as best

as they can. Right now, they apply a very logical, neutral standard. I suggest to my colleagues that they ought to be permitted to continue to apply that visibility standard.

Mr. GLENN. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I consider this an unfortunate amendment and hope that it will not succeed.

First, I should like to emphasize the points that the distinguished Senator from Alaska has made. If this amendment were adopted, it would open the floodgates to all kinds of litigation in the Armed Forces in the interpretation of what the Senator from New Jersey means.

For example, what does his amendment mean in requiring that an allowed item of apparel be "part of the religious observance of the faith practiced by the member?" If the commanding officer attempts to question whether an article that the sailor or soldier is wearing is a piece of religious apparel, there are bound to be disputes as to what qualifies as part of the religious observances. That's point No. 1.

Point No. 2: Who is to judge what is neat and conservative? In my view, it is impossible to judge that. That is a standard that is certainly going to be litigated every time it arises.

Third, the Senator's amendment says that the item must not significantly interfere with the performance of the member's military duties. Note the words "significantly interfere."

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

To set the RECORD straight, the word "significantly" is not in the amendment. I just point that out to the Senator.

Mr. CHAFEE. The Senator must have changed the amendment from the one he submitted here, because the word "significantly" was in the printed amendment we have—in the original bill.

Mr. LAUTENBERG. That was last year's.

Mr. CHAFEE. In either case, with or without that word, we are opening the way to litigation in this. Those are the points that were raised by the Senator from Alaska, and I agree with them.

More important however, is the fact that the United States is made up of all sorts people from diverse backgrounds and of diverseidigious faiths, and that has been one of our great strengths. One of our other strengths has been that in this country we have not permitted diversity to breed divisiveness.

One of the great levelers of our society is the Armed Forces. When people enter the armed services, they become part of an institution that is not just for the rich, for the poor, the black, the white, the Episcopalians, the Greek Orthodox, Muslims, or whathave-you. There are no variations from the rules and regulations. They apply to everyone uniformly.

Indeed, our service men and women wear a uniform to make them part of the whole. The very word "uniform" says it all; it refers to unity, to making the unified effort. It is this unity that the United States has been able to achieve in our Armed Forces that has contributed to our victories in the wars.

I believe that one person wearing a crucifix or another symbol, hanging next to his pocket, for example, may promote divisiveness in his unit.

It has been pointed out that other countries do have this; that in the Israeli defense forces, which are surely one of the most efficient military forces in the world, yarmulkes and other forms of demonstration of religious faith are permitted. But in those countries there is a more homogenous population, and people tend to come from a more uniform religious background. Such is not true in the United States.

I think we would be making a big mistake to permit in this way the accentuation of the differences between the members of our military forces.

There is no need for this change. Indeed, we are now a voluntary service: anyone who comes into our military services comes in accepting the rules as they are. No one is allowed to be an exception to those rules. If they don't like the rules, they do not have to enlist.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Jersey.

Mr. LAUTENBERG. I yield to the Senator from Michigan 5 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. LEVIN. Mr. President, I support the Lautenberg amendment, and I hope we will today reverse the narrow vote by which a similar amendment was tabled in the closing days of the 99th Congress.

The only reason we are considering this amendment today is a few years ago the Supreme Court in a 5-to-4 decision upheld the right of the Air Force to deny a captain the right to wear a yarmulke. The Court decided the Air Force desire for uniform dress overrode the serviceman's right.

Orthodox Jewish members have always worn the yarmulke. They have done so without any impairment of military performance, without any impairment to the morale of the Armed Forces or the esprit de corps.

Justice Brennan, in a dissent to that Supreme Court opinion that I referred to, said that the practical effect of the Court's decision, was that "under the guise of neutrality and evenhandedness, majority religion is favored over distinctive minority faith" and pointed out that this is a result that the first amendment was intended to prevent. Justice Brennan concluded that the Court and Air Force had been presented with a painful dilemma, a choice between fulfilling a religious obligation and serving their country, and then expressed the hope that Congress will correct this wrong.

That is what I hope we do today. The accommodation we were seeking for certain religious apparel is one that already exists for decorative jewelry. The Air Force, which prohibits the wearing of a yarmulke for religious reasons, allows its personnel to wear up to three rings and one identification bracelet. The rings are permitted even if they identify the wearer as a member of a religious group or fraternal order. In other words, the neat and conservative standard which my friend from Rhode Island says is so difficult to interpret is already part of the Air Force regulations. They apply that standard to jewelry.

So these are not some words which are pulled in from the sky. The neat and conservative standard is already in the Air Force regulations and they have had practice in applying it. It has not opened up the floodgates or Pandora's box.

No one has ever argued that the regulation is the Air Force allowing jewelry which is neat and conservative and which can be religious in its symbolism has had a negative effect on morale.

Mr. President, in April 1984, President Reagan addressed the Baptist Fundamentalism Convention. He quoted the words of a rabbi, a 6th Fleet chaplain who attended the wounded at the Marine barracks explosion in Beirut, where 241 American servicemen died, and this is what the chaplain wrote and this is what the President of the United States quoted:

> Working with the wounded, sometimes comforting, simply letting them know help is on the way. . . .

the rabbi wrote—

> . . . my yarmulke was lost.

His yarmulke was lost.

> The last I remembered it, I used it to mop somebody's brow. Father Burelli, the Catholic chaplain, cut a circle out of his cap, a piece of camouflage cloth which would become my temporary head covering. Somehow . . .

the rabbi wrote—

> . . . that chaplain wanted those Marines to know not just that we were chaplains, but that he was Christian and I was Jewish. Somehow we both wanted to shout a message in a land where people were killing each other based on their differences in religion that we Americans still believed that we could be proud of our particular religions and yet work side-by-side when the time came to help us to comfort and to ease pain.

The President quoted that in an emotional setting about religious diversity, about the specifics of a Rabbi

taking off a yarmulke in order to help the wounded. These yarmulkes have never created a problem. If they do under this amendment, if they do, then the military discipline must dominate as it should, because this amendment says that if the wearing of this religious apparel would interfere with the performance of the member's military duties, then it can be prohibited. This amendment says that if apparel is not neat and conservative, the same standard that the Air Force has used on jewelry, then the apparel can be prohibited.

So this amendment preserves a balance. What it says is that if the apparel interferes with military duty or if it is not neat and conservative, it may be prohibited, as it should be.

But for heaven's sake, if it does not interfere with military duty and if it is neat and conservative, let us then preserve the pluralism that this country has always stood for.

The PRESIDING OFFICER (Mr. WIRTH). The time has expired.

Mr. LAUTENBERG. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. WILSON. Thank you, Mr. President, and I thank my friend from New Jersey.

Mr. President, I have listened to this debate. I have participated in it in years past.

I think the Senator from Michigan touched us with his quotation of that rather stirring episode from the annals of real combat by an elite U.S. fighting force. I think anybody who had had contact with either the Marines, the Navy, the Air Force, the Army, knows that for many of the young men and women who are engaged in the armed services on our behalf, there is a great comfort in the presence of those chaplains of their particular faith.

What is the concern here? The concern is that religious headgear or religious apparel will interfere with the performance of a military mission, but this statute by its expressed language prohibits that. And it will not operate in a discriminatory fashion.

It is not in any way to demean the uniform, because it is prescribed to be neat and conservative.

Now, does that mean that it is left to the endless discretion of commanding officers who will come up with a hodgepodge of different decisions? I do not think so, Mr. President. I think we can trust the discretion, certainly, of the service Secretaries of the different services to prescribe through a regulation what is an acceptable standard.

You cannot put a helmet on over something that is very large, very cumbersome, very unwieldy. If we are to carry this to extreme and insist that uniforms are to be absolutely uniform, that we must insist on total uniformity, then we might even go to the absurd length of saying that we will not permit those who wish to wear crosses beneath their shirts, we will not permit them to wear the Star of David, we will not permit them to wear some other emblem on the chain. If that emblem were as big as a softball, even though it might be a legitimate religious symbol, it cannot meet the tests that are prescribed by this statute.

If there is a concern about interfering with the performance of a military mission, I would remind Senators that the practical effect of this statute largely will be to focus upon the wearing of yarmulkes by orthodox Jews. There is more than a little history, Mr. President, to demonstrate the fact that the wearing of this particular religious apparel does not interfere in the performance of military missions.

A military organization called the Israeli Army has made it rather clear that they have not suffered any loss of efficiency, of effectiveness, of fighting capability by virtue of the fact that many of their members wear this religious apparel.

So, Mr. President, let us dispense with the odd case with the horrible possible examples. The language here is clear enough to prevent them and at the same time to allow those young men and women in our armed services to in fact enjoy much of what it is that they are fighting for and that is an America whose tradition is not simply to tolerate diversity but to celebrate it, to sanctify it. That is why so many of our ancestors came here, for that and for opportunity of an economic kind. But they came to escape religious persecution and more to be able to worship as they choose.

If wearing religious apparel satisfies that basic need at no cost to the performance of military missions and at no cost to the preservation of the integrity of the American services' uniform, it is to be encouraged, not discouraged.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. METZENBAUM. Mr. President, it is almost amazing to me that we are standing here on the floor debating this issue. This is a nation that for so long has recognized the right of every person to pray as they believe, to worship as they believe. And certainly those in our military have the right to observe in their special way, without doing harm to anyone else, the right to wear a little hat, a little hat called a yarmulke on their head.

It seems to me that for us to have to make an issue of this is almost unbelievable in this day and age. Canada, New Zealand, and India permit their soldiers to wear an item of dress if that be their inclination.

As I see it, the right to wear an item of identification, an item of religious apparel, as long as it does not interfere with the military obligations and the military responsibilities of the individual, comes down to a simple question of civil rights, a simple question of civil liberties. And I so strongly feel that this legislation, which should have passed the last time it was on the floor, should be enacted as promptly as possible today. Why there would be any opposition, I have difficulty in understanding.

I understand an argument has been made that it is a matter of diversity. True, there is diversity. You go to Arlington Cemetery, you go to any of the military cemeteries, and there is a matter of a different kind of identification with respect to some graves as distinguished from others. And that is entirely as it should be.

But if there were some harm, if there were some loss, if there were some kind of ineffectiveness that might be caused to the American military forces by reason of recognizing the right of an individual to wear that piece of apparel that he or she wants to wear for religious purposes, then I would say this legislation should not pass. But that is not the case.

The fact is, nothing different will happen. In probably 90 percent of the cases the wearing of the little cap will probably never even be noticed by most members of the military. And for those who do notice it there will be kind of a respect that those individuals give to a fellow human being who has a strong religious commitment.

I think that to delay further in passing this amendment—and I commend my colleague from New Jersey who has fought for the passage of this amendment. Was it 2 years ago?

Mr. LAUTENBERG. It was earlier this session.

Mr. METZENBAUM. Earlier this session. It almost passed at that time. It should have passed.

Today I hope that the Senate, by an overwhelming vote, indicates its support for this necessary amendment.

I commend my colleague for being its sponsor and I am pleased to be a cosponsor with him of the proposed amendment. I hope the Senate will pass it by an overwhelming margin.

Mr. LAUTENBERG. I thank my colleague from Ohio.

Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Seven minutes and 46 seconds.

Mr. LAUTENBERG. I ask the distinguished manager of the bill if I could take a couple more minutes now out of our time.

Mr. GLENN. I believe the distinguished Senator from Rhode Island would be next in normal rotation. Are you in a hurry?

Mr. CHAFEE. I just have one statement I want to make in response to the Senator from Ohio.

Mr. GLENN. I yield 2 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I think we ought to make it clear that this is not an amendment dealing with yarmulkes. The suggestion that this is solely to correct the Supreme Court case is not accurate.

This deals with any form of dress or article that meets the specifications within the legislation. Under this change, the serviceman or woman may wear any item of religious apparel—there is no reference to headgear in this, and I think that is important to remember. So we could be talking about turbans, we could be talking about crucifixes, we could be talking about any religious apparel or symbol one can imagine. Who knows which we are talking about?

Also I would like to make a point on the suggestion that New Zealand is a nation that permits this same variety of religious apparel to be worn as part of the uniform. We checked with the New Zealand Embassy and such is not true with New Zealand.

Finally, I would like to get back to the difficulties in the interpretation of this amendment. For example, is saffron a color that is neat and conservative? I pose that question. How about a saffron robe? Is that neat and conservative? we get into all kinds of interpretations here and difficulties that all lead not only to litigation, like the Supreme Court case we have already seen, but also to divisiveness. I believe that what we are trying to achieve in the military forces is uniformity, and not divisiveness.

For this and the other reasons I outlined, I hope this amendment will be rejected.

Mr. LAUTENBERG. Mr. President, I have so much respect for my colleague from Rhode Island. His service in the military is widely known. His service to the country on behalf of the services is greatly respected.

I would, however, take the liberty of disagreeing. My rank in the Army during World War II serving in Europe was corporal. And one of the things I always wanted was a garrison cap with a peak. I was never able to get that because my mother had been widowed while I was in the service. My father died as a very young man and I was required to send home whatever support I could to my family.

I did not like it when some of the other guys were looking quite so spiffy as they did and I had to stay with GI issue. I trimmed it up nice and neat. I kept my combat boots polished and I always looked pretty good. It sure did not affect my regard or my relationship for my colleagues.

Frankly, I do not see that we can discuss discipline in the military as if it hinged upon the kind of religious identification that one wears to manifest that affiliation. It is incredible to me that one would think that we could not discipline our troops, that a field commander could not say: "Follow my orders" because one guy is wearing a skullcap or another guy is wearing something else, when he has the liberty within this amendment to say: "Listen. Take that off. It interferes with your duty." We have given all the license necessary.

Frankly, I would have to tell you that if that is what our military service is dependent upon, solely conformity in the uniform, we are in deep trouble. There is a lot more to discipline. There is a belief in country. There is a belief in individuality. There is a belief that says, "I can stand up and I can be a good American and a good Jew or a good Muslim or whatever else I want to be and not be separated out from any others because I choose to wear an item of identification."

Mr. President, we are deciding a fundamental issue about America, about whether or not being a good American constitutes sticking up for your country and at the same time sticking up for a heritage and a religion.

We have seen in recent years that people have stood up and said, "Yes, my grandparents were Greek and my grandparents were Italian and my grandparents were Catholic," and so forth and so on. We have all sorts of salutes and festivals and parties and conferences devoted to recognizing differences in ethnicity and differences in religion, and it is widely respected.

Mr. President, we are at a point in time when we have debated this issue, I think, infinitely longer than it should be, and I want to correct my response to my colleague, my distinguished colleague from Ohio, that I had forgotten exactly what the timing was that we had considered this amendment before. It was last year when we were reviewing the defense authorization bill.

Mr. President, I hope that my colleagues will recognize that diversity is a precious characteristic of the American being and let us salute it and let us say at the same time that uniformity in purpose, uniformity in understanding our roles in society, that is what is going to provide the kind of discipline, courage, and commitment that we need. It is not going to be whether someone wears a yarmulke indoors, because immediately when it interferes with the performance of their duty the commander says: take it off. You are not able to perform your function as you should. Or if someone chooses to wear a turban: take it off. You are not able to perform a function.

If there is a challenge, so what? If there is a challenge if the court, frankly I think that is also an availability of redress that has long been part of our system and should continue that way.

No, we do not want to create lawsuits, and we do not want to create problems. What we want to do is say: You are free in spirit, you are free to make your choice when you serve in the military just as you are when you live your life every day in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I truly regret having to rise to oppose the amendment by the distinguished Senator from New Jersey. Perhaps this is, of all times of year, the very worst time to be opposing this on the floor of the U.S. Senate, from my standpoint. It is a time of high feelings in the Jewish community. It is the time of Rosh Hashanah, the time of Yom Kippur, of introspection, of family, of very deeply held religious beliefs and thoughts and feelings during this most holy time of the year for people of that faith.

So I truly do regret that I must oppose this amendment to authorize military members to wear religious apparel as part of the official uniform.

I have very great respect and understanding for the motivation of the sponsors of the amendment. Freedom of religious expression was one of the keys upon which this whole Nation of ours was founded and it is one of the freedoms which our military personnel are sworn to defend. I am afraid that this amendment, if passed, could undermine the essential discipline which is so key and so essential to our military services.

The issue of wearing items of religious apparel with the military uniform was considered by the Supreme Court in the case of Goldman versus Weinberger. In this case the Supreme Court, and I believe very appropriately, sustained an Air Force regulation governing wearing of the uniform which had the effect of prohibiting members from wearing religious apparel as part of uniform.

Mr. President, at the direction of the Congress the Secretary of Defense appointed a high-level group which included the Chiefs of Chaplains of each of the military services to review this entire issue. This review led to the publication of a new DOD directive, Department of Defense directive entitled "Accommodation of Religious Practices Within The Military Services."

Under the policy in this new directive, "Requests for accommodation of religious practices should be approved

by commanders when accommodation will not have an adverse impact on the military readiness, unit cohesion, standards, or discipline."

The new policy relies on visibility, relies on visibility, I repeat, as the primary criterion with respect to the wearing of religious items with a military uniform.

Military members may wear religious items not visible or otherwise apparent. But wearing a visible religious item with the uniform is only permitted in certain limited circumstances such as in places of worship.

Mr. President, under this amendment, military members would be allowed to wear an item of religious apparel if the wearing of the item of apparel is part of the religious observance of the religious faith practiced by the member and if the item of apparel is neat and conservative. "Neat and conservative."

These criteria may sound simple and straightforward. But they will ultimately put military commanders in the precarious position of making extremely sensitive judgments on difficult matters of belief and religious practice, whether a platoon commander, a company commander, regimental commander, squadron commander, a ship's captain, or whatever.

For example, military commanders will have to decide whether a service member is, in fact, a follower of a particular religious faith. Not an easy thing to do in itself. Military commanders will have to decide whether the wearing of an item of religious apparel is truly a part of the religious observance of that particular faith. Certainly they cannot be expected to be experts in what is truly a matter of faith in all different religions we have in our country.

Military commanders will further have to make a judgment over whether a particular item of apparel is neat and conservative.

Military commanders will have to decide whether the wearing of the item interferes with the performance of the member's military duties.

Mr. President, these are very, very subjective judgments and to allow the wearing of some items of religious apparel and not others would inevitably create the impression of favored treatment for selected faith groups. But, Mr. President, I would like to address in a little more detail an item that is of particular concern and, to me, goes right to the heart of this whole thing. Because in addition to the above and the impositions on military commanders, in addition to that we have an impact of this inequity on unit cohesion and morale. Such an approach should raise legal challenges under the vague criteria of this amendment but let me address cohesion and morale, briefly.

Mr. President, when we have members come into the military they are sent through a boot camp, recruit training, and it is not just to make life obnoxious for those in the military. It has a purpose quite often not understood by those who have had only a short time in the military or have never been in the military themselves. It is the creation of a unit cohesion and morale where the individual members operate as one. The drill ground is not just to see if you can move a number of people around en bloc. It is so that people get ingrained into them, into their very bones, the idea that when a command is given they react and they react now and they do not question that command.

How do you get people to that state where, in combat, if you are going into combat a man knows if he jumps out of a foxhole and he goes over into machinegun fire to try to take an enemy ridge or throw hand grenades or whatever has to be done to win the battle, that he puts his life at risk for the other people that he is with? I have seen that happen and many Members of this body have been in combat and they have seen that happen. They have seen people deliberately risk their lives for others in their unit, because of that spirit of cohesion and the spirit of belonging to that unit, the fact that those lives of other men in that unit, be it a platoon or squadron or whatever, depend on them to do what they have been ordered to do without fear, favor, or question. No questioning, no debating. You react.

How do you instill that kind of sameness, of likeness, of lack of diversity which the military admittedly has? Lack of diversity is the very heart of it.

There is no debating. Each person knows they are the same and have the same responsibility. How do you get that?

You start off in boot camp. You strip off the civilian clothes, beards, hair, appurtenances, whatever they are in boot camp and you have a human body there that is taken down to the basic elemental levels of being a human being. You put them through all kinds of crude experiences and you put them through as a unit, together, and as they finally come together as a unit, they feel that they are part and parcel of that unit more than they are individuals themselves. And that does not overstate it.

I remember when I was a brand new second lieutenant I was in a squadron once, my squadron commander was Keith Haines. I have told this story on the floor of the Senate here before. I came in one day, back in World War II, and some of the people were coming back from Guadalcanal and those places and the marines were being written up for all the things that have happened there in World War II in some of those battles. I was sort of making light of it a little bit, even though I was a brand new second lieutenant in the Marine Corps. I said: "But, Major, what makes the Marines any better than any other unit?" And he got very serious. It was no longer a joke.

He said words that I remember, and these apply to all services, not just the Marine Corps. He said, "Marine training makes each Marine more afraid of letting his fellow Marines and his country down than he is of getting hurt himself." How on Earth do you build that into people? That is what wins battles. It is not a joke. It is not something that we can degrade with impunity and can say, "Well, OK, that is fine."

Part of this whole thing is that out of this boot camp, out of this training of a military person, comes a spirit of belonging to that unit, of having a responsibility to your fellows in that group, whatever it is, that goes beyond your protection of your own life.

It is hard to believe, is it not? We can take people and mold them into that kind of selflessness with military training. That is the very objective of boot camp in military training, to accomplish exactly that.

Part of that is not only the reaction to orders, not only by saluting and saying, "Yes, sir, Captain Warner, I salute you."

I have the appurtenances, whatever they are, in military courtesy, and I put my hand a certain way, and I show my honor for the rank you have and my honor for you in that position.

Well, it is not just that. It is also the looks. It is also looking the same, standing up tall and standing straight, and saying, "Yes, I am proud to be one arm's length from this man next to me and I know if someone says 'right face,' we all do it together. If someone says 'left face,' we do it together. And if in combat, someone says 'Go out to that foxhole and shoot at somebody and risk your life,' you will do it."

That is about as hard a thing to build into people, and yet that is what wins battles.

I do not believe for one minute I have overdramatized this. That is what wins battles, and that is cohesion and morale.

Supreme Court Justice Stevens noted in concurring in the Goldman case that visibility is "a neutral, completely objective standard * * * not motivated by hostility against, or any special respect for, any religious faith."

The task of accommodating our Nation's traditional respect for the individual with the disciplinary needs of the Armed Forces is not an easy one. To make allowances for one faith group while not accommodating others would introduce vague criteria

and promote continuing controversies along religious lines. The inevitable divisiveness that would result from such a policy is not in the best interest of the Armed Forces of the Nation.

Are we to have only the yarmulke, the symbol by certain members of the Jewish faith? Are we to say that the Sikhs cannot have turbans, daggers, steel bracelets, which are religious items in their beliefs? They serve in our Armed Forces.

And how about the Church of Perfect Liberty? I am not familiar with them too much except to know that they must wear a badge over their left breast. But they are Americans as I am.

How about the Hare Krishnas, with their sacred red beads, rosary bags with prayer beads, facial markings?

Women are in the armed services now.

Where do we draw the line? I do not know. I do not know where we stop when we start down this line.

So, Mr. President, the military and the civilian leadership of the Department of Defense are united in their opposition to this amendment.

Their opposition is expressed in four letters which I have. I will ask unanimous consent that they be included in the RECORD.

First, how much time have I remaining?

The PRESIDING OFFICER. Five minutes remain.

Mr. GLENN. I have a statement from the Secretary of Defense, Caspar Weinberger, an eloquent statement opposing this amendment.

The second letter is a 20-star letter, as we call it, from the Joint Chiefs of Staff. I will submit that.

The third letter is from the Chief of Staff of the Army as a supplement to the 20-star letter he previously signed. These all state their heartfelt objections to this amendment.

The fourth letter is from the commandant of the Marine Corps.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, September 21, 1987.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand that on Tuesday, September 22, 1987, the Senate will debate an amendment offered by Senator Lautenberg to the Defense Authorization Bill that would grant Service members statutory authority to wear visible items of religious apparel while in uniform. The Joint Chiefs of Staff, as well as the Deputy Secretary of Defense, have written to you previously expressing opposition to this proposed legislation. I wish to add my personal appeal for your support in opposing this amendment.

The proposed legislation, which would grant Service members a statutory right to wear "neat and conservative" religious articles, would force commanders to apply subjective criteria in distinguishing among religious practices qualifying for statutory protection. As a matter of constitutional law, military commanders have "no business drawing distinctions between . . . persons [of different religious beliefs] when enforcing commands of universal application." *Goldman* v. *Weinberger*, 106 S. Ct. 1310 (1986) (Stevens, J., concurring). Moreover, requiring commanders to make such determinations would undoubtedly have an adverse effect on military discipline as a result of inconsistencies in application, charges of religious favoritism, and the likelihood of litigation.

Permitting the wearing of visible religious apparel by military members would also detract from uniformity. The uniforms of the Armed Forces are cherished symbols of Service pride, history, and traditions. Authorizing individual members to modify the uniform would clearly operate to the detriment of order and discipline by fostering resentment and divisiveness among members.

Current DoD policy accommodates individual religious beliefs and practices to the full extent consistent with operational effectiveness. Military members may wear visible religious apparel in uniform while in designated living and worship areas and may wear non-visible religious articles at all times. This policy, based on an objective standard of visibility, strikes a responsible balance between individual rights and military necessity.

I strongly urge your support in opposing the proposed religious apparel legislation.

Sincerely,

CASPAR WEINBERGER.

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington, DC., September 21, 1987.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing once again to express our strong opposition to the passage of legislation that would permit the wearing of visible religious apparel while in uniform other than at religious observances. The detailed arguments for this position are clearly stated in the 1985 Joint Services Study on Religious Matters. While we fully concur in those arguments, we want to take this added opportunity to express our combined professional judgment on this vital issue.

We are concerned with two fundamental issues. The first is the adverse effect on unit cohesion. Anything that degrades unit cohesion damages combat effectiveness. Allowing the wearing of visible religious apparel undermines the concept of uniformity which is so crucial to maintaining unit identity in all the Services. Moreover, the Service uniforms have been a source of pride and are part of the traditions which every Service values so dearly. Tampering with the integrity of the Service uniforms, which are themselves symbols of individual Service traditions, could only have a detrimental impact on the order, discipline, and general welfare of the separate Services.

Second, this legislation would require leaders at every echelon to make determinations regarding what set of beliefs, and the required practices of the professed religion. Requiring such determinations would undoubtedly lead to inconsistencies in application, possible charges of religious favoritism, the probability of litigation, and the certainty of negative effects on unit cohesion.

The diversity of our society is one of our Nation's greatest strengths. While we support the accommodation of the individual needs of our Service members, this support must be tempered with the overriding requirement for combat effectiveness. The passage of this legislation would degrade unit cohesion and disrupt the good order and discipline which are so crucial to victory in battle. We, therefore, strongly advise against passage of this legislation.

William J. Crowe, Jr., Chairman, Joint Chiefs of Staff; Larry D. Welch, General, U.S. Air Force, Chief of Staff; Carl E. Vuono, General, U.S. Army, Chief of Staff; Alfred M. Gray, Jr., General, U.S. Marine Corps, Commandant of the Marine Corps; H. Hardisty, Admiral, U.S. Navy, Acting Chief of Naval Operations.

DEPARTMENT OF THE NAVY,
HEADQUARTERS, U.S. MARINE CORPS,
Washington, DC, September 22, 1987.

Hon. SAM NUNN,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I remain unalterably opposed to the passage of legislation that would permit the wearing of visible religious apparel while in uniform at other than religious services. The 1985 Joint Services Study on Religious Matters reached the same conclusion. I fully support the findings of that study, and the Department of Defense has adopted the recommendations on matters of religious accommodation. This letter is written to express my professional concerns on this proposed legislation.

I am concerned over three basic issues. The first is the adverse effect on unit cohesion. Anything that degrades unit cohesion damages our combat effectiveness. We can all remember the devastating effects that racial problems had on the espirit of our units. We cannot permit this type of division to again exist. Both the diversity of our society and our freedom of expression are great strengths of this Nation; however, those very characteristics make the establishment of uniformity more important in our military than in one drawn from a more homogeneous, structured society.

My second concern is that this legislation would require commanding officers at every echelon to make determinations as to what constitutes a religion, a religious practice, or a "neat, conservative" appearance in religious apparel. Our courts have great difficulty in wrestling with these very questions in a measured academic setting. To ask our leaders to make these same determinations in their dynamic environment, while principally oriented on other matters, invites inconsistencies, charges of favoritism, and litigation. All of these will have a negative effect on our ability to get the job done.

My final concern is what I see as a very real potential for a negative backlash if this legislation is passed. In any closed society like our military, people want to know that all are being treated impartially. Anything that distinguishes one group from another can cause friction if there is any perception of special consideration. The emotional potential of visible religous differences concerns me deeply, and is a challenge we would be well advised to avoid.

Although freedom of religion is guaranteed in the Constitution, the right to serve as a Marine is not. If religious beliefs cannot conform to service requirements, our laws

recognize that military service may not be appropriate. I believe that this recognition of the primacy of religious beliefs is sufficient, and should not be extended to conduct within the Service. Your support on this issue is greatly appreciated. I strongly urge that you continue to oppose this legislation and encourage your colleagues to do the same.

Sincerely,

A.M. GRAY,
GENERAL, U.S. MARINE CORPS,
Commandant of the Marine Corps.

SEPTEMBER 22, 1987.

HON. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GLENN: Thank you for your support again this year on the religious apparel issue.

I am convinced that the Lautenberg Amendment, if enacted, would have negative impact on the cohesiveness and team-building we've worked so hard to achieve, and more importantly, would put our first-line commanders in the untenable position of choosing among religions and religious beliefs and practices.

I assure you of our manifest support for your lead.

Sincerely,

CARL E. VUONO,
GENERAL, U.S. ARMY,
Chief of Staff.

Mr. GLENN. There is strong opposition to this amendment from the Reserve Officers Association, the Adjutant General of the United States, the Reserve Forces Policy Board, the Civil Air Patrol, and the Military Coalition.

Mr. President, these expressions of opposition to the amendment represent the views of our top military and civilian leaders. They are not being just nasty. I wish we could accommodate this amendment. I truly do. But I, along with them, believe that this does start us down a track that we need not go down and gets us very little.

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

Mr. WARNER. Mr. President, will the Senator yield 20 seconds?

Mr. GLENN. How much time remains, Mr. President?

The PRESIDING OFFICER. Four minutes.

Mr. GLENN. I yield.

Mr. WARNER. Mr. President, I express my appreciation to the distinguished Senator, formerly of the U.S. Marine Corps, and salute him. I wish to say I have been privileged to serve with him for nearly 9 years in this Chamber and I have never heard a finer, more heartfelt statement on a question of great gravity for the present and future Armed Forces of the United States.

Mr. GLENN. I thank the distinguished Senator for his comments.

Mr. McCAIN. Will the Senator yield to me?

Mr. LAUTENBERG. Mr. President, I have reserved the remainder of my time.

Mr. GLENN. Mr. President, I yield 2 minutes to the Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to express my appreciation to the Senators who have spoken so eloquently in favor of this amendment. However, I am in disagreement with the amendment. I think it is worthy of note that we have, as a matter of fact, on the floor right now two former Secretaries of the Navy and a career Marine officer who also are in opposition to this, not because of any religious reasons, but because of a desire to preserve the uniformity that we feel is so necessary for the good order and discipline in the Armed Services.

My friend from Ohio has already included in the record the statements from the Joint Chiefs and from the Secretary of Defense. I think it might be interesting to hear from our Commandant in the Marine Corps who said his Marines have a habit of doing thing in a succinct fashion. He said.

Although freedom of religion is guaranteed in the Constitution, the right to serve as a Marine is not. If religious beliefs cannot conform to Service requirements, our laws recognize that military service may not be appropriate. I believe that this recognition of the primacy of religious beliefs is sufficient, and should not be extended to conduct within the Service.

I think he sums up the argument here. It is one that should be paid close attention to. These messages are from the men that we have asked to lead our Armed Services. These are the men we have placed in positions of responsibility to defend this Nation. I would suggest it would be very difficult to ignore their unanimous opinion on this issue just as it would be difficult to ignore the important statement just made by my friend from Ohio, Senator GLENN.

I yield back the remainder of my time.

Mr. D'AMATO. Mr. President, I rise today to lend my support to the amendment offered by my good friend, the junior Senator from New Jersey, to allow military personnel to wear certain religious apparel. I have joined the Senator from New Jersey in introducing legislation on this matter.

In the last Congress, an amendment to the defense authorization bill encompassing legislation I introduced to this same effect was narrowly defeated on the Senate floor. Although incorporated into the House version of the bill, the provision was unfortunately dropped from Conference.

Frankly, Mr. President, I am at a loss as to why this legislation has engendered opposition. Service to one's religion and service to one's country are not mutually exclusive. I question whether we can afford to preclude a certain group within our society from voluntary military service because of centuries-old legitimate religious beliefs concerning the wearing of certain religious apparel.

This amendment corrects an injustice affirmed last year by the Supreme Court. On March 25, the Supreme Court ruled 5 to 4 in favor of a lower court ruling that the Department of Defense was within its rights in not allowing the wearing of a yarmulke indoors by military personnel.

The case, Goldman versus Weinberger, involved an Air Force officer who, though serving as a psychologist, was an ordained Rabbi. As an Orthodox Jew, Capt. S. Simcha Goldman wore his yarmulke at all times. The Air Force insited that this was not within regulations. The case eventually reached the Supreme Court.

Mr. President, this amendment offers a reasonable solution to this problem. This bill allows the wearing of all neat and conservative religious apparel. Specifically, the bill allows members of the Armed Forces to wear any neat and conservative item of apparel if the wearing of such apparel is part of the religious observance of the member. Such apparel would not be allowed if such apparel interferes with performance of military duties.

No one disagrees that obtrusive and possibly interfering apparel should not be allowed, especially if such apparel would hinder the effectiveness of the service man or woman nor the effectiveness of other military personnel. Similar regulations exist regarding jewelry. This is a straightforward amendment that strengthens the right of freedom of religion in this country. Individuals in our Armed Forces should not be compelled to forsake the very freedoms they are in uniform to protect.

Mr. President, I commend the many organizations and the junior Senator from New Jersey for their hard work on this important matter. I urge my colleagues to join with me on this amendment.

Mr. HELMS. Mr. President, this proposal presents a difficult issue for this Senator, and I believe, for many of my colleagues. The question of permitting the wearing of religious apparel as part of the U.S. military uniform is one that divides not only Americans, but members of the religious groups affected as well.

When this issue was presented to the Senate last year, it failed on a vote of 51 to 49. When an issue is so narrowly divided, it usually means that there are good arguments on both sides.

My colleagues have heard most of them. In the first place, there is the question of whether or not Congress ought even to get involved in legislating any aspects of the U.S. military uniform.

Since the time that Congress defeated a proposal at the close of the 18th century to require officers to wear wigs, the civilians in Congress have

wisely concluded that military attire was best regulated by the military.

Is that a copout? I don't think so. It is difficult for civilians to understand the particular needs of a military society—a society different in concept and purpose than civil life.

It is essential to the principles of command and obedience that all military men and women of a certain rank receive equal treatment. Military orders are often arbitrary and difficult. If religious insignia are permitted, the seed of separation and distrust will be admitted to military ranks.

Do we really want someone who is wearing a yarmulke to start thinking he is getting a hard time because his officer is wearing a cross or a crescent? Or someone who is wearing a cross to think that this problem is because his officer is wearing a yarmulke? Such problems promise to destroy the morale an discipline so necessary to an effective military.

It has been pointed out in debate that the Israeli Army permits the wearing of religious apparel, without any such effects on military morale or discipline. Yet, in the Israeli Army, these issues do not come up, since the underlying Jewishness of all personnel is never called into question.

Moreover, there is the problem of defining permitted insignia in words of law. The proposal we have before us permits something "neat and conservative." What does that mean? Does it extend to Christian, Muslim, or Buddhist insignia or objects? Not even Solomon could find a formula that would not result in a tangle of appeals by all sides.

Finally, the question of dietary requirements naturally comes up. If the yarmulke is allowed, doesn't the same logic require kosher food? If kosher food, what about other religions that object to pork? Or object to beef? Or insist on vegetarian food? And if vegetarian food is permitted for religious reasons, what about those who want it for nonreligious reasons? Such external expressions of religious belief undermine the urgent unity of purpose necessary for military command.

However, someone might ask, aren't all of these reasons of pragmatism and policy, excuses, perhaps, that do not reach to the real depths of the matter? It is true that they do deal with the practical world, and do not treat with the religious problems involved. The right question we should be asking ourselves is this: Does God demand that religious exercises take precedence over all secular requirements?

I think that the answer goes to the fact that military duty itself is not a purely secular obligation. The duty to defend our Nation, our culture, and our freedoms is itself a duty owed to God. When David was fleeing from Saul, he came to Nob and asked the priest Ahimelech for bread for himself and his men. Ahimelech said that he had no regular bread, but only the consecrated bread which could be eaten only by the priests.

Yet Ahimelech did not hesitate to give the consecrated bread to David. His single requirement was that the men must have kept themselves pure; he said that the military circumstances of their mission made the mission itself holy. For this reason, the ritual requirements could be set aside. And as if to emphasize his commitment to that mission, Ahimelech gave David the sword of Goliath.

I believe that our soldiers today are in much the same situation. They are engaged upon a noble mission, an obligation that is itself a holy duty. In following that duty, military personnel are maintaining the purity of the purpose of their hearts.

The practical requirements of military life make it difficult, even dangerous in a command situation to introduce practices that bear witness to the requirements of religious ritual. If Jews, or Christians, or any other religious group in the military bear their hearts in the proper disposition toward God, my personal belief is that God may be willing to set aside exterior observances which might lead to disunity.

Mr. President, I expect this body to be closely divided on this issue. Yet while we may differ on this one question, I know both proponents and opponents of this issue can at least agree that religious principles are important when we are making decisions—sometimes painful decisions—about the best way to protect our Nation and our way of life. About that much, there is no doubt.

Mr. ADAMS. Mr. President, I intend to vote for this amendment but I do not do so with enthusiasm. My lack of enthusiasm springs from two sources. First, in my view, this is an issue which should never have gone to the courts and never come before the Congress. In the past, the military services have been able to accommodate individuals on a case by case basis. Those informal agreements seem to have served everyone's interest. I just wish that we were able to return to a time when people spoke with each other instead of sued each other. Second, I have to tell you that I was shocked by the level of lobbying that has gone on about this issue. I have had more calls from constituents on this issue than I had on SDI; I had more requests for visits from DOD on this issue than I did on a comprehensive test ban. There are some really vital issues that need to be addressed in this bill—and while this issue is important, the fate of the nation does not hang on it. I expected that the folks who care about this issue would have taken the opportunity to raise some other concerns when they came to visit—but they never did. And I find that very disturbing.

Having expressed my frustration about the attention this amendment received, let me turn to the substance of the issue. Let me begin, Mr. President, by establishing the basic premise from which I believe both sides are operating: Individuals have the right to be true to their faith while serving their country; and the country has an obligation to do everything it can to make its military a sound functioning organization. I believe that morale and the patriotism of our young people is more important than rigid restrictions which offend their freely and deeply held religious beliefs. I support the amendment.

Mr. LAUTENBERG. Mr. President, I heard the arguments about discipline and I heard the views of high officers. This view comes from a low World War II corporal. I happen to be elite in this body because I was not a major or a colonel. I saw my service from other aspects. That was the people I served with, who I depended upon, who depended upon me.

Whenever there was a difficult problem they never asked one another what their religion was, and the fact that one chooses to manifest their religion in one way or another absolutely could not interfere with their performance of duty. I think what we are doing is raising a straw horse.

I respect very much the Joint Chiefs and the organizations, but America was and is, a nation of diversity, a nation of different religions, a nation of different ethnics, and each one of those things is part of our precious heritage.

Mr. President, I have a letter from Congressman SOLARZ. He writes:

> I am delighted to send to you this camouflage yarmulke as you prepare to offer the religious apparel amendment on the Senate floor.
>
> This yarmulke is similar to the one worn by one of my constituents who received an Army citation while on duty during the hostilities in Grenada.

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

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

HOUSE OF REPRESENTATIVES,
Washington, DC, September 17, 1987.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR FRANK: I'm delighted to send to you this camouflage yarmulke as you prepare to offer the religious apparel amendment on the Senate floor.

This yarmulke is similar to the one worn by one of my constituents who received an Army citation while on duty during the hostilities in Grenada. I think it's an eloquent symbol of the need for Congress to pass legislation which will allow individuals to serve

their country without forsaking their religious beliefs.

I have sent a yarmulke to Chairman Nunn and to several other Senators who voted against the amendment last year.

I hope this is helpful. Good luck on the floor!

Sincerely,

STEPHEN J. SOLARZ,
Member of Congress.

Mr. LAUTENBERG. Mr. President, I will conclude by asking my colleagues as they consider their vote to remember the fundamentals about the country and ask themselves a question about whether or not one can stay true to one's religion and serve as a good, loyal citizen of this country.

The Senator from Arizona quoted the Marine Corps Commandant, that everyone is not, and I paraphrase, guaranteed entry into the Marine Corps. But does that mean if I choose to wear headgear or I choose to wear a cross or I choose something else that identifies me, I ought to be disqualified from service in the Marine Corps if I am qualified in every other way? I think not.

This is not the substance of what we are talking about. It is up to the corps to promote the services, to build morale, maintain discipline and it is not going to be affected by permitting someone to manifest their religious affiliation by the wearing of a small, neat piece of gear and ready to take it off if their commander says, "Look, that interferes with your duty as far as I am concerned."

When one is in combat, one better wear a helmet. If one is wearing headgear and it does not interfere with the helmet, it stays on. If it does interfere, whatever the headgear, it has to come off.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Ohio has 1 minute 12 seconds remaining.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I have not had a chance to hear all of this debate. I have great respect for my friend from New Jersey. I know his motives are good, his objectives are sincere and so are those who want to pass this amendment. We worked every way we knew how to see if we could accommodate this very legitimate and sensitive desire on the part of people who feel deeply about both their religion and their patriotism. The problem is we cannot find a way at this juncture to accommodate the uniformed services and the need for discipline and uniformity in the services with this particular amendment and the precedent it would set for other religions. That is the problem, the precedent. I do not know of any way to solve the problem at this juncture. So I have great respect for my friend from New Jersey in what he is trying to accomplish. Perhaps we will find a magic formula some day but at this juncture I would support the motion to table.

The PRESIDING OFFICER. The time of the Senator from Ohio has expired.

Mr. GLENN. I move to table the amendment of the distinguished Senator from New Jersey. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. WARNER. Mr. President, I wonder if it would be possible——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER (continuing). If the distinguished manager of the bill and I might be recognized for a moment just to assist Senators in their work on the bill and then the vote would commence.

Mr. LAUTENBERG. Reserving the right to object——

The PRESIDING OFFICER. Is there objection?

What is the unanimous-consent request?

Mr. WARNER. That the managers of the bill be permitted 1½ minutes within which to address the Senate and then the vote occurs.

Mr. LAUTENBERG. I have no objection.

The PRESIDING OFFICER. Without objection, the managers of the bill are recognized for 1½ minutes.

Mr. WARNER. Mr. President, as Senators know, the distinguished chairman and I have established a group of staff persons located in the Vice President's office just off the Chamber for the purpose of receiving amendments. As I understand the chairman, and I concur in his judgment, if we cannot get those amendments in written form now, it is extremely difficult to make an evaluation as to how we might sequence them and the time consumed.

Perhaps the chairman would want to address this.

Mr. NUNN. The Senator from Virginia is absolutely correct. He suggested it. It was a very good suggestion and now we have carried that out. We set up staff people in the Vice President's office so that we could examine the amendments. Those that we cannot accept we can work out. There may be changes in some that would make them acceptable. Those that we cannot accept at least we have some knowledge of, on both sides, and that expedites the situation.

The other purpose is try to find some order of amendments, and we also are trying to find Senators who are willing to bring up amendments both tomorrow and Monday with the idea that we are working hard, people know we are working hard to see if we can have a way of leaving here about 5 o'clock this afternoon for those who have crucial business so that we can avoid rollcall votes tonight, avoid rollcall votes Saturday, and avoid rollcall votes on Monday.

But the only way we can do that is if we reach a time agreement to complete the bill at an hour certain on Tuesday afternoon at 6 o'clock. The only way we can do that is if we get amendments in and know what we are dealing with and get this unanimous-consent request which I hope can be propounded in the next hour and a half by the leadership. So we must have the amendments. That is the point.

Mr. WARNER. Mr. President, in fairness, if I may say to my good friend from Georgia, the majority and minority leaders and the managers are considering possibly if the amendments are not filed in writing today they will be eliminated from the list for consideration.

Now that would be in the form of a UC request which would be stated later.

The PRESIDING OFFICER. The time under the unanimous-consent agreement has expired. The vote now occurs on the motion by the Senator from Ohio to table the amendment of the Senator from New Jersey. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Connecticut [Mr. WEICKER] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

Mr. DIXON. Regular order, Mr. President.

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—42

Armstrong	Garn	Nunn
Baucus	Glenn	Quayle
Bond	Gramm	Rudman
Byrd	Hatfield	Sanford
Chafee	Hecht	Shelby
Cochran	Helms	Simpson
Cohen	Hollings	Stafford
Conrad	Johnston	Stennis
Dodd	Kassebaum	Stevens
Dole	Lugar	Symms
Durenberger	McCain	Thurmond
Evans	McClure	Trible
Exon	Murkowski	Wallop
Fowler	Nickles	Warner

NAYS—55

Adams	Biden	Boren
Bentsen	Bingaman	Boschwitz

Bradley	Heflin	Moynihan
Breaux	Heinz	Packwood
Bumpers	Humphrey	Pell
Burdick	Inouye	Pressler
Chiles	Karnes	Proxmire
Cranston	Kasten	Pryor
D'Amato	Kennedy	Reid
Danforth	Kerry	Riegle
Daschle	Lautenberg	Rockefeller
DeConcini	Leahy	Roth
Dixon	Levin	Sarbanes
Domenici	Matsunaga	Sasser
Ford	McConnell	Specter
Graham	Melcher	Wilson
Grassley	Metzenbaum	Wirth
Harkin	Mikulski	
Hatch	Mitchell	

NOT VOTING—3

Gore	Simon	Weicker

So the motion to lay on the table amendment No. 706 was rejected.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The vote now occurs on the amendment offered by the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the yeas and nays be vitiated.

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment offered by the Senator from New Jersey. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Connecticut [Mr. WEICKER] is absent due to illness.

Mr. DIXON. Regular order, Mr. President.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—55

Adams	Graham	Mikulski
Bentsen	Grassley	Mitchell
Biden	Harkin	Moynihan
Bingaman	Hatch	Packwood
Boren	Heflin	Pell
Boschwitz	Heinz	Pressler
Bradley	Humphrey	Proxmire
Breaux	Inouye	Pryor
Bumpers	Karnes	Reid
Burdick	Kasten	Riegle
Chiles	Kennedy	Rockefeller
Cranston	Kerry	Roth
D'Amato	Lautenberg	Sarbanes
Danforth	Leahy	Sasser
Daschle	Levin	Specter
DeConcini	Matsunaga	Wilson
Dixon	McConnell	Wirth
Domenici	Melcher	
Ford	Metzenbaum	

NAYS—42

Armstrong	Garn	Nunn
Baucus	Glenn	Quayle
Bond	Gramm	Rudman
Byrd	Hatfield	Sanford
Chafee	Hecht	Shelby
Cochran	Helms	Simpson
Cohen	Hollings	Stafford
Conrad	Johnston	Stennis
Dodd	Kassebaum	Stevens
Dole	Lugar	Symms
Durenberger	McCain	Thurmond
Evans	McClure	Trible
Exon	Murkowski	Wallop
Fowler	Nickles	Warner

NOT VOTING—3

Gore	Simon	Weicker

So the amendment (No. 706) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the Lautenberg amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, may I make the situation known to my colleagues, if they would give me a moment's attention?

We now have a list of 13 amendments with 13 Senators prepared to go. We are going to proceed in a moment to an amendment by the distinguished Senator from South Carolina, Senator HOLLINGS. When that is disposed of, and I understand that to be an amendment that will not take much time and will be agreed to by both sides, we will go to an amendment by the majority leader which has been agreed to and will not take much time.

The next amendment therefore will be an amendment by the minority leader, which has been agreed to and will not take much time.

The fourth amendment will be one by the distinguished Senator from North Carolina. That probably will be opposed. I think we can get a time agreement. That will be the fourth amendment.

The fifth amendment will be by the distinguished Senator from North Dakota, Senator CONRAD, and we hope to have a time agreement on that but there may be a contest on that fifth amendment.

The sixth and seventh amendments will be by the distinguished senior Senator from Massachusetts, Senator KENNEDY. There will be a time agreement on one and maybe both will be agreed to.

The eighth amendment will be by the distinguished Senator from Ohio, Senator METZENBAUM, and that, I think, will be agreed to.

The ninth amendment by the Senator from Iowa, Senator HARKIN, may be agreed to, but may not—no—it will not be. It will take a little time. We will have a time agreement.

The 10th amendment will be offered by Senators EVANS and ADAMS of Washington. That will be agreed to.

There will then be a colloquy concerning the Toshiba amendment of the Senator from Alabama, Senator SHELBY.

We will then go to the amendment by the Senator from Tennessee, Senator SASSER. Then to the amendment by the manager on this side on drug interdiction. All of that should be a thing we can do in 2 hours, I would hope, if everyone will be relatively brief.

Now, at this time, I yield the floor.

Mr. QUAYLE. Will the Senator yield for a comment?

Mr. DIXON. I yield.

Mr. QUAYLE. Mr. President, just going down the list, I think what we ought to do is get an understanding of which ones have been agreed to on both sides.

Mr. DIXON. May I say to the Senator from Indiana, my understanding is that the first amendment we will take, by the Senator from South Carolina, Senator HOLLINGS—I understand that to be agreed to.

Mr. QUAYLE. That is correct.

Mr. DIXON. The next amendment by the distinguished majority leader I understand to be agreed to.

Mr. WARNER. That is correct.

Mr. QUAYLE. Yes.

Mr. DIXON. The next amendment by the distinguished minority leader I understand to be agreed to.

Mr. QUAYLE. Correct.

Mr. DIXON. The fourth amendment by the distinguished senior Senator from North Carolina I understand is not agreed to; the diplomatic immunity amendment. I understand we will have to oppose on this side but I think it can be very brief.

Mr. QUAYLE. OK.

Mr. DIXON. The fifth amendment by the distinguished Senator from North Dakota, I think, is not agreed to. We will agree.

Mr. QUAYLE. We were looking at a draft. I have not seen the final version. We were fairly close. There is a couple of modifications——

Mr. DIXON. Perhaps the Senator's aide could come over here and talk to the minority manager.

Mr. QUAYLE. There are a couple of modifications that we had suggested.

Mr. DIXON. Let us try to work that out. The sixth amendment, there are two amendments, the sixth and seventh, will be by the distinguished senior Senator from Massachusetts.

Mr. QUAYLE. Those are agreed to.

Mr. DIXON. We believe they are agreed to. That is good.

The eighth amendment by the Senator from Ohio is a study on the M-1 tank. I thought that was agreed to.

Mr. QUAYLE. My understanding is that it is agreed to. I just talked to our staff and that is agreed to.

Mr. DIXON. That is excellent. That is agreed to. That is agreed to.

The ninth amendment by the distinguished Senator from Iowa, Senator HARKIN, NSC adviser.

Mr. QUAYLE. That has not been agreed to yet.

Mr. DIXON. That is not agreed to. We will have to have a time agreement on it.

Mr. QUAYLE. I do not believe there is a time agreement on that amendment.

Mr. DIXON. The next amendment, thereafter, I believe, is agreed to: Nuclear waste cleanup, by Senators EVANS and ADAMS of Washington. I thought it was agreed to at least on this side. No?

Mr. QUAYLE. I do not believe that has been agreed to yet.

Mr. DIXON. Well, can you talk? It is agreed to on our side.

Mr. QUAYLE. It is uncertain on our side at this time.

Mr. WARNER. It is all right.

Mr. DIXON. That is agreed to.

Mr. QUAYLE. I stand corrected. That is agreed to.

Mr. DIXON. The one thereafter by the distinguished Senator from Alabama, Senator SHELBY, on the Toshiba question. I think in the end there will be a withdrawal of the amendment and a colloquy, in view of the fact that that is in the trade bill and would more properly be there. So I believe that will just be a colloquy.

Mr. QUAYLE. All right.

Mr. DIXON. Thereafter, I understand the amendment by the distinguished senior Senator from Tennessee, Senator SASSER, extending section 808 housing, is agreed to on this side. He thought it was agreed to on your side, may I say.

Mr. QUAYLE. Yes.

Mr. DIXON. Agreed to. That is excellent.

Thereafter we will go to one by the manager on this side on drug interdiction which has been agreed to on your side.

Mr. QUAYLE. Correct.

Mr. DIXON. That is excellent. That should be about 2 hours work and I am ready to yield back the floor.

Mr. QUAYLE. The only question is the final language on the Conrad amendment. We still do not have agreement nor a time agreement on the Harkin amendment?

Mr. DIXON. That is affirmative. And the Helms amendment. But I think most of those amendments will be agreeable to reasonable time limits. The Senator from North Carolina has always been very agreeable.

Mr. DOMENICI. Might the distinguished manager yield for a question and observation?

Mr. DIXON. Yes, of course.

Mr. DOMENICI. I have a Domenici-Bingaman amendment regarding semiconductors in the national labs. I understand it has been agreed to.

Mr. DIXON. It has been agreed to on this side.

Mr. DOMENICI. It has been agreed to on our side. That is what I understood.

Mr. DIXON. If that has been agreed to, it just went on the list.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIXON. I yield back the floor.

Mr. WARNER. Mr. President, as a followup on this, the distinguished Republican leader is on the floor. The distinguished majority leader was, momentarily.

The leadership and the managers of the bill are going to retire for the purpose of trying to chart a course.

The leadership that manages the bill is going to retire for the purpose of trying to chart a course. Are we to understand that this would take about 2 hours and for the convenience of Senators there will be no rollcall votes?

Mr. DIXON. No. I thank my distinguished friend for asking. This will take about 2 hours, but my present understanding is that there will be at least two rollcalls, probably two rollcalls, on the amendment by Senator HELMS and on the amendment by Senator HARKIN. There will be two rollcalls in the 2 hours.

Did you want a rollcall?

Mr. DOLE. I do not think so.

Mr. DIXON. I thank the Senator. We are ready to yield back.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. EXON. Mr. President, will the Senator yield for a brief statement?

Mr. HOLLINGS. Yes.

Mr. EXON. In order to clarify things and make sure that we are in total agreement, we have been trying to work out these agreements. The Senator from Wisconsin has indicated to me that he will not be offering the amendment on early deployment of SDI. The Senator from Wisconsin is on the floor at this time. If he can verify that, that would be one more we can strike off the list.

Mr. PROXMIRE. Mr. President, I verify that. The Senator from Nebraska is correct.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 747

(Purpose: To authorize a testing program for drug, chemical or alcohol dependency or use prior to enlistment or reenlistment into an Active, Reserve, or National Guard Unit)

Mr. HOLLINGS. Mr. President, on behalf of Senator DOLE, Senator WILSON, and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is the Byrd amendment to the Weicker amendment.

Mr. HOLLINGS. I ask unanimous consent that it be temporarily set aside.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. DOLE, and Mr. WILSON, proposes an amendment numbered 747.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 114, between lines 13 and 14 insert the following new section:

"SECTION. . TESTING PROGRAM FOR DRUG, CHEMICAL, AND ALCOHOL USE AND DEPENDENCY PRIOR TO ENTRY OR REENTRY INTO THE ARMED FORCES.

(a) Under uniform regulations prescribed by the Secretary of Defense, testing shall be required for drug, chemical, and alcohol use and dependency for any individual prior to entry into the Armed Forces.

(b) Testing required under paragraph (a) shall be conducted as part of a pre-registration physical prior to entry into Active, Reserve, or National Guard Units whether under the direct accession or delayed entry programs.

(c) Failure to consent to the testing program prescribed in paragraph (a) shall disqualify an individual for entry into the units described in paragraph (b).

(d)(1) The Secretary of Defense shall prescribe regulations to implement this Section not later than 45 days after the date of the enactment of this Act.

(2) The effective date for initiation of the testing program prescribed by this Section shall be no later than 180 days after the enactment of this Act."

The PRESIDING OFFICER. Under the previous order, debate on this amendment is limited to 1 hour, equally divided.

Mr. HOLLINGS. Mr. President, 2 years ago, I successfully offered an amendment to the fiscal year 1985 Defense authorization bill requiring that a DOD study be conducted on the feasibility of testing for drug use and dependency prior to entry into the Armed Forces.

The DOD study required by the amendment recommended that drug testing not become law. The recommendation was based upon estimates indicating that the costs to test would be greater than the savings resulting from the disqualification of applicants for military service who tested positive for drugs. The costs utilized in that study are at great variance with cost data I had received prior to the introduction of my amendment and with information I have received this year from the DOD.

Mr. President, the foundation of our military strength can be found in the

discipline of our troops as much as—if not more—than all the sophisticated strategic and conventional weaponry possessed by our Armed Forces. Discipline is of the utmost importance for a successful military posture, and I do not know how you can have it unless a rigid program is in place to limit drug and alcohol abuse in the military. The DOD presently spends a considerable amount of time countering this problem. To its credit, much greater emphasis is placed today on coping with drug and alcohol problems than just 5 years ago.

But, Mr. President, I am of the opinion that if we took one additional step—to reduce the number of abusers before they entered the service—we could save millions of dollars and an incredible amount of lost time due to disciplinary and rehabilitation actions.

The 1985 DOD study asserted that a drug screening program conducted at the military entrance processing station [MEPS]—the location where all nonprior service applicants for Active or Reserve forces are processed—would cost between $6.2 million and $7.8 million, and the cost for contracting out this screening would be $9.2 million to $12.2 million depending upon the number of drugs to be tested for. The study further asserted that discharges from basic training due to drug usage was $8.5 million for 1984. The study assumes that because applicants could take precautionary steps to prevent a positive test that, at best, only 50 percent of the $8.5 million in discharge costs—or $4.2 million—could be saved. Thus, the study asserted that this $4.2 million represented only half of the approximate $8 million screening program, and thus, it was uneconomical to initiate a testing program.

Mr. President, I disagree with the findings in the study and use cost information provided by the Office of the Secretary of Defense [OSD] to refute the study's analysis. Further, I believe the time to start catching the users is before they become members of the Armed Forces, when the Government has no obligation to them—and has not wasted money sending them to boot camp and beyond. What is incomprehensible to me is the fact that the preenlistment physicals conducted by the Armed Forces do not—I repeat, do not—require any type of drug screening. The DOD ostensibly does not use urinalysis testing for drugs since individuals at the MEPS are considered to be civilians. But they do test for AIDS. The first tests occur in the Navy and Marine Corps during the boot camp and in the Army and Air Force during recruit training.

There is a very good reason why the testing comes so late in the cycle. If drug screening occurred before the applicants were sworn in, the recruiting objectives of the All-Volunteer Force would probably not be met. I have been told by DOD representatives in the "enlistment accession" area, and I should emphasize that this is not an official statement by the DOD, that when testing does take place that up to 65 percent of new recruits test positive for marijuana usage and between 12 percent to 15 percent test positive for cocaine usage. Mr. President, if these are accurate figures—or even close to the norm—does not it make sense that if we could stop some of the abusive users from entering the services that we would be ahead of the game?

I would like to share information received from DOD regarding drug/alcohol rehabilitation costs and treatment.

DRUG AND ALCOHOL TREATMENT COSTS IN THE DOD

[Dollar amounts in millions]

	Fiscal year—		
	1984	1985	1986
Drug/alcohol treatment and rehabilitation costs	$91.2	$91.2	$95.3
Drug/alcohol discharge costs	178.9	184.8	213.6
Total costs	270.1	276.0	308.9
Number of enlistees discharged for drug and alcohol abuse:			
First term	13,286	12,425	(1)
Career	3,736	3,997	
Total	17,002	16,422	

[1] Not available.

Note: These costs do not include costs for drug/alcohol lost time and disciplinary action at the unit level. Estimates provided by the DOD in 1985 placed these costs between $75 and $100 million per year.

Mr. President, while these estimates include both drug and alcohol related costs, partial 1986 data provided to me indicates that roughly half of the costs are drug related. This, I believe these figures—both in costs and actual discharges—illustrate the severity of the problem. The figures used in the previous DOD study, that is, $8.5 million for discharges in basic training due to drugs, do not relate to other figures on drug abuse released by the Department. I am not here to refute the numbers in the study. I am here to work for military discipline and to save money in the DOD's budget for more important priorities than busting drug users in boot camp.

I recognize the roadblocks that DOD will throw in the way of screening. They will need equipment. They will need personnel. The schedule and processing cycle at the MEPS is critical. The testing validity and reliability is not necessarily accurate. What is to be done about consent and other legal ramifications. There are many elements to be considered in establishing an effective program. That is why my amendment gives the Secretary of Defense 45 days to prepare the regulations establishing the screening and 180 days before screening begins. Both of these schedules commence from the date of enactment of the act.

Mr. President, we do not need drug users in the military—and we should stop making it easy for them to join. A drug screening program is definitely a long overdue step in this process.

Mr. President, I have discussed this amendment with the distinguished chairman of our Manpower Committee, the distinguished Senator from Ohio. I will summarize what this does with reference to drug testing taking place prior to enlistment.

Incredible as it may seem, if a man or woman offers himself or herself to military service, they are given a complete physical with respect to eyes, sight, blood, heart, AIDS, and all types of other things. They do a urinalysis to determine whether a person has diabetes. But they will not take that same urinalysis and determine whether they are under a drug dependency or use. As a result, at a later time they are tested, in boot camp or during boot training, for drug usage. But, by then we have assumed the liability or responsibility for treatment, for rehabilitation, and in a lot of cases for discharge, and, of course, in many instances, disciplinary costs.

The Pentagon has been dragging its feet on this and the DOD wanted a study. Their study said it was not cost effective. The actual cost to test these people was anywhere between $6 and $10 million, and the discharge cost in 1984 was only $8 million.

So the DOD-asserted testing would cost $2 million and it was not cost effective.

Obviously they did not include the cost for treatment, for rehabilitation, and for disciplinary action.

As a result, we are looking at figures for drug and alcohol treatment, rehabilitation, and the like—in the defense appropriations bill that I have worked on for years—that amount to nearly $400 million. They allude that over half of that is drug related. What we are doing is spending a couple hundred million dollars in rehabilitating and treating cases.

So, Mr. President, it is only logical and reasonable that we test at the beginning—before an individual goes into the service—for drugs as well as for the many other things checked in a physical. This bill provides for that.

I have discussed this with the distinguished chairman. I am glad to yield at this point.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I think the distinguished Senator from South Carolina deserves a lot of credit for bringing this to our attention. I believe that 43 or 44 percent of our costs in the military involve personnel costs.

Mr. HOLLINGS. That is correct.

Mr. GLENN. That means we are not just dealing with weapons systems, hardware, but with people in 43 percent of that military budget.

What does that mean costwise? It means high costs if you have somebody prone to drugs. I would say legal drugs of illegal drugs, and that means alcohol and the hard drugs.

Why do we take people in and have lost time in the military where we have limited numbers of people? We have not only lost time but maybe that person is locked up part of the time. We have medical costs for those people that could have been foreseen had they not been brought into the military to begin with.

Mr. President, we have military rehabilitation programs, adding more costs. Then if we finally bounce them out on a discharge, we have to take care of them as veterans because we did not have sense enough to look at them to begin with to see if they were drugs, hopheads, or drunks of some kind before we took them into the military.

Mr. President, I am for rehabilitating these people and for the strongest kind of program that deals with the legal and the illegal. Alcohol is every bit a drug as is cocain, morphine, and all the other hard drugs that we all get so excited about these days.

Mr. President, let me add that about 80 percent of our problem in the civilian and in the military on drugs is on the legal drugs, alcohol. If we can show that a person is an alcoholic or prone to that direction or heavily dependent before they come into the military, we save oursselves a tremendous amount of money. But that is not my major reason, really, for supporting this. My main reason for supporting this is we do not want people in the military that have these problems if we can possibly prevent it because of the combat efficiency.

We only have people being brought into the military because they have to function, they may have to operate weapons system. It is not like going down to the local bank or the local office and performing your daily vocational chores, whatever they may be. This may be a life or death situation. We are talking about people coming into the services and we do not want those people in who already have a drug problem or an alcohol problem and saddle the military with the problems they developed in civilian life already. They are escaping, somehow, some of them, into the military.

I note that the distinguished sponsor of this, the Senator from South Carolina, Senator HOLLINGS, has included alcohol in this amendment. I do not quite know how we check on that, but I think it is something we can try to work out.

I am glad he included the alcohol part of it even though our tests for alcohol, I suppose, would mean if a man showed up for a blood test, he had a high alcohol content we would not let him in.

Mr. HOLLINGS. It would be the only way to get him in.

Mr. GLENN. The Senator may be right.

Mr. HOLLINGS. I want to yield whatever time necessary to the distinguished Senator from Kansas.

Mr. GLENN. That is fine. I yield the floor.

Mr. DOLE. Mr. President, for all the reasons stated by both the distinguished Senators from South Carolina and Ohio, I am very pleased to be a cosponsor of this amendment.

Mr. President, I am pleased to join the Senator from South Carolina in cosponsoring this amendment. Senator HOLLINGS is indeed serving our country well by advancing this simple proposition: We should test all people for drug, chemical, and alcohol abuse before they enter the Armed Forces of the United States. America's defense will benefit, but in the long run, it is the men and women who selflessly defend our country who will benefit most.

Senator HOLLINGS has already outlined the costs of pre-enlistment testing, and responded to some arguments advanced against it. I shall not dwell on these. I would like, for a moment, to call attention to some of the incalculable—but nevertheless real—costs of substance abuse in the military.

Drugs and alcohol exact costs which have nothing to do with the costs of testing, rehabilitation, or discharge. Drugs and alcohol cause mistakes and accidents. Every piece of damaged or lost equipment costs money. Every hour of training missed costs money. Every injury costs money.

Drugs and alcohol also exact costs which have little to do with money. The U.S. Armed Forces have a mission to perform—and it is simply incompatible with drug and alcohol abuse. Individual mistakes and poor performance decrease the effectiveness and readiness of our forces. Drugs and alcohol cause their abusers to let down every member of their unit. Let's face it—the whole country is the loser.

I think we should look at this measure as an opportunity, not a burden. The young people who serve our country are very special—they are America's finest. They have pledged their honor, skill, and discipline to our defense. I think we should send the message out loud and clear: If you want to join America's finest, stay away from drugs.

It is a good amendment. It is long overdue for all the reasons stated. I certainly applaud the distinguished Senator from South Carolina.

Mr. WARNER. Mr. President, I likewise associate myself with the remarks of the distinguished sponsors of this bill and ask to be a cosponsor and indicate that this side is prepared to accept the amendment.

Mr. GLENN. This side is prepared to accept the amendment unless there are other remarks.

Mr. HOLLINGS. I yield to the distinguished Senator from California, a cosponsor of the amendment.

Mr. WILSON. Mr. President, I rise to commend my good friend from South Carolina. I think he has taken a very, very important step. It is essential that the military services conduct this kind of testing. It is essential for the very reason that in a combat situation other lives will depend upon the performance of those who may have an addiction or dependency that simply does not permit them to function as in fact they must. That becomes increasingly important in an increasingly technologically demanding age. But the most significant thing is that the common sense of the Senator from South Carolina makes abundantly clear it is not sensible for us to conduct this testing late in the process. We should be doing it the earliest possible moment to save embarrassment to the services, to save expense to the taxpayer, and to delude no one as to the capability of some prospective applicant for service who is incapable by virtue of his dependency of rendering the type of service we must expect.

I commend my friend. I think there is no good reason not to accept this amendment. I am pleased that he is listing me as a cosponsor.

Mr. HOLLINGS. Mr. President, I thank my distinguished cosponsor, the Senator from California, and the Senator from Kansas. I yield back our time.

Mr. GLENN. I am happy to accept the amendment on this side of the aisle. I think the other side already accepted it.

The PRESIDING OFFICER. All time is yielded back.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Will the Senator from South Carolina be willing to answer a couple questions? I strongly support the amendment, but I am curious, at what stage, if at all, are enlistees tested for AIDS?

Mr. HOLLINGS. I had not studied that particular subject, in all candor.

Mr. BUMPERS. Can the distinguished floor manager answer that question?

Mr. GLENN. I am told by staff that eveyone now is checked for AIDS in their blood test when they come in for their enlistment physical.

Mr. BUMPERS. I appreciate that answer. I have been seeing statistics on what percentage of the military had been checked for AIDS and I did not know whether that was just enlistees or whether they were testing all members of the armed services for AIDS.

Mr. GLENN. I am told that they are testing everyone now coming in. I think there is random testing of those already in. There is systematic testing of everybody on active duty, I am told.

Mr. BUMPERS. I thank the distinguished floor manager and I thank the distinguished Senator from South Carolina.

Mr. HOLLINGS. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 747) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I thank the distinguished Senator from Ohio and the manager of the bill, the Senator from Illinois, very much for their courtesy.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. At this point in time the amendments to be before us by agreement between the two sides are the amendments of the majority and minority leaders. Thereafter, may I say to my friend from North Carolina, he will be next up. We are waiting for the majority and minority leaders.

Does the distinguished Senator from North Carolina mind proceeding now?

Mr. HELMS. I will be delighted, and I will offer this to the distinguished manager of the bill: if the majority leader should arrive and desire that I lay aside my amendment temporarily so that he can complete this, I will do that.

Mr. DIXON. I thank the Senator from North Carolina. If the minority or majority leader, either one, comes in, we would be glad to accommodate them. We realize they are involved in other matters.

I wonder if my friend would agree to a time agreement on this amendment.

Mr. HELMS. Let us consider for openers an hour equally divided. I do not intend to take 30 minutes, but I would like to have at least 30 minutes, latitude.

Mr. DIXON. Mr. President, I ask unanimous consent that there be a time agreement on the amendment of the distinguished Senator from North Carolina of 1 hour equally divided with no amendments to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair will advise that the pending amendment is the Byrd amendment to the Weicker amendment.

Mr. DIXON. Mr. President, I ask unanimous consent that the Byrd-Weicker amendment be set aside so that the amendment by the distinguished Senator from North Carolina, according to the unanimous-consent agreement, may be considered.

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

AMENDMENT NO. 748

(Purpose: To make certain members of foreign diplomatic missions and consular posts in the United States subject to the criminal jurisdiction of the United States with respect to crimes of violence, trafficking in drugs, reckless driving, or driving under the influence of alcohol or drugs)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 748.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with because it is a lengthy amendment and I will attempt to describe it, and I think I can.

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

The amendment is as follows:

Add at the end of the bill the following new section:

SEC. . (a) notwithstanding any other provision of law and, particularly, the Vienna Convention on Diplomatic Relations, done on April 18, 1961, and the Vienna Convention on Consular Relations, done on April 24, 1963, members of a foreign diplomatic mission (other than diplomatic agents) and members of a foreign consular post (other than consular officers) shall not be entitled to immunity from the criminal jurisdiction of the United States (or of any State) for any crime of violence, as defined in section 16 of title 18, United States Code, or for reckless driving or driving while intoxicated or under the influence of alcohol or drugs.

(b) For purposes of this Section—

(1) the term "consular officer" has the same meaning as is given to such term in Article 1(1)(d) of the Vienna Convention on Consular Relations;

(2) the term "diplomatic agent" has the same meaning as is given to such term in Article 1(e) of the Vienna Convention on Diplomatic Relations;

(3) the term "members of a foreign consular post" is used within the meaning of Article 1(1)(g) of the Vienna Convention on Consular Relations; and

(4) the term "members of a foreign diplomatic mission" is used within the meaning of Article 1(b) of the Vienna Convention on Diplomatic Relations.

(c) This Section may be cited as the 'American Citizen Protection Act of 1987.'

(d) Notwithstanding any other provision of law or of this Act, if the President, in considering factors of reciprocity and perceived obligations of international law, determines and so certifies to Congress that the national interest of the United States requires the exclusion of certain individuals from the coverage of the provisions of Section 1 of this Act, then the President may exclude from such coverage up to 5,000 foreign nationals who are family of foreign diplomats or support staff of foreign diplomatic or international missions in the United States; provided, however, that the assertion of diplomatic immunity on behalf of a person so excluded shall be made in the appropriate judicial forum only by the Ambassador to the United States from the sending foreign sovereign of which such person is a national and such person shall immediately thereafter be declared persona non grata, forthwith expelled from the United States, and denied re-entry. The President shall direct the Office of Foreign Missions to publish in the Federal Register not less than once annually a list of foreign nationals, if any, excluded pursuant to the provisions of this Section.

(e) Section 1732 of Title 22 of the United States Code is hereby reenacted and made a part hereof and incorporated herein by reference."

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, the pending amendment could not possibly possess a greater clarity of purpose or need nor does Congress have a greater opportunity and responsibility to protect the thousands of American citizens who have been assaulted, robbed, raped, and otherwise humiliated and violated by thugs who are going scot free because they enjoy diplomatic immunity and therefore cannot be held responsible under our system of jurisprudence for their crimes of violence and mayhem against the American people.

It is time that we did something. We should not, we must not delay further in protecting the innocent law abiding people of this country. In fact, we have delayed too long already. Many Americans have paid the price for our unwillingness to face up to our responsibility to protect them.

The American public especially in cities with embassies and consulates and international missions or organizations have been absolutely mutilated, often with the perpetrators of the crimes laughing in their faces and saying, "You can't touch me; I have diplomatic immunity." These have involved people who have committed violent crimes, even murder, trafficking in drugs, reckless driving, theft, rape, driving under the influence of alcohol or drugs or both, and they go scot free. If this Senate has any conscience whatsoever, it will start today to put an end to this travesty. So the issue is simply this: Does the Senate wish to protect the public from violent and related crimes committed by the family and support staff of diplomats who are presently free to commit criminal acts with complete impunity?

These criminals are free to do so with impunity because the Department of State cloaks them with immunity from prosecution, often identical in practical effect with that enjoyed

by the foreign ambassadors themselves.

At the outset, let me assure the Senate that this issue is not abstract. It is very real. It is in fact monumental. It is on the minds of many Americans, indeed perhaps most Americans who cannot understand why approximately 35,000 foreigners in the United States are given the right to victimize the American people with no legal repercussions whatsoever. What a tragedy.

So it is not abstract, Mr. President. And to bring that point home, let me briefly describe a few examples of the criminal conduct which has been committed if not encouraged by an excessive grant of immunity by the Department of State to people who in fact are nondiplomats. All right. These examples are but just a few of those which were brought to my attention during a recent hearing held before the Foreign Relations Committee.

Take the case of Kenneth Skeen, a young man, a carpenter, a young man who had honorably served his country in the military. He was gunned down by the son of a Brazilian diplomat on a street here in the District of Columbia. He was gunned down while working on a second job. He held two jobs trying to make ends meet to get ahead to fulfill what we call the American dream. But that dream was shattered by an irresponsible, violent, criminal foreigner who had previously been charged with assault but once again had simply been turned loose on the society again because his father happened to be a diplomat.

While the assailant was set free unharmed and with all the evidence of his crime either destroyed or erased from the books, his victim, Kenneth Skeen lay in a hospital bed incurring massive medical bills which he could not pay. He lost his job. Even now he suffers a 20 percent disability, a significant handicap for a carpenter. The disability has virtually destroyed the use of one of his hands.

When the media learned of the incident, a police spokesman explained that "Since he had diplomatic immunity—I am talking about the son of the Ambassador—he is considered not to have been arrested. That is international law . . ." The police spokesman said that. And the official State Department line was even more enlightening. The State Department said, "Mediation procedures to settle disputes between diplomats and American citizens begin with the aggrieved citizen's filing of a written claim with supporting details to the Office of Protocol. We use our good offices"—this is the State Department talking, Mr. President— "when appropriate, to bring the matter to the attention of the diplomat's Embassy with a request"—get that, Mr. President—"that the Embassy use its best efforts to promote a just settlement of the dispute."

The little girl in the comic pages used to say. "I may throw up."

Senator BYRD, who was at that time the distinguished minority leader of the Senate, said of this case that it seemed "inconceivable to me that the relative of a diplomat can carry a gun in this country and shoot an American citizen and cannot be arrested; cannot be brought to trial; can just be turned loose on the street."

Amen to Senator BYRD. He was exactly right. Unfortunately, there are countless other examples that American citizens have suffered at the hands of foreign criminals, and no other characterization of them is proper. They are foreign criminals.

Take the case of "Holly," who was a young school girl who went to a freind's house for a party. Because she was not old enough to drive, she relied on others. Unfortunately, those in whom she has placed her trust were not trustworthy. In fact, before the night was over, two of the young men who were sons of embassy personnel—not sons of Ambassadors, just sons of personnel at the Embassy—raped "Holly." Throughout the assult they taunted her with their "diplomatic immunity" and her powerlessness to do anything to them. Indeed, both men were never charged, nor were they expelled from this country. In fact, several months after the incident one of the rapist and his family moved into a house across the street from "Holly." And still our State Department did nothing to help this young girl or her family.

Do you see why I am offering this amendment, Mr. President?

As recently as Monday of this week, our own President, President Ronald Reagan spoke before the United Nations in New York City. At the U.N. speech there was present a delegation of Iranians and Lybians who refused to be searched, refused to subject themselves to the metal detection measures and otherwise refused to assure our Secret Service that our President's safety would not be jeopordized. They sat right in front of President Reagan and during his address to the General Assembly, and in essence because these guys claimed diplomatic immunity, our Government feigns that it is powerless to protect our President in his own country.

This amendment proposes to provide some protection.

Mr. President, I would like to ask my distinguished colleagues to ponder this one last chilling thought: If one of those Iranians or Libyans at the United Nations had in any way harmed President Reagan, our State Department would claim that legally, there is nothing they, or any of us, could do—we would have to allow them to go free because even though our country no longer has diplomatic relations with these two countries, the individuals are still afforded the plea of "diplomatic immunity."

Mr. President, let me say again that I agree wholeheartedly with the remarks sometime back by the distinguished Senator from West Virginia, Mr. BYRD, who is now the majority leader in the Senate. I believe it is inconceivable that such crimes are allowed to occur with no recourse, no means of justice, no due process of law. And I believe, obviously, it is time for the Senate today to begin the process of putting an end to the legal loophole that has allowed our citizens to be victimized by families and support staff members of foreign diplomats.

During this bicentennial year, I think it is high time that we return to the citizens of America the rights they were guaranteed 200 years ago in the Constitution.

Mr. President, I can anticipate, and I hope I do so in error, the arguments against this amendment. We are going to hear: Oh, dear, we must not risk violating treaties. Well, before that argument is made, I want to say that I have an answer to it. I have it right here, existing law. We are going to hear the plea that: Oh, we must not do this, because there might be retaliation in foreign countries against our own diplomats. Well, this amendment takes care of that. We can offer protection. We will have protection, and there is no chance of retaliation.

So when these arguments are made, I am prepared to respond to them. I hope they will not be made. Instead, I hope that the Senate would readily agree to provide the American people, the innocent, law-abiding citizens of this country, the right to walk their streets, enjoy the privacy of their homes, and the other measures of safety to which they are entitled, and certainly to make them safe against thugs who cannot even be arrested and prosecuted, as matters now stand, because they possess diplomatic immunity.

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

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, I yield to the Senator from Rhode Island such time as he may need in opposition.

The PRESIDING OFFICER. The Senator from Illinois has yielded to the Senator from Rhode Island such time as he requires.

Mr. PELL. I thank the Senator from Illinois very much.

Mr. President, this amendment involves a fundamental principle of international law. The roots of this doctrine are based in antiquity.

The reason for immunity is simple and basic: It is to assure that diplo-

matic representatives are able to carry out the official business of their governments without undue influence or interference from the host country.

Here, I must state something in a more personal vein, because I believe I am the only Member of this body who served as a diplomat behind the Iron Curtain. I can recall being accused of espionage in the Soviet press and in the Czechoslovakian press.

Countries that are unfriendly to us behind the Iron Curtain are capable of manufacturing accusations of crimes. If they manufacture it and say that U.S. citizen John Jones, second secretary, was guilty of a crime, of driving a car under the influence of alcohol, and so forth, there is no way that you could prove them wrong, because John Jones would be locked up in that country, behind bars.

I think this amendment would be very harmful to the interests of our diplomats behind the Iron Curtain.

I know how much I relied on the doctrine of immunity in my own work there.

I can remember another time when an employee of mine, an interpreter, who had been badly beaten up and abused, was brought into the consulate general, which does not have immunity. As the Senator from North Carolina knows consular archives have immunity. I put a sign on the door saying "Consular Archives," and he was not interfered with.

I understand the anquish of those who have been unfortunate victims of criminal acts perpetrated by foreign representatives in our country. Diplomatic immunity should not be used as a shield to permit criminal actions.

Having said that, however, equal concern should be evidenced about the freedom and even the lives of those who represent the United States at foreign posts throughout the world.

Diplomatic immunity is built on a system of reciprocity. What we impose on foreign diplomats in this country will without a doubt be imposed on our Foreign Service officers overseas.

We know that these crimes the Senator for North Carolina has pointed out are dreadful, awful crimes and they do occur, but we do not know with what crimes our own diplomats will be accused. They will be accused of something manufactured, and we will have no way of escaping the harm that can be done.

Do we really want to adopt an amendment which we know will result in our Foreign Service officers and their families being subject to legal and political systems that are often sharply at variance with ours or are controlled by states that would use them to harass and intimidate American citizens?

At first blush, this amendment of the Senator from North Carolina has great appeal and seems to make perfect sense. We share with him the abhorrence of the dreadful crimes that have been committed by foreign diplomats in this area and other areas.

Look at the result of passing this. I know from personal experience the chagrin and the harm that will bring on our own people behind the Iron Curtain in hostile environments.

I strongly urge my colleagues to oppose this amendment.

Mr. HELMS. Mr. President, the distinguished chairman of the Foreign Relations Committee, Senator PELL, is one of my treasured friends. We work together hand in glove, and I enjoy it, and I respect and admire him. But the Senator apparently has not taken into consideration that under this amendment the President is allowed 5,000 exemptions—5,000—which he can grant at his discretion.

I notice the clerk looking at the amendment. It is on page 2.

So far as retaliation against the sons of our diplomats overseas or the sons of employees of our embassies overseas is concerned, if they rape somebody over there, I hope the country throws the book at them. I have no sympathy for them whatsoever. Or if they rob or drive drunk or deal in drugs, or whatever. However, let me say this: They are already protected in terms of their rights if they are improperly arrested and charged and/or imprisoned.

I cite the law on the books. It is title 22, Foreign Relations and Intercourse, page 1701, "Release of citizens imprisoned by foreign governments:"

> Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall

It does not say "may."

> shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

If that is not protection, I do not know what it is. So I do not want to hear any more about retaliation. It just is not so.

I say again that if any of these personnel, including any American Ambassador, go overseas and commit mayhem, violate the law, rape, pillage, burn, steal, throw them in jail, just as I want the thugs who are raping and pillaging and burning and destroying in this country to be dealt with.

Mr. President, a distinguished attorney, Pamela Trescott, appeared before the Foreign Relations Committee at its recent hearing on this subject. She is distinguished in many ways. She is an attorney at law, practicing in California, and an authority and a lecturer on diplomatic immunity.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HELMS. I thank the Chair. I hope the time will not be charged against me while we are getting order in the Senate.

The PRESIDING OFFICER. Without objection, the time will not be charged.

The Senator from North Carolina may proceed.

Mr. HELMS. I thank the Senator.

Miss Trescott spent 4 years serving in the International Trade Administration of the U.S. Department of Commerce. She was based here in Washington. She was based in Beijing and Taiwan. She conducted the legal aspects of a study over 3 years which resulted in a very fine book on this subject.

Among other things, this distinguished attorney and scholar told the committee that the Vienna Convention and the numerous articles that have interpreted that treaty repeat consistently: "It is the work, rather than the official, which must be protected."

Then she went on to say: "It must then be also noted that it was the intention of the Vienna Convention that such officials obey all ordinary laws governing their private actions."

I might add that this lady herself was a victim of a crime by a person enjoying diplomatic immunity.

She said, "Clearly, the Congress of the United States has the constitutional right to pass legislation," in this respect. "Frankly," she said, "I think there is strong argument that the bill before you"—and she was talking about the legislation that I introduced some months back, Mr. President—"may not be inconsistent with the Vienna Convention." Then she went on to say that, "It should be noted that since 1884"—a pretty fair period of time, Mr. President—"the Court has held that 'so far as a treaty made by the United States with any foreign nation can become the subject of judicial cognizance in the courts of this country,' talking about the treaty, 'it is subject to such acts as Congress may pass for its enforcement, modification, or repeal.'"

Now, that has been the law since 1884.

So, Mr. President, I really hope I will not hear a whole lot about retaliation or about treaties or whatever. We have a duty to act now at this late time to protect Americans from being victimized by thugs who enjoy diplomatic immunity.

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

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DIXON. Mr. President, I am delighted to yield some more time to my colleague from Rhode Island if he wants it. How much time does this side have?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. DIXON. I yield 3 more minutes to my friend from Rhode Island.

Mr. PELL. Mr. President, I repeat that the appeal of this amendment is very great, but when you look at its reach and impact then one starts questioning it.

Now under the law, as the Senator from North Carolina has pointed out, our President can demand that the foreign government release one of our diplomats who has been accused of a crime. He can demand that, but there is no law that says that foreign government has to comply.

My recollection is that in the world today, of about 150 or 160 nations, only 25 of them democracies, not all of which meet our standards of democracy; so I do not think we would have much luck in pursuing this argument.

I would hope very much indeed that this amendment, appealing as it is, would not pass because of the very real harm it will surely do to our diplomats in unfriendly countries around the world.

Mr. DIXON. Mr. President, I yield myself 2 minutes simply to say that as a manager of the bill, the Armed Services Committee does oppose this amendment, which would wipe out in effect diplomatic immunity, would expose our diplomats to arrest overseas, other countries would obviously retaliate, and we feel that this is very bad and would have a bad impact on our intelligence operations around the world.

So for that purpose we do oppose the amendment.

We yield back the remainder of our time on this side, Mr. President, and subject to whatever time my friend from North Carolina has, I would move to table after accommodating him for his close.

Mr. HELMS. Mr. President, I thank the Senator very much. That is his judgment on the motion to table.

Mr. President, I ask unanimous consent that the distinguished Senator from New York [Mr. D'AMATO] be a cosponsor of the amendment. He was also a cosponsor of the bill that I introduced some time back.

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

Mr. HELMS. Mr. President, I yield 7 minutes to the distinguished Senator from New York [Mr. D'AMATO].

The PRESIDING OFFICER. The Senator from New York is yielded 7 minutes.

Mr. D'AMATO. Mr. President, I am pleased to rise in support of this amendment offered by my distinguished friend and colleague from North Carolina, Senator HELMS.

The real purpose of this amendment, Mr. President, is to see to it that the well-established and necessary process of diplomatic immunity does not continue to be abused. This amendment is rather important to the people of my State where there are so many diplomatic missions including those from the United Nations. On a daily basis the citizens in the New York metropolitan area find themselves under constant assault. Do they find themselves under assault by the diplomats, the Ambassadors, the Deputy Ambassadors? No. They are under assault by the staff of diplomats, those who drive cars, the sons and daughters of staffers, and the families of diplomats, their sons and daughters.

It is not the purpose of diplomatic immunity to cover everyone who comes in who works for a mission. It is not the purpose of diplomatic immunity to provide tens of thousands of foreigners in this country with the ability to create mayhem.

We have situation after situation where the people of my State and, indeed, many throughout this country have been victimized by those who run them down deliberately, by those who create monstrous attacks on their person, be it murder, rape, or the most heinous crimes by those who have total disregard for the norms of civilization.

It is absolutely ludicrous for the State Department to oppose this kind of legislation, which says that we will give diplomatic immunity to real diplomats, but not extend it to literally every Tom, Dick, and Harry, or anyone associated with, anyone who works with, or the family members of those attached to the diplomatic service. If our diplomats or their families, or their low-level staffers, are engaged in those kinds of activities, then they should be subjected to the rule of law.

What we are calling for here is the rule of law as I would hope that we would support and pass this legislation.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New York yielded the floor.

The Senator from North Carolina.

Mr. HELMS. Mr. President, I think all has been said that needs to be said and I thank the distinguished Senator from New York for his fine comments. He has been a leader in this area and if the distinguished Senator from Illinois is willing to yield back his time I will.

I yield back my time.

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

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

Mr. DIXON. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Illinois has moved to table.

The yeas and nays have been requested.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois [Mr. DIXON] to table the amendment of the Senator from North Carolina [Mr. HELMS].

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Arizona [Mr. MCCAIN] and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I further announce that the Senator from Connecticut [Mr. WEICKER] is absent due to illness.

Mr. DIXON. Regular order, Mr. President.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced, yeas 48, nays 46, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—48

Adams	Evans	Melcher
Baucus	Fowler	Metzenbaum
Bentsen	Glenn	Mitchell
Biden	Graham	Moynihan
Bingaman	Harkin	Nunn
Boschwitz	Hatfield	Pell
Bradley	Hollings	Proxmire
Breaux	Inouye	Pryor
Burdick	Johnston	Reid
Chafee	Kennedy	Rockefeller
Cranston	Kerry	Sanford
Danforth	Lautenberg	Sasser
Daschle	Leahy	Stafford
Dixon	Levin	Stennis
Dodd	Lugar	Stevens
Durenberger	Matsunaga	Wirth

NAYS—46

Armstrong	Grassley	Pressler
Bond	Hatch	Quayle
Boren	Hecht	Riegle
Bumpers	Heflin	Roth
Byrd	Heinz	Rudman
Chiles	Helms	Sarbanes
Cochran	Humphrey	Shelby
Conrad	Karnes	Simpson
D'Amato	Kassebaum	Specter
DeConcini	Kasten	Thurmond
Dole	McClure	Trible
Domenici	McConnell	Wallop
Exon	Mikulski	Warner
Ford	Murkowski	Wilson
Garn	Nickles	
Gramm	Packwood	

NOT VOTING—6

Cohen	McCain	Symms
Gore	Simon	Weicker

So the motion to lay on the table amendment No. 748 was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I will shortly go to the Sessions nomination. That does not require unanimous consent, but I hope we will get unanimous consent to go to the Sessions nomination. There will be a rollcall vote on the nomination. I have had one or two or three Senators say they would like to speak for 1 minute and put their statement in the RECORD. Others have said they would put their statements in the RECORD. Which Senators want to speak very briefly? Mr. BENTSEN and Mr. GRAMM. Any others? Mr. THURMOND.

EXECUTIVE SESSION

Mr. BYRD. I ask unanimous consent that the Senate now go into executive session to take up the nomination of Mr. Sessions and that there be a time limitation of 3 minutes thereon, 1 minute to be under the control of Mr. BENTSEN, 1 minute under the control of Mr. GRAMM, and 1 minute under the control of Mr. THURMOND, and that any Senators who wish to put statements in the RECORD may do so; that the Senate then proceed to vote without further debate; that upon the disposition of the nomination, the Senate return to the consideration of the Department of Defense authorization bill.

The PRESIDING OFFICER. Is there objection to the request?

Mr. JOHNSTON. Will the majority leader yield for a question?

Mr. BYRD. Yes.

Mr. JOHNSTON. I wonder if he might outline the proceedings for the rest of the evening, if any.

Mr. BYRD. Yes. Following the Sessions nomination—we can do it now but this may take a little while—following the Sessions nomination I was going to try to get an agreement with respect to the DOD authorization bill, hoping that we could agree on a final day and time for at least completion of action on all amendments other than the War Powers amendments and the SALT II amendment. But that will require a little discussion. There will be other rollcall votes today. If the agreement were to be entered as an order by the Senate, the Senate would be in tomorrow between the hours of 10 and 2, no rollcall votes, but for Senators who have amendments to call up, if they want to debate them that is fine. We have time agreements on most of the amendments. I am going to try to get a time agreement on all remaining amendments with the exception of the two I mentioned earlier, and that any rollcall votes ordered on amendments tomorrow would be stacked for Tuesday. Further, I would ask that the Senate be in on Monday for the same purpose, debating the amendments so that Senators would have an opportunity to call up their amendments, order rollcall votes on them if they want. If they are acceptable and are accepted, then that is just that much out of the way. And then we would come in Tuesday at an early hour and begin taking up amendments, voting thereon, with a final vote to occur, say, no later than 10 o'clock that evening, and the only two remaining amendments at that time that would be debatable would be the two I mentioned. Otherwise, amendments that had not been debated but which are listed on the list in the CONGRESSIONAL RECORD and the Calendar of Business would still be called up as we always do under a unanimous-consent agreement—called up, they could get a vote thereon but have no debate.

Mr. WARNER. Mr. President, as the leadership is generally discussing, the two amendments, of course, are the War Powers and the SALT II?

Mr. BYRD. Yes. So if that is sufficient for now, may we then proceed to the Sessions nomination?

Mr. JOHNSTON. I thank the leader.

The PRESIDING OFFICER. The question is on the unanimous-consent request on the Sessions nomination. Is there objection? The Chair hears none, and it is so ordered.

The clerk will report the nomination.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of William S. Sessions of Texas to be Director of the Federal Bureau of Investigation.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. THURMOND. Mr. President, I rise today to voice my strong support for Judge William S. Sessions to be Director of the Federal Bureau of Investigation.

As my colleagues are well aware, Judge Sessions has had a long and impressive record as a trial judge, prosecutor and practicing attorney. Judge Sessions' extensive background has prepared him well for this position.

He is a 1956 graduate of Baylor University, and a 1958 graduate of the Baylor School of Law. From 1959-69 Judge Sessions was in the private practice of law in Waco, TX. Beginning in 1969 he served as Chief of the Government Operations Section in the Criminal Division of the Department of Justice, where he remained until 1971. From 1971-74 he served as the U.S. attorney for the western district of Texas. In 1974 Judge Sessions was nominated by President Ford, and confirmed by the Senate, to be a U.S. district judge for the western district of Texas. Presently Judge Sessions serves as the chief judge of that court.

As a Federal district court judge he has demonstrated that he is an able jurist. He has the reputation as a tough, but fair judge, and one who has ensured the even-handed administration of justice.

The position of Director of the FBI is one of the most important in all of law enforcement and I believe Judge Sessions possesses the knowledge, judgment, integrity, and experience to serve in an exemplary manner as director and I look forward to working with him in the future. Judge Sessions is clearly qualified and should be confirmed by the Senate. I urge my colleagues to vote for his confirmation.

Mr. BENTSEN. Mr. President, I had the pleasure of appearing in support of the nomination of this distinguished jurist to be head of the FBI along with my colleague, the junior Senator from Texas [Mr. GRAMM]. It was the most unusual confirmation hearing I have ever heard. As we listened to Republican and Democrats alike all the way around as they made their statements about this man, my friend from Vermont said it sounded as though we were canonizing this man.

I think we are exceedingly fortunate to have a man of such ability and integrity to fill this position. As a judge for the western district of Texas, this man was known not only for his ability and integrity but also as an able administrator. I strongly support this nomination.

Mr. President, before the Senate acts on the nomination of Judge William Sessions as Director of the Federal Bureau of Investigation, I would like to say a few words about this distinguished Texan.

During the Judiciary Committee hearings last week, members of this Senate and people around the country had an opportunity to observe Judge Sessions and hear his views on important issues that he is likely to face as Director of the FBI. Those hearings demonstrated to this Senate and the Nation what I have known about Judge Sessions for some time, that he is a man of character, a man with the experience necessary to perform this job, and a man that should be confirmed to restore leadership at the FBI. Judge Sessions is eminently qualified to serve as FBI Director;

qualified by temperament, by his even-handed approach to issues, by his unquestioned integrity, by his legal training and by the ability he has shown during years of service to the cause of justice.

After 10 years of private practice on the defense side of the criminal bar, Judge Sessions joined the Justice Department as Chief of its Government Operations Section. From there he moved on to the position of U.S. attorney for the western district of Texas. Rounding out his legal experience has been over 12 years of service as a Federal district judge in that same western district, including service as Chief Judge of the district since 1980.

That recitation of Judge Session's background makes it clear that he has the experience necessary to serve as an effective administrator in this important post. A closer look at his record as a Federal judge makes this point even clearer—despite the fact that the western district of Texas is one of the largest districts geographically in the country as well as one of the fastest growing districts in terms of population, Judge Sessions has administered that district so effectively that he has consistently been recognized by his peers as running one of the most efficient districts in the country. That sort of administrative experience and performance will serve him and the country well as Director of the FBI.

Judge Sessions is well known for his tough, law-and-order reputation drawn from his strong stand against drug peddlers. He is just as well known for his fair and impartial administration of justice. I believe that this is exactly what this country needs as director of the FBI—a tough but fair champion of law enforcement.

Judge Sessions fills the bill, and I urge the Senate's confirmation of his nomination. This important position has been vacant for too long now and it is time that FBI leadership was restored. Judge Sessions will do just that.

Mr. DOLE. Mr. President, I heartily endorse the nomination of William S. Sessions as Director of the Federal Bureau of Investigations.

During the last 12 years, Bill Sessions has served as a Federal district judge in Texas, where he earned the reputation of being tough, law and order judge—but an honest and fair one as well.

Before President Ford named him to the Federal bench, Bill Sessions served as a U.S. attorney in the western district of Texas, and prior to that in the Criminal Division of the Justice Department.

I can think of no better qualities for the Director of the FBI.

Judge Sessions received the enthusiastic support of both Democrats and Republicans on the Judiciary Committee. And I trust the full Senate will agree with the committee's endorsement.

Mr. BIDEN. Mr. President, today, I urge my colleagues to support the nomination of William S. Sessions of Texas to be the next Director of the Federal Bureau of Investigation.

I would first like to thank the majority leader, Senator BYRD, for moving so quickly on this important nomination. The post of the FBI Director has been vacant for more than 5 months. And yet, despite the Senate's busy floor schedule, the majority leader brought this nomination before the full Senate expeditiously.

This is only the third time that the Senate has voted on an FBI nominee since the law was passed requiring Senate advice and consent on the President's nominee for the FBI Director. Judge Sessions' predecessor—William H. Webster—is one of this country's finest public servants, and based on the record developed during the committee's hearings, Judge Sessions should continue in this fine tradition.

The FBI has immense resources, and awesome responsibilities. It employs 22,000 women and men, and its annual budget is almost $1.5 billion. Congress provided these resources to enable the FBI to pursue many high-priority criminal investigative programs aimed at organized crime, drug trafficking, terrorism and white-collar crime. In addition, the FBI takes the lead with respect to Federal counterintelligence policy.

As the FBI seeks to protect our citizens, it must also remain true to the principles of liberty that form the birthright of every American citizen.

At the outset of the hearings on Judge Sessions' nomination, I outlined the four key criteria that I believed the committee should rely on in considering this nomination:

First, whether the nominee possesses the personal background and character to be the Director of the foremost Federal law enforcement agency.

Simply put, Judge Sessions' background exemplifies the integrity and strong moral character that we have come to expect in an FBI Director. He has been a practicing attorney, a section chief in the Criminal Division of the Department of Justice, a U.S. attorney, and for the past 13 years a U.S. district court judge. Those who have known Judge Sessions, consistently praised his character and integrity. I might note that at the nomination hearing, not a single person came forward to testify against him.

Second, whether the nominee has the qualities of leadership to head the FBI—the Nation's chief law enforcement agency.

For the past 7 years, Judge Sessions has been the chief judge of the U.S. District Court for the Western District of Texas—geographically one of the largest districts in the United States. Judge Sessions' tenure as chief judge has demonstrated his management and leadership abilities, as did his tenure as a U.S. attorney. His extensive experience has given him an understanding of the needs and challenges facing the law enforcement community—a point that came out clearly in the hearings. Under questioning from committee members, he reaffirmed the FBI's existing criminal investigative priorities—terrorism, white-collar crime, organized crime, and narcotics—and committed to undertake a thorough review of these priorities to ensure that the FBI's resources are marshalled in an efficient and effective manner.

Several of my colleagues and I also expressed our serious concern about the importance of the FBI's national security responsibilities. The Bureau is in a unique position to lead this Nation's counterintelligence initiatives. The FBI is the only agency that gives top priority to counterintelligence. Moreover, the FBI is the only agency that can routinely conduct domestic counterintelligence activities. Judge Sessions pledged to continue the priorities that his predessor placed on the FBI's national security role, and to devote the time that is necessary to quickly become knowledgeable about the FBI's counterintelligence responsibilities.

Third, whether the nominee is willing and able to ensure that the FBI is insulated from partisan influences and political manipulation. In my view, this was the single most important issue that the committee addressed during the confirmation hearings.

Judge Sessions, assured the committee that he was committed to maintaining the FBI's independence in the conduct of its investigations. He also assured me that he had received a pledge from the Attorney General that he would not be hindered in any way in fulfilling his oath to fully and completely investigate matters within the FBI's jurisdiction, wherever it might lead.

Based on Judge Sessions' testimony, and on his record during 20 years of public service, I am confident that he will be willing and able to steadfastly resist any attempt to allow political motives to influence the bureau's investigative priorities.

Finally, whether the nominee is committed to the rule of law, and committed to ensuring that the Bureau protect and uphold the individual rights that the Constitution guarantees and that we cherish as a free people.

Specifically, Judge Sessions was asked about his views on the protections afforded to speech under the first amendment. Judge Sessions assured the committee that "the FBI

has no intent to investigate individuals or organizations involved in lawful, constitutionally protected activities * * *. An investigation can not be initiated solely upon an individual's advocacy of unpopular ideas or political dissent."

Several committee members also questioned the nominee about the protections afforded by the fourth amendment, which protects American citizens against unreasonable searches and seizures, and I asked about his views on the Supreme Court's fifth amendment ruling in the Miranda case. Judge Sessions assured the committee that the FBI would not run roughshod over the rights and liberties guaranteed under the Constitution and the laws of the United States. According to Judge Sessions, while the FBI's investigative activities "are critical to all of us, * * * the citizens' rights are of equal, if not greater importance. * * * "

Judge Sessions' extensive law enforcement experience, his commitment to the rule of law, and his unquestioned moral character and personal integrity make him an outstanding choice to lead our Nation's foremost law enforcement agency.

Once again, I would like to thank the majority leader for allowing the Senate to take prompt action on this important nomination. I urge my colleagues to support confirmation of William S. Sessions to be the next Director of the Federal Bureau of Investigation.

Mr. DECONCINI. Mr. President, I would like to take this opportunity to express my strong support for the nomination of Judge Richard S. Sessions to be the next Director of the Federal Bureau of Investigation. Judge Sessions' record, both on the bench and as a practicing attorney, demonstrates that he is a man of great ability and integrity who will serve his country well as Director of the FBI.

Having listened to answers provided by Judge Sessions to questions from myself and my colleagues on the Judiciary Committee, I believe he will continue to address the problems facing our Nation which the Bureau has been called upon to battle. Judge Sessions has given his word that he will continue to make the fight against organized crime a priority of the Bureau under his direction. He has stated that national security will remain of great concern and receive the attention of the FBI in the coming years. And he has agreed to devote what time is necessary to gain a working knowledge of counterintelligence duties of the Director.

For nearly 10 years the FBI has had a superbly qualified individual at the helm in Judge William Webster. In approving Judge Sessions as the successor to Judge Webster, continued progress on efforts to stave off the tide of criminal activity is assured. It has been said of the nominee that he is a law and order west Texas judge, given to strict enforcement of the law when it is determined a criminal act has been committed. As a former prosecutor, I support this type of judge, and am pleased to cast my vote in favor of Judge William Sessions as the next Director of the Federal Bureau of Investigation.

Judge Sessions, I wish you well as you assume your new responsibilities with the Bureau, and look forward to working closely with you as a member of the Judiciary and Intelligence Committees. I am certain that the commitments you made during the confirmation hearings will be adhered.

Thank you, Mr. President.

Mr. GRAMM. Mr. President, I am happy to join with Senator BENTSEN and other Senators in recommending the confirmation of Judge Bill Sessions. Whether it was his service in the Justice Department, his service as a U.S. attorney, his service as a Federal judge, or his service as a chief judge, everything that Bill Sessions has ever done in his life has been marked with several characteristics: No. 1, knowledge; No. 2, integrity; and, No. 3, effectiveness. I believe he will bring all those talents to bear as head of the FBI. Certainly, when we consent to his nomination today there are going to be no celebrations in the halls of organized crime. I hope he will be confirmed unanimously. I think he deserves that vote of confidence. I urge my colleagues to vote for Judge Sessions.

The PRESIDING OFFICER. Does the Senator yield back the balance of his time?

Mr. GRAMM. I do.

The PRESIDING OFFICER. Mr. BENTSEN?

Mr. BENTSEN. I yield back the balance of my time.

The PRESIDING OFFICER. All time has expired.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William S. Sessions to be Director of the Federal Bureau of Investigation? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] and the Senator from Rhode Island [Mr. PELL] would each vote "yea."

Mr. SIMPSON. I announce that the Senator from Maine [Mr. COHEN], the Senator from Utah [Mr. GARN], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE] and the Senator from Idaho [Mr. SYMMS] are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. MCCAIN] would vote "yea."

Mr. DIXON. Regular order, Mr. President.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 279 Ex.]

YEAS—90

Adams	Ford	Mitchell
Armstrong	Fowler	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Graham	Nickles
Biden	Gramm	Nunn
Bingaman	Grassley	Packwood
Bond	Harkin	Pressler
Boren	Hatch	Proxmire
Boschwitz	Hecht	Pryor
Bradley	Heflin	Quayle
Breaux	Heinz	Reid
Bumpers	Helms	Riegle
Burdick	Hollings	Roth
Byrd	Humphrey	Rudman
Chafee	Inouye	Sanford
Chiles	Johnston	Sarbanes
Cochran	Karnes	Sasser
Conrad	Kassebaum	Shelby
Cranston	Kasten	Simpson
D'Amato	Kennedy	Specter
Danforth	Kerry	Stafford
Daschle	Lautenberg	Stennis
DeConcini	Leahy	Stevens
Dixon	Levin	Thurmond
Dodd	Lugar	Trible
Dole	Matsunaga	Wallop
Domenici	McConnell	Warner
Durenberger	Melcher	Weicker
Evans	Metzenbaum	Wilson
Exon	Mikulski	Wirth

NAYS—0

NOT VOTING—10

Cohen	McCain	Simon
Garn	McClure	Symms
Gore	Pell	
Hatfield	Rockefeller	

So the nomination was confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. DIXON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. I ask unanimous consent that the President be immediately notified of the confirmation of the nominee.

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

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I am about to propound a unanimous-consent request. Before I propound it, and I am going to wait until the Republican leader and the Republican manager are on the floor, let me say a few words which may help to save time later.

If this agreement is objected to, the Senate will continue this session and there will be more rollcall votes today. The Senate would be in session tomorrow and there would be rollcall votes.

Remaining are 40 amendments with time agreements on them and 30 amendments without time agreements. So, the managers have been working diligently and we still have 70 amendments.

One might understand what a drain it would be on the Senate's time to have to go through these amendments and have rollcall votes on so many of them and what that would mean with respect to Santa Claus.

Santa Claus is coming on time. We may not be there to see our stocking filled when Santa comes.

Let me describe what the agreement would do.

If the agreement is entered into, there are a number of amendments lined up. Mr. DIXON will be in a position, he and the ranking manager or the designee of the ranking manager, and, of course, the manager is here also—but there are a number of amendments lined up there. I am taking my time because I have got time.

There are a number of amendments that are lined up that would not require a rollcall vote with the exception of two of them. The managers are ready to continue this evening in the event agreement is entered into. They are ready to continue this evening to discuss those amendments and accept them if the offerors are here to offer them.

If the offerors make for the doors and the airports, then the managers would not be able to accept the amendments. But there are a number of them—I understand there are about 6 or 8 or 10 in that category.

Those would be done. There would be no more rollcall votes today if the agreement is entered.

Then, tomorrow the Senate would begin at 10 o'clock. The Senate would come in tomorrow and would start on the amendments at 10 o'clock. There would not be any rollcall votes but Senators who have agreements on their amendments could call them up, utilize the time on the amendment, debate the amendments Those who do not have time on the amendments could call up their amendments, hopefully, and agree to times tomorrow on their amendments. Any rollcall votes that would be ordered tomorrow on those amendments would be put over until Tuesday next.

The Senate then would come in again on Monday and at about the same time? At 9 o'clock on Monday we would resume debate on amendments in the very same fashion as I have outlined for tomorrow.

On Tuesday all remaining amendments, with the exception of the amendment on War Powers, the Byrd-Weicker amendment, and the SALT II amendment, would be disposed of. This means that on Tuesday we would begin voting early. The first rollcall vote would occur at 8:30 and it would last a half-hour on that first rollcall. Any rollcalls that are stacked immediately thereafter would be 10-minute rollcall votes, and the regular order would be called. It has worked fine. The regular order would be called at the end of 10 minutes, and we could move expeditiously as we did the other night in that same manner.

At the hour of 8 o'clock, any amendments that had not been called up by that time would still be entitled to a vote but no debate. Also, any amendments on which time has not yet been entered, I would hope we could limit to 30 minutes equally divided—with the exception of the two. Senators might want to think about that for a moment.

This would mean, then, at some time after 8 o'clock, beginning with 8 o'clock but sometime later that evening or the early morning of Wednesday, while the North Star is still up there moving, the Senate would complete action on all the rollcalls of all the amendments with the exception of the two that I have mentioned: War Powers and SALT II.

They are open for debate.

So, woe be unto him who is not here next Tuesday because there are going to be a lot of rollcall votes that day.

Let us take the alternative. If the agreement is not entered into, we will continue with rollcall votes this evening as long as the managers are willing to, and tomorrow we will start earlier than 10 o'clock, and on Monday and Tuesday and Wednesday.

Mr. President, I am ready to present the request now.

(Mr. GLENN assumed the chair.)

Mr. DOLE. If the majority leader will yield, the distinguished ranking member on this side cannot be here for about 5 or 6 minutes. I would like to withhold for that long.

I would like to clarify a couple of things that I think Members ought to understand. Sometimes you cannot have it both ways. Not everybody will be able to offer their amendments at their own leisure on Tuesday, as I understand it, but they can stay here tomorrow and offer their amendments, stay here tonight and offer their amemdments, and be here on Monday and offer their amendments, as I understand.

Mr. BYRD. That is right.

Mr. DOLE. If we cannot get an agreement, there will be rollcall votes into the night, there will be rollcall votes tomorrow, and maybe not rollcall votes on Monday, but there will be a lot of votes starting then on Tuesday morning at 8:30. Then at 10 o'clock p.m. Tuesday evening, would we dispose of amendments if we took them up after we made all the rollcalls or would we stack votes again?

Mr. BYRD. After all the stacked votes have been completed on Tuesday, beginning at 8 o'clock—that is the deadline in the request, and we can change that to earlier or later—at 8 o'clock is the final call. The door is shut to add-ons.

Mr. DOLE. But at that time, the amendments could have an up-or-down vote.

Mr. BYRD. Yes.

Mr. DOLE. So if it was nobody's fault of their own, if somebody was left with a legitimate amendment, they could have the amendment read and have any kind of vote.

Mr. BYRD. Yes. The first vote would be on the stacked votes.

Mr. DOLE. And after the stacked votes, say the Senator from Kansas offered an amendment, would they vote on my amendment then or stack that until 8 in the evening?

Mr. BYRD. Eight in the evening is when the cutoff comes. At 8 o'clock in the evening, any votes that have been stacked, that have not yet occurred, will occur, and votes would occur prior to that time, of course. But what I am saying is that at 8 o'clock all debate is off and from there on if we have stacked votes remaining, we continue those stacked votes at the end of which Senators who are on the list of amendments still may call up those amendments but without debate thereon and get a vote. The two amendments on which there is no agreement would be the War Powers amendment and the SALT II. They would be open to debate.

Mr. BUMPERS. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. BUMPERS. No. 1, there will be no votes on Tuesday before 8 p.m.?

Mr. BYRD. Yes.

Mr. BUMPERS. If amendments have been offered, there will be votes

on Tuesday that have been ordered on Saturday and Monday, is that right?

Mr. NUNN. Yes, but at 8:30 a.m.

Mr. BUMPERS. I misunderstood that. There would be no votes prior to 8 a.m. on Tuesday?

Mr. BYRD. There would be no votes tomorrow; no votes on Monday. The first vote would occur at 8:30 a.m. on Tuesday.

Mr. BUMPERS. And when all the stacked votes are disposed of, any Senator who has an amendment and wishes to call it up and ask for a rollcall vote at the conclusion of those stacked votes will have a right to do so?

Mr. BYRD. If the conclusion of the stacked votes is reached sometime before 8 o'clock, they will still have remaining time for the amendment. But after 8 p.m., there would be no further debate. But Senators who have amendments which are on the list, who have not called them up and asked for the yeas and nays on them, or not debated, they would still be entitled to call up their amendment but they would not have the privilege of debate. They would have the vote, though, if they asked for the vote.

Mr. BUMPERS. Then at the conclusion of all that, the only two amendments that will still be pending will be the SALT II and the War Powers Act.

Mr. BYRD. That is correct.

Mr. BUMPERS. Will the majority leader yield for still another question?

Mr. BYRD. Yes.

Mr. BUMPERS. At this moment, if somebody called for regular order, the amendment pending is the amendment of Weicker, Byrd, and Hatfield?

Mr. BYRD. That is true, but the request as worded would not cover that.

Mr. BUMPERS. The SALT II amendment, of course, has not been laid down, but this agreement in no way vitiates our right to lay that down.

Mr. BYRD. That amendment is on the list. That is right.

Mr. BUMPERS. Now the second question: Does this agreement have the effect of withdrawing the Weicker-Hatfield amendment once all those stacked votes are over with?

Mr. BYRD. No. The amendment is still pending.

Mr. BUMPERS. Once it is all over, that amendment would then be the pending business?

Mr. BYRD. That is correct.

Mr. BUMPERS. And subsequent to the disposition of that, then the SALT II amendment would be in order?

Mr. BYRD. That is correct.

Mr. BUMPERS. I thank the Senator.

Mr. QUAYLE. Once we get beyond the votes on Tuesday a.m. and go through the day and start voting at 8 p.m. that night, will then a motion to table be in order for each one?

Mr. BYRD. A motion to table is not waived and would be in order.

Mr. QUAYLE. Throughout the day, say we have four stacked votes coming in Tuesday at 8:30 and we go to 9:30 under the 10-minute rule after the first vote, the first amendment up requires debate and a rollcall, would we just have the debate and then the rollcall or do you intend to stack votes throughout the day?

Mr. BYRD. No. The stacked votes would be those that are ordered for rollcalls on this evening, tomorrow, and Monday.

Mr. QUAYLE. In other words, we will have regular order throughout the day Tuesday, that if you have a request for a rollcall vote, you could have a motion to table, and if that would fail, you could have a rollcall vote up or down on that particular amendment which would be two rollcalls, possibly, on the same amendment, which could chew up a lot of time.

Mr. BYRD. That is true.

Mr. QUAYLE. I am just thinking this thing through. I do not know myself if we might want to stack votes throughout the day which would save more time for debate, obviously. Then we would still have in the order, if there was an amendment we wanted to have a tabling motion on, we could still table after 8 p.m., but in the day we would be taking amendments and debating.

I just offer that as an observation to try to make sure that there is as much time because you have, I think the chairman said, something like 30—I will tell you, the amendments that bother me are not the agreed-upon amendments. We have 30-some amendments that do not have time agreements. Now, obviously in those 30-some amendments there are some very contentious, substantive amendments and those are the ones that get drawn out with a number of votes throughout the day.

I hope we do not get bogged down in that because a lot of our Members are really going to be saying, "Hey, what have you done to us?"

I just bring that up as an observation.

Mr. BYRD. Throughout the day there will be rollcall votes. The Senate, of course, may at any time order a stacked vote and the managers may try to stack as many as possible. But I would not want Members to leave here under the understanding/misunderstanding that after the first two rollcall votes, which will be ordered this evening under this agreement, there would be no more rollcall votes until 8 o'clock Tuesday.

Mr. QUAYLE. 8:30. 8:30 a.m. Tuesday.

Mr. BYRD. Well, I am glad the Senator reminds me. I have inadvertently overlooked the fact that we are beginning at 8:30 a.m. and drawing the line at 8 o'clock p.m. and so from here on out I will be clear on this.

Mr. DOLE. If the Senator will yield, I think there is another thing that we can probably do and that would be to sequence the amendments. If there are going to be a number of amendments, hopefully the debate on some of these will be taken care of tomorrow, some will be taken care of on Monday, but there are going to be some left on Tuesday and hopefuly we could alternate them.

I do not know how many from each side there are going to be. I think probably there is a fairly equal number. I think in fairness we should figure out some sequence where we would take turns on each side. Maybe we could get the two managers to sort of work that out.

It is whatever the majority leader would like to do, but if we got into a real crunch at 8 o'clock on Tuesday night and someone on either side somehow got cut off, would there be any way that upon agreement of the two leaders the time could be extended for, say, 30 minutes without discussing the whole thing again? Is that possible?

Mr. BYRD. I do not think under the agreement we ought to allow that.

Mr. DOLE. OK.

Mr. BYRD. Because if we allowed for one, others would expect the same. If I may now, I will put the request.

Are there further questions? I will be glad to yield to Mr. NUNN.

Mr. DIXON. I wonder if the majority leader will yield so that the chairman could discuss the pending amendments that are still remaining for today.

Mr. BYRD. Very well.

Mr. President, I yield the floor.

Mr. NUNN. Mr. President, I hope that this unanimous-consent agreement will be entered into because it would I think facilitate the work of the Senate and it would allow us to complete most of the amendments on the DOD bill by Tuesday night.

I do hope that everyone will recognize that even if this goes through, and I hope it will, we would have no more rollcalls this evening or Saturday or Monday. We have about 18 amendments that could be handled tonight. The Senator from Illinois has been working on this list very assiduously over the last several hours. What we have is a Conrad amendment tonight that will be debated immediately following this unanimous-consent request and there will be a rollcall on that amendment Tuesday morning, 8:30, if we get this unanimous-consent request. Otherwise, we would have a rollcall on it this evening.

The Senator from Massachusetts [Mr. KENNEDY] has two amendments that have been agreed to. They can be

handled this evening if we can have the Senator from Massachusetts here to present those. Then we have a Metzenbaum amendment that will also be accepted. If we could get the Senator from Ohio to remain and handle this after the unanimous consent, we ought to be able to do that. And I would like to do them in this order, although any Senator who could be recognized could, of course, get their amendment up:

Mr. HARKIN has an amendment, 10 minutes equally divided. That would perhaps take a rollcall vote that would have to be rolled over until Tuesday; an Evans-Adams amendment on nuclear waste cleanup which will also be agreed to; we have a Shelby amendment on Toshiba on which there will be a colloquy; we have a Sasser amendment which is agreed to; a Domenici amendment which is agreed to; a Proxmire amendment which is agreed to; a Bingaman amendment which is agreed to; a Danforth amendment which is agreed to; and another Kennedy amendment.

That would give us approximately 15 amendments that we could handle in 1½ hours, 2 hours this evening and the committee will be here and the minority will be here and the majority will be here.

We will be in business this evening as long as we can be productive. We will also be in business starting at 10 in the morning as long as we can be productive on Saturday, and we will be in business all day Monday. So those who may get caught in a squeeze on Tuesday, or may fear getting caught in a squeeze on Tuesday should be aware that they will have a lot of opportunities to present their amendments with enough time to have legitimate debate on them.

I hope this agreement would go through, but everyone should understand that the only way we are going to prevent a real roadblock on Tuesday is to have people stay this evening and come in Saturday and come in Monday. I hope no one will complain on Tuesday if they are left out and if they have not availed themselves of an opportunity over the next 2 days and this evening to get their amendment up.

Mr. WILSON. Will the distinguished chairman of the committee yield for a question?

Mr. NUNN. I will be glad to yield.

Mr. WILSON. I thank my friend from Georgia.

The question I had, pursuant to the point he has just made about people having their feelings hurt on Tuesday, maybe I missed it, but I have not heard any discussion as to whether or not there are going to be time limits with respect to debate on Tuesday.

Mr. NUNN. Well, there are already a whole series of time agreements and in addition to those that we have, I believe the Senator's unanimous-consent request will have a portion thereof which will state that those amendments which have not got time agreements would be limited to 30 minutes, 15 minutes equally divided, that would be part of the unanimous-consent request, which would cover about 43 amendments.

Mr. WILSON. Let me ask this question. There are some, as the Senator has observed, already having a time agreement. I can foresee a situation in which we have a sufficient number of pending amendments with time agreements that will exceed the time, particularly with us taking rollcall votes all through Tuesday, so that we have the situation of 10 pounds for a 2-pound bag.

Mr. NUNN. I say to the Senator from California that is certainly theoretically possible and could even happen but that depends on whether we can get Senators to come in tonight, the rest of this evening and any time Saturday and any time Monday. And those who are worried about getting caught in that squeeze should avail themselves of that, and I would assume also that it is a matter of who gets recognized on Tuesday.

At this point we do not have any order, and even those Senators who do not have time agreements, they would have just as much right to recognition and getting their amendment up under a 30-minute limitation if that unanimous consent is agreed to as those with time agreements. I do not think there is any precedent or priority set here.

Mr. WILSON. If I may say so, I think that makes all the more imperative and all the wiser the suggestion that the minority leader has made about actually agreeing upon a sequence because the travel plans of various Members are such that some will be available Saturday, some will not be available until Tuesday.

Mr. NUNN. I would agree with the Senator from California and the minority leader completely on the desirability of sequence. I will stay and work as long as possible this evening but a sequence requires 50 to 60 Senators to sit around and agree I guess unless somebody stands up and just propounds a unanimous consent. That would be fine with me. As far as I am concerned, we can take this list as they are listed here and have that as the sequence. But I know it is not easy to get a sequence unless somebody simply asserts that will be the sequence and asks unanimous consent. If someone else knows how you get a sequence, I am open to suggestion.

Mr. ADAMS. Will the manager yield for an observation?

Mr. NUNN. I will be glad to yield.

Mr. ADAMS. I might suggest that those with time agreements be given precedence which would of course mean that your time agreements would snap through your amendments quickly and you would not have one amendment that did not have a time agreement absorbing all the time. I think that might meet the problem of the Senator from California, at least to the greatest degree possible. I do not mean setting in absolute order, but if those time agreements were to be allowed to go first that would, of course, mean that you compressed all of those, and everyone who agreed to a time agreement would of course go on the list of precedence.

Mr. NUNN. I say to my friend in the unanimous-consent agreement that I have heard proposed to be entered into every amendment would have a time agreement. You would have all those on the list now that already have time agreements, and then every other amendment would have a 30-minute time agreement.

Mr. ADAMS. I thought that might happen.

Mr. NUNN. All animals would be equal.

Mr. WARNER. Mr. President, I think we should further clarify that we would alternate amendments. I think that is important.

Mr. NUNN. I say that would be the spirit of the agreement. The problem is the Senator from Virginia knows if we have a Republican amendment up, and if we cannot find a Democrat on the floor, we might want to take two. So I prefer it be left to the managers with that being the spirit of the agreement.

Mr. WARNER. I understand that as long as we work in that spirit, and indeed not just be Democrat or Republican. This is a bipartisan bill. I think it has been quite bipartisan to date with maybe one exception.

Mr. NUNN. I think since the summer and early fall it has gotten very much cooperation. We have had tremendous cooperation from the Senator from Virginia and the Senator from Kansas. We could never put this kind of proposal together without them and hopefully it will go through. I would say they deserve a great deal of credit for helping work it out; working on it whether or not it goes through, and I hope it will.

Mr. DOLE. If the majority leader will yield for one suggestion, I do not know whether it is good or not, but I think there may be some merit. In other words, if we came in at 8:30 Tuesday morning, we vote on all the amendments that were stacked, we stack all the votes during the day, and start voting at 8'clock at night. If not, maybe we should extend that 8 p.m. to say 10 p.m.

I get the feeling just from people I know on this side with amendments, if they took their 30 minutes and you had a 15-minute rollcall, you are going

to be lucky to have more than six or seven amendments during that day, and 25 Members are going to be forced to just have theirs read and have a vote on it. So we would save a little time, maybe extend the time.

Mr. NUNN. May I, if the Senator will yield? I think that is a good suggestion. I think the Senator from Indiana's suggestion and the minority leader's suggestion would be a good way to proceed. In other words, what we debate this evening is stacked for Tuesday morning, what we debate tomorrow is stacked for Tuesday morning, what we debate Monday is stacked for Tuesday morning, would all occur when we come in on Tuesday. From that point on all amendments that are debated thereafter or during the day on Tuesday we would not vote on those amendments as we go along but stack those begining that night. That would give us the whole day without rollcalls but would give us the day for debate.

Mr. DOLE. That probably would give us at least 8 or 9 hours for amendments.

Mr. NUNN. I would assume we would not have Senators leave for the day and not come back because there is no rollcall vote. We would have to keep people here. If they did, it would be at their peril.

Mr. WARNER. Mr. President, with reference to tomorrow's session, we would start at whatever hour the leadership agrees, then we would proceed in an orderly way. But if there came a time, say midafternoon Saturday, when there was no visible work, it would seem to me to be unfair to hold all the staff and infrastructure thinking maybe a Senator might appear at around 6 o'clock. I mean, let us face facts. The managers of the bill will endeavor to keep a very orderly business day up to a point where there is appearance and likelihood and no messages, no communications from other Senators.

Mr. DOLE. No telegrams.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, the request will be as follows:

Mr. President, I ask unanimous consent that at 8 o'clock p.m. on Tuesday next all debate on amendments to the DOD bill cease with the exception of the two amendments, one dealing with war powers, the other dealing with SALT II;

With respect to war powers, I ask unanimous consent that no call for the regular order bring it back before the Senate prior to the conclusion of all votes on all other amendments; provided further that the Senate come in at 8:30 on Tuesday morning next;

I ask unanimous consent that the Senate come in at 8:30 a.m. on Tuesday next, that the time of the two leaders be waived, that the Senate proceed immediately to the DOD bill, and the pending amendment at that time, which will be the Conrad amendment. The yeas and nays will have been ordered thereon, and there will be no further debate at that time on that amendment;

From the disposition of that amendment the Senate go to the Harkin amendment, on which all debate will have been used up, and the vote on or in relation to that amendment and on or in relation to, by the way, the Conrad amendment, begin;

That on Monday the Senate come in at 9 o'clock, the time of the two leaders be waived—I have to have 10 minutes on each of those days, 5 minutes;

And the Senate come in at 9 o'clock on Monday; and that the Senate come in tomorrow at 10 o'clock a.m. and proceed immediately to the DOD authorization bill;

That any rollcall votes ordered this evening beyond the Conrad and Harkin amendments—and I understand there will not be any—that on Tuesday morning then the rollcall votes that are ordered following the Harkin amendment this evening occur following which all rollcall votes that are ordered on amendments tomorrow proceed, following which all rollcall votes ordered on Monday will occur; after which other amendments be called up during the day and that no motion to waive the tabling motion is included in this agreement;

Provided further that time on any amendment on which time thus far has not been entered or on which time thus far has been entered exceeding 30 minutes be limited to 30 minutes to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Is there further discussion?

Mr. DOLE. Mr. President, reserving the right to object and I shall not object, I think there is an understanding that has been working very well. There will be a lot of competition on Tuesday with that time limit on who is going to be recognized, who is going to be offering their amendments, and who is going to have the yeas and nays.

And I think the managers do not have any problem. I think they have been able to work out a sequence where we could rotate at least if there was anything to rotate. Maybe we will run out of amendments.

And, second, with reference to the so-called SALT amendment and the war powers amendment that would in addition cover any second-degree amendments, the distinguished majority leader has a second-degree amendment pending to the war powers amendment, and there may be second-degree amendments I assume; in other words, just lifting that out of the agreement and nothing changes insofar as those two are concerned.

Mr. BYRD. As of now, nothing changes on the war powers amendment. It does have a pending second-degree amendment. The SALT II amendment was included in the list last evening. And I believe that we said no amendments will be offered to any amendment in the second degree. Is that not accurate, which would rule out any second-degree amendments to the SALT amendment. That is right. There were two exceptions. so there will be no limitations. The order that has already been entered—to wit, that there be no limitation on the number of amendments that may be offered relating to SALT or to war powers—would continue as heretofore.

Mr. WARNER. Mr. President, reserving the right to object, and I shall not, I commend the leadership for reaching this point.

Two items: It is clear that the amendment pending by the majority leader on the war powers may well be corrected in terms of the expedited language.

Mr. BYRD. Yes.

Mr. WARNER. Second, in our discussions forming this UC, in the office of the majority leader, he indicated that 2 o'clock on Monday would be the time to take up the bill, and I believe he acceded to that request.

Mr. BYRD. I did.

Mr. NUNN. It would be 10 o'clock.

Mr. WARNER. That would make the Saturday and Monday sessions uniform in the starting hour.

Mr. BYRD. That is correct.

Mr. EXON. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. EXON. I will not object. I think it is a good arrangement.

Last night, there was a discussion that there would be no second-degree amendments on any of the suggested amendments that were listed. I believe I understood in conversation today that there were some amendments that were not on the list.

Is it also clear, and is it a part of the majority leader's unanimous-consent request, building upon the agreement of last night, that except for the war powers resolution and the SALT resolution, no second-degree amendments are in order on any amendments that are offered under the agreement we just entered into. Is that correct?

Mr. BYRD. That is correct. No amendment to an amendment may be offered. Only those amendments that are listed may be offered. There are two exceptions, as the distinguished Senator has stated.

The PRESIDING OFFICER. Is there further discussion or objection?

Mr. CONRAD. Mr. President, reserving the right to object—and I certainly will not object—if it would be of assistance, I would be glad to withhold the presentation of my amendment until Monday morning. I know there are other Senators who are very eager to get up tonight. I would be happy to postpone mine until the first thing Monday morning, if that would be of my assistance.

Mr. BYRD. My guess—and the managers are here—is that anything we can do tonight can help.

Mr. CONRAD. I am prepared to go ahead tonight.

The PRESIDING OFFICER. Is there further discussion or objection?

Without objection, the unanimous-consent request propounded by the majority leader is agreed to.

Mr. BYRD. Any work we can do will be that much out of the way.

I thank the manager of the bill, Mr. NUNN; the minority manager, Mr. WARNER; and all other Senators, and in particular Senators BUMPERS, ADAMS, and SASSER. All these Senators met on several occasions and worked out this agreement, worked toward it. It certainly required a great deal of effort, and I thank them very much.

Mr. President, there will be no more rollcall votes tonight, no rollcall votes tomorrow, and no rollcall votes on Monday. But Senators, in their own interest, who have amendments, should call them up tonight if they are on this list on the yellow sheet; and on tomorrow and Monday, if Senators want to assure themselves of time for debate, that would be the best time to do it.

The text of the agreement is as follows:

Ordered, That during the consideration of S. 1174, a bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, the following amendments be the only amendments in order; that time on any amendments, where no time agreement is listed, or where the time agreement exceeds 30 minutes, shall be limited to 30 minutes, to be equally divided and controlled in the usual form; that the amendments be first degree amendments and that no amendments be offered in the second degree, with the exception of those offered to the War Powers Act amendments and SALT amendments; and that any vote ordered to occur on an amendment shall be deemed to be a vote on, or in relation to, that amendment: Provided, That there be no limitation on the number of amendments that may be offered relating to SALT or to War Powers:

Bingaman—Verification funding/energy, 30 minutes

Bingaman-Kennedy—NSF

Bradley—U.S. undertake all SSBN overhauls on schedule no funds in this or any other bill shall be used to dismantle any SSBN before 30 years service, SALT compliance, 1½ hours

Boschwitz—Nuclear risk reduction center, 30 minutes

Bumpers—Any SDI architecture must ensure equal protection for all states

Bumpers—Require a report by Navy on feasibility and desirability of developing successor to Trident submarine, 15 minutes

Bumpers/Leahy—SALT subceiling compliance

Bumpers—Sense of Senate on convention arms control

Byrd—3 amendments

Byrd—Morgantown Air Force Reserve

Chafee—Rhode Island National Guard, 20 minutes

D'Amato—Drug interdiction, 30 minutes

Danforth—Funds for Missouri National Guard, 10 minutes

Dixon/Bumpers—Small business

Dixon—Drug interdiction, 30 minutes

Dole—Require Senate ratification of SALT before U.S. obliged to adhere to its limits

Dole—Oil embargo on Iran

Dole—Require Soviet compliance with all SALT limits before U.S. comply with SALT II limits

Dole—Persian Gulf

Domenici—National Laboratories, 30 minutes

Evans—Require an independent review at Hanford, WA, DOE safety enhancements with view to restarting the end reactor, 1 hour

Evans—Asbestos removal at Fairchild, 10 minutes

Evans/Admas—Add funds for environmental restoration at Hanford, WA, DOE complex, 20 minutes

Evans/Inouye—Funds for Navy Port, Everett, WA, 30 minutes

Glenn—DOE safety oversight

Gramm—Davis/Bacon

Gramm—Service contract

Gramm—Stockpile, 1 hour

Gramm—Alcohol beverage sale on military bases

Harkin—NSC advisory-military officer should not serve in this position

Heinz—Shipbuilding, 30 minutes

Helms—INF

Helms—ABM

Helms—Persian Gulf

Helms—State Dept. Americanization

Johnston—Bio-environmental hazard research, 10 minutes

Kasten—Sense of the Senate, Japanese/Vietnamese trade, 30 minutes

Kennedy—Carriers study, 30 minutes

Kennedy—Restore PRIMUS/NAVCARE clinic funding, 10 minutes

Kennedy—Watertown Army lab milicon, 10 minutes

Kennedy—ATACKS, 30 minutes

Lautenberg—CHAMPUS payment for charitable hospitals, 30 minutes

Levin—Cut strategic/reallocate to conventional, 40 minutes

Levin—Authorizing funds for centers of advanced technology, 10 minutes

Levin—ABM

Levin—Cut strategic/reallocate to conventional

Levin/Dixon—Cut SDI, reallocate to conventional

Metzenbaum—M1A1 tank, 20 minutes

Metzenbaum—Burdensharing, sense of Senate, 20 minutes

McCain—Indian Contacting, 15 minutes

McClure—Authorize 2 new production reactors, 30 minutes

Nunn/Warner—Technical amendments

Nunn—2 MAF amphibious lift requirement

Proxmire—GAO study, 20 minutes

Quayle—Nuclear warhead for ATACKS

Quayle—European troops, 30 minutes

Quayle—SALT

Roth—European workload program

Sasser—801, 802 housing

Shelby—Prohibition on sale of Toshiba products in military exchanges, 20 minutes

Simon—Sense of Senate regarding early SDI deployment

Specter/Heinz/Lautenberg/Bradley—Restore TAO fleet oiler ship, 30 minutes

Wallop—Assign strategic mission within the armed services, 2 hours

Warner—Contact on morale/welfare/recreational funds, 30 minutes

Warner—Authorize SDI institute, 30 minutes

Warner—DOE safety oversight, 30 minutes

Warner—FEMA add-on, 30 minutes

Weicker—Special access programs, 20 minutes

Weicker—War Powers

Wilson—Regarding M113A3 for guard/reserves, 20 minutes

Wilson-Cost effectiveness at the margin, 1 hour

Wilson—Shipboard IFF, 10 minutes

Wilson—Space launch recovery

Wilson—Presidio army hospital, 1 hour

Wilson—Strike Levin/Nunn language

Wilson—Defense intelligence manpower exemption

Ordered, That any rollcall votes ordered on amendments on Friday, Sept. 25, 1987, be stacked and occur in order after the vote on, or in relation to, the Conrad amendment, which amendment will be pending upon resumption of the bill on Tuesday, Sept. 29, 1987.

Ordered further, That the Senate convene on Saturday, Sept. 26, 1987, at 10 a.m., with the Leadership time waived, and proceed to debate amendments on the above list as they are offered, with any rollcall votes that might be ordered to be stacked and to occur in sequence on Tuesday, Sept. 29, 1987, following the votes stacked on Friday, Sept. 25, 1987.

Ordered further, That on Monday, Sept. 28, 1987, the Senate convene at 10 a.m., the Leadership time being waived, and immediately proceed to the DOD bill, with any rollcall votes ordered on amendments on Monday to be stacked, and to occur in sequence on Tuesday, Sept. 29, 1987, following the votes stacked on Friday, Sept. 25, 1987 and Saturday, Sept. 26, 1987.

Ordered further, That on Tuesday, Sept. 29, 1987, the Senate convene at 8:30 a.m., the Leadership time being waived, and immediately proceed to the DOD bill, with a vote on, or in relation to, the pending Conrad amendment to occur.

Ordered further, That following the disposition of the Conrad amendment, votes occur on, or in relation to, the amendments stacked on Friday, in sequence, to be followed by votes on, or in relation to, the amendments stacked on Saturday, in sequence, to be followed by votes on, or in relation to, the amendments stacked on Monday, in sequence.

Ordered further, That at the hour of 8 p.m. on Tuesday, Sept. 29, 1987, all debate on amendments to the DOD bill cease, with the exception of amendments dealing with the War Powers Act and dealing with SALT: Provided, That no call for the regular order will bring back the War Powers Act amend-

ment before the conclusion of all rollcall votes on all other amendments.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, may I now announce the order in which we are going to proceed tonight.

The PRESIDING OFFICER. The Senate will be in order, so that the Senator from Illinois can be heard. Senators will cease conversation.

Mr. DIXON. Mr. President, here is the order in which we will proceed. If a Senator is not here at the time his amendment is called up, we will simply go to the next in order.

The first amendment will be by Senator CONRAD. The next amendment thereafter will be by Senator KENNEDY, and thereafter another amendment by Senator KENNEDY.

That will be followed by an amendment by Senator METZENBAUM, the Kennedy amendments and the Metzenbaum amendment being agreed to. Then an amendment by Senator HARKIN, which is going to take a little time, but it will be stacked for Tuesday.

Then an agreed-to amendment by Senators EVANS and ADAMS, an agreed-to amendment thereafter by Senator SHELBY; then one by Senator SASSER; then one by Senator DOMENICI; one by Senator PROXMIRE; one by Senator BINGAMAN; one by Senator DANFORTH; one by Senator KENNEDY; and two amendments by the distinguished majority and minority leaders.

That is the order of business for tonight. If I understand correctly, the Senator from North Dakota is prepared to proceed with his amendment.

AMENDMENT NO. 749

(Purpose: To express the sense of Congress that the President should enter into negotiations with members of mutual defense alliances with the United States for the purpose of achieving a more equitable distribution of the financial burden of support of such alliances)

Mr. CONRAD. Mr. President, I ask unanimous consent to set aside the Weicker-Byrd amendment for the purpose of presenting an amendment.

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

Mr. CONRAD. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 749.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 114, between lines 13 and 14, insert the following:

SEC. 812. SENSE OF CONGRESS RELATING TO SUPPORT OF MUTUAL DEFENSE ALLIANCES.

(a) FINDINGS.—Congress makes the following findings:

(1) Japan, the member nations of the North Atlantic Treaty Organization (NATO), and other countries rely heavily on the United States to protect their national security under mutual defense alliances.

(2) The United States spends more than $100,000,000,000 annually to provide the defense umbrella for the allies of the United States.

(3) The financial burden * * * assumed by many NATO allies and Japan is not commensurate with their economic resources, and, as a result, the United States is forced to bear a disproportionately large share of the financial burden of supporting such mutual defense.

(4) While the United States is currently spending 6.5 percent of its gross national product on defense, our NATO allies spend an average of 3.5 percent of their gross national products on defense and Japan spends only 1.0 percent of its GNP on defense.

(5) The greatest weakness in the ability of the United States to provide for the mutual defense of the United States and its allies is not the military capability of the United States, but rather the economic vulnerability of the United States.

(6) The level of Federal spending must be reduced in order to reduce the Federal budget deficit and revitalize the economy.

(7) The continued unwillingness of the allies of the United States to increase their contributions to the vitality, effectiveness, and cohesion of the alliances between those countries and the United States.

(b) POLICY.—It is the sense of Congress that—

(1) the President should enter into negotiations with countries which participate in mutual defense alliances with the United States, especially the member nations of the NATO and Japan, for the purpose of reaching an agreement on a more equitable distribution of the burden of financial support for the alliances;

(2) the objective of such negotiations with the member nations of NATO and Japan should be to establish a schedule of increases in defense spending by our NATO allies and Japan or a system of offsetting payments that is designed to achieve, to the maximum practicable extent, a division of responsibility for defense spending between those allies and the United States that is commensurate with their resources; and

(3) the President should report to Congress, within one year after the date of the enactment of this Act, on the progress of such negotiations.

(4) if, in the judgment of the Congress, the President's report does not reflect substantial progress toward a more equitable distribution of defense expenses among the members of a mutual defense alliance, the Congress should review the extent of the distributions of the mutual defense burden among our allies and consider whether additional legislation is appropriate.

Mr. CONRAD. Mr. President, the National debt has more than tripled during the last 10 years. The budget deficit has tripled in the last 6 years.

The PRESIDING OFFICER. The Senator will please suspend.

The Senate is not in order. The Senator is entitled to be heard. Senators will cease conversation. Staff will sit down and stop talking or get out of the Chamber.

Mr. CONRAD. I thank the Chair.

Real interest rate are at near record levels, and our trade deficit is out of control. In just 1 year, 1986, we wiped out all of the trade surplus that had accumulated since World War II. The United States has now become a debtor nation for the first time since 1914. In fact, the United States is now the world's largest debtor nation.

It is clear that the President and Congress must deal with the budget deficit. That is the chief underlying cause of our economic problems. One of the major components of our budget deficit is the $100 billion that the United States spends each year to provide the defense umbrella for Japan and Western Europe. The greatest danger to America's alliances today does not spring from diminished American military capability, but rather from American economic vulnerability.

Forty years after the end of World War II, America can no longer afford to provide the defense umbrella for our allies in Japan and Western Europe, and it is time for the United States to insist that our allies pay their fair share of defending the free world. Ironically, no one has expressed this point more succinctly than the secretary of the French Parliaments's National Defense Committee, Jean-Pierre Bechter. In the July 13, 1987, edition of the Washington Post, he asked: "Do you think 320 million Europeans can continue forever to ask 240 million Americans to defend us against 280 million Soviets?"

The answer, Mr. President, is that our allies will continue to ask Americans to defend them against our adversaries unless we insist that they do more. That is why the distinguished Senator from Tennessee, Senator SASSER, and I have proposed this amendment to the Department of Defense authorization bill. The amendment expresses the sense of the Senate that the President should negotiate with our allies for a more equitable distribution of the cost of supporting our alliances. The amendment also asks the President to report to Congress on the progess of his negotiations, and it provides that if the negotiations do not reflect substantial progress within 1 year, the Congress will consider whether additional legislation is necessary to achieve a more equitable distribution of defense burden sharing.

By any standard, it is clear that the burden of defending our alliances with Japan and Western Europe is not being shared equally. The United States has consistently spent more than 6 percent of its GNP on defense, while our allies in Western Europe, on

average, have spent about 3.5 percent, and our allies in Japan have spent only 1 percent of GNP on defense.

People at home and abroad are beginning to recognize that the United States bears a disproportionate share of the cost of defending our alliances. In its July 11, 1987 issue, the Economist magazine declared as follows:

> In July 1987 Western Europe should be preparing itself for the next step towards full maturity. Because two things have changed, it may now be possible—as it has long been desirable—for the Europeans to take back more of the responsibility for their own defence from the Americans who came to the rescue 40 years ago. Why is it so desirable? Not just for the reason usually given—that 241M Americans with an income a bit over $4 trillion last year do not see why 374M Europeans with nearly $3½ trillion should need 300,000 American servicemen and about $100 billion a year of the American defence budget to guard them, giving nothing in reply except the cheery explanation that Europe is worth every penny of it.

Federal Reserve Board Gov. Edward Kelley agrees that Europe and Japan should shoulder a greater share of the Western defense burden. In the July 31, 1987 issue of Investor Daily he said:

> My proposal is: If one can imagine sharing [the burden] equally at say somewhere around 4 percent, then that would knock around $100 billion off the budget deficit right there. It seems to me an eminently reasonable suggestion.

Shortly after he left the Presidency, Dwight Eisenhower declared: "For eight years in the White House I believed * * * that a reduction of American strength in Europe should be initiated as soon as European economies were restored * * *." The European economies have improved, but they have not assumed a greater share of the cost of defending the Western alliance.

Mr. President, this amendment is not a question of less defense for the United States and its allies. This amendment is a question of who pays for the defense of the United States and its allies. The United States can—and should continue to be a good friend to the Japanese and the Europeans, but the United States can be a good friend by helping our allies to help themselves, not by substituting our efforts for theirs. The time has come to insist that our allies do more to share the burden of our mutual defense.

Mr. President, the United States is a great Nation and it must be allied with great nations. The current structure of defense burden sharing, however, threatens the greatness of America and weakens our allies. Just as the end of World War II required an act of creative statemanship to rebuild Japan and Western Europe, so too must the changes since World War II require an act of American courage to restructure our defense alliances. The amendment before the Senate is an important first step toward achieving those goals, and I urge my colleagues to adopt it.

Mr. President, I ask unanimous consent to have printed in the RECORD articles that support the statements that I have made.

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

[From the Washington Post, July 13, 1987]

WESTERN EUROPE REEVALUATES ITS DEFENSE—DEBATE FOLLOWS PROPOSED ARMS CUTS

(By Edward Cody)

PARIS, July 12.—Faced with the prospect of reduced U.S. nuclear forces here, West European leaders are reviving the distant hope of an integrated European defense as a more independent guarantee of the continent's security.

Although the idea is decades old, proposals to improve European military cooperation have intensified sharply as the United States and the Soviet Union move toward agreement on eliminating their intermediate-range nuclear missiles in Europe. In some ways, the swiftness of this renaissance has provided a measure of West European uneasiness over the U.S.-Soviet bargaining and what it portends for Europe.

The U.S.-Soviet missile accord, which many Europeans assume will be completed by the end of the year, has been widely interpreted here as an important psychological step in a process that eventually could lead to a reduced U.S. military presence in Europe and less commitment to its defense.

Thus, appeals for greater European defense integration have blossomed across the continent since the United States called on NATO countries to approve the deal earlier this year despite reluctance in the major European capitals.

"The danger lies in the process getting started," said Jean-Pierre Bechter, secretary of the French Parliament's National Defense Committee. "With the signature of this treaty, we are entering a period at the end of which Europe must be ready to solve its own defense problems. Do you think 320 million Europeans can continue forever to ask 240 million Americans to defend us against 280 million Soviets?"

A number of European and U.S. strategists believe Moscow's long-term strategy is to proceed from missile reductions to troop reductions, which could further lessen U.S. ties to the continent.

Since Moscow has a large advantage in the number of conventional forces in Europe, such proposals may be relatively easy for the Soviets to make and have wide popular appeal in Western Europe, while posing a dilemma for NATO leaders.

Ideas for integrating European defenses traditionally have sounded good in politicans' speeches, but they have faced seemingly insurmountable problems that have prevented their realization.

France's refusal since 1966 to participate in NATO's integrated command, for example, makes cooperation difficult with this country. Similarly, Britain's special relationship with the United States, with sharing of nuclear technology and information, sets it apart from other European nations.

Rival national interests frequently have prevented practical, step-by-step defense cooperation even when it offered economic benefits. France, for example, recently decided to proceed alone with development of an advanced warplane after failing to reach agreement on a parallel European fighter project with Britain, West Germany, Italy and Spain.

Disputes over design have also delayed for several years a project to build a Franco-German combat helicopter even as the political and economic incentives for joint development mount.

French officials and commentators in particular have voiced fears that a reduction in U.S. nuclear commitment in West Germany, or an impression of it, could encourage ideas about neutrality and reunification with East Germany at the expense of the North Atlantic Treaty Organization. Any steps toward Franco-German military cooperation have been seen as a way to remove that possibility from the horizon.

"The Federal Republic is now entitled to feel abandoned by the United States, although constrained to toe the line in a U.S.-manipulated NATO that can no longer assure its defense," wrote former foreign minister Michel Jobert in a stiff version of these fears. "Hence the Germans' swing toward what they traditionally call their own way—a swing uniting Social Democrats, Greens, the liberals of Hans-Dietrich Genscher and also, as we will see, Chancellor Helmut Kohl's Christian Democrats."

A strategic corollary to these concerns is that in an East-West crisis, West German authorities could be tempted to break ranks with the allies and seek conciliation on their own. This facet has been underlined by repeated West German objections that the prospective intermediate-range nuclear accord would leave NATO and Warsaw Pact ground forces within Europe armed with short-range weapons whose targets would lie in the two Germanys.

In addition, a high-ranking French official warned that recent Soviet arms initiatives have set in motion "a dangerous dynamic" that could lead to Soviet suggestions for further reductions and perhaps momentum toward a denuclearized Europe. This prospect has raised concern in Britain, France and the United States, whose arms control officials point to the Warsaw Pact's advantage in conventional and chemical weapons.

In West Germany, however, Kohl's government has favored following up on the prospective intermediate-range accord with talks on short-range weapons, or those under the 300-mile range. France and Britain, differing sharply with the Germans, have objected particularly to this idea because, officials here said, such negotiations could lead to Soviet demands for reductions in the French and British nuclear arsenals as well.

Against a background of these competing national concerns, Kohl offered the suggestion that has drawn the most public attention so far. He proposed June 19 that France and West Germany form a joint brigade of soldiers as a symbol of their determination to work together for European defense.

The idea of French and German young men training and living together, sharing languages and equipment, elicited favorable comment in both countries, which are scheduled to conduct joint military exercises next September.

French President Francois Mitterrand, while stopping short of rejecting the idea, has emphasized practical difficulties and historical obstacles to a joint brigade—Germany and France have fought each other in three wars since 1870.

French Defense Minister Andre Giraud said last week that such a brigade would

have to stay out of the NATO command structure and come under protection of French nuclear arms.

"The brigade is a real possibility that has mostly symbolic value, but symbols are important in this kind of thing," commented another senior French official.

Kohl's propsoal came in reaction to a more sweeping idea from Alfred Dregger, a prominent West German Christian Democrat. He said Europe should create its own security arrangements, with France broadening its nuclear umbrella to cover West Germany. This suggestion reflected resentment among conservative West Germans about the Reagan administration's eagerness to conclude an agreement on all medium-range missiles in the face of European and particularly West German reservations. Despite NATO's acquiescence, a high French official said, reservations were strong in Britain, France and West Germany about the wisdom of removing shorter-range intermediate missiles.

The Socialist former prime minister of France, Laurent Fabius, at about the same time also urged France to think about extending their nuclear protection to West Germany as a part of increased defense integration. But other French and German officials quickly pointed out the difficulty of doing so while France remains outside the NATO command and West Germany remains a key element within it.

British Foreign Secretary Geoffrey Howe, joining the movement in favor of defense integration, called in a March 16 speech for increased "partnership" between France and Britain because, he said, Europe should recognize it no longer dominates U.S. thinking as much as in the past.

"I believe that we should recognize a greater responsibility on the part of Europeans for the defense of Western Europe—in other words for a more truly equal second pillar of the alliance," Howe said.

Howe's comments, followed by a visit to France by British Defense Secretary George Younger, generated speculation that Britain also was seeking to increase the stature of the West European Union as a counterpart to the U.S.-dominated NATO structure.

[From The Economist, July 11, 1987]

EUROPE'S BRAVER COLOURS

Forty years ago, in July 1947, an American called Dwight Griswold arrived in Greece to take over from a broke Britain the job of helping the Greeks fight off a communist guerrilla army. Out of the Truman doctrine, which sent him there and saved Greece, grew the North Atlantic alliance. So began two-fifths of a century in which the western tip of Eurasia, preserved for democracy and market economics by the long arm of American protection, has picked itself up out of the ruins of war, rebuilt its wealth, started groping towards some sort of unity, and now has the pleasure of hearing Russians say that market economics are the right idea after all.

In July 1987 Western Europe should be preparing itself for the next step towards full maturity. Because two things have changed, it may now be possible—as it has long been desirable—for Europeans to take back more of the responsibility for their own defence from the Americans who came to the rescue 40 years ago.

FOR SAFETY'S SAKE, AND SELF-RESPECT

Why is it so desirable? Not just for the reason usually given—that 241m Americans with an income of a bit over $4 trillion last year do not see why 374m Europeans with nearly $3½ trillion should need 300,000 American servicemen and about $100 billion a year of the American defence budget to guard them, giving nothing in reply except the cheery explanation that Europe is worth every penny of it. The comforters point out that American irritation about this is nothing new: remember the Mansfield amendment, they say, and the Nunn amendment. True: yet the irritation goes on growing. Do not be too comforted, Europeans.

President Reagan will pull no soldiers out of Europe; but the most pro-European man in his cabinet doubts whether the line can long be held after that. A bipartisan commission luminous with great names, from inside and outside government, will later this year tell America that its defence policy needs serious changes, including more attention to non-European parts of the world. It has to be reckoned that, sooner or later, America will do less to defend Western Europe.

For safety's sake, Europe must therefore get ready to do more to defend itself. It should also do so for the sake of self-respect. A Europe which makes better wide-body jets and cleaner car engines than America, which faces down America in many a trade battle, which has invested more in America than America has in Europe, should not stand with dropped jaw when asked to do a bit more for defence. The contrast between its military dependence on the United States, and its independence in almost everything else, is bad for Europe. It makes it feel embarrassed, and so readier to snarl wrongly at America over issues like Grenada and Libya, and America snarls back over trade. A lopsided alliance has come to be a bad-tempered alliance. It will be healthier for Europe, as well as calming for America, if the military burden is better shared.

It may at long last be possible to do this, because two new things are happening. First, the sort of Europeans who take such decisions about defence have just been given an incentive to act. Europe's left is generally reluctant to spend more on soldiers, because it wants to spend more on health and schools. It is the conservative half of European politics that is likelier to raise defence spending; but Europe's conservatives saw no reason to do so while they reckoned they could take America's contribution for granted. Their inertia has now been jolted. In the Euromissile deal between America and Russia, many of these conservatives see evidence that the Americans are washing their hands of Europe. They are wrong, in our view; but their mistake could prove useful. In 1987, the ritual talk about improving Europe's defence performance has suddenly taken on a new reality. Nervous European fingers may now be readier to open up European wallets.

Second, the size of the extra effort Europe needs to make may be reduced by what is happening in Russia. If Mr. Gorbachev's zeal for economic reconstruction leads him to accept large cuts in the armies which face each other in Europe, not all of the departing American soldiers will need to be replaced by Europeans.

It would be wrong to count too much on this. The sort of army-cutting deal the West wants is one which brings the two alliances closer to equality, and this means bigger cuts by Russia and its allies. Mr. Gorbachev's generals may not be willing to let him go that far. Mr. Gorbachev himself has made a deal harder to reach, by saying that it should cover the whole area from the Urals to the Atlantic; that involves more countries, and needs a lot more inspectors, than an agreement for central Europe alone. Still, Mr. Gorbachev wants more economic co-operation with the West. He may decide to pay the arms-cutting price. If he does, the transfer of defence responsibilities from American to European shoulders will be smaller than it would otherwise have been, and easier to arrange.

How big a transfer should be aimed for? Very roughly, in terms of the forces now stationed in Europe, the Europeans could by the early 1990s be doing the work of two of the five-plus American divisions on this side of the Atlantic. That makes the total transfer sound smaller than it really would be, since Europe would also have to do more in the way of things like back-up units, supply lines, warships and military aircraft. But this rough guess can help Europeans work out how many extra men and how much extra money they would have to supply.

Some of the extra men could be found by moving parts of the French and Spanish armies into West Germany (though the French move would simultaneously cut the size of the reserves France now theoretically provides). France could also help by reopening the supply routes and airfields it shut to allies in 1966. "Mixed brigades" add nothing, if they just mix existing French soldiers with existing German ones.

Some of the extra money could be made available by cutting arms bills, if every West European country would buy its weapons from the most efficient producer instead of giving the order to its own local factory. That could mean German Leopards for everybody's tank divisions, British Rapiers for anti-aircraft defences, the excellent French FAMAS rifle for the Euroinfantry. Since Dwight Griswold's day, when a family car cost about $1,000, many manufactured goods sold on free markets have risen in price about tenfold. Many military things have risen a hundredfold—partly because they are ordered by cost-unconscious generals from sheltered monopolies, in rather the way Russia still orders almost everything. If Europe would rearm through competitive tender, the cost of doing so could fall dramatically.

How nice if Europeans could be counted on to be co-operative with soldiers, competitive on weapons. They cannot, so they will have to find more young men and women, and more money to pay and equip them: at least one extra percentage point of GNP, either from higher taxes or from the non-defense parts of their budgets.

At which point a finger of warning has to be raised. People in Atlanta and Omaha and Los Angeles, watching the first American troops pull out of Europe, may clamour for more. People in Saarbücken and Lille and Leeds, asked to pick up the bill for replacing the Americans, may refuse. People in the Kremlin, seeing a plum drop ripely towards their laps, may wave aside all talk of troop-cutting agreements. To be safe, Europe needs at least as much defence as it has now, and a solid American component has to remain part of it. A botched attempt to change the present state of things could leave Western Europe without even the fragile security it has now.

DON'T START UNTIL EVERYBODY'S READY

If it is not to be botched, Europe and America need to start some careful planning now. This could have either of two desirable

outcomes. Europe may decide, on reflection, that it cannot take over much of the job America does for it, and pro-European Americans will then wearily start to rally their people for a continuation of things as they are. That would at least have the merit of making Europe face up honestly to the fact of its dependence. Much better, Europe will smoothly and amiably take over some of America's present work. This may not save the Americans any money (it costs as much to keep troops in America as in Europe), but it will give them a lot of extra flexibility. The withdrawn men can be re-equipped and re-trained for other sorts of war than the armoured slog of central Europe's plain, and they will not need Europe's permission to be flown to such wars. American shoulders will relax, as some of the European weight moves for them. European shoulders will be squarer, as they take it over.

Be prepared for European bleating about penury, American bellowing about justice. Start from the thought that an America which is no longer much richer than Europe is unlikely to go on forever spending 7% of its GNP on defence, of which it uses a third or more for Europe's benefit, when most European countries spend only 3-4% of theirs. The planning can begin when Mrs. Thatcher meets President Reagan next Friday, a couple of days after the 40th anniversary of Dwight Griswold's arrival in Greece.

[From the Investor Daily, Aug. 31, 1987]

FED'S KELLEY SAYS UNITED STATES SHOULD SHIFT DEFENSE BURDEN TO LOWER DEFICIT

WASHINGTON (Reuter).—Federal Reserve Board Gov. Edward Kelley believes Europe and Japan should shoulder a greater share of the Western defense burden to help reduce the $160 billion U.S. budget deficit.

In an interview with Reuters, Kelley argued that the budget deficit is one of the keys to reducing the massive American trade deficit, and more defense spending overseas was preferable to increased taxes in the U.S.

"Since World War II the United States has had a policy of carrying a larger share of the burden of the (western) world's defenses," Kelley said.

"We spend about 6.5% of gross national product on our defense, the U.K. has about 5.3% and then it tails down very, very rapidly after that to Japan with only 1%," he said.

JOINED BOARD RECENTLY

Kelley, a former Texas businessman, entrepreneur and lifelong associate of Treasury Secretary James Baker, joined the board of the U.S. central bank two months ago.

"My proposal is: if one can imagine sharing that equally at say somewhere around 4%, then that would knock around $100 billion off the budget deficit right there," he said.

When asked if such a move would be preferable to a tax increase, a policy many Democrats have advocated as a solution to the budget deficit, Kelley said it certainly would.

"I hope this catches on, I think it's a very important idea," he said.

Kelley pointed out that the U.S. was now a debtor nation, with large trade and budget deficits, while both Europe and Japan had huge economies compared with the situation just after the war.

"It seems to me an eminently reasonable suggestion . . . this situation as a whole in the early years after World War II has never really changed," Kelley said, noting that several congressional resolutions were voicing similar concerns.

"We are now in a situation where it's just very difficult for the United States to just continue on that way," he said.

Political analysts believe the issue could emerge during next year's presidential election campaign.

By reducing the budget deficit and curbing overspending—and thus the demand for imports—Kelley said the trade deficit could be greatly improved.

As it is, the Fed official noted there are definite indications the trade deficit is beginning to reverse.

"I think that there's every indication that exports are beginning to do better in physical terms and it would appear that imports are beginning to tail off," he said.

But he warned that it would be very difficult to cut the trade deficit, which exceeded $166 billion last year, below $50 billion.

PROBLEMS WITH IMPORT BILL

A huge import bill for energy products and an emerging world surplus for agricultural produce, formerly a significant U.S. export, would make balancing the trade deficit extremely difficult. Kelley said this structural deficit was probably above $50 billion.

Turning to the outlook for the U.S. economy, he predicted economic growth in the third quarter would match if not better the 2.6% annual rate of growth recorded in the second quarter.

Continued expansion, he said, would reflect increased exports and the prospect of a sustained substantial increase in durable goods orders.

But Kelley said there were conflicting trends affecting the inflation outlook. Energy inflation, barring an upset in the Gulf, was probably close to peaking while food inflation, the other main source of recent price increases, was unlikely to continue.

On the other hand, production costs and wage increases were moderate and were matched by productivity gains while commodity prices were mixed.

"I think the Fed definitely has to be vigilant. I think there are conflicting trends and we're just watching very closely, it's very difficult to tell where you are right now with inflation," Kelley said.

[From the Atlantic Monthly, August 1987]

IKE WAS RIGHT

(By James Chace)

Not long after he left the Presidency, Dwight D. Eisenhower declared, "For eight years in the White House I believed and have announced to my associates that a reduction of American strength in Europe should be initiated as soon as European economies were restored. . . . I believe the time has now come [for] withdrawing some of those troops." More than three decades later the troops—some 350,000 of them—are still there. But now NATO Europe, including France and Spain, is the second most powerful economic grouping in the world—at a time when America strains under the twin burdens of huge fiscal and trade deficits. NATO Europe's population—373 million—is greater than that of the United States or the Soviet Union. The Europeans have more than 3.1 million men under arms, the United States 2.1 million, the Soviet Union roughly 4 million. (Other members of the Warsaw Pact have 1.2 million, but these forces would be highly unlikely to participate in any attack on the West.) But according to official estimates that originated in the Office of the Secretary of Defense, European defense spending is $83 billion a year—far less than the $134 billion the United States allocated for the conventional defense of Europe in the defense budget of $314 billion requested for fiscal year 1986. (Defense Department figures for total U.S. spending on the defense of Europe are even higher.) To say that we must wait for European unity before we can withdraw any American forces is to beg the question. Elected West German officials at the highest levels have recently made clear to American officials that they are amenable to the withdrawal of U.S. troops by the next American presidential election, or soon thereafter, as long as the withdrawal is gradual.

Our Asian commitments are far less costly. Asia absorbs $42 billion of the United States defense budget annually. Since 1955, however, Japan has spent only one percent of its gross national product on its own defense (though for fiscal year 1988 the Japanese, with great anguish, decided to increase their spending by four thousandths of a percentage point, to the equivalent of $22 billion). The U.S. trade deficit with Japan rose to $51.5 billion in 1986, by far the largest with any single country. And more than three decades after the end of the Korean War we still station about 43,000 soldiers in South Korea, costing $4.8 billion a year. Our trade deficit with South Korea last year was $7.1 billion.

Under these conditions it is hardly surprising that responsible leaders in the United States Senate have called for significant cuts in the number of American military personnel stationed abroad. In the early 1970s Mike Mansfield, then the majority leader of the Senate, called for unilateral withdrawal of U.S. troops from Western Europe. In 1984 Senator Sam Nunn, of Georgia, proposed that 90,000 American soldiers be withdrawn from Europe within five years unless the Europeans increase their conventional forces so as to make it easier for Europe to be defended without the early use of nuclear weapons. Nunn's bill was defeated, but by a margin of only 55 to 41.

These proposals represent piecemeal approaches to any meaningful restructuring of the alliance. Moreover, talk of troop withdrawal merely threatens the Europeans and aggravates the resentments inherent in any alliance when the protector threatens to withdraw its protection. Too often the United States makes such threats for reasons that have very little to do with the alliance itself. How often, for example, has Washington insisted that the European allies line up with the United States on affairs outside the NATO region, such as the defense of the Persian Gulf or an economic boycott of Iran? Then, when the allies refuse to do so, critics in America call for withdrawing troops as a kind of punishment. In fact the alliance was formed solely to guard against a Soviet invasion of Western Europe or the Eastern Mediterranean. It has no other purpose.

Every time the question of reducing the U.S. troop commitment in Europe is raised, so is the specter of a neutralist Europe, dominated by the Soviet Union. This specter—the so-called Finlandization of Europe—is imaginary. The European states are rich and powerful. They have large and efficient armies; the London-based International Institute for Strategic Studies has concluded that the Warsaw Pact would not

necessarily see "its numerical advantages as being sufficient to risk an attack." In an address at Columbia University this spring the former West German Chancellor Helmut Schmidt said of Russian conventional superiority that it "doesn't really matter." Schmidt pointed out that "there are 500,000 [West German] soldiers on the spot, and this number can grow quickly to 1.3 million in less than a week." And a small though effective nuclear strike force already exists in France and Britain.

To surrender sovereignty is a self-destructive act that no European state is likely to commit. As it is, Europe is already independent in its support of American policy initiatives from Afghanistan to Central America. Where European and American interests coincide—along the Iron Curtain—the Europeans have every intention of lining up with their American allies to counter any Soviet military thrust westward. Furthermore, American strategic nuclear weapons can remain in the European theater on submarines and on aircraft, even if medium-range and short-range missiles—the so-called zero-zero option—are withdrawn from European soil as a result of a Reagan-Gorbachev arms agreement. Gorbachev has even proposed to "rectify" conventional force imbalances "not through a buildup by the one who lags behind but through reduction by the one who turns out to be ahead."

Distrustful Europeans often ask, "Will the American nuclear guarantee hold? In other words, Will America risk the destruction of Wichita for Hamburg? It is, of course, an unanswerable question, short of nuclear war. Yet the very uncertainty of the answer makes the American deterrent credible. As the British strategist Sir Michael Howard notes: "If there is one chance in a hundred of nulcear weapons being used, the odds would be sufficient to deter an aggressor even if they were not enough to reassure an ally."

The greatest danger to America's alliances today does not spring from any diminished American nuclear capability, whatever the outcome of a Reagan-Gorbachev summit. Rather, it comes from American economic weakness, from an unwillingness to take measures to repair our economy, and from an unwillingness to change the structure of alliances in a way that would honestly reflect a measure of America's diminished role in the world.

Shifting responsibility to the Europeans for managing the bulk of their ground defenses could save substantial sums in the U.S. budget David Calico, of The Johns Hopkins School of Advanced International Studies, suggests that by demobilizing six of its ten NATO divisions, about 100,000 soldiers, the United States would realize an annual saving of at least $30 billion. Four U.S. divisions would remain in Europe to cover the part of the Central Front for which the United States has direct responsibility.

If the Europeans were to assume a much larger share of the burden of defense, it would be sensible to let them be in charge. This would mean appointing a European, rather than an American, Supreme Commander of all forces in Western Europe.

The new alliance structure would be immeasurably strengthened by a new European defense system along the lines of the European defense community proposed in the early 1950s. Helmut Schmidt and the former French President Valéry Giscard d'Estaing have already suggested integrating French, West German, and Benelux forces. But any such West European defense system, as Mr. Schmidt pointed out in his speech to Columbia, is likelier to come about if the United States starts to withdraw its forces.

A new European defense system should logically include new provisions for nuclear defense. At this time the United States still maintains a special relationship with Great Britain, allowing Britain to share American nuclear secrets and use its nuclear technology. Such a relationship inhibits any serious cooperation between Britain and France in the construction of a nuclear force. Nonetheless according to The New York Times, the two European nuclear powers have recently started talking seriously about coordinating their defense and consulting more closely on it. David Owen, the former British Defense Minister and the leader of the Social Democrats, has argued that Britain must break its dependence on American nuclear weaponry, as the French have done already. Ending the special nuclear relationship between the United States and Great Britain, however, would not guarantee an Anglo-French nuclear force. And the West Germans will rightly insist on some say in any such force if it is to complement the American nuclear deterrent. But with a European commander of NATO and a reduction of U.S. troops, the likelihood of Owen's proposals being implemented would be far greater than it is at present. In any case, this would have to be a European initiative, and would not so much replace the American deterrent as provide the Europeans with insurance if they distrust the American commitment to use nuclear weapons to defend the continent.

In the Far East the costs of alliance are necessarily smaller, and in any case it is highly inadvisable in the near term for the United States to withdraw any of the U.S. soldiers in South Korea. The internal struggle for democracy there would almost certainly be adversely affected if U.S. troops departed, leaving the army of a repressive government as the sole military force left in South Korea. Nonetheless, Washington might make clear to the Tokyo government the need for Japan to pay more of the cost of maintaining these troops in place, before Congress insists on some measure of reduction. Tokyo would surely prefer to help underwrite some of the costs of the U.S. troops now stationed on the Asian peninsula, rather than to risk withdrawal of American forces.

The role the United States plays in maintaining the balance of power in the Far East may well become more important as China gains in economic and military strength. With the revival of Chinese power America's security treaty with Japan is more significant than ever before. Japan should not be encouraged to become a nuclear power, for Japan is not anchored within a regional organization the way West Germany, Britain, and France are. Should Japan reassert itself as a military power—even without nuclear weapons—it is likely that China and the Soviet Union would draw together to counter Japanese power. Only the United States has the capability to restrain Japan in a way that both China and the USSR—to say nothing of the smaller Asian powers and Japan itself—can accept. With the rise of China and Japan and the continuing strong military presence of the USSR, the United States has become the determining force for peace in the region.

The costs of an effective foreign policy are real. Although we have come to the end of an era wholly dominated by two superpowers, this need not mean the curtailment of U.S. power. It does, however, require a realignment of power. Unless we move both to replenish our hollow economy and to restructure our antiquated alliances, we risk presiding over the collapse of a world order that has, after all, preserved a rough balance of power for almost half a century.

Should American budgetary, tax, and defense policy remain roughly unchanged, a recession could lead to a shortfall in tax revenues and the growth of the federal deficit to a figure far greater than the current $221 billion. This scenario is very likely to begin with a dramatic fall in the stock market. Such a catastrophe would undermine the economic foundations of the Western world, and with them the very notion of political and military security. By showing a willingness now to redress our economic profligacy at home while changing the terms of our alliances abroad, America can yet restore its power and purpose.

Mr. SASSER. Mr. President, I rise in support of the amendment offered by my good friend from North Dakota. I commend him for focusing attention on an issue of great importance—burden sharing.

I have spoken out in support of greater defense burden sharing by our allies on several occassions. And I intend to keep coming back to this question until we see a greater degree of defense spending by our allies around the world for our common defense.

In my view, Mr. President, we are well past the time when our allies should rely as heavily as they do on the United States for their defense. Our allies in Europe are certainly no longer the war ravaged ccutries which limped away from World War II victorious, but economically decimated. On the contrary: Europe long ago regained its economic strength. Europe now boasts a collective economy which is almost as large as that of the United States. And yet, our European allies' contribution to NATO defense efforts simply does not compare to the United States contribution. Americans pay over $1,000 a year for defense. Europeans—on average—pay barely $200 a year. As the findings of our excellent amendment indicate, the United States is currently spending 6 percent of its gross national product on defense, while our NATO allies spend an average of 3.5 percent of their gross national products on defense. Japan devotes only 1 percent—1 percent—of its gross national product to defense. Japan, our close military and political ally is certainly capable of contributing more toward the allied defense effort than 1 percent. Clearly, more equitable arrangements with our allies can—and should be made.

The current situation in the Persian Gulf is an excellent illustration of the importance of burden sharing. Our European friends get about 40 percent of their oil from Kuwait and Japan gets 70 percent of its oil from Kuwait.

The United States gets less than 7 percent. Our mutual interest in preserving the freedom of the seas did not immediately result in our allies joining us to present a unified front to check the actions of those who would jeopardize that freedom. Fortunately, that situation has improved somewhat, but equity would demand that risk taking bear a closer relationship to burden sharing.

We do have our NATO allies' commitment to increase their defense contribution annually by 3 percent above inflation. We have had that commitment since 1978. So far most members have not followed through on that commitment.

The amendment that we propose would help to establish a more equitable balance. It calls on our allies to increase their contribution to our mutual defense efforts and shoulder their fair share of the cost of maintaining the national security of our respective nations. It calls on the President to negotiate with Japan and our European allies to achieve a more equitable distribution of the financial burden of our maintaining our defense by establishing a schedule of increases in their defense spending or a system of offsetting payments. It requires the President to submit a progress report within 1 year of the enactment of this amendment so that Congress can assess any progress made and consider whether followup legislation would be appropriate.

Mr. President, much has been said about the urgency of bringing the national deficit under control. Much has been said about the importance of not compromising our national security in our eagerness to do so. It seems to me that a logical and reasonable step to achieve these goals would be to insist that Japan and our European allies carry their fair share of the financial burden for maintaining our mutual defense, and I urge my colleagues to support this amendment.

Mr. CONRAD. Mr. President, I also ask unanimous consent that Senator SASSER and Senator METZENBAUM be added as cosponsors of this amendment.

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

Mr. CONRAD. Finally, Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CONRAD. I thank the Chair. I thank the acting floor manager of this bill for his patience and assistance in getting this amendment up.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, I heartily congratulate the distinguished Senator from North Dakota on his excellent amendment, that this side enthusiastically supports, and on his patience. He has been here all day awaiting his turn and he has accommodated many of his colleagues and his courtesy, fairness, and understanding are greatly appreciated by the managers.

Mr. President, I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me add my congratulations for the efforts which have been made by Senator CONRAD.

This is a critical issue. We have to find ways in a creative manner to put pressure upon our allies to do a fairer share. They have not, for the most part, and this I believe will add another bit of pressure to get our allies to do what they should have done a long time ago which is to share in a much fairer way the common defense.

I congratulate my friend. We are all frustrated in our search for ways to put this pressure on it. He has given us another mechanism that will apply some of that pressure and hopefully it will help.

The PRESIDING OFFICER. Who yields time?

Mr. QUAYLE. Mr. President, I yield myself such time as I may consume.

Mr. President, I certainly understand the thrust of the sense-of-the-Congress resolution relating to the support of the mutual defense alliances. As a matter of fact, I think we do have to do perhaps a better job in the allocation of resources and how we are going to provide for the collective national security of all our allies.

I assume that this sense-of-the-Senate resolution will be adopted overwhelmingly.

I do have some concerns, maybe not enough to vote against it, on what we are really asking. It does say on page 3, though it says:

> * * * the objective of such negotiations with the member nations of NATO and Japan should be to establish a schedule of increases in defense spending by our NATO allies and Japan * * *

This is another thing:

> * * * or a system of offsetting payments that is designed to achieve, to the maximum practicable extent, a division of responsibility for defense spending between those allies and the United States that is commensurate with their resources; * * *

I might point out that maybe we ought to insert the United States there because what the United States has been doing is cutting its defense spending. I think it is sort of easy to get up and blame it on our NATO allies for not increasing their defense spending, but we certainly have not been doing a good job recently.

I am not exactly sure what that means, what it includes. I think the author of the amendment wants to create as much flexibility so this is in effect a sending of a message of sorts. So we send messages around here. This is another way to send messages to our allies that we expect to do more, but as we tell our allies to do more I suppose they expect us to do more or at least about the same.

So I hope that as we try to convince others to do more we will in fact heed the advice that we give to others, and that is that we ought to make sure our own house is in order, and I am not exactly sure that we are a great example, particularly in defense spending where we are really at close to an all-time low in our history as far as the percentage of the gross national product. It is approaching the levels where we were in 1979, and there is a strong bipartisan understanding, and I know that the Acting President of the Senate was one of those who said that we need to spend more in defense at that time. He was one of the moving forces here that said we need to indicate not only our political will with some votes and support for defense spending and as a result we did reverse that.

Now, in the last few years we are getting back down to that particular level.

So I think perhaps what is good for allies is also good for the United States, and I wish that there would be some reference to that. But I understand the thrust. I understand the messages. I understand the symbolism and things of that sort and we can all do a better job. NATO can do a better job, Japan can do a better job, and so can the United States.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, I promised the Senator from Tennessee 2 minutes in support of the amendment. I yield to him.

Mr. SASSER. Mr. President, I thank my friend from Illinois.

Mr. President, I rise in support of the amendment introduced by the Senator from North Dakota, Mr. CONRAD, and I commend him for introducing this amendment here today and calling the attention of the Senate to the disparity that exists between the contribution of the United States to the common defense of the free world and the contribution made by our NATO allies, other countries in Western Europe and, or course, our friends in Japan.

I think it is important that we continue to send the signal to our allies that it is time for them to do more in the common defense of the free world.

For too long the American taxpayer has been asked to shoulder a disproportionate burden of the defense of the free world and, of course, a strong argument can be made for this. At one point in our history when Europe was devastated after World War II, the burden fell upon our country to pro-

vide a shield then against the potential aggressor, but now we find that many economies in Western Europe are more prosperous than ours. Certainly the Japanese economy is doing extraordinarily well and it is time that we had more help, and I think recent events in the Persian Gulf have served to illustrate the point that we are discussing here today.

In an area in which Western Europe draws about 50 percent of its oil from, the Japanese get about 60 to 70 percent of their oil by tanker out of the Persian Gulf, while the United States gets less than 10 percent of its oil out of the gulf, we see a disproportionate number of U.S. Naval vessels defending that oil lifeline.

We now have over 40 naval vessels with over 25,000 men aboard them defending oil moving by tanker out of the Persian Gulf going predominantly to Japan and to Western Europe.

So, Mr. President, I think the amendment that my friend from North Dakota commends to the Senate today is one that we should give due attention to. I want to urge my colleagues to support it because we will be sending, I think, the proper signal to our friends in Western Europe as well as our friends in Japan.

I thank the Chair and I thank my friend from Illinois for yielding me the 2 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, let me just ask unanimous consent for 1 minute.

Mr. DIXON. I yield to the Senator.

The PRESIDING OFFICER. The Senator from North Dakota has 8 minutes remaining.

Mr. CONRAD. Let me just acknowledge the efforts of the Senator from Tennessee with respect to the effort that he has made consistently on this question, both in the Budget Committee and in his work on what has occurred most recently in the Persian Gulf. I think all of us in this body recognize the effort that he has made and are very appreciative of the leadership that he has provided.

I also want to acknowledge the leadership Senator NUNN provided in this area, with the amendment he offered a number of years ago and the report required of what our European allies are doing with respect to their increases in taking on a greater share of the defense burden.

And I also want to thank and commend Senator LEVIN, who has also had a sharp interest in this area, who has offered amendments in the past and whose support for this amendment I very much appreciate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, if all time has been yielded back, I am prepared——

Mr. QUAYLE. No, it is not.

The PRESIDING OFFICER. All time has not been yielded back.

The Senator from Indiana.

Mr. QUAYLE. Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. EVANS. Mr. President, this is a common day in the life of the Senate. We can hardly get through a day without picking up our Louisville sluggers, as we end this baseball season, to bash someone. Usually it is an adversary and, quite often, unfortunately, it is our friend.

I understand perfectly the desire of the Senator from North Dakota and I share that desire. But, frankly, I think we handled in a positive and good manner just last night a very similar proposal by Senator MCCAIN, of Arizona, which was a proposal which, I think, takes care, in this bill at least, of what we are attempting to do in talking to our allies as we frequently do from the floor of the Senate.

But, Mr. President, I think this one is too narrow. It deals solely with defense expenditures as a percentage of the gross national product or of our total budget. But we forget too often who it was that demilitarized Japan, for instance. We did. We created for them, and in conjunction with them, a constitution after World War II which deliberately said: "You are to be demilitarized and have forces that only are legitimate for coastal defense and for the defense of your own country." And, of course, as a result, their total military expenditures look small against their gross national product.

The same thing was essentially true in Germany. Having felt the fervor of two world wars, both initiated by Germany, it was the fervent desire of the United States and of our European allies not to rebuild a military machine. I think we have got to be a little careful.

We cannot have it both ways. On the one hand, we do not want to remilitarize the rest of the world, even our friends. On the other, we want them to do more.

Mr. President, sometimes we can get lost in charts and percentages. I think we have a broader interest here. And if we look at the broader interest, there is a way, and a way which was really set forth pretty well by Senator MCCAIN last night, to encourage, for instance, as is now being done, a broader involvement of Japan in foreign aid programs, to lift some of that burden from the United States which also has been a rather large burden percentagewise as well as dollarwise, to lift some of that burden from the United States and spread it to our allies. That allows them to participate much more broadly in the overall defense, both economic and military, of the Western world without deliberately breaking the constitution which we ourselves imposed on Japan.

There are differences of opinion between ourselves and our allies as to what value to place on the support facilities they provide for American troops who are stationed in those countries. I do not think there is much difference of opinion, certainly not between myself and the Senator from North Dakota, and I suspect other Members of the Senate, in our desire to try to even out responsibilities, especially during a time when we are facing severe financial problems at home.

But let us look more fundamentally at what we are doing. This is not a question of defending our NATO allies. At least it ought not to be. Every single dollar which goes into the national defense of the United States, whether it is to support NATO allies, to support our forces in the Pacific, or to support our own forces here at home——

The PRESIDING OFFICER. (Mr. BREAUX). The time of the Senator from Washington has expired.

Mr. QUAYLE. I yield the Senator an additional 5 minutes.

The PRESIDING OFFICER. There are only 2 minutes remaining.

Mr. QUAYLE. I only have 2 minutes? I yield him 2 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. I thank the Chair.

The problem is that, as I have said, we are dealing too narrowly with what we are about in this amendment. We should consider more broadly that every dollar we spend, wherever we spend it, in the national defense of the United States is not spent on behalf of Western allies or on behalf of Japan or on behalf of Germany. It is spent because we believe it is in our best interest to spend that money. If we did not believe that, we ought not to spend it. And that is a personal decision of the United States and that is the framework in which we ought to make our decisions on spending. If we think in the United States' best interest we should spend only 4 percent or 3 percent or 2 percent on national defense, or equal what our allies are spending, then someone ought to get up on the floor of the Senate and move that we reduct our budget to accomplish that.

So it is not just the defense of our allies, and it certainly ought not to be the bashing of our allies in these last few weeks of the baseball season of the United States. Rather, it ought to be an understanding that the money we spend is on our behalf and in the

best interests of the United States. And I have not seen anyone yet suggest that we reduce it drastically to equal the amounts others may be spending. They are spending in different ways, in a broader sense.

I think we have taken care of any message to our allies with the significant resolution of Mr. McCAIN's of last night, and I think that makes even this sense-of-the-Senate resolution unnecessary.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

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

The PRESIDING OFFICER. Who yields time? The Senator from North Dakota has 7 minutes and 7 seconds remaining.

Mr. DIXON. May I have unanimous consent to give 1 minute to the distinguished Senator from Ohio?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GLENN. I thank the distinguished floor manager. I did not realize we were out of time on this. I support very much the views of the Senator from North Dakota. We have pushed for this kind of a sharing for many years.

As far as the Japanese, no one could have foreseen the booming Japanese economy at the end of World War II where we set a Constitution for Japan and where they self-imposed a 1-percent GNP limit on their own defense.

I, for many years, have thought that we could not violate the Japanese sensitivities on this, nor their Constitution, nor their own self-imposed limit. But if they would, in all their prosperity that we are helping to provide and helped set the stage for post-World War II—the least they could do is share some of our expenses on keeping the sealanes open in the Persian Gulf; get a bigger share of the base support that we provide in Japan.

There are many ways in which Japan could support our effort without getting an expeditionary force that still to this day scares the devil out of other Asiatic nations. They do not want to see a great restage of coprosperity sphere once again reactivated. But there are other ways in which a booming Japanese economy can well support our efforts in their behalf as we provide an umbrella for them so they do not have to do some of these things. I have urged that for a year. I think the Senator from North Dakota is on the right track. I thank you very much.

The PRESIDING OFFICER. The Senator from North Dakota has 7 minutes remaining.

Mr. CONRAD. Several responses are required, I think, by the questions raised by the Senator from Washington. No. 1, this is certainly not intended to be bashing of our allies. Not at all.

This amendment asks our President to enter into negotiations with our allies over the next year to try to achieve some more equitable sharing of the defense burden.

I think we all recognize that we have a joint requirement for defense. Then the question becomes: How does one share that burden? How do the countries involved share that burden?

For 40 years, the United States has taken the largest share of that burden—understandably. But now there is a new reality.

The new reality is that Japan and Western Europe are economically resurgent, fully able to take a more fair share of the burden, and we need them to do it. We simply cannot afford much longer to proceed as we have over the last 40 years.

Next, the Senator makes the point that this is narrowly drawn. Quite the contrary. In fact, when we compare this to the proposal of Mr. McCAIN, which centered on foreign aid—that is it asked that our allies take on a greater foreign aid responsibility—we are asking something much broader. We are asking that the President negotiate with our allies to do one of two things, or a combination. Those two things are for them to increase their defense expenditures or to have offsetting payments to us.

Offsetting payments could also be in the area of foreign aid. So, in fact, this amendment is drawn more broadly, not more narrowly.

But most important, I think, we should leave the argument in this way. We have a deficit in this country that is out of control. That deficit is causing us to have a trade deficit that is out of control.

One of the reasons we have such a large deficit is because we have been providing a disproportionate share of the defense burden. It is time to ask our allies to pick up more of the fair share.

Thank you, Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator yield back the balance of his time?

Mr. CONRAD. I would be happy to provide additional time if there are others on this side. If not, I am prepared to yield back the time.

The PRESIDING OFFICER. The Senator yields back his time and all time has expired. The yeas and nays have been ordered and the vote will be postponed under the unanimous-consent agreement until Tuesday.

The Senator from Illinois.

Mr. DIXON. Mr. President, some of these amendments are falling by the wayside, may I say, so that as I announce the next amendment in order, if some think that there is something that departs from the original script, it is because some of the amendments are falling by the wayside.

The next amendment will be by Senator HARKIN, who is here, followed by an amendment by Senators EVANS and ADAMS, who are here, followed by an amendment by Senator SASSER, and then we will go on from there.

I would say to my colleagues that the list is dwindling.

AMENDMENT NO. 752

(Purpose: To prohibit any active duty commissioned officer of the Armed Forces of the United States from serving as the Assistant to the President for National Security Affairs, and for other purposes)

Mr. HARKIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN) for himself, Mr. MATSUNAGA and Mr. BUMPERS proposes an amendment numbered 752.

At the appropriate place insert: That, notwithstanding any other provision of law, no person serving on active duty as a commissioned officer of the Armed Forces of the United States may serve as the Assistant to the President for National Security Affairs or otherwise be employed within the Executive Office of the President as the primary assistant to the President on national security affairs.

The PRESIDING OFFICER. The Senator from Iowa is recognized under the consent order for 15 minutes in support of this amendment.

Mr. HARKIN. Mr. President, I do not intend to take the full 15 minutes. I would like to describe the amendment and give a little bit of the history of it.

As memories of the Iran-Contra hearings begin to fade, we must do everything in our power to prevent a reoccurrence of this sad chapter in our Nation's history. The events and causes of the breakdown in executive power which allowed a lieutenant colonel, reporting to a vice admiral, to divert and distort the foreign policy of the United States are complex, and will never be fully known. We cannot prohibit the future misuse of power, but we can begin to change some elements that might contribute to future deficiencies in the operation of the National Security Council.

The National Security Council [NSC] is the central decisionmaking body on national security affairs for the executive branch of Government. The President's national security adviser, as the leader of the NSC staff, has "certain functions which" according to the review board chaired by Senator John Tower, "appear essential to the effective discharge of the President's responsibilities in national security affairs." These functions include: acting as an "honest broker" for the NSC process and providing advice to

the President "unalloyed by institutional responsibilities and biases."

We must ask ourselves if an active duty officer should ever serve as the national security adviser. Could he or she act as an "honest broker" uninhibited by "institutional responsibilities and biases?" Consider, for example, the conflicting advice emanating from the Department of Defense and the Department of State on crucial issues such as arms control negotiations, treaty interpretations, reflagging vessels in the Persian Gulf, and so on. Would there not be the strong possibility that an active duty military officer serving as the national security adviser might be biased toward the Department of Defense position on these crucial issues? Consciously or subconsciously, would that officer not lean toward the organization he or she serves? The organization which is responsible for his or her next promotion?

This amendment would not exclude outstanding military officers from serving in this post. Truly dedicated officers should be willing to resign their commissions, despite possible sacrifices in retirement benefits or career growth. Gen. Brent Scowcroft, one of the most respected former national security advisers who resigned his commission before he became the adviser concluded that:

> The job of National Security Adviser could not be separated from the President in all his aspects as a political leader * * * and therefore it was incompatible to remain on active duty.

Mr. President, in fact, since this position was created in 1953, only one person has served in that position and still remained on active duty in the military force of the United States. Of course, that was Admiral Poindexter. He is the only one to have remained on active duty and served in that position.

This amendment would not prohibit active duty officers from serving under the civilian adviser on the NSC staff.

Mr. President, we are not suggesting for a minute that the Iran-Contra affair could have been avoided if only Vice Admiral Poindexter had resigned his commission before he became the national security adviser. But we do believe that future national security advisers will be able to better serve the President if they are out of uniform.

Admiral Poindexter stated that he had always tried to make a clear distinction between the two hats he had simultaneously worn: as national security adviser and as Navy admiral. He stated that he appeared before the joint committee in civilian clothes because he handled the Iran-Contra affair as a civilian. Mr. President, I believe that the national security adviser should not only appear to be a civilian, but he ought to indeed be a civilian.

The position of national security adviser was established in 1953 to help the President handle the complex and critical issues affecting our country's national security. All previous NSC advisers have been civilians. I believe that this is a valuable tradition that should be continued.

Mr. President, I also want to say that I offer this amendment on behalf of both Senator MATSUNAGA and Senator BUMPERS.

I have discussed this amendment with the distinguished chairman of the Armed Services Committee, Senator NUNN from Georgia.

I have also discussed it with the distinguished chairman of the Iran-Contra investigation, the Select Committee on the Iran-Contra Investigation. That select committee is due to issue a report very soon on their findings and offering suggestions, recommendations for certain changes in procedures, as I understand it.

In discussing this with the distinguished chairman of the select committee, it occurred to this Senator that perhaps the best course would be for this Senator, and others so inclined to support this amendment, to write a formal letter to the chairman of that select committee, and indeed to all the members of the select committee, laying out the history of this position of being a national security adviser, pointing out the tradition that all former advisers had been civilians; pointing out, I think the very sage, very wise, advice of General Scowcroft, and requesting, or at least suggesting to the select committee, that they incorporate this in the body of recommendations that they will be making when they issue their report.

The chairman of the Select Committee on the Iran-Contra Investigation, Senator INOUYE, told me that he would indeed give this serious consideration, as I am certain all other Senators who serve on that select committee will.

So, Mr. President, I do not want to cut off others who may want to speak on this amendment, but since the select committee is due to issue that report soon, I think the wisest course might be to write a letter to that select committee and, as I said, request that they put this as part of their recommendations, that the national security adviser should indeed be a civilian, and that if an active duty officer were to be appointed to that position that that active duty officer resign his or her commission before assuming that position.

Therefore, I withdraw the amendment at this time.

The PRESIDING OFFICER. Does the Senator from Iowa ask unanimous consent to withdraw his amendment?

Mr. HARKIN. I am not certain that I need that.

The PRESIDING OFFICER. The Senator from Iowa does.

Mr. HARKIN. Mr. President, I ask unanimous consent that I may withdraw the amendment.

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

The amendment is withdrawn.

Mr. NUNN. Mr. President, I think the Senator from Iowa has made a wise and correct decision not to vote on this amendment at this time, because the select committee headed by Senator INOUYE will be making a report very shortly, I think within 2 or 3 weeks. They may very well decide to make this kind of recommendation.

I believe the Senator has an amendment that deserves very careful consideration by the committee and by the Senate in the weeks ahead.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, the next amendment on the list is to be by the distinguished Senators from Washington, Senators EVANS and ADAMS.

If they will yield to me, we were ready to recognize the two Senators for the amendment, but they were off the floor. Senator DOLE is leaving and wants us to let him come over here and quickly offer his amendment to be voted on next Tuesday. He is coming in right this moment and will very quickly do this.

Mr. EVANS. I would be most pleased.

Mr. ADAMS. I would be most pleased also, Mr. President.

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

AMENDMENT NO. 753

(Purpose: To commend the Armed Forces of the United States for their successful operation in thwarting Iranian mine-laying activities in the Persian Gulf)

Mr. DOLE. Mr. President, I send an amendment to the desk for myself, Mr. SYMMS, Mr. WALLOP, Mr. QUAYLE, Mr. WARNER, Mr. WILSON, and Mr. COCHRAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Kansas [Mr. DOLE], for himself, Mr. SYMMS, Mr. WALLOP, Mr. QUAYLE, Mr. WARNER, Mr. WILSON, and Mr. COCHRAN, proposes an amendment numbered 753.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

> The Senate finds that:
>
> The Armed Forces of the United States are engaged in escort operations in the Persian Gulf in support of American national

security interests and the principle of freedom of navigation;

The government of Iran, through the use of its armed forces and revolutionary guards, is engaging in on-going activities to disrupt shipping in the Persian Gulf;

On September 21-22 a joint operation of United States Army and Naval forces succeeded in detecting in the act, tracking and neutralizing an Iranian mine-laying activity;

The success of that joint operation, by serving notice on Iran that the United States will react decisively and effectively to such activity, may lead to a reduced risk to American interests and armed forces from such activity;

There is precedent throughout American history for Congress to recognize and commend similar operations by United States Armed Forces, including the action of the Congress February 3, 1801, in praising "the gallant conduct" of the members of a United States Naval force in the Wars with the Barbary Powers.

Therefore, it is the sense of the Senate of the United States that:

1. The members of the United States Armed Forces who participated in the September 21-22 operation acted in the finest traditions of the Armed Forces, and displayed exemplary professionalism, skill and dedication.

2. The aforementioned members of the Armed Forces, and all United States Armed Forces personnel who supported their operation, are commended for their participation in this important and successful endeavor.

CONGRATULATIONS TO THE ARMY AND NAVY

Mr. DOLE, Mr. President, the amendment I have sent to the desk is, in my view, simple, straightforward—but very important.

About a dozen years ago, the United States wound up a highly controversial and divisive involvement in the Vietnam war. Unfortunately, as the arguments over that war raged in our country, many people lost sight of one simple fact—no matter what your view of the war, there should have been no dispute that the American service men and women, who served in Vietnam, deserved the whole-hearted support, and thanks, of their country. They risked their lives, they made enormous sacrifices—and some who made those sacrifices serve with us in the Senate today.

No matter what you thought of the war, you cannot deny they did their duty, and did it well.

I do not want to see the same mistake which led us to deny our Vietnam veterans their "due thanks," and honor, made all over again.

THEY DESERVE OUR SUPPORT

The U.S. involvement in the Persian Gulf is controversial. We have had a lot of debate on it in the last 2 or 3 weeks. But there should be no controversy whatsoever about the proposition that all of the American service men and women now on duty in the gulf, and in support activities nearby, are serving their country in the finest traditions of our armed services.

They are doing their duty, and doing it well. They deserve our support, and our thanks, for that—no matter what any of us, as individuals, think of our Persian Gulf policy.

SUCCESSFUL JOINT OPERATION

This resolution is intended to commend the skill and dedication of one group of servicemen—the men of the U.S. Army and Navy, who undertook, and successfully completed, a joint operation September 21-22, to detect in the act, track, and neutralize, an Iranian mine-laying operation.

The involvement of these American forces was an act of "self defense." It was successful. It sent a much-needed message to Iran—that we will not stand idly by while the Ayatollah continues his reckless policies, and continues to foment tension in the gulf, and the surrounding region; that we will react swiftly and effectively; and that, in so reacting, we will make the gulf, in the long run, a safer and more stable region.

PRECEDENT IN OUR HISTORY

There is great precedent in our history for the Congress recognizing, and commending, the action of American servicemen and women around the world. In our own research, we have uncovered one instance as far back as 1801, when Thomas Jefferson was President. In that year, Congress passed a resolution praising the gallant conduct of American sailors who, during the war with the barbary states, captured a ship manned by enemy forces from an area which is now part of Libya.

While budgetary constraints will not allow us to match the gesture of the Congress on that occasion in awarding a commemorative sword to the commander of our forces, and a month's pay to his subordinates, we certianly should not fail to match the Congress of 1801 in taking note of the outstanding performance of our contemporary servicemen and women.

URGE SUPPORT FOR AMENDMENT

Mr. President, this amendment should not be controversial. But, unlike many noncontroversial amendments, this one is very heavy on substance—because it takes note of, and commends, the greatest resource this country has: the skill and patriotism of our men and women, who serve all of us around the globe.

Mr. President, I understand from a previous discussion with the managers on each side that they would be willing to accept the amendment.

I have never so far in this debate delayed the Senate at any time but I am wondering if they would object to the yeas and nays on, say, Tuesday morning?

Mr. DIXON. Mr. President, we would be agreeable to that and it could be the second vote stacked on Tuesday morning immediately subsequent to the Conrad amendment vote.

Mr. DOLE. I ask for the yeas and nays.

Mr. ADAMS. If the minority leader will yield, I certainly think that would be a very good idea. I commend him for putting in this amendment. I think it simply reinforces what we have been talking about, that we are involved in ultimate hostilities and I appreciate his having submitted this amendment and I shall support it.

Mr. DOLE. I may disagree about the open hostilities but I thank the distinguished Senator from Washington.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas has the time.

Mr. DOLE. I will be happy to yield the floor.

Mr. NUNN. Mr. President, I commend the Senator from Kansas. I, too, would like to join as a cosponsor on this amendment. I think it is an excellent amendment. I think it is important for men and women who are serving our country in the Persian Gulf and elsewhere in the world to know that the Senate of the United States stands behind them. I think it is also important while we debate the War Powers Act the Senate recognize the men and women acted bravely and believe that we had every right to take the action we did in the Persian Gulf the other day.

Interestingly enough, as to the action taken by those men and women that the Senator calls attention to this evening in his amendment, even if the Byrd amendment passed, which I have cosponsored, it would not in any way preclude American military personnel from responding in the Persian Gulf to that kind of mine-laying activity. So there would be nothing in the Byrd amendment, if it passed and became law and the 90 days expired and there was no affirmative action, that would prevent us from taking action to prevent mining in international waters.

Also I think our men and women should know, particularly since there is an awful lot of news coming out on this whole subject and there are some misstatements being made about the intent of the Byrd amendment, that if the Byrd amendment passed and became law, the administration would have every right to come up and convince Congress that the flagging was a wise policy. And there are many of us who would perhaps vote with the administration to continue the flagging even though we did not feel it was the right policy to begin with, and I still think it was a mistake. So they would have every opportunity to convince us that the flagging was in the national security interest. Congress could agree with it then.

Also, I think it should be noted and said loud and clear that even if they failed to convince the Congress that the flagging of Kuwaiti vessels was a

wise policy, there would not be one single military person or not a single ship or plane that would have to come out of the gulf by reason of the Byrd amendment.

That is not true of the underlying amendment, but it is true of the Byrd amendment. I think it is important for that to be underscored. The only thing that would have to be terminated would be the flagging itself and the escorting of those reflagged vessels. That is far different from what some are saying in describing this amendment as requiring a pullout of American military forces in the Persian Gulf. It does not require the pullout of a single ship, plane, or any part of our military force.

So I thank the Senator from Kansas for offering this amendment. I think it is a good amendment, and I look forward to voting for it on Tuesday when the roll is called.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I rise in support of the amendment of the majority leader which commends our Armed Forces for the manner in which they are performing their duties in the Arabian Gulf.

The recent thwarting of Iranian mine-laying activities by our army and naval forces to protect shipping and the rights of international passage in the Arabian Gulf is a clear indication of the skill and professionalism of our military personnel on station in the gulf region.

I note that the majority leader has cited as precedence the situation in 1801 when President Jefferson, acting when Congress was not in session, dispatched a naval squadron to the Mediterranean where war with the Barbary Powers seemed imminent.

The act of the Congress, upon learning of the success of the operation, and passing a resolution praising the gallant conduct of the U.S. Navy ship involved is an example which we should emulate—though we might not include a commemorative sword and pay bonuses—I wholeheartedly support this amendment and the immediate transmission of a message from the Senate of the United States to our forces in the gulf region: "Well done."

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I yield the floor.

The PRESIDING OFFICER. If all time has been yielded back on the amendment of the Senator from Kansas, the yeas and nays having been ordered, the vote will be postponed until Tuesday. The Senator from Illinois, the manager of the bill.

Mr. QUAYLE. Mr. President, I also congratulate the Republican leader on his amendment. I think it is a good one. I think we will get into the debate later on of the War Powers Act, what the effect of it is. I do not think now is the right time to debate that, whether in fact it is withdrawing or not withdrawing or what the ramification will be. That will be a debate we will have sometime next week.

The PRESIDING OFFICER. Are there additional amendments?

Mr. EVANS addressed the Chair.

Mr. DIXON. Mr. President, the next amendment would be the amendment by the distinguished Senators from Washington, Senators EVANS and ADAMS. I may say, since there are several other amendments, this will not be a contested amendment. It is agreed to on both sides. I understand that the unanimous-consent agreement would grant 30 minutes evenly divided so that even on an agreed amendment there would be 15 minutes if the two sponsors care to use it. Is that correct?

The PRESIDING OFFICER. The Chair would state to the Senator from Illinois that on this amendment the previous agreement allows 20 minutes evenly divided.

Mr. DIXON. I thank the Chair.

AMENDMENT NO. 754

(Purpose: To provide for expedited cleanup of defense nuclear wastes at Hanford, Washington)

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. EVANS] (for himself and Mr. ADAMS), proposes an amendment numbered 754:

On page 199, increase the amount on line 2 by $54,000,000.

On page 206, increase the amount on line 22 by $7,000,000.

On page 206, increase the amount on line 24 by $17,500,000.

Mr. EVANS. Mr. President, I ask unanimous consent to add Senator HATFIELD as a cosponsor of this amendment.

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

Mr. EVANS. Mr. President, I offer an amendment today that attempts to redress a severe environmental problem that has been allowed to go unresolved for over 40 years. Simply put, the Hanford Nuclear Reservation in my State contains a huge amount of high-level radioactive and transuranic wastes resulting from the production of special nuclear materials that the Federal Government has not disposed of permanently. We have delayed far too long and to date have done far too little to implement plans for the safe and permanent disposal of these wastes at Hanford. For budgetary reasons, the Department of Energy simply has not lived up to its responsibility to provide adequate funds for the cleanup effort at Hanford. We can no longer afford to delay this crucial cleanup process. This amendment seeks to accelerate the expected cleanup effort at Hanford and ensure that the comprehensive cleanup job is not delayed further.

By volume, Hanford stores about 63 percent of our Nation's high-level radioactive waste. It comes in a variety of forms, including liquid, sludge, salt cake, slurry, calcine, and capsules. The magnitude of this waste disposal and storage problem at Hanford is increasing year-by-year. Hanford now stores approximately 203,000 metric tons onsite of all the waste forms, compared to 111,000 metric tons at the Savannah River plant and 9,700 metric tons at the Idaho Chemical Processing plant. The projection for the future volume at Hanford is for 217,000 metric tons in 2015 at Hanford, while the total for the Savannah River site decreases to 56,000 tons. Hence the projections clearly show that the permanent disposal problem at Hanford will continue to worsen in the next two decades, which increases the need for immediate action.

Mr. President, I served as Governor for the State of Washington for 12 years. During my tenure as Governor, I received repeated assurances from the representatives of the Atomic Energy Commission that these wastes were being stored safely. They stated that the Federal Government had the proper technology for safe storage and that there was no cause for worry about the contamination of the surrounding environment, including the Columbia River. Yet then the single-shelled tanks on the reservation began to leak liquid radioactive wastes into the accessible environment. We still don't know accurately the consequences of that contamination. In fact, today we don't know precisely what types and how much radioactive waste and mixed chemical wastes are in those 149 single-shell tanks. The current DOE plan doesn't call for full characterization of the single-shell tank wastes untl the mid-1990's.

In response to Public Law 97-90, the Energy National Security and Military Applications of the Nuclear Energy Authorization Act of 1982, the Secretary of Energy submitted the defense waste management plan to the Congress on May 25, 1983. This plan outlined the administration's plan and schedule for the disposal of high-level and transuranic wastes resulting from atomic energy defense activities in each of the six States where such waste is located. I was not serving in the Senate at that time and therefore

was not able to review its priorities and schedule. I frankly do not agree with its priorities and schedule with respect to the Hanford Nuclear Reservation. Furthermore, I am concerned with the delays that have been encountered in projected Hanford schedules, as well as cost overruns at the Savannah River project, since that time that have further postponed Hanford's overall cleanup schedule.

The awareness of the urgency of the need to clean up Hanford among citizens of the Pacific Northwest has increased dramatically over the past year. The Department of Energy's Richland Operations Office formed a distinguished panel of experts and citizens to review the draft environmental impact statement [EIS] issued by DOE in March 1986. This group was called the Northwest Citizens Forum on Defense Waste, chaired by Bernard J. Coughlin, S.J., the President of Gonzaga University. The purpose of this effort was to educate the citizens of our region about the magnitude and nature of the defense waste problem at Hanford, and to involve the public in a discussion of the options of the various cleanup options. It turned out to be a successful effort to develop a broad concensus about how to proceed. The panel's recommendations were submitted to the Department on August 6, 1986. A copy of its summary is enclosed for the RECORD. Our amendment is fully in accord with the recommendations of the panel to accelerate the cleanup effort at Hanford.

The Department of Energy has taken many of these recommendations into account when drafting the final EIS for disposal of the various wastes at Hanford. I understand the final EIS will be issued in the next several months. Therefore, it is particularly timely that the Senate adopt this amendment that provides adequate funding levels to move forward in a comprehensive way to dispose of these wastes permanently at the Hanford site. The issue has moved from a conceptual problem of developing alternatives and forging consensus in the Pacific Northwest, to one of providing adequate funding on an adequate schedule by the Congress in Washington, DC.

This amendment includes increased funding for all aspects of waste management at the Hanford site. We must move forward in a comprehensive way since each aspect of the waste management operation is related—from separation of the different waste forms at the chemical reprocessing facility to final vitrification of the waste and onsite storage. The following is a brief description of the amendment and a table outlining the anticipated areas of increased funding.

The heart of this amendment is accelerated funding for the vitrification plant at Hanford [HWVP], which is the last and most important phase of the permanent disposal process. The Department has pushed back the construction schedule and operation date for this plant, from originally 1996 to currently 1998 and perhaps even later if funds are diverted elsewhere. I believe this is an arbitrary construction schedule that is being modified for primarily budgetary reasons.

From an engineering standpoint, the development and construction of the vitrification plant can and should be accelerated. The technology is well-known and has been demonstrated at the defense waste processing facility [DWPF] at Savannah River. I am pleased that the Department has included a line-item request in fiscal year 1988 for the first time for HWVP of $7.5 million. This amendment increases the capital item to $25 million, and the operating funds to $21 million.

(1) Waste management:

(a) Operations: an increase of $11 million to a total of $83.0 million. Primarily for operations at B-Plant to bring it from standby mode to readiness mode in order to separate the initial waste streams from PUREX.

(b) Capital: no increase.

(2) Hazardous waste/environmental compliance:

(a) Operations: an increase of $4 million to $10 million to increase activities with the state regulatory authorities for compliance with RCRA and CERCLA;

(b) Capital: an increase of $5 million to $8 million to procure additional monitoring wells and equipment to RICRA/CERCLA compliance.

(3) Disposal activities:

(a) Grouting (low-level wastes):

(1) Operating: an increase of $8 million to a total of $22 million. Supports an accelerated schedule for transportable grout facility and initial grout vaults for permanent disposal. Construction on first vault was initiated in 1987.

(2) Capital: an increase of $2 million (from General Plant Projects) to support this schedule.

(b) Saltwell pumping: an increase of $1 million to a total of $1 million.

(c) Technology development: an increase of $12 million to a total of $23 million. Supports a range of technology development activities for final disposal necessary to meet accelerated schedule.

(d) Vitrification plant (high-level waste):

(1) Operating: an incrase of $14 million to a total of $21 million. Supports an accelerated schedule for the advanced conceptual design of the vitrification plant. Advanced conceptual design should be completed in 1988, ready for final design in 1989.

(2) Capital: an increase of $17.5 million to a total of $25 million. Supports the accelerated schedule for advanced conceptual design.

(3) Landlord: an increase of $1 million to a total of $28 million. Necessary to support increased maintenance, repair and replacements for facilities and systems being upgraded.

(4) D&D: an increase of $3 million to a total of $9 million. Supports work on decontamination of a hot cell in which the liquid ceramic melter was tested.

Mr. President, it is imperative that we move expeditiously to fund these projects on an accelerated schedule. The longer we wait to immobilize these radioactive wastes in a permanent, stable form, the greater the potential for the contamination of the site and surrounding environment. The longer we wait, the more fragile the remarkable consensus becomes that has recently developed behind this cleanup effort. The longer we wait, the more money we have to spend on expensive, double-shelled tanks for the purpose of temporary storage. Yet poorly designed, environmentally dangerous temporary storage is what our State has suffered since 1945.

I believe that Hanford and the citizens of our State have borne a disproportionate share of our Nation's defense burden. I am a strong supporter of providing the necessary materials for our Nation's nuclear deterrent capability. Hanford has made an important contribution over the past four decades to our Nation's security. But the Hanford environment has suffered, perhaps irreparably, in that process. The time is long overdue for Congress to correct the balance between materials production and environmental protection and restoration. This amendment is a good place to start. I urge that the Senate adopt this amendment and thank the managers of the bill for their cooperation.

Mr. ADAMS. Mr. President, I am pleased that my senior colleague and I were able to join together in developing this amendment and delighted that the managers of the bill are prepared to accept it. The amendment would provide an additional $78.5 million over the amounts originally authorized by the committee for the cleanup of both radioactive and hazardous wastes at the U.S. Department of Energy's Hanford Reservation; wastes that have resulted from more than four decades of nuclear weapons production activities.

I want to stress to my colleagues that this increased funding represents increases in projects and activities already approved by the administration and authorized by the committee for Hanford. Our purpose in this amendment is to allow those projects and activities to proceed at a faster pace than would have otherwise been possible. The activities that will receive increased funding include construction of the high-level waste vitrification plant, CERCLA and RCRA hazardous waste site cleanup and monitoring wells, continued work on waste processing facilities at the B plant, and the grout disposal facility, among others.

We can simply not continue to engage in the sort of stop-gap measures now being used to manage wastes at Hanford. The virtrification facility is a necessary alternative to the reliance on aging storage tanks and the expenditure of millions of dollars for

new tanks to replace them. Under DOE's current schedule, it will be a decade before it will even decide on whether it needs to characterize the high-level wastes stored in all of the 149 old, single-shell tanks. We should not be taking this long to fully understand the quantities, characteristics and technical problems of the wastes in these old, leaking tanks. DOE has an immediate need for increased funding to comply with RCRA and CERCLA for hazardous waste sites at Hanford; a requirement all the more critical as a result of DOE's long-debated decision in May to comply with RCRA for its mixed hazardous and radioactive wastes in the so-called byproduct rule. These activities must be accelerated and I deeply appreciate the fact the distinguished chairman and ranking member of the Armed Services Committee have recognized the importance of this fact.

Mr. President, when I sought this office, I made it clear to the people of Washington State that I was extremely concerned about the safety of all the Department of Energy's activities at Hanford. Aside from the dangers posed by millions of gallons of high-level nuclear waste, I took the position that operation of the N reactor should be suspended while we determined that it was safe to operate and our national defense needs justified its continued operation. Indeed, shortly after I came to the Senate, I called for a full environmental impact statement on the resumption of operation of the N reactor. In July I joined with the Natural Resources Defense Council in a lawsuit to compel DOE to complete this full environment impact statement when DOE decided to consider only the very limited impacts of already planned safety modifications.

Throughout the past 9 months I have become increasingly concerned about the safety of the N reactor both because of the findings of a number of independent safety studies and because of DOE's repeated claims that it intended to restart the reactor regardless of whether or not all of the safety problems had been fully addressed prior to restart. DOE continues to claim that it can restart the reactor without completing major safety analyses or modifications recommended by outside investigators.

All of the evidence I have seen and all the briefings I have received, convince me that national security needs do not outweigh the risks of operating the reactor. Consequently, I support the recommendations of the Armed Services Committee to place the reactor in standby status. Standby status would preserve the reactor as source of production capacity in the event of a national security emergency while allowing completion of the requisite safety analyses and planning for safety modifications. I would refer my colleagues to the report of the Armed Services Committee and the additional views of Senator DIXON for a clear and objective statement of the case on these points.

While I have opposed continued operation of the N reactor, that position has not given me much pleasure. There is no question that the action recommended by the committee will have a significant impact on the people and the economy of the tricities. To some extent, there is no way to avoid this problem whether the N reactor is placed in cold standby status by legislation or whether it is closed—as it will be in the next few years, no matter what the Congress does—as a result of age.

But there are ways to minimize the burden. This amendment, which increases funding for various defense waste cleanup activities at the Hanford reservation, is certainly a first and necessary step towards addressing the economic impact that closing the N reactor will have. And in that context, I think it is extremely significant that this committee, which recommended placing the N reactor in cold standby status, is willing at the same time to increase funding for clean up. There have been those who have argued that the only way we can get the funding we need to clean up the residue of the past is to continue to operate the reactor and accept waste in the future. This amendment demonstrates that such claims are false. The Congress is willing to act on the moral mandate created by past action and make a commitment to a better future for the people of Hanford. Before debate on this bill concludes, I think we will see further evidence of that commitment.

Again, I thank the members of the Armed Services Committee for their assistance and I express my appreciation to my senior colleague. Even though Senator EVANS and I may disagree on our approach to the N reactor, I believe we share a commitment to clean up past wastes and do whatever we can to improve conditions in the future.

I thank the managers of this bill both on the Republican and the Democratic side for accepting this amendment and for recognizing the moral commitment of the United States to deal with the problem of this enormous amount of nuclear waste.

Mr. President, we have had statements made that what may or may not happen to N reactor in Hanford would deter the Congress from meeting its obligation to clean up this horrifying waste residue. This action today shows clearly the commitment of the Armed Services Committee, and the work that has been done by many parties to increase the funding available at Hanford just as we support the increase of funding being made available at other waste sites containing nuclear waste.

Mr. President, regardless of what may or may not happen to the N reactor, this will have a significant impact on the people of the tricities area. I have a deep concern because whether it is from the actions of the Armed Services Committee because of potential swelling of the shell and the reactor heating at Hanford and thus making it inoperable through age or whether or not it is in a standby condition, we have an enormous problem of diversification at the tricities. This is part of meeting that problem. I am very grateful to my senior colleague, Senator EVANS, for joining in this effort for a restart to move on an environmental problem and to provide to the work force in the tricities area the abilities to work on the cleanup of the environment.

It has been a tragic thing, Mr. President, that we have not been able in the past to have a continuous program to do this. I am grateful to this committee and to my colleagues for recognizing this problem and moving forward with it. It is important to the future of the people of the State of Washington, to the tricities area surrounding Hanford, and to the people of the United States that we understand the commitment that we have as we are creating nuclear products that we must handle the waste from.

I am grateful to the chairman and to the acting manager, and Mr. President, I yield back the balance of my time.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. Who yields the floor? The Chair will state the Senator from Washington, Senator EVANS, the sponsor has 3½ minutes remaining. The Senator from Illinois has 10.

Mr. EVANS. I yield back the balance of my time.

Mr. DIXON. Mr. President, we congratulate the two sponsors, the distinguished Senators from Washington. We accept the amendment.

Mr. QUAYLE. Mr. President, we have no objection to the amendment.

Mr. DIXON. I yield back the balance of our time.

The PRESIDING OFFICER. Does the Senator seek the yeas and nays?

Mr. ADAMS. Mr. President, I think we can call for a voice vote on this. It has been accepted by all parties.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Washington [Mr. ADAMS].

The amendment (No. 754) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, in the evolutionary process of this thing, we are going to go now to the distinguished Senator from New York for an amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 755

(Purpose: To direct the Comptroller General to conduct a study with respect to illegal drug smuggling into the United States, and to provide funds for the LEDET program)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. D'AMATO), for himself, and Mr. DECONCINI, Mr. WILSON, Mr. DIXON, Mr. GRAHAM and Mr. MURKOWSKI, proposes an amendment numbered 755.

Mr. D'AMATO. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 114, between lines 13 and 14, insert the following new section:

SEC. . STUDY RELATING TO CAPABILITIES FOR THE CONTROL OF DRUG SMUGGLING INTO THE UNITED STATES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a comprehensive study regarding illegal drug smuggling into the United States and the current capabilities of the United States to deter such smuggling. In carrying out such study, the Comptroller shall—

(1) assess the national security implications of illegal drug smuggling into the United States;

(2) assess the magnitude, nature, and operational impact that current resource limitations have on the drug smuggling interdiction efforts of Federal law enforcement agencies and the capability of the Department of Defense to respond to requests for assistance from those law enforcement agencies;

(3) assess the impact on military readiness, the costs that would be incurred, the operational effects on military and civilian agencies, the potential for improving drug interdiction operations, and the methods for implementing increased drug law enforcement assistance by the Department of Defense under section 825 of H.R. 1748 as reported in the Senate on June 2, 1987, as if such section were enacted into law and were to become effective on January 1, 1988;

(4) assess results of a cooperative drug enforcement operation between the United States Customs Service and National Guard units from the States of Arizona, Utah, Missouri, and Wisconsin conducted along the United States-Mexico border beginning on August 29, 1987, and include in the assessment information relating to the cost of conducting the operation, the personnel and equipment used in such operation, the command and control relationships in such operation, and the legal issues involved in such operation;

(5) determine whether any cost savings and increased effectiveness and efficiencies could be expected to result if the national drug interdiction effort were consolidated under the authority of the Department of Defense;

(6) determine what assets are currently available to and under consideration for the Department of Defense, the Department of Transportation (for the Coast Guard), and the Treasury Department (for the Customs Service) for the detection of airborne drug smugglers;

(7) assess the current plan of the Customs Service for the coordinated use of such assets;

(8) determine the cost effectiveness and the capability of the Customs Service to utilize effectively the detection output of the systems employed by or planned for the Department of Defense, the Coast Guard, and the Customs Service, respectively, to detect airborne drug smugglers;

(9) determine the availability of current and anticipated tracking, pursuit, and apprehension resources to utilize the capabilities of such systems; and

(10) at a minimum, assess the detection capabilities of the Over-the-Horizon Backscatter radar (OTH-B), ROTHR, aerostats, airships, and the E-3A, E-2C, P-3, and P-3 Airborne Early Warning aircraft (including any variant of the P-3 Airborne Early Warning aircraft).

(b) AUTHORITY TO CONTRACT OUT.—The Comptroller General may contract for the performance of all or any part of the study required under subsection (a) with the Rand Corporation, the Center for Naval Analysis, or any other Federal contract research center, but the Comptroller General shall retain management, direction, and control of the study.

(c) REPORT.—Not later than March 31, 1988, the Comptroller General shall report the results of the study required under subsection (a), together with such comments and recommendations as he considers appropriate, to the Committees on Armed Services, the Committees on the Judiciary, and the Committees on Appropriations of the Senate and the House of Representatives, the Senate Caucus on International Narcotics Control, and the House Select Committee on Narcotics Abuse and Control. The Comptroller General shall submit the report in both classified and unclassified form.

(d) TRANSFER OF FUNDS.—Of the funds appropriated pursuant to the authorizations contained in this division, the Secretary of Defense shall transfer to the Secretary of Transportation funds to provide for the Law Enforcement Detachment program of the Coast Guard in the following amounts:

(1) $3,000,000 for fiscal year 1988.

(2) $6,000,000 for fiscal year 1989.

Mr. D'AMATO. Mr. President, first let me thank the chairman of the Armed Services Committee, Senator NUNN and his staff, who have put in quite a bit of time and effort in helping to work out an amendment which I think is second to none in importance in terms of the drug interdiction effort and the use of our military.

I would like to thank the cosponsors of the amendment, Senator DECONCINI who has worked tirelessly in this area, Senator DIXON who has been so gracious in providing us with the opportunity to move forward, Senator MURKOWSKI, and Senator GRAHAM from Florida who would like to have been with us here tonight to add his strong support. In the short period of time that he has been with this body, he has certainly demonstrated a keen awareness and interest in this area; and I thank Senator WILSON for his help and cooperation.

Mr. President, I am not going to make a long speech. Others have important areas. Let me say what this amendment does. It has two aspects.

First, our amendment begins by providing the Coast Guard with 200 additional drug interdiction personnel, $3 million this year, and $6 million next year, from the Navy. This strengthens the Coast Guard law enforcement detachments—or Ledets—assigned to Navy ships.

On April 8, 1987, a Coast Guard Ledet team assigned to the U.S.S. *Gemini* proved the usefulness of this program when it seized 498 pounds of cocaine.

Second, and more importantly, this amendment sets the stage for extensive Senate consideration of the role of the military in drug interdiction.

This is one of the few issues we were unable to find any consensus on during last year's debate on the Anti-Drug Abuse Act.

At that time, the Joint Chiefs of Staff said we would need to deploy 90 AWACS, and 800 helicopters, and use 180,000 hours of flight time to close our borders to drugs.

I believe their estimates were extreme and melodramatic, but they were the only ones we had.

As a result, many Senators were convinced that if the military took on any more responsibility for drug interdiction, military preparedness would suffer great harm.

This amendment guarantees that the next time we take up this issue, we will have the facts we need.

It directs a careful, thorough, and objective GAO examination of how the military can be more fully utilized in the war on drugs.

The amendment calls for a GAO study in 10 major parts.

Part 1 examines the national security impacts of massive drug smuggling.

We need to know if hostile States or terrorist organizations might be able to exploit our failure to control our own borders.

We must consider the extent to which drug networks are undermining our relationships with friendly governments, and the social costs of drug abuse in our own country.

Part 2 looks at how our drug interdiction efforts suffer from a lack of resources.

The international illegal narcotics industry takes in more than $100 billion a year.

Yet, we commit less than $4 billion a year to our fight against them.

How does the Coast Guard's lack of responses force it to scale back its interdiction plans, including its requests for Department of Defense assistance?

How does the Defense Department's lack of resources affect its ability to respond to the Coast Guard?

Part 3 of our amendment mandates a study of the so-called Bennett amendment.

Every year since 1985, Congressman BENNETT has offered his amendment, and every year the House has passed it.

The Bennett amendment amends posse comitatus to allow full involvement of the U.S. military in drug enforcement operations outside the United States.

I join my good friend, the mayor of New York City, Ed Koch, in supporting the Bennett amendment.

It is a perfectly appropriate response to a drug epidemic that kills our youth, saps our productivity, batters our cities with crime, and weakens confidence in the police and government officials.

However, this may not be the time to debate the Bennett amendment in the Senate.

It is time to learn what the Bennett amendment would do, and what it would cost, if it became law.

When we face the Bennett amendment again next year, as we surely will, we will be able to form more fully reasoned judgments about it.

Part 4 of this study examines a cooperative effort involving Federal drug enforcement agencies and the National Guard along our border with Mexico. If it is successful, this interdiction effort could form a model for other such efforts around the Nation.

Part 5 examines the advisability and cost effectiveness of placing the entire drug interdiction effort in the hands of the Defense Department.

It is often said that defending this Nation against drug trafficking is as important as any other defense function.

The most effective, expensive, and complex pieces of equipment employed in drug interdiction were developed by the Defense Department. In many cases, they are owned, operated, and crewed by the military.

It is time to address the possibility of using the Defense Department to coordinate and plan a national drug interdiction campaign as a matter of national defense.

Finally, parts 6 through 10 will look at the complex problem of interdicting airborne drug smugglers. Is it still true that 19,000 planes, carrying drugs, cross our borders every year, and that we stop only about 1 percent of them?

It is time to pull together the air interdiction efforts of the Coast Guard and the Customs Service, and the assistance the Department of Defense provides them.

It is time we had a more comprehensive and coordinated perspective. How does the system work? Where are its gaps and overlaps?

If you add resources for the Customs Service, but cut the Coast Guard budget, and do nothing to increase Defense Department involvement, how does that affect the overall effort?

We need answers to these questions.

We need them to make the best possible use of scarce resources, and to provide the best drug interdiction effort possible.

We are spending more money on drug interdiction than ever. We are seizing more drugs, and we are arresting more drug traffickers, than ever.

But we are not stopping the flow of drugs, and we are not dismantling the drug networks.

We need a much more coordinated approach. We need more reliable information on the most productive use of our resources.

Above all, we need a war plan in which we all believe.

This amendment represents an effort to move us toward those goals, and I urge its adoption.

Mr. GRAHAM. Mr. President, the Senate's support of these amendments clearly demonstrates our concern for the terrible toll exacted by illegal drug smuggling. Further it underscores our determination to stop at nothing to win the war against drugs.

Our borders are open to anyone who chooses to violate them by smuggling in deadly, illicit drugs. This year's assault on Americans waged by cocaine and heroine dealers could easily be next year's terrorist mission. Outlaws violate our borders with impunity now and the results destroy national productivity, community law and order, family relationships and individual lives.

That is tantamount to an act of war.

We have to see the problem clearly for what it is. We cannot focus solely on the cargo and ignore the carrier. The fact that coca plants grow wild in Colombia only translates to a proliferation of crack houses and child addicts in our cities through the grim work of smugglers.

We need to track and apprehend the criminals who traffic in—and profit from—human tragedy.

This is not restricted to a law enforcement issue. The sovereignty of our borders is openly disregarded by drug smugglers every day. This is first an issue of national security. Local law enforcement in areas heavily impacted by illegal drug trafficking has been steadfastly courageous under battle conditions.

Local law enforcement should not be our front line of defense. It is the constitutional mandate of our military to protect the Nation's borders.

Education about the perils of drug abuse is vital and can be effective and should be continued. But we have to send an unmistakable message here. Enforcement is the first step. If we are unwilling to commit the resources we need to stop the flow of drugs into this country—if we, as the Federal Government, are ambivalent about saying "No"—how can we ask school children to stand up and say "No" to drugs?

These amendments represent a small step—but a significant one. By setting up the mechanism for an annual report on Department of Defense resource availability, we are forced to evaluate what we can and should be using in the war against illegal drugs.

By thoroughly analyzing those resources in a General Accounting Office report, we can better formulate strategy and direct the might of this great Nation against a growing band of international criminals who practice their own brand of terrorism—the destruction of our society through the importation of illegal drugs.

Mr. DIXON. Mr. President, I rise as a cosponsor of the amendment introduced today by my distinguished colleague from New York, Senator D'AMATO. This amendment commissions a report by the General Accounting Office on the impact of increased Department of Defense assistance to drug law enforcement.

I have actively supported attempts to increase the role of the Department of Defense in the drug law enforcement efforts. I believe that we must apply all the resources available, including military forces, in our war against drugs. Last year, I proposed an amendment to the Anti-Drug Abuse Act of 1986, which would have given the Department of Defense far greater responsibilities in drug interdiction efforts.

There was a heated debate on how increased assistance by the Department of Defense would effect drug enforcement efforts and military preparedness. Unfortunately, this debate was based only on speculation.

Mr. President, we need more than speculation when formulating our Nation's antidrug policy. The report mandated by this amendment would provide us with the information we need to know.

We need to know the national security implications of illegal drug smuggling into the United States. We need to know the kind and number of penetrations by drug smugglers of our national borders and potential for hostile states and terrorist organizations to exploit this situation.

We need to know the costs, the operational readiness impact, and the potential to improve Federal drug inter-

diction activities through increased Department of Defense assistance in drug enforcement. We need to know the results of cooperation between National Guard units and Federal law enforcement agencies.

Mr. President, this study will provide us with the answers to those questions. This report will arm us with the information we need to intelligently know to mobilize all of our resources in the war on drugs.

Mr. DECONCINI. Mr. President, the drug problem in the United States has reached crisis proportions and shows every indication of increasing in severity. It is a problem of extreme complexity because of the overwhelming demand for illegal drugs in this country, because the enemy—the drug trafficker—has an unlimited supply of funds at their disposal, and because the United States has never devoted the time, energy, and funding necessary to fight the problem of drug abuse effectively.

I believe the amendment introduced today by my good friend from New York, Senator D'AMATO, is a step in the right direction. There is no other Senator in this body who has worked harder and spent more time to combat the drug epidemic in this country than Senator D'AMATO.

I would also like to acknowledge the contributions of Senators DIXON, GRAHAM, and the distinguished chairman of this committee, Senator NUNN, for their fine work on this amendment. But if anybody deserve credit, it is the author of the amendment the D'Amato legislation is patterned after, Representative CHARLES BENNETT from Florida. Representative BENNETT's amendment would authorize the Secretary of Defense, upon request from the head of a Federal drug enforcement agency, to assign members of the Armed Forces under the Secretary's jurisdiction, to assist drug enforcement agencies in searches, seizures, and arrests outside the land area of the United States. This amendment has overwhelmingly, in each of the past 3 years, passed the House of Representatives. Although I am in favor of the Bennett amendment, I do not believe we have sufficient votes in the Senate for its passage.

The General Accounting Office report authorized by the D'Amato amendment will study the costs, operational effects, and methods of implementation of increased Department of Defense assistance to drug law enforcement under the provisions of the Bennett amendment. GAO will assess the national security implications of massive illegal air, land, and sea-borne smuggling of illegal narcotics into the United States. This would include estimating the kind and number of penetrations by smugglers of our borders and potential for hostile state and terrorist organizations to exploit this situation.

The study will also examine a concept I have favored in the past—the use of National Guard personnel and assets in the war on drugs. A cooperative drug interdiction operation involving the United States Customs Service and National Guard units from Arizona, Utah, Wisconsin, and Missouri, was launched in Arizona August 29, 1987. The operation was conducted along the United States-Mexico border.

I believe the use of the military for drug interdiction could have a major impact on drug trafficking. By combining the resources, expertise, and manpower of the Department of Defense with Federal law enforcement agencies now involved in drug interdiction the United States will finally have a real war on drugs.

Mr. D'AMATO. Mr. President, I thank the distinguished manager of the bill for his graciousness and also Senator DOMENICI for allowing me the opportunity to offer this amendment at this time. I move the adoption of the amendment.

The PRESIDING OFFICER. Do the Senators yield back the balance of their time?

Mr. DIXON. Yes.

Mr. D'AMATO. Yes.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New York [Mr. D'AMATO].

The amendment (No. 755) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, the distinguished Senator from New Mexico has an amendment.

AMENDMENT NO. 756

Mr. DOMENICI. Mr. President, I sent to the desk an amendment in behalf of myself, Senator BINGAMAN, and Senator MCCLURE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will call the vote.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, Mr. BINGAMAN, and Mr. MCCLURE, proposes an amendment numbered 756.

Mr. DOMENICI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

PART D.—THE DEPARTMENT OF ENERGY SEMICONDUCTOR TECHNOLOGY RESEARCH EXCELLENCE INITIATIVE.—

SEC. 3141. FINDINGS.

Congress makes the following findings:

(1) Semiconductors and related microelectronic devices are key components in computers, telecommunications equipment, advanced defense systems, and other equipment.

(2) Aggregate sales of such equipment, in excess of $230,000,000,000 annually, comprise a significant portion of the gross national product of the United States.

(3) The leadership position of the United States in advanced technology is threatened by (A) competition from foreign businesses which is promoted and facilitated by the increasingly active involvement of foreign governments, and (B) other changes in the nature of foreign competition.

(4) The principal cause of the relative shift in strength of the United States and its semiconductor competitors is the establishment of a long-term goal by a major foreign competitor to achieve world superiority in semiconductor research and manufacturing technology and the pursuit of such goal by that competitor by effectively marshalling all of the government, industry, and academic resources needed to achieve that goal.

(5) Although the United States semiconductor industry leads all other principal U.S. industries in terms of its reinvestment in research and development, this has been insufficient by worldwide standards.

(6) Electronic equipment is essential to protect the national security of the United States, as is evidenced by the allocation of approximatrely 35 percent of the total research, development, and procurement budgets of the Department of Defense to electronics research.

(7) The Armed Forces of the United States will eventually depend extensively on foreign semiconductor technology unless significant steps are taken, and taken at an early date, to retain United States leadership in semiconductor technology research.

(8) It is in the interests of the national security and national economy of the United States for the United States to regain its traditional world leadership in the field of semiconductors.

(9) The most effective means of regaining that leadership is through a joint research effort of the Federal Government and private industry of the United States to improve semiconductor manufacturing technology and to develop practical uses for such technology.

(10) In order to meet the national defense needs of the United States and to insure the continued vitality of a commercial manufacturing base in the United States, it is essential that priority be given to the development, demonstration, and advancement of the semiconductor technology base in the United States.

(11) The national laboratories of the Department of Energy are a major national research resource, and the extensive involvement of such laboratories in the semiconductor research initiatives of the Federal Government and private industry would be an effective use of such laboratories and would help insure the success of such initiatives.

SEC. 3142. ESTABLISHMENT OF THE SEMICONDUCTOR MANUFACTURING TECHNOLOLGY RESEARCH INITIATIVE.

The Secretary of Energy shall initiate and carry out a progam of research on semiconductor manufacturing research technology and on the practical applications of such technology (such program hereinafter in

this subtitle referred to as the "Initiative"). The Secretary shall carry out the Initiative in a way as to complement the activities of a consortium of United States semiconductor manufacturers, materials manufacturers, and equipment manufacturers, established for the purpose of conducting research concerning advanced semiconductor manufacturing techniques and developing techniques to adopt manufacturing expertise to a variety of semiconductor products.

SEC. 3143. PARTICIPATION OF NATIONAL LABORATORIES OF THE DEPARTMENT OF ENERGY.

(a) MISSION OF NATIONAL LABORATORIES.—Each national laboratory of the Department of Energy shall participate in research and development projects under the Initiative in conjunction with the Department of Defense, any consortium, college or university carrying out any such project for or in cooperation with the consortium referred to in Section 3142, to the extent that such participation does not detract from the primary mission of the national laboratory.

(b) AGREEMENTS.—The Secretary of Energy shall enter into such agreements with the Secretary of Defense, with any consortium referred to in Section 3142 and with any college or university as may be necessary to provide for the active participation of the national laboratories of the Department of Energy in the Initiative.

(c) REQUIRED PROVISIONS.—The Initiative shall include provisions for one or more national laboratories of the Department of Energy to conduct research and development activities relating to research on the development of semiconductor manufacturing technologies. Such activities may include research and development relating to materials fabrication, materials characterization, design and modeling of devices, and new processing equipment.

SEC. 3144. PERSONNEL EXCHANGES.

The initiative shall include provisions for temporary exchanges of personnel between any domestic firm, the consortium referred to in Section 3142 and the national laboratories of the Department of Energy that are participating in such initiative. The exchange of personnel shall be subject to such restrictions, limitations, terms, and conditions as the Secretary of Energy consider necessary in the interest of national security.

SEC. 3145. OTHER DEPARTMENT OF ENERGY RESOURCES, IN GENERAL.

The Secretary of Energy may make available to the Department of Defense, to any other department or agency of the Federal Government, and to any consortium that has entered into an agreement in furtherance of this initiative any facilities, personnel, equipment, services and other resources of the Department of Energy for the purpose of conducting research and development projects under the Initiative consistent with section 3143(a).

SEC. 3146. BUDGETING FOR SEMICONDUCTOR MANUFACTURING TECHNOLOGY RESEARCH.

The Secretary of Energy, in preparing the research and development budget of the Department of Energy to be included in the annual budget submitted to the Congress by the President under section 1105(a) of title 31, United States Code, shall provide for programs, projects, and activities that encourage the development of new technology in the field of semiconductors.

SEC. 3147. COST-SHARING AGREEMENTS.

(a) PERMITTED PROVISIONS.—The director of each national laboratory of the Department of Energy that is participating in the Initiative or the contractor operating any such national laboratory may include in any research and development agreement entered into with a domestic firm in connection with such initiative a cooperative provision for the domestic firm to pay a portion of the cost of the research and development activities.

(b) The director of each national laboratory of the Department of Energy that is participating in the Initiative shall submit a proposal to the Department of Energy defining cost sharing arrangements and the appropriate level of funding for approval.

(c) LIMITATIONS.—(1) Not more than an amount equal to 1 percent of any National Laboratory's annual budget shall be received from non-appropriated funds derived from contracts entered into under the initiative in any fiscal year except to the extent approved in advance by the Secretary of Energy.

(2) No Department of Energy National Laboratory may receive more than $10,000,000 of non-appropriated funds under any cooperative research and development agreement entered into under this subsection in connection with the Initiative except to the extent approved in advance by the Secretary of Energy.

SEC. 3148. DEPARTMENT OF ENERGY OVERSIGHT OF COOPERATIVE AGREEMENTS RELATING TO THE INITIATIVE.

(a) PROVISIONS RELATING TO DISAPPROVAL AND MODIFICATION OF AGREEMENTS.—If the Secretary of Energy or his designee desires an opportunity to disapprove or require the modification of any such agreement under section 3147, the agreement shall provide a 90-day period within which such action be taken beginning on the date the agreement is submitted to the Secretary.

(b) RECORD OF AGREEMENTS.—Each National Laboratory shall maintain a record of all agreements entered into under this section.

SEC. 3149. AVOIDANCE OF DUPLICATION.

In carrying out the Initiative, the Secretary of Energy shall ensure that unnecessarily duplicative research is not performed at the research facilities (including the national laboratories of the Department of Energy) that are participating in such initiative.

SEC. 3151. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is a authorized to be appropriated to the Department of Energy for each fiscal year FY88 and FY89, the additional sum of $25,000,000 for the activities of the Department of Energy under the Initiative.

(b) RELATIONSHIP TO OTHER FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.—Funds available to the Secretary of Energy in connection with activities of the Department of Energy under the Initiative shall be in addition to amounts available to the Department of Defense for semiconductor manufacturing technology research and development.

SEC. 3152. TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary of Energy shall adopt procedures to provide for the timely and efficient transfer of semiconductor technology developed under the Initiative pursuant to applicable laws, executive orders, and regulations followed by the Department of Defense.

(b) PLAN FOR COMMERCIALIZATION ENHANCEMENT.—(1) Not later than one year after the date on which funds are first appropriated to conduct the Initiative, the Secretary of Energy shall transmit to the committees of Congress named in paragraph (2) a plan for the transfer of semiconductor technology and information generated by the Initiative.

(2) The committees of Congress referred to in paragraph (1) are the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Science and Technology of the House of Representatives.

Mr. DOMENICI. Mr. President, I wish to offer an amendment relating to semiconductor research. My amendment would establish a semiconductor technology research excellence initiative within the Department of Energy. It would begin in DOE's national laboratories as full-fledged partners with the Department of Defense, the U.S. semiconductor industry, and our universities in a national effort to regain American leadership in semiconductor manufacturing.

Under my amendment, the Secretary of Energy would initiate and carry out a program of research on semiconductor manufacturing technology and on the practical applications of that technology. The national laboratories would conduct research and development activities relating to silicon and compound semiconductors, including research and development of such advanced semiconductor manufacturing technologies as ultra clean processing, processing for ultra high density silicon circuits, and improved compound semiconductors and devices.

These R&D projects would be entered into through cost-sharing agreements with private firms and universities. These agreements would allow access to the facilities and equipment of the labs, and would provide for exchanges of personnel.

Mr. President, in recent years we have all been educated on semiconductors and the decline of our country's ability to compete with the Japanese in this critical high technology area. We all understand the importance of semiconductors to our economy and our national security.

Earlier this year, the report by the Defense Science Board task force on defense semiconductor dependency stressed that semiconductors are increasingly central to national defense. U.S. military forces rely on the latest state-of-the-art electronics to overcome the numerical advantage held by the Warsaw Pact—whether you're talking about tactical aircraft, tanks, ships, or missiles. That is our defense strategy—defeating brawn with brains. And semiconductors are the cutting edge of modern electronics.

Both the administration and Congress agree on the urgency of addressing the problems facing the U.S. semiconductor industry. Funding has been requested to implement the recommendation of the Defense Science Board task force calling for a cooperative program of research on semicon-

ductor manufacturing technology and its practical applications—now known as sematech. Senators BINGAMAN and CHILES have sponsored an amendment to this bill which would authorize $100 million for each of fiscal year 1988 and fiscal year 1989 for this proposal. I strongly support this authorization and commend my good friends for their initiative.

My amendment will strengthen their initiative by including DOE's national laboratories in this national effort. The national labs would complement the overall sematech work program.

Both the Semiconductor Research Corp., and the Semiconductor Industry Association believe that close collaboration with our national laboratories is essential for an effective national strategy for semiconductors. This was also the finding of the joint planning workshops sponsored by the National Academy of Sciences in February and May of this year.

According to the report recently issued by the Academy, "The workshop participants concluded that the facilities and expertise at the laboratories represent a valuable set of resources that should be utilized effectively to augment the research capabilities of industry and universities." A number of national laboratories have already submitted proposals for semiconductor research and manufacturing. Brookhaven has proposed the development of synchrotron x-ray lithography. Lawrence Berkeley has proposed the establishment of a process analysis and diagnostics program.

In my State, Sandia has proposed a center for compound semiconductor technology and a center for ultra clean semiconductor processing. The former would be of particular significance to our strategic forces and our space program. It would expand on Sandia's existing center for radiation-hardened compound semiconductors.

During the past decade, Sandia has been the leader in this area. It has transferred its know-how to several commercial firms which are now manufacturing their own radiation-hardened semiconductors. Sandia taught National Semiconductor Corp. how to harden its semiconductors. Other customers include NASA for its project Galileo spacecraft which will enter Jupiter's atmosphere. Sandia radiation-hardened semiconductors are also orbiting the Earth in Spot, a French photoreconnaissance satellite.

Sandia's proposed center for ultra clean semiconductor processing would seek to develop techniques and practices for the reduction of contamination and defect levels in semiconductor processing. This is critical if we hope to manufacture the advanced semiconductors of the next decade. The development of semiconductors that are smaller, faster, and have greater information storage capacity requires manufacturing facilities and equipment that are free of defects and of the impurities found in the air.

The Japanese have already implemented a program in contamination control at Tohuku University. The United States cannot afford to lag behind.

In short, Mr. President, the national labs have much to contribute to the semiconductor effort. We must take advantage of their resources.

The report by the National Academy of Sciences lists four "basic attributes" organizations must have in order to respond to the challenge we face in semiconductors: (1) outstanding people capable of performing semiconductor research; (2) relevant technical experience, capabilities, and facilities; (3) an organizational environment that will support a productive response to critical needs in semiconductor technology; and (4) available mechanisms for transferring technology efficiently and effectively to potential users.

The labs possess each and every one of these attributes, and they are ready to contribute. My amendment would see to it that they do so in the most effective manner.

Mr. President, I send letters of support from the Semiconductor Industry Association, and I ask unanimous consent that they be made a part of the RECORD.

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

SEMICONDUCTOR INDUSTRY ASSOCIATION,
Cupertino, CA, September 21, 1987.

Hon. PETE V. DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: I am pleased to inform you that the SIA endorses S. 1480 as amended. As was pointed out by the National Academy of Sciences in its recent report entitled, "The Semiconductor Industry and the National Laboratories," "In addressing the potential role of the DOE national laboratories, the workshop participants concluded that the facilities and expertise at the laboratories represent a valuable set of resources that should be utilized effectively to augment the research capabilities of industry and universities."

A number of proposals considered at the National Academy of Sciences Workshops between the semiconductor industry and the National Laboratories meet the criteria of the Bill. For example, two outstanding proposals include the Center for Ultra-Clean Semiconductor Processing and the Center for Component Semiconductor Technology.

The SIA believes that there should be a role for the National Laboratories in conducting semiconductor research. We also believe that this research should be separately funded and not simply be a reallocation of funds from the Department of Defense for Sematech. Finally, the SIA believes that the industry interface with such research by the National Labs should be provided by the Semiconductor Research Corporation (SRC) as part of their generic role of coordinating all external research for the semiconductor industry.

Sincerely,

WARREN DAVIS,
Vice President.

SEMICONDUCTOR RESEARCH CORP.,
September 21, 1987.

Hon. PETE V. DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: The Semiconductor Research Corporation strongly supports "The Department of Energy National Laboratory Cooperative Research Initiatives Act" (S. 1480). The National Laboratories of the Department of Energy are a major national resource. They should be given a mission to participate in research on advanced semiconductor manufacturing technology, so vital to the national security and economic interests of the United States. We believe that your bill, S. 1480, would accomplish this purpose.

The semiconductor industry has recognized the desirability of a role for the national labs in SEMATECH, a private sector-driven consortium composed of major U.S. semiconductor manufacturers in partnership with government. The industry has proposed a mechanism for a laboratory/industry partnership in its business plan for SEMATECH. We envisage that the research of the national labs in this area should be designed to complement the overall SEMATECH work program.

The joint planning workshops sponsored by the National Academy of Sciences in February and May put into motion the first steps toward matching the semiconductor industry's and the national labs' R&D efforts. Collaboration on the specific technological objectives of each national laboratory with industry will continue to be explored and identified as a result of future workshops to be sponsored by the SEMATECH consortium.

We envisage that the Secretary of Energy would be part of a "National Advisory Committee on Semiconductor Research and Development" composed of government and private sector members. The committee would provide a focal point for coordinating, devising and implementing an effective national strategy for semiconductors. Indeed, if the national labs are to provide beneficial support to SEMATECH, more coordinated programs between the labs and SEMATECH will be necessary.

We believe that in developing technology roadmaps for SEMATECH, those programs involving the labs would eliminate duplication of efforts. However, the urgency of the problem demands a change in the nature and pace of the research pursued. Needless to say, mobilizing the national labs in coordination and collaboration with industry efforts requires the immediate attention of federal policymakers in order that such efforts can provide timely answers.

In establishing a National Laboratory Cooperative Research Initiative, the bill would make a number of recommendations in anticipation of the formation of research consortium such as SEMATECH. Since SEMATECH was established in May, 1987, we have a few recommendations that could improve the proposal. We believe (1) The legislation should specify coordinating the research of the national labs under this initiative with the semiconductor industry's new R&D consortium, SEMATECH. (2) The legislation should clarify that any funds expended by the Department of Energy on such projects would be in addition to the

funds expended on SEMATECH by the Department of Defense. We do not view a national labs' semiconductor research initiative as an alternative to DoD efforts, and do not anticipate that such an effort should result in a substitution or dilution of the Defense Department's funding level for SEMATECH of $100 million per year for the next five fiscal years. (3) Finally, we believe that DOE should fully fund the research of the national labs, and that the proposed cost sharing arrangements with industry in this case would not be necessary.

We strongly support S. 1480 and federal funding in the Energy Department's Budget for the National Laboratories to conduct semiconductor manufacturing research in coordination with SEMATECH. We firmly believe that a coalition of SEMATECH and the national labs would strengthen the future competitiveness of the semiconductor industry.

Sincerely yours,

LARRY W. SUMNEY,
President.

APPENDIX A.—DOE NATIONAL LABORATORIES LIST OF CAPABILITIES

AMES NATIONAL LAB

Ames has research programs in device modeling and advanced techniques for compound semiconductor materials growth.

ARGONNE NATIONAL LABS

Argonne has developed the highest sensitivity trace contamination analysis capability in the world and also has extensive surface analysis capabilities.

BROOKHAVEN NATIONAL LAB

Brookhaven is the U.S. leader in synchrotron radiation light sources which may be required for submicron integrated circuit lithography.

LAWRENCE-BERKELEY LABS

Lawrence-Berkeley has programs in the growth of high purity semiconductors, extensive atomic-level analytical capabilities for microanalysis of semiconductor materials and structures in the Center for Advanced Materials.

LAWRENCE LIVERMORE NATIONAL LABS

Lawrence-Livermore has major programs in computer simulation and design of advanced components, advanced packaging concepts and beam processing.

LOS ALAMOS NATIONAL LABS

Los Alamos has strong capabilities in basic materials research and analysis, lasers, accelerators and is the world leader in super computers and computer simulation.

OAK RIDGE NATIONAL LABS

Oak Ridge has programs in materials growth, characterization and analysis and surface modification of semiconductor materials by use of ion and laser beams, with user facilities in these areas.

SANDIA NATIONAL LABS

Sandia performs major research and development in silicon and compound semiconductor technology (400 people/$70M annual budget) and is the only national lab producing advanced integrated circuits for national programs.

SERI

SERI has a major research program in the growth of exotic compound semiconductor structures and application of these to photovoltaics.

Mr. DOMENICI. Mr. President, I want to thank my distinguished colleague, Senator BINGAMAN for his assistance on this measure, and all of those who have worked with us from the Department of Energy, the Department of Defense, and staffs of the Armed Services Committee and the Energy Committee.

Essentially, Mr. President, there is an effort to start in motion not a competitor to Sematech, which we have decided we want to fund as a national and new change in the institutional approach to use Federal Government dollars and private sector dollars in an effort to create a new institution to play some catchup in the manufacturing of computer chips from the industrial standpoint.

This does not in any way interfere with the site selection that is going on there. But rather sets in motion within the Department of Energy. It does a great deal of research and requires a great deal of knowledge on may subjects as they work for the Department of Defense and the Department of Energy. It sets in motion a coordinating mechanism and $25 million is authorized so that these national laboratories can work together in the evolution of new manufacturing technologies in the semiconductor field. It is common knowledge that is where we are losing ground. This amendment would permit us to take advantage of their expertise and would have the Department of Energy and the Department of Defense cooperating so that the private sector can begin to work with the national laboratories toward this objective.

I think we are going to have to do more of this new arrangement so as to speak using institutions that have had certain missions in the past with a little more variety and a little more diversification. We are going to have to focus on academic and the private sector working with these national laboratories. This is an effort to see if we cannot get that started.

I believe if we can that we are going to be surprised at the synergism and great new accomplishments that will be forthcoming.

This is supplemental to a lot of work that has already been devoted to this area. A lot of amendments have been adopted in the House. There has been substantial funding in the appropriations process, at least starting in the House in some of these areas which I hope we will continue, and I hope that this amendment will be accepted.

It is my understanding that the managers on both sides have cleared this amendment, and if that is the case, I hope we will adopt it expeditiously.

Mr. DIXON. Mr. President, we support the amendment on this side and yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 756) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I thank the distinguished floor managers for their cooperation this evening.

Mr. DIXON. I thank the distinguished Senator from New Mexico.

Mr. President, is the Senator from California ready Now?

Mr. WILSON. Yes.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 757

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from California [Mr. WILSON] for himself and Mr. GLENN proposes an amendment numbered 757.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At an appropriate place in the bill, insert the following new section:

Sec. . Sense of the Senate Regarding the Contributions and Roles of Spouses of Military Personnel in Supporting the Military Community

The spouses of military personnel have contributed greatly to the well-being and to the support of the military community in the Armed Forces for decades;

The spouses of military personnel have voluntarily lent their time and talents to support military personnel, their families, and the military community as a whole, in time of war and in time of peace;

In 1987, when more than 72% of all active duty military officers and 52% of all active duty enlisted military personnel are married, the voluntary service of spouses of military personnel in support of the military community is ever increasing in scope and importance;

At the same time, the pressures on the spouses of military personnel to be employed outside of the home are increasing, reflecting American society as a whole;

Neither the Armed Forces, the Congress, nor the American people have a right to expect or demand that spouses of military personnel voluntarily contribute their time or talents to support the Armed Forces or the military community, beyond that expected of all good citizens.

Therefore, it is the sense of the Senate that the spouses of military personnel are to be thanked and congratulated for their unswerving support and work on behalf of military personnel, their families and the military community as a whole.

And further, it is the sense of the Senate that the decision by spouses of military personnel to be employed, either in addition to

or rather than voluntarily participating in activities relating to the Armed Forces, must be viewed as a personal decision which is of no official consequence to the Armed Forces.

Mr. DIXON. Mr. President, the Senator from Ohio has asked me whether his name has been placed on the amendment as a cosponsor.

Mr. WILSON. I have done that, and I am honored to have him as a cosponsor. My friend from Ohio is the chairman of the Armed Services Manpower Subcommittee, and I think it is more than understandable that he shares my concern in this subject.

Mr. President, the amendment I have just sent to the desk is a sense-of-the-Senate resolution which I offer on behalf of myself and Senator GLENN. It relates to the contributions and the roles of spouses of military personnel in supporting the military community. Without going through all the "whereases" it does recite, quite properly, the enormous contribution that has been made over the decades of military service by the spouses of military personnel who have voluntarily lent all kinds of time and energy and skill to any number or activities that have vastly increased the quality of life for military families.

For anyone who has been on active duty, it is no secret that the contribution made by these spouses, in providing the direction, the staffing of such things as thrift shops, Red Cross operations, and all kinds of family guidance centers, has been not only of inestimable value but also has saved the taxpayers untold millions upon millions of dollars and has provided a source of womanpower without which life on military bases across the Nation and across the world would not have begun to be nearly as fulfilling for our Armed Forces personnel and their dependents as it should be.

So, taking proper note of that and expressing gratitude, as we should, it is with particular alarm that I have noticed in recent press accounts that some military commanders apparently take for granted that that voluntary role should be something other than just that, voluntary, and have sought to virtually impress the wives of military personnel into a false voluntarism and in many cases one not dedicated to the kind of activities that have enriched the lives of other military families, but really have sought to impress wives into the kind of social observances that apparently the commanders, themselves, thought appropriate.

Specifically, for the past couple of months, I have been following with great concern a story concerning the apparent attempt by the base commander at Grissom Air Force Base in Indiana to require that the wives of senior officers on that base not be employed outside the home, apparently so that the wives could attend to their duties, as he has seen them, as Air Force wives.

According to a news report contained in the Washington Post on September 16 of this year, when one of the wives concerned asked the base commander just exactly what he believed her job to be, he replied that her job was to attend officers' wives clubs, coffees, luncheons, and social functions.

Mr. President, while one might hope that this incident would be an isolated one that could be written off as extraordinarily bad judgment on the part of a single base commander, apparently that is not the case, unhappily. The response to these stories has been any number of letters, not just from Air Force wives at Grissom Air Force Base, nor from the Air Force, but from the services and from any number of people who have been active duty personnel and who are now retirees, those who have expressed the same unhappy phenomenon.

I have here a fistful of letters. I am going to pick a few that I think make the point.

One, written with some tongue and cheek, but I think with clear point, says:

> Not once in my 10 years of "work" has my employer asked my husband to participate in a bake sale, buy and engrave a baby gift, etc., with the implicit understanding that my career would suffer if he should choose not to.

Another, much more to the point, speaking clearly and simply, says:

> If the Air Force is really serious about eliminating family irritants and enhancing morale, then it is time for them to establish a supportive, written policy which will do away with this kind of treatment once and for all. I can assure you that it would do more to promote good morale and enhance pilot retention than passing out leather flight jackets and will cost a great deal less.

I think those points are extraordinarily well taken.

Let me add a couple more. I think these letters are worth a few moments of time. One notes that in 1982 Senate hearings, a wife's "evaluation" on her husband's officer evaluation report was discussed. Both favorable and unfavorable remarks were made about wives' volunteer activities on officer evaluation reports. One conclusion drawn by that writer from that unhappy circumstance was:

> I know the importance of voluntarism to the military community. The quality of service life would not be what it is without volunteers. But volunteer work should be just that—volunteered.

Mr. President, amen to that comment.

Finally, this one states the conclusion succinctly, clearly, and forcefully:

> Decisions about spousal employment should be made by the family members involved, not by service policy or pressure."

Mr. President, I think these stories and these letters make clear that this is not an isolated problem, nor is it a trivial one. Morale is important. We worry about things like sexual harassment on the floor of the Senate. There are other kinds of pressures, some of them explicit, some of them subtle, that relate to career pressures. They have no place in our career military.

Mr. President, I ask unanimous consent that these stories and these letters that they report be printed in the RECORD along with three articles from the Air Force Times covering the story.

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

YOUR TURN: SHOULD SENIOR WIVES WORK? READERS RESPOND

(By Jay Blucher)

Life in the Times has received numerous letters in response to our Aug. 3 story, "The Right to Work: Grissom Wing Commander is making that choice impossible, say some senior wives." The letters have come from all corners—men and women, active-duty members and spouses, and retirees. They have come from members of all services, too, indicating that this problem is more than a Grissom AFB, or even an Air Force, concern. We're printing some of these letters (edited for space) on this and several following pages.

There also has been an outpouring of concern from some Air Force officials, womens' rights groups, civil liberties groups and several U.S. Congressmen. Their efforts have focused national attention on the situation, and recently culminated with the Air Force announcing that it will convene a blue-ribbon panel to examine the issues concerning spouses who work.

While specific members of the panel remain to be named, according to Air Force public affairs officials, "The panel will be representative of a cross-section of people familiar with Air Force family issues." The Secretary of the Air Force, Edward C. Aldridge Jr., and Gen. Larry D. Welch, Air Force Chief of Staff, announced creation of the panel on Aug. 11. Air Force officials declined further comment concerning either the composition or charter of the panel.

For those who come late to the story: months ago, at Grissom, AFB, Ind., a handful of senior commanders' wives decided to personally challenge one Wing Commander's interpretation of their right to work, or even go to school. These women claimed that Col. Gary Ebert, Commander of the 305th Air Refueling Wing, pressured them to quit their jobs so they could participate in volunteer and social activities on base—or else their husbands would neither get promoted nor receive favorable duty assignments.

Nattaya Leuenberger and Judy Croxton, along with several other Colonel's wives who remained anonymous out of fear for their husbands' careers, made a stand against what they believe is an archaic, unofficial, yet well-understood Air Force policy for senior commanders' wives to support their husbands' military careers by not working outside the home.

The women discussed the pressures brought to bear on them by both Ebert and the Air Force. They realized their husbands' military careers and reputations might be tarnished by their actions.

After their story appeared in both Life and the Times and the local Indianapolis Star, General Welch and Secretary Alridge wrote a letter to Air Force Times, stating their position on working wives. This letter is included on the following pages.

At the same time, these women and their husbands were questioned, under oath, before an 8th Air Force inquiry panel, ostensibly being conducted to determine the facts in the matter. However, the questioning indicated that the inquiry was meant to go far beyond mere fact-finding. Sources said the inquiry was questioning the veracity of the wives' story, the reporters who wrote the story and Air Force Times as well.

Frank O'Dell, Anchorage, Alaska:

Thanks for having the courage to expose the stone age U.S. Air Force practice of canning 0-5S and 0-6S whose wives fail to fit the "kiss the C.O.'s wife's butt" mold. In the real world, many of these women serve the American public as productive members of society rather than unpaid tea pourers. Shame on Colonel Ebert and the mind-set of these people.

Senior Navy wife, San Diego:

Frankly, my required participation in (wives club) activities seems demeaning to my husband. I would assume he would want me to be judged on his own merit rather than my attendance at last week's function (always conspicuously scheduled during daytime hours so working wives cannot easily attend).

Not once in my 10 years of work has my employer asked my husband to participate in a bake sale, buy and engrave a baby gift, etc., with the implicit understanding that my career would suffer if he should chose not to.

Sylvia Holben Allen, Pope AFB, N.C:

If the Air Force is really serious about eliminating family irritants and enhancing morale, then it is time for them to establish a supportive, written policy which will do away with this kind of treatment once and for all. I can assure you that it would do more to promote good morale and enhance pilot retention than passing out leather flight jackets and will cost a great deal less.

An officer's wife, Fort Irwin, Calif.:

Colonel Ebert showed his true colors when he said, "I can't expect my wives to participate in all these things." He probably was on his guard during the interview, otherwise he'd have said "my girls."

Despite his denials, he obviously expects a "two-for-one" package deal from his married officers. Too bad he can't understand that the contributions women who happen to be married to soldiers can make go beyond social functions—let alone that women, as human beings, have needs and goals beyond those of their husbands. All of the services, by pretending these commanders don't exist, are condoning their conduct.

Just in case those stories I've heard about my husband getting in trouble for comments I make are true, please withhold my name.

Lieutenant Colonel, USAF, California:

Re: The official Air Force policy on working spouses. I would certainly be the last to dispute what Secretary (E.C.) Alridge and Gen. (Larry D.) Welch said it was—it's their policy. However, in the real world, what's policy and what is don't always jibe—kind of like the AF policy on working spouses. Anyone who believes service members and their spouses aren't harassed over this issue still believes in the Easter Bunny or suffers severe self-delusion. (Add Mrs. (Judie) Chain to the list of those deluded. The wife of CINCSAC wrote a marvelous article about how things "ought" to be. Trouble is, they ain't!)

The Secretary and the General have a serious credibility problem. They may believe their policy is understood and is being carried out according to their wishes—but most of their commanders don't share their commitment.

Let true volunteerism prevail or pay for spousal services rendered. High pressure tactics are counterproductive. And let that for which there is little or no demand die a natural death. Those activities truly worthy of support will survive.

Lieutenant Colonel, USAF, Pentagon:

Hats off to our leaders for responding to the working wives issue: Thumbs down to the staff officers who put together the masterpiece of double speak SECAF and the chief sent to your paper: while the USAF "fully supports the work aspirations of spouses," they also "do expect the spouses of commanders and others . . . to participate in the Air Force community in a constructive way."

Give us a break! Full-time employment, together with family and homemaking responsibilities, leaves wives little time for anything other than infrequent and token participation in OWC and other unofficial activities. Local commanders expect much more, and have considerable means to reflect and enforce their preferences through the husband's OER (Officer Effectiveness Report) and work environment.

Why don't we quit beating around the bush and state the policy clearly and unequivocally. A wife's place is at the club, not at the office.

Rosemary A. Locke, former president, National Military Family Association, Arlington, Va.:

Courage is expected in the military community. Rare, however, are service wives who go public about command pressure not to work for pay.

Unfortunately, the Air Force wives at Grissom are not an isolated group, and the problem is not confirmed to the Air Force. I took part in the final report, Military Spouse and Family Issues, Europe 1982. During that 6-week survey, some Army wives privately related similar harassment as described by the courageous women at Grissom.

In 1982 Senate hearings, a wife's "evaluation" on a husband's OER was discussed. Both favorable and unfavorable remarks were made about wives' volunteer activities on OERs.

I know the importance of volunteerism to the military community. The quality of service life would not be what it is without volunteers. But volunteer work should be just that volunteered.

Decisions about spousal employment should be made by the family members involved, not by service policy or pressure.

Major, USAF, Oklahoma:

The problem really stands out at the Colonel and above level, but I've seen it all the way down to the senior Captain level.

Some commanders see the Air Force as an elite fraternity (especially at the higher levels). If one wants to join, one must agree to certain initiation rites (i.e., hazing), including the wife's (viewed as sorority girls) sacrifice of individual freedoms and personal identity.

They don't see this problem as what it truly is: a form of sexual harassment and discrimination rolled into one. To join the "club," the wife must do her "duties" or the husband doesn't get to play.

I, for one, will never sacrifice my wife to this practice: for every man who stands up and fights for his rights and his wife's rights, a brick will be removed from a wall that needs to be destroyed.

Carolyn Smith, Grissom AFB, Ind.:

As the wife of a senior officer stationed at Grissom AFB, I feel compelled to reply to the recent article which seriously misrepresented the condition that exists in the 305th Air Refueling Wing.

Mr. WILSON. Mr. President, I must say that I was surprised and somewhat dismayed to learn that even today when as many as 70 percent-plus of military officers and more than 50 percent of enlisted personnel are in fact married, and when so many wives in American society, not just military wives, but wives find it necessary for economic reasons to bring a second income into the home, and when even if it is not economically required they seek employment themselves in something that provides a meaning to their lives and an outlet for their skills, talents, and energies that a base commander would presume to demean much less to seek by direct coercion to prevent a wife from seeking employment of any kind outside the home, that is simply not acceptable.

As that last letter said that is a decision to be made by the family involved and by no one else. It can be of no consequence officially to the services.

Mr. President, as the ranking member and the former chairman of the Manpower and Personnel Subcommittee, I have had occasion to learn about the tremendous contributions made by military spouses. As I have indicated, they are invaluable, but as one letter indicated, they must in fact be just that, volunteered. It is appropriate that we celebrate the contribution that is made. It is also appropriate that we make clear to base commanders and not simply the Air Force, but to all the services that we will not look with favor upon any military policy written or unwritten that seeks to continue this kind of coercion upon military spouses.

Mr. President, the Secretary of the Air Force and the Chief of Staff have now convened a blue ribbon panel to look into issues involving pressures on military spouses. I commend that effort. But at the same time I think there should be no doubt there should simply be no policy, official or unofficial, of any armed services that encourage or permits or tolerates a situation of the kind that apparently has occurred there at Grissom Air Force Base to exist because it is simply not acceptable.

Mr. President, I urge the adoption of the resolution expressing the sense of the Senate.

The PRESIDING OFFICER. The Senator yields the floor?

The Senator from Illinois.

Mr. DIXON. Mr. President, I congratulate the Senator from California for his statement regarding the spouses of military personnel. We support his amendment.

I yield back the remainder of the time.

The PRESIDING OFFICER. The question occurs on the adoption of the amendment of the Senator from California.

The amendment (No. 757) was agreed to.

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

AMENDMENT NO. 758

Mr. DIXON. Mr. President, at this time I send to the desk an amendment by the distinguished Senator from Tennessee, Senator SASSER, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois (Mr. DIXON) for Mr. SASSER proposes an amendment numbered 758.

Mr. DIXON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . Notwithstanding the requirements of the Competition in Contracting Act, 10 U.S.C. 2304, et seq. or any other provision of law, the Service Secretaries are authorized to modify the agreements authorized by section 802 of the Military Construction Authorization Act of 1984, as amended (10 U.S.C. 2821 note) and existing on the date of enactment of this Act to reflect the amendments made by section 2713 of the National Defense Authorization Act for fiscal year 1987 (Public Law 99-661), to permit a 25-year guarantee period and to allow for cost escalation of the entire rental payment over the guarantee period.

Mr. SASSER. Mr. President, I believe the amendment has been cleared on both sides. This amendment has the effect of grandfathering three section 802 military family housing projects under the 1987 amendments passed by the Congress last year to extend the term of the housing agreements from 15 to 25 years.

Without this amendment, previously approved family housing projects at Fort Campbell, KY; Fort Hood, TX; and Norton Air Force Base, CA, will not be built.

The Department drafted this amendment and indicates it will apply only to these three projects.

Mr. President, under this amendment, prior to executing the projects, a new economic analysis will have to be prepared, to show that in each case, the agreements, as modified, are cost effective when compared to the alternative means of furnishing the same housing facilities.

Mr. President, as chairman of the Subcommittee on Military Construction Appropriations Subcommittee, I believe the private sector can play a substantial role in providing much needed housing for our military families. I urge the adoption of this amendment.

Mr. DIXON. Mr. President, the amendment in question has to do with section 802 housing. It has been cleared on both sides.

We yield back the remainder of our time in connection with the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Virginia desires to be heard?

Mr. WARNER. Mr. President, my understanding is it has been cleared on this side and we can proceed.

The PRESIDING OFFICER. Is there further debate on this amendment?

Mr. WARNER. No.

The PRESIDING OFFICER. All the time has been yielded back.

The question occurs on adoption of the amendment.

The amendment (No. 758) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there other amendments?

AMENDMENT NO. 759

(Purpose: To set aside funds for verification research by the Department of Defense and to increase the amount authorized to be appropriated to the Department of Energy for verification research)

Mr. DIXON. Mr. President, I send to the desk an amendment by the distinguished Senator from New Mexico, Senator BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois (Mr. DIXON) for Mr. BINGAMAN, for himself, Mr. KENNEDY, and Mr. DOMENICI proposes an amendment numbered 759.

Mr. DIXON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 22, between lines 8 and 9, insert the following:

SEC. . NUCLEAR MONITORING RESEARCH PROGRAM.

Of the funds appropriated or otherwise made available to the Department of Defense pursuant to section 201(a)(4) for research; development, test, and evaluation, $25,000,000 of the amount appropriated for fiscal year 1988 may be obligated only for the nuclear monitoring research program of the Defense Advanced Research Projects Agency.

On page 199, line 4, strike out "$95,500,000" and insert in lieu thereof "$120,500,000".

On page 210, line 4, strike out "$166,500,000" and insert in lieu thereof "$191,500,000".

Mr. BINGAMAN. Mr. President, the amendment which I am offering together with Senator KENNEDY and Senator DOMENICI would increase funding for verification research at DARPA by $4.6 million—from $20.4 million to $25 million—and at DOE by $25 million—from $95.5 million to $120.5 million. There would be corresponding undistributed reductions in DARPA's $1 billion budget and DOE's $8 billion budget.

This amendment would give higher priority to the verification research programs at DARPA and DOE. It is needed because the proposed budget levels are inadequate to develop verification options for our negotiators in a timely fashion.

The verification mission is basically an orphan in both of these agencies and in the Government as a whole. Compared to the advocates for developing new weapons technologies, the advocates for developing new verification technologies and strategies wield little influence.

If we are seriously going to pursue nuclear testing negotiations starting in December, those working in our universities, DOE national laboratories, and industry on seismic and nonseismic means of nuclear test verification are going to need greater support than they have been afforded in recent years.

My amendment would permit vitally needed additional research in several areas. It would allow the Department of Energy to develop a deployable seismic verification system to provide an improved in-country seismic monitoring capability and to produce five units which might be ready for deployment in 1989. This would cost $12 million.

My amendment would permit continued improvement in our ability to detect nuclear detonations in the atmosphere and in space and thus to verify the Nuclear Non-proliferation Treaty. In particular, instruments needed for the boost surveillance and tracking system will be kept on course in their development. This will cost $8 million.

We need to support improved verification capabilities at lower yield, including applying the CORRTEX hydrodynamic yield measurement technique at such yields. That will cost $5 million.

DARPA needs to reinvigorate its seismic verification research effort and follow up on progress being made in its current program and by universi-

ty researchers across the country. I am proposing $4.6 million for that purpose.

Without the additional funding, DOE and DARPA will be unable to respond to anticipated requirements for nuclear test verification and no new concepts for verification R&D can be initiated.

That should not be the posture we are in when we are pursuing negotiations with the Soviets where we know verification will be the key issue.

Mr. President, I believe the amendment has been cleared on both sides and I would urge its adoption.

Mr. KENNEDY. Mr. President, I am pleased to consponsor this amendment with my colleagues from New Mexico to increase funds for DOE verification technology and DARPA nuclear monitoring research. The country needs a readily deployable, in-country seismic monitoring capability; and it needs to revitalize the university research base that will sustain and improve our seismic monitoring expertise in the future and contribute to the resolution of critical technical issues.

I want to emphasize my support for Senator BINGAMAN's statement of the allocations of this increased funding; in particular that $12 million of the $25 million increase for DOE verification technology, or half of the increase ultimately appropriated for fiscal year 1988, will be spent to accelerate the procurement of the deployable seismic verification system [DSVS]; and that at least half of the ultimate increase in DARPA funds for nuclear monitoring research will be used to augment funding for seismological research performed at individual universities and under the aegis of the Incorporated Research Institutions for Seismology, a nationwide consortium of some 50 universities. I sincerely hope that, under the pressure of future funding reductions, this weighting of priorities will be adhered to.

In recent years, there has been tendencies in some areas to spend scarce research funds on peripheral projects, rather than on resolving the remaining disputed issues regarding the limits of our capabilities. There is no merit in spending money on verification for its own sake. The money is well spent only if it augments our monitoring capabilities, helps to resolve critical technical issues, and contributes to our understanding of the possibilities for future arms control agreements.

Mr. DIXON. Mr. President, this amendment by the distinguished Senator from New Mexico refers to nuclear monitoring research programs. It is the jurisdictional subcommittee. It is supported by the ranking member on the subcommitee and has been cleared by both sides.

I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is my understanding that this amendment was accepted based on some allocation of the funds and that allocation formula is acceptable to this side as is the amendment.

The PRESIDING OFFICER. Does the Senator yield back time?

All time has been yielded back. The question occurs on adoption of the amendment.

The amendment (No. 759) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Are there further amendments to be proposed?

Mr. DIXON. Mr. President, may I announce to Senators wherever they may be paying attention to this proceedings that we will await a brief period in the event that any Senator anywhere would care to come to the floor and this evening still avail herself or himself of the opportunity of offering an amendment this evening.

I yield to the distinguished manager of the bill on the other side to offer the final amendment of the evening.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I am sure my good friend from Illinois meant this is not necessarily the final amendment of the evening. There could be others that come forward.

AMENDMENT NO. 760

(Purpose: To authorize funds for two military construction projects at Lambert Field, Bridgeton, Missouri)

Mr. WARNER. Mr. President, I now send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Virginia.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. DANFORTH for himself, and Mr. BOND, proposes an amendment numbered 760.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 179, line 11, strike out "$149,816,000" and insert in lieu thereof "$154,116,000".

Mr. DANFORTH. This amendment is primarily technical in nature. It is designed to correct an oversight involving the authorization of $4.3 million for two critical construction projects for the Air National Guard at the Lambert-St. Louis International Airport.

The increased number of primary aircraft assigned to the 131st Tactical Fighter Wing requires improved maintenance and operational support functions. Authorization of $3.1 million for additions and renovation to the composite squadron operation's buildings will alleviate substandard and overcrowded facilities.

There is also a need to construct a munition maintenance and storage facility to allow movement of the unit's munition combat operational and training functions from its current substandard and unsafe facilities. This project will require $1.2 million.

I understand both of these projects were included in the original draft of the National Guard Bureau's fiscal years 1988 and 1989 military construction request. They were dropped because of a misinterpretation of language in a Senate Appropriations Committee report which called for a feasibility study for moving the Air National Guard from the west to the north end of Lambert Field. Apparently, there was a belief that expansion of existing facilities would be inappropriate if the movement of those facilities was imminent.

The reality of the situation, however, is that a 2-year study to develop a master plan for Lambert Field is only now beginning. It will be at least 8 to 10 years, if ever, before a move by the Air Guard could occur. In the meantime, the military construction is vital for the 131st Tactical Fighter Wing to accommodate new aircraft and to carry out their training responsibilities.

Mr. WARNER. Mr. President, this amendment has been cleared on both sides.

Mr. DIXON. Mr. President, it is a very excellent amendment by the distinguished senior Senator from Missouri that we are delighted to support on this side, and I thank the manager on the other side and yield back our time.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, all time has been yielded back.

The question occurs on adoption of the amendment.

The amendment (No. 760) was agreed to.

Mr. WARNER. I thank the Chair and move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, the distinguished Senator from Illinois, the chairman of the Armed Services Committee, Mr. NUNN and myself, we

are present here on the floor or in proximity to the floor and we shall wait a reasonable period of time. We have waited some 12 minutes. Perhaps another 5 minutes and then, subject to the wishes of the majority leader, I would presume that this bill will be set aside in order to handle the routine closing business of the Senate.

So, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the quorum call be rescinded.

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

The Chair recognizes the majority leader.

AMENDMENT NO. 751

(Purpose: To increase the amount authorized to be appropriated for Air Force Reserve construction in order to provide for the construction of a civil engineering training facility at Morgantown, WV.)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 751.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 180, line 7, strike out "$55,300,000" and insert in lieu thereof "$55,900,000".

Mr. BYRD. Mr. President, the amendment I am offering would increase the fiscal year 1989 authorization for the Air Force Reserve by $600,000, from $55,300,000 to $55,900,000. The purpose would be to construct a needed Air Force Reserve training facility in West Virginia.

On March 18, 1987, the U.S. Air Force announced that Morgantown, WV, had been selected as the site for a 50-person civil engineering Air Force Reserve unit. Subsequent testimony indicated that the proposed Morgantown Air Force Reserve civil engineering training facility could be accelerated into fiscal year 1989. Further testimony indicates that the design will be at least 35-percent complete by January 1988 and finished by July 1988. Construction would start in March 1989 and be completed by October 1989.

The facility would consist of a 4,000-square-foot preengineered metal structure with a brick veneer. The space provided would house administrative areas, classrooms, tool storage, and mobility equipment storage. Currently, there is no appropriate facility available. Only interim rental facilities are available to conduct minimal organizational functions. If the facility is not provided, the Department of the Air Force indicates that management of personnel and resources will be cumbersome and ineffective, the training environment will be counterproductive, the unit's ability to augment the Active Force upon mobilization will be severely constrained, and security of such Government resources as mobility equipment will be compromised.

In summary, Mr. President, I urge the adoption of this amendment which would authorize $600,000 for an Air Force Reserve civil engineering training facility at Morgantown, WV, for fiscal year 1989.

I thank the very able chairman of the committee, Mr. NUNN, and the very distinguished ranking minority member, Mr. WARNER, as well as the able chairman, Mr. DIXON, and the distinguished ranking minority member, Mr. HUMPHREY, of the Subcommittee on Readiness, Sustainability and Support for their consideration and support in this matter.

Without imposing further on the time of the amendment or the time of the managers who have been here long, and they are tired, I will rest my case.

Mr. WARNER. Mr. President, we are delighted that you have this amendment. It has been carefully reviewed on this side. It has been reviewed by the appropriate National Guard, Air Guard, Department of Defense, and it is a very good amendment. It is supportive of the efforts of the Reserve and the Guard in the State of West Virginia which, incidentally, Mr. President, borders on our State, that is mine, Virginia.

I feel each time that we strengthen the Reserve and Guard in West Virginia it brings a measure of protection to the Commonwealth of Virginia. So, I am very pleased to provide my strong endorsement and I thank the majority leader.

Mr. BYRD. I thank my very good friend from our neighboring State of Virginia for his kind comments and the support of the amendment.

The PRESIDING OFFICER. If all time has been yielded back, the question is on agreeing to the amendment.

The amendment (No. 751) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I also thank Mr. NUNN for his approval and support of the amendment.

THE A-6F FIGHTER PROGRAM

Mr. MOYNIHAN. Mr. President, I rise to give my full support to continuation of the Navy's A-6F Fighter Program. The A-6 fighters are all-weather, carrier-based attack aircraft. Their mission is to destroy moving and fixed targets on sea and land, in all weather and in darkness. They have proved remarkably successful.

The A-6F was developed to bridge the gap between the existing A-6E and the advanced tactical aircraft [ATA]. The chief of Naval operations estimates that the ATA will not be operational throughout the fleet for 12 to 15 years. As this aircraft program is classified, little can be said about it and the facts can prove elusive. But it is not uncommon for advanced weapons systems to fall behind schedule.

I fear that the A-6E will not be able to meet its ever-more-complex mission before the ATA is widely available. The Secretary of the Navy writes, "The A-6F is being developed to meet the threat of the 1990's and fill a critical shortfall in our existing A-6 inventory. This new A-6F Intruder will be more survivable in combat than the A-6E and will increase the striking power available to our battle group commanders." I believe continuation of the program is vital if we are to avoid a gap in our war-fighting ability. The shortfall of A-6E's is serious, and unforseen events could worsen it.

The A-6F has many advantages over its predecessor. Its improved reliability and maintainability will allow it to fly 16 percent more hours than the A-6E. Its General Electric 404 engines will provide the thrust and fuel economy necessary for improved maneuverability and, therefore survivability. The A-6F will have 10 times the target recognition/acquisition capability, improved terrain clearance, and improved bombing accuracy. Its radar will allow the crew to better identify ships at great distance, thus allowing improved target selection. In all, it is a fearsome aircraft.

Terminating the program is not without cost. Grumman estimates it at over $300 million. In addition, the cost of components used in the A-6F as well as other Grumman aircraft would rise as much as $90 million because of the reduced demand. And the Government's share of assisting some 13,000 dislocated workers in eight States would not be insignificant.

In sum, the A-6F is an aircraft the Navy wants and the country needs. It is another in the distinguished line of Grumman planes that has served us so well. With it, the Nation's carrier-borne strike capability will remain powerful during the transition to the next generation of attack aircraft. Without it, we may face a period of vulnerability that could be avoided, and should be.

MICHAEL P. METCALF

Mr. CHAFEE. Mr. President, I rise to express my deepest regret on the passing of Michael P. Metcalf, chairman and chief executive officer of the Providence Journal Co. and the publisher of the Providence Journal and Evening Bulletin, Rhode Island's only statewide newspapers

Michael Metcalf was a Rhode Islander of longstanding. His grandfather, Stephen O. Metcalf, was elected president of the Journal Co. in 1904, a position he held until 1941, when he was succeeded by his son, Michael's father, George Pierce Metcalf. Michael followed in the footsteps of his father and transformed the Journal into a diversified communications company, specializing in newspapers, cable television, broadcasting, and telecommunications.

Michael Metcalf was a business giant and a friend of Rhode Island. The Journal's commitment to preserve the historic downtown Providence area and its investment in the Providence Performing Arts Center were just two of many achievements which reflect Mr. Metcalf's unequalled leadership. This was his way of giving something back to a city and State that meant so much to him.

Rhode Island will miss Michael Metcalf, a man committed to excellence and to the people of Rhode Island. I know I speak for all Rhode Islanders when I express my deepest sympathy for his wife Charlotte and his family.

TRIBUTE TO JUDGE EMORY SNEEDEN

Mr. HEFLIN. Mr. President, I wish to take a moment to extend my deepest sympathy to the family of Judge Emory Sneeden, who passed away yesterday. I was deeply saddened by his death and will never forget his friendship and his manner.

Emory Sneeden was a great man who was dedicated to our country, and who served it faithfully throughout his lifetime. During World War II, he volunteered for duty in the U.S. Army and served as a private in a parachute field artillery battalion in the Pacific. When the fighting was over, he went to college and earned his law degree, but then again volunteered his services to his country at the outbreak of the Korean war, and later served in Vietnam. Throughout this service he served as a gunner in a parachute field artillery battalion, as a battery commander, and as a company commander.

Following the Korean war, Emory Sneeden transferred to the Judge Advocate General's Corps, and served in the positions of defense counsel and prosecutor. In 1970, he graduated from the U.S Army War College, and then served as personnel chief of the Judge Advocate General's Corps, and as executive to the Judge Advocate General of the Army. While serving as senior counsel to the Commander VIII Airborne Corps, in Fort Bragg, NC, he was promoted to the rank of brigadier general. He was later appointed as Chief Judge of the Army and retired from that position in 1975.

As many of my colleagues know, after Emory Sneeden retired from the Army, he was appointed by our colleague, the senior Senator from South Carolina, as legislative assistant and as administrative assistant. In 1977, he was appointed by Senator THURMOND as minority chief counsel of the Senate Judiciary Committee, and then served as majority chief counsel. Throughout this service, he was completely thorough in every legislative effort or Judiciary Committee matter in which he was involved, and well-served all Members of the Senate. Furthermore, he was a good friend to me and to many others.

In 1984, Emory was nominated and confirmed by the Senate as a U.S. Circuit Judge for the Fourth Circuit U.S. Court of Appeals, where he continued to serve our country and South Carolina in an outstanding capacity. He also served as an associate dean and lecturer at the South Carolina School of Law, and was a partner at the McNair law firm. Throughout his life, he worked to strengthen the law in our Nation.

As is quite clear, Judge Sneeden had a most distinguished and successful career. Yet he will be remembered for much more. He was a man of unquestioned integrity, and of tremendous loyalty to our Nation, and to the U.S. Senate. He was a man of great character and compassion. He was also a man who was absolutely devoted to his family, and to his many friends. He will be greatly missed.

TAX POLICY INFORMATION ACT OF 1987

Mr. KASTEN. Mr. President, I have introduced a bill, S. 1709 the Tax Policy Information Act of 1987, which would improve the tax policy revenue estimating process, provide more accurate information to the Congress and the executive branch, and provide for improved measurement of tax expenditures.

Improving the revenue estimating process is particularly needed now that the revenue considerations are of overriding importance during the tax policy decisionmaking process and revenue estimates drive policy decisions critically affecting millions of individuals and businesses.

Mr. President, in order for my colleagues to better understand this problem, I ask unanimous consent that the full text of my bill S. 1709, the Tax Policy Information Act of 1987, and a series of articles that appeared in the November and December 1986 issues of Tax Notes, be printed in the RECORD. These articles describe the problems with the current congressional revenue estimating process and the increased influence that revenue estimators exert over the policy decisions of lawmakers.

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

S. 1709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Policy Information Act of 1987".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Declaration of purpose.
TITLE I—AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974
Sec. 101. Definition of tax expenditures.
Sec. 102. Definition of revenue loss or gain.
Sec. 103. Alternative tax expenditures budgets.
Sec. 104. Full disclosure of economic assumptions and methodology.
TITLE II—AMENDMENTS TO INTERNAL REVENUE CODE
Sec. 201. Tax expenditures budget.
Sec. 202. Responsiveness to congressional requests.
TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Improved data
Sec. 302. President's budget.
Sec. 303. Technical and conforming amendments.
TITLE IV—EFFECTIVE DATE; APPLICATION
Sec. 401. Effective date; application.

SEC. 2. DECLARATION OF PURPOSE.

The Congress declares that it is essential that—

(1) Congress be fully informed and presented with all relevant information making vital tax policy decisions;

(2) official government information publications should, in an impartial manner, analyze and inform Congress about all major competing views regarding tax policy;

(3) official government information publications should not implicitly endorse particular points of view regarding tax policy;

(4) the methods, assumptions, and procedures used by the congressional staff conducting revenue gain and loss estimates should not be hidden but should be disclosed to the public so that the methods may be analyzed by outside analysts and improved, and the quality of the tax policy process enhanced; and

(5) since the timeliness of revenue gain or loss estimates and other information is critical, members of Congress should not be routinely denied access to critical data.

TITLE I—AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974

SEC. 101. DEFINITION OF TAX EXPENDITURES.

Section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) is amended to read as follows:

"(3)(A) The term 'tax expenditures' means those revenue losses (or gains) attributable

to provisions of the Federal tax laws that allow a special exclusion, exemption, or deduction from gross income or that provide a special credit, a preferential (or discriminatory) rate of tax, or deferral (or acceleration) of tax liability. Tax expenditures may be either positive or negative.

"(B) For purposes of this paragraph, the term 'special', when used with reference to an exclusion, exemption, deduction, credit, or deferral, means an exclusion, exemption, deduction, credit, or deferral that is inconsistent with either definition of income in subparagraph (C).

"(C) For purposes of this paragraph, the term 'income' shall mean either—

"(i) comprehensive income, the algebraic sum of the market value of—

"(I) all rights exercised in consumption, and

"(II) changes in net wealth; or

"(ii) real income, gross receipts less all nonconsumption expenditures.

For purposes of clause (ii), in determining real income, nonconsumption expenditures shall be deducted from gross receipts (rather than being amortized or depreciated).

"(D) For purposes of this paragraph, 'nonconsumption expenditures' means any expenditure incurred primarily for the production of income including, but not limited to, capital expenses, research, development, and exploration expenses, principal payments on debt, interest expenses, savings, labor expenses, cost of inventory and other expenses incurred primarily for the production on income.

"(E) For purposes of this paragraph, 'gross receipts' means all receipts including, but not limited to, loan proceeds, gross profits, proceeds from the sale or other disposition of assets, and salary income.

"(F) For purposes of this paragraph—

"(i) 'preferential rate of tax' means a rate of tax that is less than the maximum statutory or normal rate, including progressive abatements in the rate of tax with declining taxable income, and

"(ii) 'discriminatory rate of tax' means a rate of taxation that is greater than the maximum statutory or normal tax rate, including, but not limited to, windfall profits taxes or surtaxes.

"(G) For purposes of this paragraph, 'exclusion' or 'exemption' means any income not subject to tax, including personal and dependent exemptions.".

SEC. 102. DEFINITION OF REVENUE LOSS OR GAIN.

Section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)), as amended by section 101, is further amended by adding at the end thereof the following:

"(H) For purposes of this paragraph, the terms 'revenue loss' and 'revenue gain' mean—

"(i) the expected loss (or gain) in Federal tax receipts because of a particular provision, or set of provisions, assuming no change in taxpayers' economic behavior as a result of the enactment of the particular provision or set of provisions (in this section referred to as a 'static' revenue loss or gain); or

"(ii) the expected loss (or gain) in Federal tax receipts because of a particular provision or set of provisions given the expected changes in the economic behavior of taxpayers, with incentive, feedback, inflation, intertemporal and other multiperiod effects being calculated on the basis of the present state of economic knowledge and the effects of similar provisions in the past (in this section referred to as a 'dynamic' revenue loss or gain)."

SEC. 103. ALTERNATIVE TAX EXPENDITURES BUDGETS.

(a) TAX EXPENDITURES BUDGET.—Section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)), as amended by sections 101 and 102, is further amended by adding at the end thereof the following:

"(I)(i) The term 'tax expenditures budget' means an enumeration of tax expenditures, as defined in subparagraph (A).

"(ii) The tax expenditures budget shall reflect the alternatve definitions of income set forth in subparagraph (C) and the alternative definitions of revenue loss or gain set forth in subparagraph (H).".

(b) REPORTS.—Section 308(a) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 639(a)) is amended by adding at the end thereof the following:

"(3) In the case of a bill, resolution, or conference report providing for increased or decreased tax expenditures for a fiscal year, the report required by paragraph (1) or (2) shall include—

"(A) an estimate of the effect that the increased or decreased tax expenditures will have on the tax expenditures, budget as defined in section 3(3)(I), as set forth in the report accompanying the most recently agreed to concurrent resolution for such fiscal year; and

"(B) a projection, for the period of 5 fiscal years beginning with such fiscal year, of the tax expenditures that will result from the bill or resolution in each fiscal year in such period.

If the committee determines that an estimate for such fiscal year is impracticable and states in its report the reason for such impracticability, the committee may, subject to section 312, defer making such estimate available for not more than 6 months.".

SEC. 104. FULL DISCLOSURE OF ECONOMIC ASSUMPTIONS AND METHODOLOGY.

Section 301(e)(5) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632(e)(5)) is amended to read as follows:

"(5) the economic assumptions and methodology that underlie each of the matters set forth in such concurrent resolution, with technical explanations (setting forth the economic data, assumptions, and methodology in sufficient detail to permit replication of the results by nongovernmental analysts) being made available to the public separately from the report.".

TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE

SEC. 201. TAX EXPENDITURES BUDGET.

Section 8022(3) of the Internal Revenue Code of 1986 (relating to duties of the Joint Committee on Taxation) is amended to read as follows:

"(3) REPORTS.—

"(A) IN GENERAL.—To report, from time to time, to the Committee on Finance and the Committee on Ways and Means, and, in its discretion, to the Senate or the House of Representatives, or both, the results of its investigations, together with such recommendations as it may deem advisable.

"(B) COORDINATION WITH THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—To use to the maximum extent possible in its reports, publications, and analyses, (including any tax rate studies) the same definition of such terms as 'tax expenditure', 'income', and 'revenue loss or gain' as are used in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)).

"(C) AVAILABILITY OF TECHNICAL EXPLANATION.—To make available to the public a technical explanation setting forth the data, assumptions, and methodology used in each report in sufficient detail to permit replication of the results by non-governmental analysts."

SEC. 202. RESPONSIVENESS TO CONGRESSIONAL REQUESTS.

Section 8022 of the Internal Revenue Code of 1986 (relating to the duties of the Joint Committee on Taxation) is amended—

(1) by redesignating paragraph (4) as paragraph (5), and

(2) by adding after paragraph (3) the following new paragraph:

"(4) REVENUE ESTIMATES.—To provide, upon the request of—

"(A) 2 members of the Senate (1 of whom is a member of the Senate Finance Committee), or

"(B) 2 members of the House of Representatives (1 of whom is a member of the House Ways and Means Committee),

a revenue loss or gain estimate within 60 days from the date of such request. If the Joint Committee determines that it is impracticable to provide such estimate within 60 days, the Committee may, subject to section 312 of the Congressional Budget and Impoundment Control Act of 1974, defer its estimate for 6 months.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. IMPROVED DATA.

Title III of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

"SEC. 312. ELIMINATION OF DATA INADEQUACIES.

"(a) IN GENERAL.—If a committee elects, pursuant to section 308(a)(3), to defer making an estimate available, the committee shall work with an official designated by the appropriate department or agency to compile existing data and information and to ensure that the estimate is made available not later than 6 months after the date on which it would otherwise be required to be made available. The official designated by an agency or department shall cooperate to the maximum extent possible with the committee and its staff.

"(b) COLLECTION OF NEW DATA.—If, upon receiving a request from a committee for data or information, a department or agency determines that there is insufficient existing data and information upon which to base an estimate, the agency or department shall begin collecting new data not later than 6 months after the date on which the request is made.

"(c) MAKING ESTIMATES AVAILABLE.—If a determination is made under subsection (b) that existing data and information are insufficient, the committee involved shall nonetheless make an estimate available within the 6-month period prescribed in section 308(a)(3), designating such estimate as provisional.".

SEC. 302. PRESIDENT'S BUDGET.

The budget submitted by the President pursuant to section 1105 of title 31, United States Code, for fiscal year 1989, and each budget submitted thereafter, shall include the alternative tax expenditures budgets described in section 3(3)(I) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 103 of this Act).

SEC. 303. TECHNICAL AND CONFORMING AMENDMENTS.

(a) POWERS OF JOINT COMMITTEE ON TAXATION.—Section 8021 of the Internal Revenue Code of 1986 (relating to powers of the Joint Committee on Taxation) is amended by striking "section 6103(d)" and inserting in lieu thereof "section 6103(f)".

(b) SUBMISSION OF TECHNICAL AND CONFORMING AMENDMENTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury, or his delegate, shall submit to the House Ways and Means Committee, the Senate Finance Committee, the House Budget Committee, and the Senate Budget Committee, a draft of any technical and conforming amendments to the Internal Revenue Code of 1986 or the Congressional Budget and Impoundment Control Act of 1974 that are necessary to reflect the amendments made by this Act.

TITLE IV—EFFECTIVE DATE; APPLICATION

SEC. 401. EFFECTIVE DATE; APPLICATION.

(a) EFFECTIVE DATE.—The amendments made by this Act shall become effective on the date of the enactment of this Act.

(b) APPLICATION.—The amendments made by title I of this Act shall apply to the second fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

REVENUE ESTIMATORS PLAY A NEW ROLE AS NUMBERS DICTATE POLICY

(By Jack Teuber)

During debate on the Tax Reform Act of 1986, where the constraints of revenue neutrality weighed heavily in the policy decisions of congressional taxwriters. The revenue estimating staff of the Joint Committee on Taxation (JCT) played as important a role as any of the elected officials they were hired to serve. As Congress struggles to trim the budget deficit in 1987 and beyond, the estimates generated by the JCT will continue to exert a powerful influence over the policy decisions of the nation's lawmakers. The extent to which this influence has been exploited has been questioned by some, and as a result, the role of the estimators has come increasingly into the public focus.

If the revenue estimators previously were thought of as back-room number crunchers, the events of August 16, 1986 changed all that. Senate Finance Committee Chairman Bob Packwood, R-Ore., in unusual public criticism of a congressional staff, assailed the JCT estimators for their reestimation of the revenue effects of the tax reform bill. At a press conference that long will be remembered for its "kill the messenger" tone, Packwood told reporters that neither he nor his fellow Senate conferees could put their faith in the numbers the JCT was producing. "We've been unintentionally mislead," he lamented, laying the blame at the feet of "the unknowable, untouchable estimators." News that the conference agreement framework that he and Ways and Means Chairman Dan Rostenkowski, D-Ill., had worked out would fall $10 billion short of revenue neutrality prompted Packwood to ask, "Who are we to rely upon?"

WHO THEY ARE

The staff of the JCT historically has kept a low profile on Capitol Hill. However, when Packwood unveiled his plan to dramatically lower individual and corporate tax rates last April, he literally thrust JCT Chief of Staff David Brockway into the spotlight. Since that time, because of the nature of the tax plan and the personalities involved in its evolution, the JCT periodically has found itself to be the center of unwanted attention.

The JCT was created in 1926 to provide technical legislative options and revenue estimates to members of Congress. Of the 46 individuals presently employed on the JCT's professional staff, 23 are attorneys and 16 are economists. In addition, the staff has two accountants, a computer programmer, and other support personnel. The attorneys are responsible for aiding in the drafting of proposed legislation, helping individual members with tax proposals, and providing ideas and alternatives to members of the taxwriting committees and their staffs. Brockway summed up the staff's mission this way. "By and large, what we are is a very large law firm/economic consulting firm working for Congress."

Just as the staff attorneys must be well versed in tax law before being hired, so too must the estimators have a background suitable for the task at hand. Whereas in the past, some economists came to the staff equipped with only their bachelor's degree and some practical experience, today, advanced degrees are the norm. As the demands placed on the estimating staff became more complex, the committee began to hire economists with PhDs in response to increasing pressure for accurate numbers, the computerization of the process, and the growth in tax-related legislative proposals. Of the 12 economists now charged with estimating revenues, five have PhDs, while the remainder possess related advanced degrees.

The JCT economists work closely with the staff attorneys to determine the revenue effect of proposals on which they have been asked to work. The increasing number of these requests has resulted in significant growth in the size of the revenues estimating staff. In 1974, there were just four economists and one chief economist on the staff. "They've got more revenue estimators than they used to have because there's more pressure on that end," commented Peter Davis, a former JCT estimator who now is with Prudential Bache. But, he added, "they're smart. They've kept it to a manageable size."

UNIQUE PRESSURES

Even though the size of the staff has grown considerably, the demands placed upon those who supply the numbers have not eased. "It has gotten worse since I left, no question about it," Davis said. "The staff is under more pressure than ever before," Bernard A. Schmitt, the JCT's Chief of Revenue Analysis, agrees. "When I got here, the main idea was, just giving a ranking . . . of all the different options. But when you get to shuffling the whole tax code and trying to hit absolute zero over a number of years, it just tremendously increases the pressure."

While the JCT staff primarily dedicates itself to assisting the members of the two tax-writing committees, it also must respond to requests from other members of Congress. The recent spate of tax reform proposals from various members forced the JCT into the position of juggling its workload to respond to the most pressing initiatives. When asked if the staff should be increased in size to give equal treatment to all proposals, Davis responded, "No. The answer is to tell some of these people that the staff is not going to estimate their proposals. . . . If somebody calls up with a really far out proposal and it's a lot of work, we'd sit on it because you can't take that kind of time. You could be doing 10 proposals for other people."

In addition to the time pressures associated with the job, the JCT staff also has to endure the suspicion, existing both inside and outside of Congress, that it has its own tax policy agenda. This suspicion is not helped by the fact that the staff has to decide which proposals to give top priority. Concerns that the JCT is biased were made public during the tax reform conference when Sen. Malcolm Wallop. R-Wyo., said that the revenue estimates "were slanted to the JCT's own agenda." Calling the estimates, which had changed because of shifts in economic projections, "the most movable feast that you can imagine," Wallop asserted that the JCT "should stay the hell out of the fray."

In the case of the tax reform bill, the JCT could not help but be involved in the fray because it was talking place in its own backyard. Both the Administration and Congress had agreed to the principle that the tax bill should not raise more revenue than it lost, or vice versa. This requirement put the staff in the position of having to deliver the bad news to members or lobbyists when their proposal would cost more than the revenue constraints of the bill allowed. for the first time, the numbers alone dictated what could and could not be done. Members accustomed to back-room deal-making and trading favors with one another were forced to include another party in their neogitations: the revenue estimators.

"This bill has to be the height of importance of the revenue estimators," Davis said. Because of the impact of the estimates, "they did things that were absolutely bad tax policy. . . . The only way to get the rates down . . . is to go for the bucks. . . . In my opinion, and this is a big admission for a former revenue estimator, the bill was too revenue-driven."

The power placed in the hands of the estimators made them easy scapegoats, some observers claim. "They worked real hard to get better numbers than they ever did before," commented Robert S. McIntyre, Director of Federal Tax Policy for Citizens for Tax Justice. "Anybody who is crunching numbers has power until they lose credibility," he added. One congressional aide asserted, "I've never heard anyone complain about the substance of what they've received. . . . The question is not whether to shoot the messenger, but whether the numbers are ultimately correct."

The unique status that the JCT estimators acquired through the tax reform process overshadows that of other estimating groups in Washington. While other organizations, including Treasury's Office of Tax Analysis (OTA) and the Congressional Budget Office's Tax Analysis Division (CBO), figure into the estimation process either before or after legislation is acted upon, the JCT is the only official source for estimates during congressional debate. Even though Treasury might produce an estimate of a provision that differs from the JCT's estimate, if those differences cannot be resolved, Congress must accept the JCT's figure.

Fortunately, there is dialog between the two groups. "For purposes of the work of the [Finance] Committee, the numbers from the Joint Committee are what matter," said John O. Colvin, Chief Council for the Finance Committee. However, "if there's a big difference [between Treasury's and JCT's numbers], we usually say, 'Why

don't you two folks talk to each other and see what's behind the difference?' "

TREASURY

Treasury's OTA revenue estimating staff is comprised of seven economists. In addition, a separate staff works on economic modeling and computer applications. These staffs are responsible for estimating the revenue effects of proposals the Administration sends to Capitol Hill. Once the legislative proposal has been sent to Congress, the estimators work on alternatives to those proposals, including estimates of options being debated in Congress. The nature of the job leads to cooperation between the JCT and OTA staffs. To facilitate the comparison of numbers, the individual income tax model that was developed by OTA is used by both OTA and the JCT.

While the JCT has to work for a number of bosses, the revenue estimating staff at OTA serves the current Administration. As is true in much of the government's bureaucracy, those in the top policy positions at Treasury often change, but the estimators tend to be career technicians.

While the revenue estimators at Treasury perform their tasks well, they are more susceptible to political pressures than the JCT staff, according to University of New Hampshire Economics Professor Ralph Bristol, a long-time Treasury economist who held the post of Chief of Tax Statistics. "Sometimes at Treasury, the politicians will want to take a different tack than the estimators. They won't fudge the numbers, but they'll be working with a phoney forecast to begin with," added a former estimator. "The underlying economic assumptions are always a political decision over at OMB and the White House. However, [OTA's] revenue estimates based on those assumptions are very technically precise and are not influenced by politics."

Although it could be argued that the JCT staff is susceptible to the same political pressures that OTA is under—since JCT's estimates are based on CBO economic assumptions—most economists agree that CBO's assumptions are less politically motivated than OMB's. "I've never seen a number cooked [at CBO]," Davis commented, adding that he begins with the CBO baseline when making forecasts for his Wall Street clients.

CONGRESSIONAL BUDGET OFFICE

CBO plays a less visible role in the revenue estimating process than does the JCT or OTA. The chief task for this office involves estimating tax receipts for budgetary purposes. "We have to use the Joint Committee's estimates of new legislation until we decide we want to revise them, and they have to use our economic assumptions" in preparing their estimates, according to Rosemary Marcuss, Assistant Director of CBO's Tax Analysis Division. "Once a bill is enacted, then CBO continues to assess the effects on revenues under current law. The Joint Committee does not go back and regularly look at receipts under current law," she said.

In the field of revenue estimating, "there are really two different processes," Marcuss indicated. In the tax legislative process, all the revenue estimates on Capitol Hill are done by the JCT. In the budget process, however, "Congress depends upon CBO to estimate taxes under current law for Congress' view of the five-year deficit." CBO's part of the revenue estimating process largely takes place after a tax bill already has become law. To accomplish these tasks, the Tax Analysis Division employs nine tax analysts in addition to the assistant director, deputy assistant director, and the chief of revenue estimating.

However, the staff does communicate with the JCT, and prior to the release of revenue estimates of the tax reform bill, CBO did its own estimate of the bill. "We were satisfied that their numbers were conservative in the sense that they weren't always assuming the most revenue . . . for the big structural parts. We think the Joint Committee did a decent job," she said.

INDEPENDENT SHOPS

Recently, the private sector has been getting into the revenue estimating game. Up until this time, revenue estimates were not readily available to the numerous interest groups that seek to influence tax policy. However, reliable and detailed economic models in the hands of former government estimators have provided a new means through which lobbyists can get the numbers to back up their proposals.

Policy Economics Group (PEG), formerly deSeve Economics Associates, is perhaps the most well-known of these private economic shops. "Our services offer the unparalleled capability to analyze the revenue and tax liability effects of actual and simulated changes in the Federal and state tax codes," claims the introductory letter sent to prospective clients by PEG President Thomas E. Vasquez. Besides Vasquez, who formerly was the Deputy Director of OTA, PEG employs three former members of the OTA staff and one ex-JCT estimator. PEG uses the basic income tax model developed by OTA, but has tailored it to its needs.

Vasquez founded PEG because "he perceived the need for the equivalent of a private sector Office of Tax Analysis," according to Darwin G. Johnson, PEG Senior Vice President and former Chief of the Fiscal Analysis Branch of the Budget Review Division at OMB. The services PEG offers include providing estimates of the effect of tax reform on Federal and state income tax liabilities, the development of individual and corporate tax models and data bases, and analysis of the tax and economic impact of changes in law and regulatory environments for corporate and industry decision-makers.

Fiscal Policy Associates (FPA) is another private sector estimating group. Unlike PEG, which was established for the explicit purpose of providing revenue estimates, FPA's revenue estimating services are a by-product of its economic modeling expertise. Its revenue estimating capacities were developed initially when the group, which is comprised of three former Treasury economists, needed a model to estimate the average marginal tax rates for various kinds of income. The firm has since employed this macro model to make estimates for various interest groups.

Given the fact that the government estimators have never had to face competition from groups like PEG, Fiscal Policy Associates, and others from the private sector, there is bound to be some discomfort and turf fights, observers noted. "It's a real sea change in the whole process," Prudential Bache's Davis said. "It used to be that there was nowhere else to go . . . The people who wanted to undermine the system couldn't get their hands on any credible estimates."

However, according to one former estimator, the numbers produced by competent private economists probably will be received by the JCT "the same way as if they had come from Treasury. . . . Except that I'd get a little nervous because I know [the private estimators are] picking up 25 grand to crank out a capital gains estimate."

Groups that rely on the estimates produced by PEG and other private revenue estimators may have a better idea of what their proposal will cost before they petition a member, but the JCT still gets the last word. "I think it would be helpful to know the cost [of a proposal that an interest group is promoting]," said Colvin, "but we use Joint Committee numbers."

There are those who believe that the entrance of private groups into the revenue estimating field will benefit the process in the long run. Gerard M. Brannon, former Director of OTA, advocates a more open exchange of the assumptions that underlie revenue estimates and of the models that are used to generate these numbers. "That's the way that scientific problems are solved," he noted. In addition, the existence of private organizations "provides people from the Treasury and JCT with an alternative" if they wish to leave their current position, PEG's Johnson commented. He added, however, "I don't think that someone who is looking for a sabbatical would want to come and join our firm." The clients of the private estimators "have higher expectations" then government policymakers, he said.

INTERACTION BETWEEN ESTIMATORS

The revenue estimating community is not very large. "There are about 30 or 40 people on the face of the earth who know how to do a revenue estimate on the U.S. tax code," Davis asserted. Given the limited number of people actually involved in the process, interaction among them is inevitable, and from the point of view of the JCT, it's preferable.

"Historically, we've had a very good working relationship with Treasury," said JCT's Schmitt. "It's the only place that has the same kind of group that we have. . . . They will always have slightly different answers because their numbers are based on the Administration's forecasts" and the JCT uses the CBO's forecasts. "But it's just good to have somebody to bounce things off of to see if it makes sense."

Comparing results increases the accuracy of the numbers. "Technically, there's an agreement [between JCT and OTA to compare numbers] because it's difficult stuff to do. . . . You can make mistakes, especially when you're tired." Davis recalled, adding that in each staff there are "counterparts that you're going to share stuff with like he's your brother." Schmitt called the process similar to "double-entry bookkeeping. . . . To have somebody independently doing the same thing, if they get a different answer, then you try to figure out why."

This contact between OTA and JCT extends to other parties, including CBO. "We do a lot of working together but we don't ever come out with two different views of the same item," Marcuss said. "Congress does not want two competing . . . estimates. It's in no one's interest." Like OTA and JCT, CBO tries to work out any differences in estimates on the staff level. "The last thing you want is senators on the floor or in committee debating revenue estimates, because they don't know a damn thing about them," Davis stated.

The JCT staff will even look to outside sources to get the information that it needs. When a private group presents a differing estimate than the JCT has calculated, the staff is willing to sit down with the group and go over the estimate. "They'll listen to

you. They may not be totally sympathetic to your view, but they'll give you an opportunity to state your case," said Frank McDermitt, a former member of the Finance Committee staff. There's "a lot of contact between people to try to get the best information," Schmitt said. Backing up these claims, PEG's Johnson attested to the fact that "a lot of time, we can actually provide assistance to the estimating process" by sharing analyses with JCT and OTA.

CONCLUSION

While there are a number of actors in the revenues estimating process, ultimately the task falls to the JCT economists. Historically, the staff simply has provided estimates for members of Congress, but the requirement that the tax reform bill be revenue-neutral give the JCT estimators an unprecedented role in the tax policy process. The drive to reduce the deficit in the upcoming Congress will underscore the importance of the numbers, and the JCT once again will find itself in a powerful position.

Increasingly, the methods that it uses will come under scrutiny, and there will be more debate around the estimates themselves. Only time will tell whether Congress will continue to rule by the numbers. If it does, it must accept the newfound place that the estimators have in the process. If not, the process must change in some way.

WITH REVENUE ESTIMATORS IN THE SPOTLIGHT, THEIR METHODS COME UNDER SCRUTINY

(Jack Teuber)

Every craftsman has his preferred tools, those instruments that he believes enable him to produce consistently fine work. This is also true for those who practice the craft of revenue estimating. The economists who toil so that the nation's tax policymakers can base their decisions on reliable numbers employ a number of tools in their task. These tools, which include computer models, taxpayer data, and economic theory, invariably differ from economist to economist, or from organization to organization; hence, different estimates of various tax proposals often result.

While these differences may cause some debate, the constraints of revenue neutrality, which focused attention on the revenue estimators in the first place, have drawn attention to how the estimates are calculated. In particular, the estimators have been criticized for not taking human behavior into account when preparing their numbers. (For a story on who the estimators are and their effect on the tax policy process, see Tax Notes, November 24, 1986, p. 698.)

In spite of the following criticisms, the estimators on the congressional Joint Committee on Taxation (JCT) have been praised for their work on the recently enacted tax reform bill. The JCT staff, which includes the economists who produce the estimates used by congressional taxwriters, are "the heroes of the tax reform process," according to Norman Ture, President of the Institute for Research on the Economics of Taxation (IRET) and former Treasury Under Secretary for Tax and Economic Affairs. "As tax technicans, they're remarkable," Ture said, although he admittedly disagrees with the method the JCT used in arriving at its figures. Gary Robbins, a former Treasury economist and founder of the economics firm Fiscal Policy Associates (FPA), agreed. "The guys who do this stuff do their best. . . . It's a nasty job."

BEHIND THE NUMBERS

"Unlike the other forecasting methods, the CBO model is well-documented and open to scrutiny and constructive criticism by tax professionals (or anyone else)." This excerpt from a 1983 Congressional Budget Office (CBO) revenue forecasting study touched on a sensitive issue for those making revenue estimates. The rise in prominence of the numbers and of those who calculate them in the tax policy process has been a source of frustration for many who seek to influence that process. Perhaps even more frustrating is that the assumptions behind JCT's estimates remain a mystery.

"They're not inclined to give anybody any more information than is required," commented one observer. However, those doing the estimates see themselves as "between a rock and a hard place." While the congressional estimators want their methods to produce accurate and reliable forecasts, they fear that the system will be placed in jeopardy if their assumptions are held up to public scrutiny. The secrecy behind the estimates has "granted them great leeway to do great mischief . . . and it distorts the choices facing Congress," asserted FPA's Robbins.

JCT Chief of Staff David Brockway summed up the dilemma this way: "We're very reluctant about opening up in terms of the mechanics of what goes into any estimate. Because then all the outside groups are going to come in and they'll attack all of those assumptions that go against them and won't tell you anything about what goes with them. Once they know how your model works, they won't give you straight information, and we're basically a prisoner of the information that we can get from them. If they understand exactly how it's going to be used, there's a question about the quality of information that we're going to get."

Bernard J. Schmitt, JCT Chief of Revenue Analysis added that when someone disagrees with an estimate they are free to question what went into the numbers. "We'll invite them in and have them tell us what they think we missed. . . . We prefer that rather than us saying. Here are all our details pick us apart."

Another estimator echoed Brockway's concerns commenting that lobbyists "are looking for any chink they can use, no matter how miniscule to raise a doubt in the mind of their congressman." Once the doubt is raised the credibility of the estimators may come into question. If members of Congress doubt the validity of the numbers produced by the JCT, the whole process might be thrown into a tailspin.

These fears, and perhaps a little territoriality, have kept the JCT from making the assumptions behind its numbers public. This tendency extends to the Treasury Department's Office of Tax Analysis (OTA), which only makes the ingredients of its revenue estimating models known after the model has been superseded by a more useful one. In this way, Treasury leaves itself open to a certain level of criticism, but since that criticsim will come after the fact the partisan and special interest bickering over the tools employed in generating an estimate tend to be minimized. (A description of the revenue estimating models used by JCT OTA, and others in the field appears in the box accompanying this story.)

Despite the arguments against opening the process up there are those who believe that the estimators, and ultimately the tax policymakers, would benefit from a little more candor. "In a completely reasonable and rational world the Joint Committee would specify their assumptions and the data on which they were based." Gerard M. Brannon, former director of OTA commented.

"Concentrates on the modeling of the effects of economic changes on the tax system." While the OTA staff performs a similar function, "we think our organization is better set up to do that in a more detailed way," she said. Because CBO effectively combines the functions of OMB and OTA, the staffs are in closer communication and are able to concentrate on adjustments to the model, she added.

Private estimating groups such as Fiscal Policy Associates (FPA) and Policy Economics Group (PEG), have their own models FPA's model originally was developed to calculate effective tax rates and since has been used to provide revenue estimates PEG has dedicated itself to private sector revenue estimating from the beginning PEG President Thomas E. Vasquez, who formerly was a deputy director at OTA played a major role in designing the individual model used during the tax reform process while he was with Treasury. That experience, combined with a model based on the public use data tapes, makes PEG perhaps the most sophisticated of the private sector revenue estimating groups.

However, he admitted that the opportunity to critique the assumptions that go into JCT's revenue estimates probably would not come along anytime soon.

HUMAN BEHAVIOR

Critics of the JCT claim that the effect of behavioral changes should have more of an influence on the estimating process than they believe it does. The debate on the issue of "static" versus "dynamic" revenue estimates has intensified as the importance of the numbers has increased. In the past, estimates were important, but they did not control policy, and consequently, the debate over the relative merits of taking human response into account was not fueled with the passion that it is today. Because estimates are uncertain, some claim that trying to calculate the behavioral response to a change in the law only exacerbates that uncertainty. Others claim that reaction to tax legislation causes real effects that should be accounted for, especially in a revenue-neutral environment.

EPA's Robbins charges that the JCT takes behavioral responses into account "to the degree that it suits them." In particular, he and others who would place more emphasis on behavorial changes say that the estimated revenue gains from certain provisions in the Tax Reform Act of 1986—such as the capital gains, passive loss, and minimum tax provisions—are greatly overstated.

Commenting on the estimated $30 billion that the individual and corporate minimum tax provisions are expected to bring in over the next five years. Robbins predicted that "if you get a third of that, you'll be lucky." IRET's Ture agreed that the AMT estimate was excessive, and urged "the greatest caution and concern on relying on that number."

The revenue from these and other provisions of the tax bill were overstated, Robbins continued, because of a desire on the part of tax policymakers to crack down on those perceived to be taking advantage of the system. "They were interested in getting these evildoers," Robbins commented. In reality, according to Robbins and Ture, people will respond to the threat of the minimum tax and will act to reduce their li-

ability, thus reducing the revenue raised from the provisions.

They also claim that the elimination of the capital gains exclusion, which effectively raises the tax on long-term capital gains from 20 percent to 28 percent, will not raise as much revenue as has been estimated. It should be noted, however, that the JCT did not provide an estimate of how much the repeal of the exclusion and the increase in the capital gains rate is expected to bring in. Instead, this estimate was included as part of the total revenue lost through the individual rate cut.

According to Ture, the capital gains provision "is almost certainly not the revenue gain that they have predicted. There will be a portfolio shift that will result in a revenue loss. This turns capital gains into a significant net revenue loser." (The revenue effects of a capital gains tax differential have long been debated, with some arguing that the lower the rate, the more revenue gained, since a lower rate encourages more discretionary realizations, and thus results in more revenue. For prior coverage of this issue, see *Tax Notes*, May 19, 1986, p. 647.)

Robbins explained the problem associated with not taking behavioral changes into account this way: "One of the problems with static revenue estimates is that they give you a distorted view of where the revenue will come from."

Answering these charges, the JCT claims that behavioral response is built into their estimates, but not to the dramatic proportions that its critics would like. "When we do estimates of individual provisions, we take into account behavioral response as a general rule. We don't take into account any possible changes in macroeconomic aggregates," said Randall W. Weiss, JCT Deputy Chief of Staff.

Expanding on this, Brockway stated, "The estimates for any specific provision will be changed an awful lot based on dynamic response. It's just that we don't build into it what a lot of taxpayers in the past have wanted, [which] is to have some assumption that, 'If you give me this break, then I'll employ a lot more people and they'll pay a lot more taxes.' That type of analysis is not included. . . . Our operating assumption is that the economy is going to stay the same size regardless."

"What we're saying is, 'Assuming the economy performs the way it would under present law and the way CBO has projected, this is what we think is going to happen,'" Brockway continued. Recognizing that the economy will almost certainly vary from the forecasts, he underscored the fact that "these things are only estimates . . . so there is a reason to have some caution about whether these things are gospel." There is "a very high degree of judgment that you have to exercise [in calculating the behavioral response]. . . . It's still not something that is beyond debate," Brockway admitted.

"I'm sure that some tax legislation will have an effect on the economy," he continued. "I'm sure this tax bill will, Except I don't know whether it's going to improve it or hurt it. I don't know whether it's going to increase interest rates or decrease interest rates. I don't know whether it's going to have a shift toward more equity and less debt, or less equity and more debt. Everybody's got a different opinion out there right now about what's going to happen to the economy. The end run effect is more of a political viewpoint of what you think is going to happen because of this bill."

Howard W. Nester, Deputy Director of the OTA revenue estimating staff, asserts that behavioral response must be included to the best of the estimators' ability to arrive at reliable conclusions. "In some instances, explicit modeling of taxpayer response is necessary because the economic forecast either does not or cannot effectively take it into account. Examples include capital gains realizations. . . . In other instances, estimating taxpayer response is very simply a necessary step to more accurately portray the ultimate effect of a tax proposal on tax receipts. Examples include shifting of portfolio holdings by individuals, additional or altered borrowing patterns, and effects on mergers and acquisitions in response to changes in tax law."

However, Nester also sides with his counterparts at JCT over the problems inherent in calculating behavioral response. Chief among these difficulties is the lack of necessary data to determine relevant elasticities. In situations where the data may be available, "information on the pattern and timing of the response over the budget period is lacking," he asserts. "In such cases, where behavioral responses are a major element in forecasting the revenue effect of the proposal, the estimator combines any associated information with his past experience and best judgment to produce an estimate."

Economists differ over the utility of numbers generated using behavioral response, but they agree that no current method for determining elasticities has the confidence of the entire economic community. "It is certainly true that taxes affect behavior and you've got to take that into account . . . [but] there's not a hell of a lot of firm knowledge in that area," said Ralph Bristol, formerly the Chief of Tax Statistics at Treasury and now a Professor of Economics at the University of New Hampshire. "We have no good elasticity numbers," echoed Attiat Ott, Professor of Economics at Clark University.

Ott claims that for policymaking purposes, it is not necessary to take behavior into account. The numbers, she said, should serve as "reference points" for those shaping the tax laws. "No one should expect these numbers to be totally accurate. . . . They are forecasts based on events as they are now," she said. Claiming that estimates of specific provisions are done primarily for political purposes, she added that the most important numbers are the total revenue changes affected by any bill. While it is extremely difficult to predict accurately how much revenue will be raised or lost by each particular provision, she believes that the estimators should be able to forecast a bill's overall revenue effect within a reasonable margin of error.

The ultimate purpose of revenue estimates is to provide policymakers with useful and comparable numbers when they are weighing different policy options. As such, the numbers have to be consistent with one another. Just as estimates based on different economies forecasts are difficult to compare, so would numbers based on behavioral response be difficult to compare with numbers generated using the static method. "Part of their job is to be consistent," said former OTA director Harvey Galper, now with The Brookings Institution and a senior associate with the private estimating firm of Policy Economics Group. "They try to set a consistent set of rules."

Galper, who argued that it is "a simplistic view" to believe that JCT does not take behavior into account when estimating revenues, said that static estimates are useful for some purposes, such as determining a bill's distributional effects. Bristol cited another benefit, saying that with static estimates, there is less of a chance that an estimator's bias will creep into the number. "Everyone can agree on static estimates," he said. Even FPA's Robbins, a staunch defender of the use of behavioral response, noted that "if you're given a chance to make an error, you'll make it in favor of the side that you believe in."

CONCLUSION

While the business of revenue estimating employes complex computer models and detailed statistical data, human judgment still controls the numbers that are ultimately produced. Disagreements among economists lead to different assumptions about what should be included in calculating the revenue effect of a tax provision. Human response to tax changes, which economists have been unable to quantify to the satisfaction of their peers, is the most controversial element in the revenue estimating process.

Uncertainty about the degree to which this is taken into account by the JCT has prompted anger and resentment by some, who feel that their proposals have been estimated unfairly. However, the current system provides an effective deterrent to unrealistic estimates. The spread of estimating capacity to the private sector, in addition to the resources available elsewhere in the government, act as a check on the JCT. "The public should have a certain amount of confidence in what the JCT does" because of these checks, said OTA's Nester. If there was a disagreement between OTA and JCT over the estimates of the tax reform bill, he said, it may have been recommended that the President not sign the bill.

THE SUSPICION THAT RESULTS FROM THE REVENUE ESTIMATORS' EVOLVING ROLE IS NOT EASILY OVERCOME

(Jack Teuber)

Many people. both inside and outside Congress, are unhappy with the dominant role that the revenue estimates from the Joint Committee on Taxation (JCT) played in the tax reform process. Despite this displeasure, it appears that the spotlight will continue to focus on the estimates, and those who produce them, as policymakers struggle to reduce the Federal budget deficit in 1987 and beyond. In this context, the question arises as to what, if anything, can be done to improve the estimating process and to reduce the tension and suspicion that may come to plague it.

In the past, policymakers were accustomed to making decisions on particular issues, and then receiving estimates of the effect of the provisions on total tax receipts. While the estimates played a vital role in projecting the end result of legislation, the numbers did not dictate policy. However, the requirement that the tax reform effort be revenue-neutral changed all this.

During congressional debate on the 1986 Act, members were forced to allocate a scarce resource—revenue—among a host of competing interests. An attempt to restore or implement a revenue-losing proposal had the greatest chance of success if it were accompanied by a revenue-raising proposal of corresponding size. In practical terms, this meant that a member had to gore somebody else's ox to save his own sacred cow. In the aggregate, this zero-sum process resulted in the loss of a number of popular preferences, such as those for state and local sales taxes

91-059 O-89-27 (Pt. 18)

and individual retirement account contributions, because of their high revenue cost and the perception of who ultimately received their benefits.

The revenue estimators also caused some trouble for themselves. In one instance, the Senate conferees were told that a provision would raise $10 billion. However, at a subsequent meeting, it was revealed that a mistake had been made and that the provision in question would actually lose $10 billion. This, combined with discrepancies between some preliminary estimates and more detailed figures provided to members at a later time, created some suspicion of the JCT's motives.

REESTIMATE BLUES

In addition to the battles that took place on a provision-by-provision basis, members had to determine how much of the total tax burden would be shifted from individuals to corporations. This proved to be one of the most contentious issues facing the House and Senate conferees working on the tax bill.

Just after the start of the month-long conference on the 1986 Act, JCT did a re-estimate of the revenue effects of the House and Senate versions of the bill. This July re-estimate, which members of the JCT staff say was done to minimize the impact of the Congressional Budget Office's August 15 quarterly economic forecast, caused some consternation among members that foreshadowed the events of the coming month. Using an economic forecast that they hoped would be roughly equivalent to CBO's August 15 forecast, the JCT staff found that the Senate's version of the bill fell $21 billion short of revenue neutrality. The House reform package, however, picked up an extra $38 billion.

It caused no pain for the House negotiators to disburse their theoretical revenue surplus, but the Senate conferees considered themselves at a disadvantage right from the start. Since the taxwriters had agreed to stick with the Senate bill's low rates, the Senate conferees were faced with raising a substantial amount of their revenue shortfall from corporate America, without getting any concessions from the House in return. Reluctantly, the Senate negotiators altered their bill so that it would pass the revenue test. However, the revenue estimates would return to haunt the Senate conferees.

When CBO released its official quarterly economic forecast August 15, which came as the conferees appeared to be nearing an agreement, JCT re-estimated the effects of the tentative compromise. The results of this estimate showed that the corporate tax increase in the compromise fell $10 billion short of the tax cut for individuals. Once again, the Senate conferees were faced with raising more revenue from corporations.

JCT claims that the economic forecast used for the July estimate was based on information that CBO was using to prepare its August projection. However, in the intervening month, the forecast changed in ways that could not have been predicted, thus throwing the numbers off further, according to the JCT staff.

To say the least, this news was not well received by the Senate conferees. Finance Committee Chairman Bob Packwood, R-Ore., vented his anger and frustration in front of the reporters who had gathered in anticipation of agreement on the bill. "That $10 billion figure will not be the number in September. . . . That I'm willing to bet on," Packwood asserted. The re-estimates, each of which had forced the Senate conferees to stiffen the tax burden on corporations with no corresponding compromise from their House counterparts, resulted in a loss of confidence in the JCT. "I can't blame the Senate conferees for no longer relying on the numbers," Packwood said.

FUEL FOR THE FIRE

In addition to the problems that were caused by the re-estimates of the tax bill, some tension between the JCT staff and members of Congress can be attributed to longstanding logistical problems. For every tax bill that Congress passes, there are hundreds of tax bills introduced for which members would like revenue estimates. The JCT staff, limited by finite resources, must then prioritize the requests. The needs of the chairmen of the tax-writing committees come first, followed by the needs of the Ways and Means and Finance committee members. Even among committee members, there appears to be a ranking process, with the more senior members of the panel getting a greater share of the staff's time than the junior members. Finally, those members who are not on the tax-writing committees are given consideration when time and other resources allow.

"I think the process has gotten to the point where it's a 'free good' for the members, and they just put too much demand on it," commented Peter Davis, a former JCT estimator who now is with Prudential Bache. "It's important for them to explore the options, but sometimes it can go overboard. It means that at times, [the estimators are] working on something that will never be enacted to the detriment of something that is certain to be enacted. . . . You've got to put your effort where you think it is most important," Davis stressed.

This allocation of resources "clearly causes a perception problem," according to David Raboy, who recently left the staff of Finance Committee member William V. Roth, Jr., R-Del., to join Patton, Boggs and Blow. Although the revenue estimates can be generated only by the estimators at the JCT, members should place more reliance on committee staff members in the search for policy suggestions, he said, "As long as you have a hierarchical structure, the chairmen are going to be taken care of," and other members are going to have to accept this, another aide added.

LINGERING DOUBTS

Now that the latest tax reform bill is complete, the question is whether the suspicion and anger that was directed at the JCT will jeopardize its credibility in the future. "They're going to have to find a way to eliminate the perception that they're political," Raboy commented. The requirement that the 1986 Act be revenue-neutral fueled the perception that the JCT "played more of a role in the policy decisions than they should have," he said, adding that "suspicions will linger."

One former member of the JCT staff, who asked not to be identified, was unsure whether the tension that arose during the tax reform debate would continue into the 100th Congress. "There are times when members want to blame the Joint Committee," he said, indicating that the staff often serves as a convenient scapegoat for politicians. The estimators "are about as out of the political process as they can be. . . . They ought to have the independence to call the shots and let them fall wherever they have to fall," he said. "I don't know any other way to operate."

"It is imperative that you avoid politicizing revenue estimates. That would be a disaster," said a Senate aide, who also asked for anonymity. Most aides to congressional taxwriters feel that the estimates from the JCT are nonpartisan and that the estimating staff does an admirable job given the pressure it is under. Criticisms of the JCT's estimates are politically motivated, the aide said, and will continue as long as the numbers differ from the critics' interests.

"Whatever the private opinion of someone [on the JCT staff], I don't believe that it interferes with them providing results for the Finance Committee," asserted John O. Colvin, Finance Chief Tax Counsel during the tax reform debate. Colvin, who will occupy the Minority Chief of Staff position on the Finance panel in the 100th Congress, declined to comment on what Packwood had said about the JCT in August. "I'd rather not get into it since it's an area that he's talked about," Colvin said. Another Senate aide blamed Packwood's outburst on "the heat of the moment. People felt that they got burned."

In addition to the suspicions that may linger among members of Congress, the JCT's credibility has been called into question by some outside of government. "We saw the revenue estimates tainted by the people doing them more than ever before," charged Gary Robbins, an economist who formerly was with the Treasury Department. Robbins, who is one of the principals with Fiscal Policy Associates, a private estimating group, asserted that the numbers produced by the JCT during the tax reform debate were tailored to fit the staff attorneys' policy objectives.

These allegations are denied by those doing the estimates. "The test is not whether you've got your own views, but to be able to distance yourself enough from them and give advice calibrated to the views of whoever you're giving it to," said JCT Chief of Staff David H. Brockway. When the estimates differ from what was anticipated, "you try and explain, but they're not terribly interested in listening." This problem is exacerbated if the person whose proposal is being evaluated already is dubious about the motives of the JCT staff. "It is something that they have to accept on faith . . . and that makes them very, very anxious," Brockway commented.

"When you go through a major transaction like this you don't know where the friction is going to come out, but it's going to pop out somewhere," Brockway continued. Even time may not ease the tensions that have developed. "Over a very long period of time, some people's confidence is restored. But frequently, never. Even people that you have a very good relationship with, if you give them an answer that they don't like or even one they don't understand, they're really wondering what your motives are."

One of the more obvious problems that the estimators face is a lack of time. In many instances, the JCT has been called on to make an estimate of the revenue impact of a provision during a markup session. Often, the information needed to make an accurate estimate is unavailable to the economists at that moment and the best they can do is make an educated guess. In these situations, the legislators do not want to hear that their expert staff does not know the answer to a particular question, and likewise the staff does not want to appear unprepared. While the JCT estimators may emphasize that an estimate is only a rough guess, the numbers, no matter how

conditional, tend to stick in the minds of members and their staffs. This has resulted in problems in the past, and is likely to continue as long as on-the-spot estimates are requested.

NO EASY ANSWER

There seems to be little consensus as to what can be done to ease tensions between the estimators and the policymakers. "I really don't know what you do about it," Brockway said, admitting that it is "a real problem."

One theme that repeatedly surfaced in discussions with those involved in the process is that members of Congress need to become more familiar with the difficulty of making estimates. In addition to focusing lawmakers' attention on how the estimates are produced, familiarity with the process would lead to a better understanding of the pressures to which the estimators are exposed. "I think that there is an educational process that needs to take place at the congressional level," said one Treasury Department economist. "The users of the estimates should be more aware of what they are looking at." The policymakers at Treasury "are made aware of what's happening and are pretty satisfied," the economist said.

If it seems unrealistic to expect lawmakers to take the time to appreciate the task of the estimators, so too would it be too much to ask for stability in the tax laws over a period of time. "One thing that would really be good is several years of law without major changes," the Treasury economist said. A lull in major tax legislation "would allow us to do the kind of empirical research that would allow us to improve our methods." Private sector revenue estimating organizations point to the fact that they are able to take empirical research into account and update their facilities accordingly.

The stretching of the JCT's resources that took place during the course of the tax reform process has led some to conclude that an increase in those resources would ease the burden on the staff. "More staff, more money, and more time" were frequent suggestions. An increase in the number of estimators would enable the JCT to handle more requests from members. In addition, a larger staff could be used to increase the amount of computer modeling. In the wake of tax reform, "perhaps it's time to do some updating," a former estimator said. A Senate aide also stressed that newer computer hardware would help the process. "They're working with 1970s technology," he said.

However, even those who favor additional resources temper their enthusiasm with the realization that "the margin gain from additional resources drops off sharply," in the words of one estimator. "If you have enough people during the crunch time, then you will have too many people during the slack period," a former JCT economist commented. "There are plenty of them to do the work if the members of Congress would just spread their requests out," added a Senate aide.

Time, or the lack of it, during the drafting of a tax bill is one resource that cannot be increased through the appropriations process. Current and former estimators are full of stories about working all night so that members will have the numbers the next day. The nature of taxwriting is such that "hundreds of things happen all at once," a Senate aide said. "Errors just get made."

Raboy suggested that the best way to end the criticism of the estimates is to present a range of estimates to the members and let them decide on the estimate to use. By giving the members a best, worst, and compromise scenario, the burden of deciding which set of estimates to use for legislative purposes would be left to the legislators. Not surprisingly, this proposal was criticized by others who maintain that members will choose the estimate that best suits their needs. "I don't think that it will further the process at all," one aide said.

A POSITIVE INFLUENCE

The recent arrival of private sector revenue estimating organizations may, in time, prove to be the greatest help in diffusing tensions surrounding the estimates. Most of the private estimating shops were created and staffed by individuals who were intimately involved in the governmental estimating process. The private economists, who until recently had no place to practice their estimating skills outside of government, are beginning to mimic the longstanding practice of the attorneys on Capitol Hill and at Treasury. "Until the last three or four years, economists worked on the inside," while their counterparts in the legal profession left the government for lucrative jobs in the private sector, said former Treasury estimator Barry Dennis.

Dennis, who now works as an estimator with Price Waterhouse's sector estimating group, maintains that the flow of personnel from the secretive world of the JCT to the private sector will inevitably open the revenue forecasting process up. Previously, there was very little dialogue between the estimating staffs and outside groups, he noted. "Its definitely changing. Now we're talking," Dennis said. The additional resources available to private sector economists give them the opportunity to concentrate on estimates that might be given a low priority by the harried JCT staff. The sharing of this information, Dennis maintained, ultimately works to the advantage of the JCT estimators.

Estimates that are generated by their former colleagues are less likely to be viewed skeptically by the government estimators. In addition, the techniques and the assumptions that are behind the government-produced numbers also are taken to the private sector by economists who choose to leave. In the long run, the leakage of talent from the government to the private sector will act to reduce what is seen as the JTC's "monopoly" on the numbers. The one danger inherent in this, Dennis warned, is that the most talented individuals will leave for the increased pay and reduced stress of the private sector. Because revenue estimates are learned from hands-on training, this drain could eventually haunt the government, he said.

CONCLUSION

The JCT will face a difficult set of circumstances when the 100th Congress convenes. Like the 1986 Act, the technical corrections bill, which Congress is expected to take up early in the session, will be subject to the constraint of revenue neutrality, Senate sources say. This again will force the JCT to be the bearer of bad news when members' proposals are estimated to have too high a cost to be included in the bill. Tensions between members and lobbyists and the estimators at the JCT, which may linger in the aftermath of tax reform, are bound to arise again during the upcoming process.

There are those who believe that the change in leadership at the Finance Committee will help to quell criticism of the JCT. Sen. Lloyd Bentsen, D-Tex., and the incoming staff are said to have a better relationship with the JCT than did their predecessors. Beyond the shift in personnel, there seems to be little else that can be done to ease the problems that may crop up. Radical change in the way that the JCT operates or in how it produces its estimates seems unlikely. And members and others are unlikely to be any more understanding when the numbers do not suit their needs than they have been in the past.

While direct institutional change may not be forthcoming, the passage of time may erode some of the traditional barriers that have contributed to mutual suspicion between the estimators and the policymakers. It appears that those who make and seek to influence policy will have to become accustomed to the estimators' new role in the process. The estimators, who are only the tools of and not the architects of revenue neutrality, also must settle into their new position. As more of them shift from government estimating to the private sector, the process may open up so that both the estimates and the estimators become less mysterious.

UNITA: FIGHTING THE COMMUNISTS IN ANGOLA

Mr. HELMS. Mr. President, on September 19 and 20, the Communist forces in Angola suffered heavy casualties. The Communists have been engaged in a dry season offensive against UNITA. Mr. President, this has become an annual affair for the 30,000 foreign Communist Soviet, Cuban troops. This year alone, the MPLA received over $900 million in military aid from the Soviets.

Mr. President, I have at hand two UNITA military communiques from the battle in Angola. In the recent battles around Mavinga, which is in the southeastern corner of Angola, UNITA has destroyed five T-55 tanks, eight BTR-60 assault vehicles, four supply trucks, and two MI-8 Soviet made helicopters.

UNITA intelligence has been able to determine that the Communist troops were to have captured Mavinga by September 20. However, along with the destruction of millions of dollars of Communist forces' equipment, UNITA has inflicted over 300 casualties among the 21st, 47th, and 59th Communist brigades.

A captured Angolan helicopter pilot, Sebatiao Antonio, said relations between the Soviet and Cuban pilots, who exclusively fly the MI-23 gunships, and the Angolan pilots is very tense because the Angolan pilots refuse to fly combat missions to the Mavinga front, fearing UNITA's antiaircraft weapons.

Mr. President, I ask unanimous consent that these two UNITA military communiques be printed in the RECORD.

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

[Communique No. 41/87]

From the Chief of Staff of UNITA's Armed Forces [FALA].

Subject: Update on the offensive.

Released: September 21, 1987.

Military confrontations at the Mavinga front have increased considerably in the last 48 hours. Thus, on September 19th and 20th, the combined Soviet/Cuban/MPLA forces suffered heavy losses.

At this very moment, the enemy is having a lot of difficulties evacuating the wounded soldiers to avoid UNITA's anti-aircraft guns. The number of enemy wounded soldiers belonging to the 21st, 47th, and 59th brigades has reached more than 300 and 15 FAPLA (MPLA armed forces) were captured.

Sebastiao Antonio, the Angolan helicopter pilot who was captured on September 18th, when his helicopter was shot down by UNITA forces, said that the relations between the Soviets and the Cuban pilots who exclusively fly the MI-23s and the Angolan pilots are very tense because the Angolan pilots refuse to fly combat missions to the Mavinga front, fearing UNITA's anti-aircraft missiles.

Sebastiao Antonio was trained in the Soviet Union for three years. From September 14th to the 20th, UNITA sustained 27 dead, 116 wounded, and 11 missing.

The military operations at the Kanage-Lucusse front have subsided and UNITA is getting ready to counterattack the enemy forces.

Jamba, Angola, September 21, 1987.

DEMOSTENES AMOS CHILINGUTILA,
General, Chief of Staff of FALA.

[Communique No. 40/87]

From the Chief of Staff of UNITA's Armed Forces [FALA].

Subject: Update on the offensive.

Released: September 18, 1987.

In their insistence on capturing the town of Mavinga, on September 18th, the MPLA's brigades, under the Soviet military advisers command, suffered heavy losses.

After fierce fighting in the areas of the Lomba river, the MPLA's 21st brigade sustained more than 100 casualties, while three T-55 tanks, seven BTR-60 assault vehicles were destroyed and one bridge-type vehicle TMM was captured.

Two T-55 tanks, one BTR-60 assault vehicle and four supply trucks were destroyed when UNITA's forces attacked the enemy 26th brigade.

On the same day, UNITA's anti-aircraft guns shot down 2 MI-8 Soviet made helicopters at Mavinga front. Two of its occupants, both Angolan nationals, Sebastiao Antonio and Daniel Francisco were captured. Unfortunately, Daniel Francisco died a few minutes after he was captured, due to the severe burns he suffered.

UNITA's intelligence has learned that the enemy brigades involved in the Mavinga front received instructions to capture Mavinga by September 20th, on the eve of the arrival of the MPLA's president, Eduardo dos Santos, to France.

UNITA foresees heavy fighting within the next few days because the Russians and the Cubans placed all their stakes in the capture of Mavinga to enhance Eduardo dos Santos' European visit. UNITA deplores the present bloodshed because it does not serve the Angolan people's interests.

Although UNITA favors national reconciliation, it wants to show to the notorious forces of occupation of our country that they will not reach Mavinga neither during the dos Santos trip to Europe nor after it.

Jamba, Angola, September 18, 1987.

DEMOSTENES AMOS CHILINGUTILA,
General, Chief of Staff of FALA.

SUSAN SHAW

Mr. BURDICK. Mr. President, this fall marks the first time in 15 years that I won't have the able assistance of Susan Shaw in my Senate Office.

Susan came to my staff in 1971 and has served by my side through budget battles and floor fights, appropriations markups and campaigns. Her knowledge of the legislative process and of North Dakota have proven invaluable and she is an asset that is not easily replaced. Susan will be sorely missed both by me and the many friends she has made in North Dakota over the years.

And there are many in North Dakota who have directly benefited from Susan's hard work and dedication. Whether we were fighting to keep small post offices open, or for lower postage rates for nonprofits, for fair benefits and cost-of-living adjustments for our retirees, or for a solid and respectable civil service, or for our veterans programs, or consumers' rights, or for access to affordable meals and nutrition assistance for our children and needy—she helped make a difference.

In each instance, Susan has made an important contribution and I want to thank her personally and publicly for a job well done.

On this occasion, I want her to know that she takes with her my best wishes for a bright and happy future and especially, my thanks for so many good years.

EMORY M. SNEEDEN: IN MEMORIAM

Mr. HOLLINGS. Mr. President, with yesterday's tragic news of Emory M. Sneeden's death, the U.S. Senate mourns the loss of a treasured friend and an esteemed former staff member.

The life of Emory Sneeden is the classic story of an American patriot. While still a teenager, he served his country in combat in the Pacific during the Second World War. He returned to active duty during the Korean war, and later served in Vietnam. In the course of a distinguished military career, abundantly endowed with both courage and intelligence, Emory rose from gunner in a parachute field artillery battalion to battery commander, company commander, defense counsel, and prosecutor. His decorations for valor and meritorious service are numerous, and have been cited in the RECORD previously. He retired in 1975 as a brigadier general and chief judge of the Army. Emory's advance through the ranks from private to general speaks volumes about the man's ability, pluck, and dedication.

But Emory was not one to rest on his laurels. The real measure of Emory's caliber is not what he retired from, but what he retired to. Emory went on to a second brilliant career, serving as administrative assistant and confidant to the senior Senator from South Carolina, as chief counsel of the Senate Committee on the Judiciary, as a U.S. circuit judge for the fourth U.S. circuit, and as assistant dean and lecturer-in-law at the University of South Carolina School of Law. From 1982 until his death, Emory was a partner in the McNair law firm in Columbia, SC.

As many a Senator can testify to, Emory Sneeden was a man of great character and personal integrity, a gentleman of the old school. He brought fresh meaning to the old notion that a man's word is his bond. Many of my Democratic colleagues on the Judiciary Committee would often comment to me on his fairness and evenhandedness as chief counsel, his insistence that the concerns of majority and minority Members be responded to with equal thoroughness.

It is a tragedy that a man so full of life, with so much still to offer, should be taken from us in his prime. Our hearts go out to his wife Margie and to his children and grandchildren. We shall miss Emory Sneeden very, very much.

A FALL FROM CLIFF WALK CLAIMS RHODE ISLAND MAN'S LIFE

Mr. PELL. Mr. President, I rise to share with my colleagues the sad news of a young college student who apparently fell to his death this week from Cliff Walk in my hometown of Newport, RI.

The body of Brian Putney, a 20-year-old Salve Regina College student from Cumberland, RI, was found Wednesday morning after he apparently fell about 50 feet from a section of Cliff Walk behind the college.

This young man's death, apparently as the victim of a tragic accident, underscores what I have been saying for years. We must do what we can at the Federal level to assure that Cliff Walk, which is part of our National Recreational Trail System, is safely passable.

At my invitation, National Park Service Director William Penn Mott, Jr., recently visited and toured Cliff Walk. He saw for himself how dangerous the walk is becoming because of storm damage and neglect.

The National Park Service designated Cliff Walk as a National Recreational Trail 12 years ago. Although the national honor was most welcome, it has not focused enough Federal attention on Cliff Walk to assure its protection and preservation.

Cliff Walk is a place of unique natural and architectural beauty—a priceless part of our Nation's heritage. Hundreds of thousands of visitors from throughout our Nation and from other countries enjoy this unique beauty each year.

This magnificent 3.5-mile walk, with the ocean's rugged coastline on one side and some of Newport's most elegant and historic mansions on the other, is gradually losing a continuing battle with the elements.

Sections of Cliff Walk are crumbling into the ocean and other sections have eroded away until visitors are forced to leap from rock to rock along the coast.

The need is urgent to assure continued public use and enjoyment of this nationally recognized recreational, cultural, and historic treasure. We must act soon or we may lose much of the substantial Federal investment that already has been made in Cliff Walk.

It seems clear that one way to assure continued Federal protection of Cliff Walk is to make it a unit of the National Park Service. I am sure Cliff Walk is a national treasure worthy of such a constant Federal commitment.

In the past, the maintenance of Cliff Walk has been approached on a "catch-as-catch-can basis." We always seem to be a day late and a dollar short. It has become all too evident that we are gradually losing the battle to make Cliff Walk safe for our citizens.

I, myself, have fallen from Cliff Walk and had to go to the hospital so I do not recommend going on it unaccompanied because of the potential danger of a fall. Unless we do something soon, we face the choice of either closing it to the public or risking the chance that it will claim yet another life.

My deepest sympathy goes to the family, friends, and teachers of Brian Putney. I, for one, am resolved to redouble my efforts to assure that Cliff Walk shall be made safely passable.

The United States must not lose this unique, international attraction, but we also must not let another life be lost through inaction.

Mr. President, in memory of the student who lost his life this week, I ask unanimous consent that articles from the Providence Journal of September 24 and September 25 be printed in the RECORD.

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

[From the Providence Journal, Sept. 24, 1987]

STUDENT FOUND DEAD BELOW CLIFF WALK

NEWPORT.—A 20-year-old Salve Regina College student from Cumberland died Tuesday night or yesterday morning, apparently after falling from the Cliff Walk behind the college, police said.

A jogger found the body of Brian Putney, 20, of 10 Grant Lane, Cumberland, about 7:30 a.m. yesterday at the foot of a 50-foot cliff near Shephard Avenue, behind the college library. The jogger, whose name was not released, told college officials, who called police.

Police Lt. Joseph Subin said it appears that Putney's death was accidental, but he said police are awaiting the results of an autopsy before making a final determination. Dr. Kristin G. Sweeney, deputy chief state medical examiner, is scheduled to perform the autopsy today.

Subin said Putney, a sophomore, fell from a spot about 40 feet off the path of the Cliff Walk, a 3½-mile trail that winds along ocean cliffs beyond the lawns of some of the city's most opulent mansions. He said the police do not know when Putney died.

Students, faculty and staff at the college gathered in Ochre Court at noon yesterday for a Mass in Putney's memory. Another memorial Mass was celebrated last night at the Watts Sherman Student Activities Center.

[From the Providence Journal, Sept. 25, 1987]

SALVE REGINA'S 40TH IS MUTED BY STUDENT'S DEATH

(By Maria Miro Johnson)

NEWPORT.—The celebration yesterday of Salve Regina College's 40th anniversary was tempered by sadness over the death of sophomore Brian Putney, who apparently fell from the Cliff Walk behind the college Tuesday night.

Sister Therese Antone, vice president of institutional advancement, said the administration has put plans for a more elaborate celebration of its milestone on hold.

"The celebration is not a celebration today," she said. "We are in a very sorrowing state—the student body, the faculty and administration. Given what happened, we are very saddened, very concerned with the student's family. It was a tragic accident.";

One student described the campus mood as low key.

In a small section of the cafeteria yesterday, a simple banner, a small ice sculpture and a spread of dessert sufficed as a message to the students that the school is proud to be middle-aged.

"When you have a small, unendowed institution that is, you know, just growing—competing, really, with places like Yales and Harvards and Georgetowns and the Ivy League circut—everything we do, even though it is of the highest quality, does not get the recognition," said Sister Antone.

The Catholic school's enrollment of 2,200 students, from 35 states and several foreign countries, is the largest in its history.

"For a school to grow the way we have grown, particularly in the last 10 to 15 years, is pretty noteworthy," she said. Among the school's graduates are Secretary of State Kathleen O'Connell and former Atty. Gen. Arlene Violet.

Some students were surprised to learn the college is so young. Nineteen-year-old Tom Judd of Watertown, Conn., said, "I thought it started at the beginning of time."

"The teachers, they're really, really interested in the student," he said, "and want to make you the best person you can possibly be."

When it opened, the college's purpose was to provide a Catholic education for women, as Providence College did for men. It opened with 51 students, five faculty members and one building.

Today, Salve Regina College has 126 full-time faculty members and about 100 part-time teachers. It offers 40 undergraduate programs and 9 graduate programs.

In 1985, the college was recognized in U.S. News & World Report as one of the top 10 small comprehensive colleges in the East.

On Sunday the college will hold an open house from 1 to 4 p.m. for high school seniors, parents and junior college students.

Registration will begin at 12:30 p.m. in Ochre Court, Ochre Point Avenue.

BICENTENNIAL MINUTE

SEPTEMBER 25, 1789: SENATE PASSES BILL OF RIGHTS

Mr. DOLE. Mr. President, 198 years ago today, on September 25, 1789, the Senate of the first Congress approved a package of 12 amendments to the Constitution. Ten of these amendments were approved by the States, and we honor them today as our Bill of Rights.

The framers of the Constitution had not considered it necessary to guarantee specifically the rights of citizens, believing that the States bills of rights would be sufficient. However, when the Constitution reached the State ratifying conventions, much of its opposition centered on the lack of a bill of rights. James Madison's pledge to introduce such a bill as a first order of business in the New Congress helped with the Constitution's approval. As a leader in the House of Representatives, Madison felt duty-bound to lead the fight for a bill or rights.

On August 25, the Senate received 17 House-passed amendments. The Senate consolidated these to 12. For instance, they consolidated separate amendments against the establishment of a religion, and in defense of freedom of speech and of the press, into a single amendment, which we now honor as the first amendment. After the Senate returned the amendments with changes, the House called for conference committee, and appointed James Madison, Roger Sherman, and John Vining as its conferees. The Senate appointed Oliver Ellsworth, Charles Carroll, and William Paterson—meaning that four of the six conferees had been delegates to the Constitutional Convention. The Senate conferees reported back on September 24, and the following day, the Senate voted to send the 12 amendments to the States. The States adopted 10, rejecting 2, which would have fixed the size of the House of Representatives, and would have prevented any congressional salary increase to take place during the Congress in which it was passed.

ANDREW LYTLE

Mr. SASSER. Mr. President, I rise to honor a man who, by painstakingly, lovingly recreating the history of the Old South, has helped to create the cultural history of the New South.

Andrew Lytle has lived a life in words and in his own imagination. He has also lived a life deeply rooted in the soil of his native region.

His work is a testament to the enduring values of that soil—to the natural harmony and natural order it represents.

Through a lifetime of study and a lifetime of work, Andrew Lytle has crafted a refuge from the modern urban dilemma. His work depicts, in opposition to the chaotic maze of technology and industrialization, the orderly progression of the seasons and the eternal cycle of birth, decay, and rebirth.

Culture and agriculture, intimately bound together, were Mr. Lytle's birthright, and the representation of their union is surely his most lasting legacy.

Mr. Lytle was born in Murfreesboro, TN, in 1902. His father was a farmer and lumberman. He attended, Exeter College at Oxford, received his undergraduate degree from Vanderbilt University, and his masters from Yale University School of Drama.

He has taught history at the University of the South. He has lectured on American literature at Vanderbilt, the Universities of Florida, Oregon, North Carolina, and at numerous other centers of learning throughout the country.

His writings represent a distinguished body of creative, critical, and historical work.

He is, in short, one of the most eminent men of letters of this century—honored both in his own land and throughout the country.

His central novel "The Velvet Horn" summons up the eternal verities—the wheel of nature, the spirit of place, the bond between men and women and the earth—in compellingly beautiful prose.

It is a masterpiece of the highest order, and ranks with "Absalom, Absalom!" "The Fathers," and "All the King's Men," in its brilliant evocation of the Old South passing irrevocably into the chaos of the modern age.

Finally, in his most recent work, "A Wake for the Living," Mr. Lytle draws together in a beautiful family memoir all the fine threads of a lifetime of passionate contemplation and belief.

Mr. President, Andrew Lytle has lived a life of deep commitment to his craft and intense devotion to his faith.

He is one of the true giants of modern American letters, and his work is a monument to the finest products of the human spirit.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 3:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker pro tempore [Mr. FOLEY] has signed the following enrolled joint resolution:

H.J. Res. 362. Joint resolution making continuing appropriations for the fiscal year 1988, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore [Mr. STENNIS].

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 253. A bill to convey Forest Service land to Flagstaff, Arizona (Rept. No. 100-174).

S. 578. A bill to amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail (Rept. No. 100-175).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1259. A bill to direct the Secretary of the Interior to permit access across certain Federal lands in the State of Arkansas, and for other purposes (Rept. No. 100-176).

S. 1297. A bill to amend the National Trails System Act to provide for a study of the De Soto Trail, and for other purposes (Rept. No. 100-177).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 242: A bill to provide for the conveyance of certain public lands in Oconto and Marinette Counties, Wisconsin (Rept. No. 100-178).

H.R. 797: A bill to authorize the donation of certain non-Federal lands to Gettysburg National Military Park and to require a study and report on the final development of the park (Rept. No. 100-179).

H.R. 990: A bill to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, California (Rept. No. 100-180).

H.R. 1205: A bill to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located in Putnam County, Florida, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida (Rept. No. 100-181).

By Mr. HOLLINGS, from the Committee on Appropriations, with amendments:

H.R. 2763: A bill making appropriations for the Departments of Commerce, Justice, State, the Judiciary, and related agencies for the fiscal year ending September 30, 1988, and for other purposes (Rept. No. 100-182).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. Res. 288: An original resolution to permit amendments to bills implementing trade agreements under section 151(d) of the Trade Act of 1974 if such amendments relate to the domestic or foreign waterborne commerce of the United States (Rept. No. 100-183).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 247: A bill to designate the Kern River as a national wild and scenic river (Rept. No. 100-184).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

H.R. 799: A bill to designate a segment of the Kings River in California as a wild and scenic river (Rept. No. 100-185).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 1012. A bill to increase the amount authorized to be appropriated for property acquisition, restoration, and development, and for transportation, educational, and cultural programs, planning to the Lowell National Historical Park; to continue the term of a member of the Lowell Historic Preservation Commission pending the appointment of a successor; to adjust a quorum of the Commission in the event of a vacancy; and to delay the termination of the Commission.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of July 31, August 6, September 9, and September 11, 1987, at the end of the Senate proceedings.)

*Maj. Gen. Fred Hissong, Jr., U.S. Army, to be lieutenant general (Ref. 526).

*Rear Adm. Albert J. Herberger, U.S. Navy, to be vice admiral (Ref. 527).

**In the Air Force there are two promotions to the grade of colonel and below (list begins with Henry P. Fowler, Jr.) (Ref. 528).

**In the Air National Guard there are 10 promotions to the grade of lieutenant colonel (list begins with Gerald A. Brangenberg) Ref. 529).

**David R. Francis, U.S. Air Force, to be appointed to a grade no higher than major (Ref. 530).

**In the Navy Reserve and the Marine Corps there are 25 appointments to the grade of second lieutenant (list begins with Curtis R. Adair) (Ref. 531).

**In the Navy Reserve and the U.S. Navy there are 43 appointments to the grade of ensign (list begins with Brian K. Britton) (Ref. 532).

**In the Air Force there are 1,727 appointments to the grade of captain (list begins with Joseph A. Abbott) (Ref. 533).

**In the Navy there are 995 promotions to the grade of lieutenant commander (list begins with Robert Harold Abrams) (Ref. 534).

**In the Navy there are 881 appointments to the grade of captain and below (list begins with James Lloyd Abbot III) (Ref. 542).

*In the Army National Guard there are 33 appointments to the grade of major general and below (list begins with Richard L. Chastain) (Ref. 568).

*Lt. Gen. Clyde D. Dean, U.S. Marine Corps, to be placed on the retired list in the grade of lieutenant general (Ref. 569).

*Lt. Gen. D'Wayne Gray, U.S. Marine Corps, to be placed on the retired list in the grade of lieutenant general (Ref. 570).

*Louis H. Buehl III, U.S. Marine Corps, to be lieutenant general (Ref. 571).

*William G. Carson, Jr., U.S. Marine Corps, to be lieutenant general (Ref. 572).

*Ernest T. Cook, Jr., U.S. Marine Corps, to be lieutenant general (Ref. 573).

*Edwin J. Godfrey, U.S. Marine Corps, to be lieutenant general (Ref. 574).

*John I. Hudson, U.S. Marine Corps, to be lieutenant general (Ref. 575).

**In the Air Force there are 28 appointments to the grade of colonel and below (list begins with Charles H. Miller) (Ref. 576).

**In the Air Force there are 9 appointments to the grade of lieutenant colonel and below (list begins with Helen L. Capron) (Ref. 577).

**Robert W. Ritter, U.S. Air Force, to be lieutenant colonel (Ref. 578).

**In the Air Force Reserve there are 17 appointments to the grade of lieutenant colonel and below (list begins with Ronald V. Dorst) (Ref. 579).

**In the Air National Guard there are 26 promotions to the grade of lieutenant colonel (list begins with Lyle E. Allen) (Ref. 580).

**In the Army there are two appointments as permanent professors at the U.S. Military Academy (list begins with Dennis R. Hunt) (Ref. 581).

**In the Navy Reserve there are 33 appointments to the grade of lieutenant (list begins with Gerald R. Chandler) (Ref. 582).

**In the Navy Reserve there are 49 appointments to the grade of captain and below (list begins with Edward C. Ebersole) (Ref. 583).

**In the Air Force Reserve there are 1,244 promotions to the grade of lieutenant colonel (list begins with Bobby J. Abernathy) (Ref. 584).

**In the Air Force there are 1,081 appointments to a grade no higher than captain (list begins with Richard J. Acosta) (Ref. 585).

**In the Army Reserve there are 64 promotions to the grade colonel and below (list begins with John T. Barber) (Ref. 586).

**In the Army National Guard there are 78 promotions to the grade colonel and below (list begins with Alfred E. Childres) (Ref. 587).

**In the Army there are 150 promotions to the grade of colonel (list begins with James R. Baker) (Ref. 588).

*Adm. James A. Lyons, Jr., U.S. Navy, to be placed on the retired list in the grade of admiral (Ref. 594).

*Vice Adm. David E. Jeremiah, U.S. Navy to be admiral (Ref. 595).

*Rear Adm. Leon A. Edney, U.S. Navy, to be vice admiral (Ref. 596).

*Vice Adm. Dudley L. Carlson, U.S. Navy, to be placed on the retired list in the grade vice admiral (Ref. 603).

*Rear Adm. John R. Wilson, Jr., U.S. Navy, to be Chief of Naval Research for a term of three years (Ref. 604).

**In the Air Force there are 16 promotions to the grade of lieutenant colonel and below (list begins with James G. Grizzard) (Ref. 605).

*Ernest C. Cheatham, Jr., U.S. Marine Corps, to be placed on the retired list in the grade of lieutenant general (Ref. 613).

*John Phillips, U.S. Marine Corps, to be placed on the retired list in the grade of lieutenant general (Ref. 614).

Total: 6,531.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SYMMS:

S. 1718. A bill to repeal the provisions of the Tax Reform Act of 1986 which require partnerships, S corporations, and personal service corporations to adopt certain taxable years; to the Committee on Finance.

By Mr. McCLURE (by request):

S. 1719. A bill to authorize the study of the transfer of the Southeastern Power Administration out of Federal ownership; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1720. A bill to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COHEN (for himself, Mr. BENTSEN, Mr. DECONCINI, and Mr. MURKOWSKI):

S. 1721. A bill to improve the congressional oversight of certain intelligence activities, and to strengthen the process by which such activities are approved within the executive branch, and for other purposes; to the Select Committee on Intelligence.

By Mr. INOUYE (for himself, Mr. EVANS, Mr. BYRD, Mr. CRANSTON, Mr. SIMPSON, Mr. DECONCINI, Mr. BURDICK, Mr. DASCHLE, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. CONRAD, Mr. DOMENICI, Mr. GORE, Mr. GRAMM, Mr. LEVIN, Mr. MATSUNAGA, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. RUDMAN, Mr. STAFFORD, Mr. SANFORD, Mr. SIMON, Mr. WIRTH, Mr. BOREN, and Mr. MELCHER):

S. 1722. A bill to authorize the establishment of the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indian, and for other purposes; to the Committee on Rules and Administration and the Select Committee on Indian Affairs, jointly, by unanimous consent.

By Mr. BINGAMAN (for himself and Mr. INOUYE):

S. 1723. A bill to authorize the establishment of certain regional exhibition facilities as part of the Museum of the American Indian, and for other purposes; to the Select Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD; from the Committee on Rules and Administration:

S. Res. 288. An original resolution to permit amendments to bills implementing trade agreements under section 151(d) of the Trade Act of 1974 if such amendments relate to the domestic or foreign waterborne commerce of the United States; placed on the calendar.

By Mr. BYRD (for himself and Mr. WARNER):

S. Res. 289. A resolution establishing "Mining Awareness Week"; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCLURE (by request):

S. 1719. A bill to authorize the study of the transfer of the Southeastern Power Administration out of Federal ownership; referred to the Committee on Energy and Natural Resources.

AUTHORIZATION OF TRANSFER THE SOUTHEASTERN POWER ADMINISTRATION OUT OF FEDERAL OWNERSHIP

● Mr. McCLURE. Mr. President, today I am introducing by request of the Department of Energy a bill which would authorize the study of the transfer of the Southeastern Power Administration out of Federal ownership, management, or control. While I would note that there has in the past been little congressional support for the transfer of any of the lower 48 power marketing administrations out of Federal control—in fact, I have been and remain adamantly opposed to such transfers—the bill I am introducing by request today nevertheless represents part of the fiscal year 1988 budget request submitted by the administration.

Mr. President, I ask unanimous consent that the text of the bill along with the transmittal letter from the Department of Energy be printed in the RECORD.

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

S. 1719

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the executive branch may expend funds and prepare or evaluate studies designed to

transfer out of Federal ownership, management or control, in whole or in part, the facilities and functions of the Southeastern Power Administration.

DEPARTMENT OF ENERGY,
Washington, DC, June 10, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is proposed legislation to authorize a study of the costs and benefits of a potential transfer of the Southeastern Power Administration out of Federal ownership, management or control. The purpose of this study would be to provide a sound analytical basis that would allow the Congress and the Administration to conduct an informed dialogue on these issues.

BACKGROUND OF THE LEGISLATION

There are a number of good historical reasons why the Federal Government entered into the business of developing the Nation's hydroelectric resources. Yet now when growth in Federal programs over a period of time has strectched the management and financial capabilities of the Federal Government to the limit, we need to examine Federal responsibilities closely to determine where they can be reduced. We particularly need to revive those activities of a commercial nature that can be performed as easily by the private sector or at another level of government. We believe that commercial operations like the Southeastern Power Administration (SEPA) can be managed as well by public or private entities that are closer and more responsive to the areas and customers that they serve.

Section 208 of the Urgent Supplemental Appropriations Act, 1986, (Pub. L. No. 99-349, § 208), prohibits the executive branch from using funds to prepare or review studies, or solicit or draft proposals on a transfer of the Federal power marketing administrations out of Federal ownership, management or control until specifically authorized by Congress. This ban necessitates the attached legislative proposal to allow investigation into the feasibility of a SEPA transfer.

The Administration understands clearly its responsibility to prove that there are sufficient benefits from such a transfer to warrant proceeding, particularly regarding the benefits to power consumers in the affected regions and taxpayers in general. We believe options can be identified that would substantiate benefits to both of these groups, without causing significant increases in power rates. The purpose of the proposed study is to identify the range of options available for such a transfer and develop an analysis including identification of customer impacts, that will assist Congress and the Administration in arriving at a reasoned decision.

SEPA is one of the smaller power administrations, and has an installed capacity of 3,092 megawatts of power in ten states. SEPA is unique in that it owns no transmission lines. SEPA's size would simplify a thorough evaluation of the consequences of its sale.

In performing this study and preparing an evaluation, we will work closely with Congress and the people in the region served by SEPA. We will seek out proposals that protect area interests and the general taxpayer. We understand clearly that our proposal must satisfy the public and Congress before there is any chance of acceptance.

The study proposed in this legislation would allow the transfer of SEPA to be examined in depth, but the legislation would not authorize a transfer. Once the study has been completed and evaluated, we intend to present the results to Congress along with the supporting analysis and comments from the public. Congress then would have an opportunity to assess in detail the merits of a transfer. No final action to divest SEPA will be taken without further Congressional review and action.

COST AND BUDGET DATA

Enactment of this legislation will result in a budget authority requirement by the Department of Energy in the amount of $200,000. This cost would not be charged to SEPA's customers. The Office of Management and Budget advises that the enactment of this legislation would be in accord with the President's program.

Sincerely,

J. MICHAEL FARRELL,
General Counsel.●

By Mr. ROCKEFELLER:

S. 1720. A bill to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes; to the Committee on Energy and Natural Resources.

WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT

● Mr. ROCKEFELLER. Mr. President, I am very pleased this morning to introduce legislation that will not only protect the magnificent rivers of southern West Virginia, but will give our State's tourism industry an enormous boost. Our bill will extend Federal protection to the Bluestone, Gauley, and Meadow Rivers. Similar legislation introduced by our colleague from West Virginia, Congressman NICK JOE RAHALL, has already passed the other body with overwhelming bipartisan support.

In 1978, when the New River was designated a national river, the legislation called for a study of the tributaries of the New. These studies, performed by the Park Service, determined that the Bluestone, Gauley, and Meadow were outstanding rivers in terms of their scenic, natural, recreational, and cultural values. The studies have generated much support and excitement in my State. As a result, I propose that a portion of the Gauley River be established as a national recreation area, and that the lower portions of the Meadow and the Bluestone be designated as the State's first wild and scenic rivers. This bill will also allow for much-needed boundary modifications in the New River Gorge National River.

Protecting these rivers in their pristine state will give people the opportunity to enjoy their unmatched beauty for years to come. Federal designation of these rivers will go a long way toward luring more tourists to southern West Virginia. Each year, 700,000 tourists visit the New River Gorge National River. Being part of the National Park System will provide increased awareness—both nationally and internationally—to the recreational opportunities available on these rivers. It will give West Virginia's wild, wonderful rivers more publicity than we could ever buy.

The recently funded New River Parkway, the just-completed West Virginia Turnpike, and the soon-to-be-completed Interstate 64 will enable tourists to visit these areas on modern, safe, and convenient highways. Indeed, West Virginia's interstate system is now among the most elaborate and accessible in the Nation.

The Gauley River National Recreation Area will cover a 24.5-mile segment from Summersville to Swiss. With its boulder-strewn rapids, high ledges, narrow chutes, and tortuous channels, this area provides one of the most spectacular whitewater experiences in the country. In 1986, whitewater recreation on the Gauley alone pumped over $16 million into the local economy.

The Meadow River, from the Route 19 Bridge to its confluence with the Gauley, is in a wild and primitive condition. For rafting enthusiasts, it's even more demanding than the Gauley due to its narrow channel and steep grade.

One of the most pristine rivers in the United States is the Bluestone. Well known for its beauty and magnificent gorge, superb opportunities exist for fishing, camping, rafting, and canoeing on the Bluestone.

The Greenbrier River was also studied under the legislative mandate. The study, conducted by the Forest Service, determined that 133 miles of the river were eligible for Federal protection. Under the provisions of the 1968 Wild and Scenic Rivers Act, 106 miles were classified as scenic and 27 miles were judged to be recreational. The Forest Service recommended that the river be protected by the State Natural Stream Preservation Act—not by the Federal Government through congressional action.

I have received hundreds of letters, numerous phone calls, and have met with many residents of Pocahontas and Greenbrier Counties on the prospect of including the Greenbrier in the system of federally protected rivers. To give people a chance to be heard on the proposal, I sponsored public meetings in Durbin, Marlinton, and Lewisburg. What I heard from my constituents was an overwhelming desire to protect their river—but not through designation as a scenic river.

Moreover, any plan that is put forth to protect the Greenbrier must address the issue of flood control. In 1985, the region was devastated by a

flood. Currently, the Corps of Engineers is preparing a feasibility study that will suggest various alternatives for flood protection. This study will be ready for release and public discussion in January 1988.

Based on what I have heard from my constituents and the unresolved flood control issue, I have decided not to include the Greenbrier River in this legislation. Since there is an enormous interest in protecting the river, I will offer my assistance in developing a local plan that will protect the river—while not precluding effective flood control.

Mr. President, without a doubt, the rivers that I have proposed for Federal designation are worthy of inclusion in the system of wild and scenic rivers. Enactment of this legislation will complement the existing New River Gorge National River and greatly enhance the economic development of southern West Virginia through tourism. I urge my colleagues to pass this legislation as soon as possible.●

By Mr. COHEN (for himself, Mr. BENTSEN, Mr. DECONCINI, and Mr. MURKOWSKI):

S. 1721. A bill to improve the congressional oversight of certain intelligence activities, and to strengthen the process by which such activities are approved within the executive branch, and for other purposes; to the Select Committee on Intelligence.

INTELLIGENCE OVERSIGHT ACT

● Mr. COHEN. Mr. President, I am introducing today, along with three members of the Intelligence Committee, Senators BENTSEN, DECONCINI, and MURKOWSKI, a bill entitled the Intelligence Oversight Act of 1987, which is an effort to strengthen the statutory framework already existing in this area and to ensure that Congress will continue to play an active, effective role in the oversight of U.S. intelligence activities, including covert actions.

It is important to recognize at the outset that this bill would place no new restrictions upon the President, either in the conduct of intelligence activities generally or of covert actions in particular. Rather, it is aimed at strenthening the congressional oversight process, by clarifying the responsibilities and roles of both branches and removing the other ambiguities under current law. To be sure, the effectiveness of any law will ultimately depend upon the mutual trust and good faith of both parties, but it nevertheless behooves us—in the interests of good government—to make our mutual responsibilities under the law as clear and certain as we can.

As has been reported in the press in recent weeks, the President has, in fact, taken a number of concrete steps in this direction. These were reported to the Intelligence Committees last August. He has told us that there will not be oral findings in the future, that such findings will not authorize covert actions retroactively, and that all covert programs will be periodically subjected to review. These steps are welcome and commendable. But one is nevertheless obliged to recognize that these are policies which do not have the force of law, which may be subject to exceptions or waivers approved by the President in special circumstances—ones that would be highly classifed—and which are not binding upon any future administrations.

The bill I am introducing today accepts and builds upon the commitments already made to the Intelligence Committees by the President. It does not purport to be the final answer, but it does represent a comprehensive attempt to restructure, and where necessary, improve the current system of intelligence oversight.

Appended to the bill is a lengthy section-by-section analysis which sets forth its purposes in great detail. I wish only to highlight several of them here.

First, the bill would place all of the laws bearing upon intelligence oversight in one place in the United States Code, and would restructure those laws in a logical, coherent fashion. Accordingly, the Hughes-Ryan Amendment, which was an amendment to the Foreign Assistance Act of 1961, would be moved to that portion of the intelligence oversight statute which deals with limitations on the funding of intelligence activities. Moreover, the limitation set forth in Hughes-Ryan would be expanded to cover agencies of the executive branch other than CIA which may be used to carry out covert actions. This has been the policy within the executive branch for several years, although Hughes-Ryan itself only applies to CIA.

Second, the bill would eliminate much of the ambiguity under current law by specifying those congressional oversight requirements which pertain to intelligence activities and those which pertain to covert actions—termed in the bill "special activities." Under current law, these requirements are unclear.

Third, the bill would, for the first time, provide explicit statutory authority for the President to authorize covert actions, or "special activities," in support of U.S. foreign policy objectives, provided they are authorized in accordance with the requirements set forth in the bill. As I mentioned at the outset, these requirements do not entail new restrictions on covert actions, but are designed to improve the ability of the Intelligence Committees to carry out their oversight of this vital area.

Recent experience has demonstrated that the current system has numerous flaws. This bill addresses them. It provides for written authorization of covert actions and prohibits retroactive authorizations. It requires the congressional oversight committees to be advised of all findings within 48 hours of their being signed, but permits such notice to be limited to the leadership of both Houses and the chairmen and vice chairmen of the Intelligence Committees where the President deems such limited notice essential to protect vital U.S. interests. It provides that the Intelligence Committees be made aware of precisely who within Government and outside Government will be used to carry out covert actions, and it puts to rest the notion that the President may authorize, under the rubric of covert actions, activities which would violate the statutes of the United States.

I hope this bill will receive serious consideration, both by my colleagues in the Senate and on the Intelligence Committee and by those outside Congress with an interest in this subject. It represents a balanced, comprehensive approach to congressional oversight of intelligence activities, which, to my mind, would constitute a decided improvement over the current system.

In addition to the bill and a section-by-section analysis, I am submitting the letter the President sent to the Intelligence Committee which I referred to earlier, and I ask unanimous consent that this material be printed in the RECORD.

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

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Oversight Act of 1987."

SECTION 1. Section 662 of the Foreign Assistance Act of 1961 (22 U.S.C. 2422) is hereby repealed.

SEC. 2. Section 501 of Title V of the National Security Act of 1947 (50 U.S.C. 413) is amended by striking the language contained therein, and substituting the following new sections:

"SEC. 501. GENERAL PROVISIONS.

"(a) The President shall ensure that the Select Committee on Intelligence of the Senate and the Permanent Select Committee of the House of Representatives (hereinafter in this title referred to as the 'intelligence committees') are kept fully and currently informed of the intelligence activities of the United States as required by this title. Such activities shall ordinarily be conducted pursuant to consultations between the President, or his representatives, and the intelligence committees, prior to the implementation of such activities, although nothing contained herein shall be construed as requiring the approval of the intelligence committees as a condition precedent to the initiation of such activities.

"(b) The President shall ensure that any illegal intelligence activity or significant intelligence failure is reported to the intelligence committees, as well as any corrective

action that has been taken or is planned in connection with such illegal activity or intelligence failure.

"(c) The President and the intelligence committees shall each establish such procedures as may be necessary to carry out the provisions of this title.

"(d) The House of Representatives and the Senate, in consultation with the Director of Central Intelligence, shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure all classified information and all information relating to intelligence sources and methods furnished to the intelligence committees or to Members of Congress under this section. In accordance with such procedures, each of the intelligence committees shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities requiring the attention of such House or such committee or committees.

"(e) Nothing in this Act shall be construed as authority to withhold information from the intelligence committees on the grounds that providing the information to the intelligence committees would constitute the unauthorized disclosure of classified information or information relating to intelligence sources and methods.

"(f) As used in this section, the term 'intelligence activities' includes, but is not limited to, 'special activities,' as defined in subsection 503(e), below.

"SEC. 502. REPORTING INTELLIGENCE ACTIVITIES OTHER THAN SPECIAL ACTIVITIES.

"The Director of Central Intelligence and the heads of all departments, agencies, and other entities of the United States Government involved in intelligence activities shall keep the intelligence committees fully and currently informed of all intelligence activities, other than special activities as defined in subsection 503(e), below, which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government, including any significant anticipated intelligence activity; provided that such obligation shall be carried out with due regard for the protection of classified information relating to sensitive intelligence sources and methods. In satisfying this obligation, the Director of Central Intelligence and the heads of all departments and agencies and other entities of the United States Government in intelligence activities shall furnish the intelligence committees any information or material concerning intelligence activities other than special activities which is within their custody or control, and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"SEC. 503. APPROVING AND REPORTING SPECIAL ACTIVITIES.

"(a) The President may authorize the conduct of 'special activities,' as defined herein below, by departments, agencies, or entities of the United States Government when he determines such activities are necessary to support the foreign policy objectives of the United States and are important to the national security of the United States, which determination shall be set forth in a finding that shall meet each of the following conditions:

"(1) Each finding shall be in writing, unless immediate action by the United States is required and time does not permit the preparation of a written finding, in which case a written record of the President's decision shall be contemporaneously made and shall be reduced to a written finding as soon as possible but in no event more than forty-eight (48) hours after the decision is made;

"(2) A finding may not authorize or sanction special activities, or any aspect of such activities, which have already occurred;

"(3) Each finding shall specify each and every department, agency, or entity of the United States Government authorized to fund or otherwise participate in any way in such activities; provided that any employee, contractor, or contract agent of a department, agency or entity other than the Central Intelligence Agency directed to participate in any way in a special activity shall be subject either to the policies and regulations of the Central Intelligence Agency, or to written policies or regulations adopted by such department, agency or entity, in consultation with the Director of Central Intelligence, to govern such participation;

"(4) Each finding shall specify, in accordance with procedures to be established pursuant to subsection 501(c), any third party, including any foreign country, which is not an element of, contractor or contract agent of, the United States Government, or is not otherwise subject to U.S. Government policies and regulations, who it is contemplated will be used to fund or otherwise participate in any way in the special activity concerned; and

"(5) A finding may not authorize any action that would be inconsistent with or contrary to any statute of the United States.

"(b) The President, the Director of Central Intelligence and the heads of all departments, agencies, and entities of the United States Government authorized to fund or otherwise participate in any way in a special activity shall keep the intelligence committees fully and currently informed of all special activities which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any department, agency, or entity of the United States Government. In satisfying this obligation, the intelligence committees shall be furnished any information or material concerning special activities which is in the possession, custody or control of any department, agency, or entity of the United States Government and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities.

"(c) The President shall ensure that any finding issued pursuant to subsection (a), above, shall be reported to the intelligence committees as soon as possible, but in no event later than forty-eight (48) hours after it has been signed; provided, however, that if the President determines it is essential to limit access to the finding to meet extraordinary circumstances affecting vital interests of the United States, such finding may be reported to the chairmen and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate. In either case, a certified copy of the finding, signed by the President, shall be provided to the chairman of each intelligence committee. Where access to a finding is limited to the Members of Congress identified herein above, a statement of the reasons for limiting such access shall also be provided.

"(d) The President shall promptly notify the intelligence committees, or, if applicable, the Members of Congress specified in subsection (c), above, of any significant change in any previously-approved special activity.

"(e) As used in this section, the term 'special activity' means any activity conducted in support of national foreign policy objectives abroad which is planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activity, but which is not intended to influence United States political processes, public opinion, policies or media, and does not include activities to collect necessary intelligence, military operations conducted by the armed forces of the United States and subject to the War Powers Resolution (50 U.S.C. 1541-1548), diplomatic activities carried out by the Department of State or persons otherwise acting pursuant to the authority of the President, or activities of the Department of Justice or federal law enforcement agencies solely to provide assistance to the law enforcement authorities of foreign governments."

SEC. 3. Section 502 of Title V of the National Security Act of 1947 (50 U.S.C. 414) is redesignated as section 504 of such Act, and is amended by adding the following new subsection (d):

"(d) No funds appropriated for, or otherwise available to, any department, agency, or entity of the United States Government, may be expended, or may be directed to be expended, for any special activity, as defined in subsection 503(e), above, unless and until a Presidential finding required by subsection 503(a), above, has been signed or otherwise issued in accordance with that subsection."

SEC. 4. Section 503 of Title V of the National Security Act of 1947 (50 U.S.C. 415) is redesignated as section 505 of such Act.

SECTION-BY-SECTION ANALYSIS

SECTION 1. REPEAL OF HUGHES-RYAN AMENDMENT

Current statutory provisions for intelligence oversight include the general requirements to inform the House and Senate Intelligence Committees in Title V of the National Security Act of 1947, as amended in 1980, and the requirement of Presidential approval for CIA covert action in Section 662 of the Foreign Assistance Act of 1961, as amended (22 USC 2422—the Hughes-Ryan Amendment). The differences in language and scope between these provisions have been a source of unnecessary confusion. Therefore, Section 1 of the bill would repeal the Hughes-Ryan Amendment in order to substitute a new Presidential approval requirement as an integral part of a more coherent and comprehensive statutory oversight framework for covert action (or "special activities") and other intelligence activities. The superceding Presidential approval requirement is contained in the proposed new sections 503 and 504(d) of the National Security Act of 1947, discussed below.

This change is intended to bring current law more closely into line with Executive branch policy which requires Presidential approval for covert action by any component of the U.S. Government, not just by the CIA. Section 3.1 of Executive Order 12333, December 4, 1981, states, "The requirements of section 662 of the Foreign Assistance Act of 1961, as amended (22 USC 2422), and section 501 of the National Security Act of 1947, as amended (50 USC 413), shall apply to all special activities as defined in this Order." Replacing Hughes-Ryan with a comprehensive Presidential approval

requirement for covert action (or "special activities") by any U.S. Government entity gives statutory force to a policy that has not been consistently followed in recent years.

SECTION 2. OVERSIGHT OF INTELLIGENCE ACTIVITIES

Section 2 of the bill would replace the existing Section 501 of the National Security Act of 1947 with three new sections that prescribe, respectively, general provisions for oversight of all intelligence activities, reporting of intelligence activities other than special activities, and approval and reporting of special activities. This revision of current law has three principal objectives.

The first is to clarify and emphasize the general responsibilities of the President to work with the Congress, through the House and Senate Intelligence Committees, to ensure that U.S intelligence activities are conducted in the national interest. Current law does not fully address the obligations of the President. Nor does the existing statute reflect the commitment to consultation with the Congress made by the President as a result of the lessons learned from the Iran-Contra inquiries.

The second objective is to eliminate unnecessary ambiguities in the law. Experience under the current statute has indicated significant areas where Congressional intent may be subject to misinterpretation by Executive branch officials, as well as gaps in the law where Congress did not adequately anticipate the need for statutory guidance. Examples are the uncertain meaning of the requirement to report "in a timely fashion," the absence of an explicit provision for written Presidential Findings, and the need to specify those responsible for implementing covert actions. The aim is to clarify the intent of Congress with respect to oversight of intelligence activities so as to reduce the possibilities for misunderstanding or evasion. For purposes of clarity, a distinction is made between the detailed provisions for special activities, which are instruments of U.S. foreign policy, and the requirements for other intelligence activities (i.e., collection, analysis, counterintelligence) that are less controversial.

A third objective is to provide statutory authority for the President to employ special activities to implement U.S. foreign policy by covert means. Congress has not previously done so, except to the extent that the CIA was authorized by the National Security Act of 1947 "to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." Current law requires Presidential approval and the reporting to Congress of "intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence." This does not provide affirmative statutory authority to employ covert means as a supplement to overt instruments of U.S. foreign policy. Nor does it specify what types of activity are intended to be covered by the legal requirements for covert action. This has called into question the legality of covert actions, such as arms transfers, undertaken as alternatives to overt programs with express statutory authority. Congress should expressly authorize covert action as a legitimate foreign policy instrument, subject to clearly defined approval and reporting requirements.

The overall purpose of this bill is to use the lessons of recent experience to establish a more effective statutory framework for executive-legislative cooperation in the field of intelligence. Such legislation is not a guarantee against conflicts between the branches or abuses of power. It can, however, help minimize such conflicts and abuses by emphasizing the mutual obligations of the President and Congress and by eliminating unnecessary legal ambiguities that invite misunderstanding on both sides.

SECTION 501. GENERAL PROVISIONS

The new Section 501 of Title V of the National Security Act of 1947 would specify the general responsibilities of the President and the Congress for oversight of intelligence activities.

(a) Presidential Duties and Prior Consultation

Subsection (a) would place a statutory obligation upon the President to ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (referred to in the bill as the "intelligence committees") are kept fully and currently informed of the intelligence activities of the United States as required by this title. Current law imposes such duties on the DCI and agency heads, but not on the President himself. Overall responsibility should be vested in the President because of the importance and sensitivity of secret intelligence activities that may affect vital national interests and because the President may have unique knowledge of those activities that he is best suited to ensure is imparted to the intelligence committees. The terms and conditions for keeping the committees "fully and currently informed" are those set forth in Sections 502 and 503, discussed below.

In addition, subsection (a) would provide that U.S. intelligence activities shall ordinarily be conducted pursuant to consultations between the President, or his representatives, and the intelligence committees, prior to the implementation of such activities. This is consistent with the intentions of the President as stated in his letter of August 8, 1987, to the Chairman and Vice Chairman of the Senate Intelligence Committee. It applies to all U.S. intelligence activities, including collection, analysis, counterintelligence, and special activities. Additional Presidential reporting requirements for special activities are set forth in Section 503, discussed below. This new general provision for prior consultation with the intelligence committees would supplement current requirements for keeping the committees informed of "significant anticipated intelligence activities." The requirement for prior consultations is a more complete reflection of the need for executive-legislative cooperation in the formulation of intelligence policies. For example, the President or his representatives should ordinarily consult the intelligence committees on proposed Presidential Findings prior to their approval by the President.

Subsection (a) would also retain the qualification in current law that nothing contained in the prior consultation or prior notice requirements shall be construed as requiring the approval of the intelligence committees as a condition precedent to the initiation of such activities. The parallel provision of existing law is clause (A) of paragraph 501(a)(1).

(b) Illegal Activities and Significant Failures

Subsection (b) would require the President to ensure that any illegal intelligence activity or significant intelligence failure is reported to the intelligence committees, as well as any corrective action that has been taken or is planned in connection with such illegal activity or failure. Under current law, paragraph 501(a)(3) imposes this duty on the DCI and agency heads, subject to certain conditions. The purpose is to place an unqualified statutory obligation on the President to ensure reporting of such matters to the committees. The President should establish procedures for review within the Executive branch of intelligence activities that may have been illegal and for reporting to the intelligence committees when a determination is made that there are reasonable grounds to believe that the activity was a violation of the Constitution, statutes, or Executive orders of the United States. The President should establish procedures for the reporting of activities determined to be significant intelligence failures. The current provision requires the reporting of an illegal activity or significant failure "in a timely fashion." This language is deleted because of its ambiguity. The intent is that the committees should be notified immediately whenever a determination is made under procedures established by the President in consultation with the intelligence committees.

Another difference from existing law is that the requirement to report illegal activities or significant failures would not be subject to the preambular clauses in the current subsection 501(a) which could be interpreted as qualifying the statutory obligation to inform the intelligence committees.

(c)-(f) Other General Provisions

Subsections (c) through (e) would retain provisions of existing law. Subsection (c) is identical to the current subsection 501(c) that authorizes the President and the intelligence committees to establish procedures to carry out their oversight obligations. Subsection (d) is the same as the current subsection 501(d) that requires the House and Senate to establish procedures to protect the secrecy of information furnished under this title and to ensure that each House and its appropriate committees are advised promptly of relevant information. Subsection (e) repeats the current subsection 501(e) which makes clear that information may not be withheld from the intelligence committees under this Act on the grounds that providing the information to the intelligence committees would be unauthorized disclosure of classified information or information relating to intelligence sources and methods.

Subsection (f) states that the term "intelligence activities," as used in this section, includes, but is not limited to, "special activities," as defined in subsection 503(e), discussed below.

SECTION 503. REPORTING INTELLIGENCE ACTIVITIES OTHER THAN SPECIAL ACTIVITIES

The new section 502 is intended to be substantially the same as the current requirements of subsections 502(a) (1) and (2) insofar as they apply to intelligence activities other than special activities. This distinction between special activities and other intelligence activities is discussed more fully with respect to section 503, below.

Fully and Currently Informed

Section 502 would require the Director of Central Intelligence (DCI) and the heads of all departments, agencies and other entities of the United States involved in intelligence activities to keep the intelligence committees fully and currently informed of all intelligence activities, other than special activities as defined in subsection 503(e),

which are the responsibility of, are engaged in by, or are carried out for or on behalf of any department, agency, or entity of the United States, including any significant anticipated intelligence activity. The special procedure for prior notice to eight leaders in the current clause (B) of paragraph 501(a)(1) would be deleted, since it was intended to apply to special activities, to be governed by section 503, discussed below.

Section 502 also would provide that, in satisfying the obligation to keep the committees fully and currently informed, the DCI and the heads of all departments and agencies and other entities of the United States involved in intelligence activities shall furnish the intelligence committees any information or material concerning intelligence activities (other than special activities) which is within their custody or control, and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities. This requirement is subject to the provision for protection of sensitive intelligence source and methods, discussed below.

Protection of Sensitive Sources and Methods

The obligation to keep the intelligence committees fully and currently informed under this section is to be carried out with due regard for the protection of classified information relating to sensitive intelligence sources and methods. This provision is similar to the second preambular clause in the current subsection 501(a) which imposes duties "to the extent consistent with due regard for the protection from unauthorized disclosure of classified information and information relating to intelligence sources and methods." The proposed new language more accurately reflects and is intended to have the same meaning as the legislative history of the similar preambular clause in existing law.

The first preambular clause in the current subsection 501(a) would be deleted. It imposes obligations "[t]o the extent consistent with all applicable authorities and duties, including those conferred upon the executive and legislative branches of the Government." This clause creates unnecessary ambiguity in the law, because it has been interpreted by some as Congressional acknowledgement of an undefined constitutional authority of the Executive branch to disregard the statutory obligations. Recent experience indicates that legislation qualifying its terms by reference to the President's constitutional authorities may leave doubt as to the will of Congress and thus invite evasion. Legitimate Executive branch concerns are adequately met by the provision for due regard for protection of sensitive intelligence sources and methods, discussed above.

SECTION 503. APPROVING AND REPORTING SPECIAL ACTIVITIES

Special activities (or covert actions) raise fundamentally different policy issues from other U.S. intelligence activities because they are an instrument of foreign policy. Indeed, constitutional authorities draw a distinction between Congressional power to restrict the gathering of information, which may impair the President's ability to use diplomatic, military, and intelligence organizations as his "eyes and ears," and Congressional power to regulate covert action that goes beyond information gathering. There is little support for the view that such special activities are an exclusive Presidential function. Congress has the constitutional power to refuse to appropriate funds to carry out special activities and may impose conditions on the use of any funds appropriated for such purposes.

Under current law, however, the Congressional mandate is ambiguous, confusing and incomplete. There is no express statutory authorization for special activities; the requirement for Presidential approval of special activities applies only to the CIA; and Presidential approval procedures are not specified. There is a question whether Congress has intended that the President have authority to conduct special activities which are inconsistent with or contrary to other statutes. The statutory requirements for informing the intelligence committees of special activities are subject to misinterpretation, and the scope of activities covered by the law is undefined. This bill seeks to remedy these deficiencies so that covert actions are conducted with proper authorization in the national interest as determined by the elected representatives of the American people—the President and the Congress—through a process that protects necessary secrecy.

(a) Presidential Findings

Subsection (a) would provide statutory authority for the President to authorize the conduct of special activities by departments, agencies or entities of the United States when he determines such activities are necessary to support the foreign policy objectives of the United States and are important to the national security of the United States. This determination must be set forth in a "Finding" that meets certain conditions. The importance of this requirement is underscored by Section 3 of the bill, discussed later, which prohibits expenditure of funds for any special activity unless and until such a Presidential Finding has been issued.

The current Presidential approval provision in the Hughes-Ryan Amendment (22 USC 2422) requires a finding by the President "that each such operation is important to the national security of the United States." The proposed new subsection 503(a) would require the President to make an additional determination that the activities "are necessary to support the foreign policy objectives of the United States." This conforms the statute to the Executive branch definition of "special activities" in section 3.4(h) of Executive Order 12333 which refers to "activities conducted in support of national foreign policy objectives abroad." The President should determine not only that the operation is important to national security, but also that it is consistent with and in furtherance of established U.S. foreign policy objectives.

In addition to reflecting these Presidential determinations, Findings must meet five conditions. First, paragraph 503(a)(1) would require that each Finding be in writing, unless immediate action is required of the United States and time does not permit the preparation of a written Finding, in which case a written record of the President's decision would have to be contemporaneously made and reduced to a written Finding as soon as possible but in no event more than 48 hours after the decision is made. This requirement should prevent a President's subordinate from later claiming to have received oral authorization without further substantiation than the subordinate's undocumented assertion. It is also consistent with the President's current policy of requiring written Findings.

Second, paragraph 503(a)(2) would restate emphatically the current legal ban on retroactive Findings. It would provide that a Finding may not authorize or sanction special activities, or any aspects of such activities, which have already occurred. This is also consistent with the President's current policy.

Third, paragraph 503(a)(3) would require that each Finding specify each and every department, agency, or entity of the United States Government authorized to fund or otherwise participate in any way in the special activities authorized in the Finding. This requirement is consistent with section 1.8(e) of Executive Order 12333 which states that no agency except the CIA in peacetime may conduct any special activity "unless the President determines that another agency is more likely to achieve a particular objective."

Fourth, paragraph 503(a)(4) would require that each Finding specify, in accordance with procedures to be established, any third party, including any third country, which is not an element of, contractor of, or contract agent of the U.S. Government, or is not otherwise subject to U.S. Government policies and regulations, whom it is contemplated will be used to fund or otherwise participate in any way in the special activity concerned. The purpose is to require the President's approval and notice to the intelligence committees when third countries, or private parties outside normal U.S. government controls, are used to help implement a covert action operation. The intent is that procedures be established in consultation with the intelligence committees to determine when the involvement of a third party constitutes use "to fund or otherwise participate" in a special activity and to determine when a private party is not "subject to U.S. Government policies and regulations."

Fifth, paragraph 503(a)(5) would establish that a Finding may not authorize any action that would be inconsistent with or contrary to any statute of the United States. This is similar to section 2.8 of Executive Order 12333, which states that nothing in that Order "shall be construed to authorize any activity in violation of the Constitution or statutes of the United States." Current CIA policy is to conform its operations to any federal statutes which apply to special activities, either directly or as laws of general application. This provision is not intended to require that special activities authorized in Presidential Findings comply with statutory limitations which, by their terms, apply only to another U.S. Government program or activity. For example, a statutory restriction on the overt Defense Department arms transfer program would not apply to covert CIA arms transfers authorized in a Finding, even if the CIA obtained the arms from the Defense Department under the Economy Act. When the Congressional concerns that led to the restriction on the Defense Department program are relevant to the similar covert CIA activity, those factors should be taken into account by the intelligence committees.

(b) Fully and Currently Informed

Subsection 503(b) would place a statutory obligation on Executive branch officials to keep the intelligence committees fully and currently informed of special activities and furnish the intelligence committees any information or material concerning special activities which they possess and which is requested by either of the intelligence committees in order to carry out its authorized responsibilities. This subsection differs in four respects from the parallel provisions of

Section 502 that apply to other intelligence activities.

The first difference is that the obligation would be placed on the President, as well as on the DCI and the heads of departments, agencies, and entities of the U.S. Government. The President may have unique information concerning a special activity that should be imparted to the committees.

The second difference is that the obligation would be placed on the heads of departments, agencies, and entities of the U.S. Government "authorized to fund or otherwise participate in a special activity"—rather than just those directly involved in the activity. This conforms to the terms of the presidential Finding requirement in subsection 503(a)(3).

The third difference is that the requirement to inform the committees of "any significant anticipated intelligence activity" would be deleted. In the case of special activities, that requirement would be superceded by the requirements in subsections 503(c) and (d), discussed below, for reporting presidential Findings and significant changes in special activities, as well as by the general provision in subsection 501(a) for prior consultations with the intelligence committees.

The fourth difference is that the obligation to inform the committees would not be subject to a general proviso that such obligation shall be carried out with due regard for the protection of classified information relating to sensitive intelligence sources and methods. Instead, a specific statutory procedure would be established in subsection 503(c) for limiting the number of Members of Congress to whom information would be imparted in exceptionally sensitive cases. Moreover, sensitive sources and methods would also be protected under the procedures established by the President and the intelligence committees pursuant to subsection 501(c) and by the House of Representatives and the Senate pursuant to subsection 501(d).

(c) Notice of Findings

Subsection 503(c) would require the President to ensure that any Findings issued pursuant to subsection (a), above, shall be reported to the intelligence committees as soon as possible, but in no event later than 48 hours after it has been signed. If, however, the President determines it is essential to limit access to the Finding to meet extraordinary circumstances affecting vital interests of the United States, such Finding may be reported to 8 Members of Congress—the chairman and ranking minority members of the intelligence committees, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate. This procedure is similar to the existing provision in clause (B) of the current paragraph 501(a)(1) for limiting prior notice of "significant anticipated intelligence activities" to the same 8 congressional leaders.

The principal differences from existing law are the elimination of the preambular clauses in the current subsection 501(a) that qualify clause (1)(b) and the delection of the separate provision in the current subsection 501(b) for "timely" notice when prior notice is not given. These current provisions have created confusion because they appear, on the one hand, to require notice of Findings to at least the 8 leaders while, on the other hand, leaving open the possibility of postponement of notice until some time after a Finding is implemented. The proposed new subsection 503(c) changes the point of reference in the law from notice prior to the initiation of an activity to the more logical point of notice immediately upon the issuance of a Finding.

Subsection 503(b) would also require that in all cases a certified copy of the Finding signed by the President shall be provided to the chairman of each intelligence committee and that, if access is limited, a statement of the reasons for limiting access to the Finding concerned shall accompany the copy of the Finding.

(d) Notice of Significant Changes

Subsection 503(d) would require the President to ensure that the intelligence committees, or, if applicable, the 8 leaders specified in subsection (c), are promptly notified of any significant change in any previously-approved special activity. The intent is that such changes should be reported insofar as practicable prior to their implementation, in accordance with procedures agreed upon by the intelligence committees and the President. Such procedures currently exist in the form of agreements entered into between the DCI and the Chairman and Vice Chairman of the Senate Intelligence Committee in 1984 and 1986. Any change in the actual terms and conditions of a Finding would have to be reported in accordance with subsection 503(c).

(e) Definition of "Special Activities"

Section 503(e) sets forth a definition of the term "special activities". Not heretofore used or defined in statute, the term has nevertheless been used since 1978 in two Executive orders as a euphemism for the more colloquial term "covert actions". The term is adopted here not only because of its previous use within the Executive branch but as a more appropriate designation of such activity by the United States.

As stated, the definition of "special activities" set forth in section 503(e) is based upon the definition of the term now set forth in section 3.4(h) of Executive order 12333, issued by President Reagan on December 4, 1981. Indeed, the first and principal clause of the definition is taken verbatim from the definition in the Executive order. The exclusionary clauses, exempting certain activities from the scope of the definition, are for the most part modifications of, or additions to, the exclusions contained in the Executive order definition.

As defined in section 503(e), a "special activity" is any activity conducted in support of national foreign policy objectives abroad which is planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activity. The definition covers all covert activities undertaken by the United States to support its foreign policy objectives towards other countries regardless of the department, agency, or element of the United States Government used to carry out such activities. While it applies to those activities conducted in support of national foreign policy objectives abroad, the term encompasses those activities conducted by the United States Government within the territory of the United States, so long as they are intended to support U.S. objectives abroad. The definition applies only to activities in which the role of the U.S. Government is not apparent or acknowledged to the public. Thus, activities of the United States Government conducted in support of national foreign policy objectives which are made known to the public, or which would be made known to the public or press if the Government were asked, are not covered by the definition.

The definition also makes clear that special activities shall not be intended to influence U.S. political processes, public opinion, policies or media. The purpose of this language is to preclude the use of the authority contained in this bill to plan or execute special activities for the purpose of influencing U.S. public opinion. While it is recognized that some special activities may occasionally have an indirect effect on U.S. public opinion, no such activity may be instituted for this purpose, and to the extent such indirect effect can be minimized in the planning and execution of special activities, it should be done. This portion of the definition reiterates what has been longstanding policy and practice within the Executive branch.

The definition further specifies four broad areas of activity undertaken by the United States Government in support of foreign policy objectives which are not included within the definition of special activities even if planned and conducted so that the role of the United States Government is not apparent or acknowledged publicly. These include activities to collect necessary intelligence, military operations conducted by the armed forces of the United States and subject to the War Powers Resolution (50 U.S.C. 1541-1548), diplomatic activities carried out by the Department of State or persons otherwise acting pursuant to the authority of the President, or activities of the Department of Justice or federal law enforcement agencies solely to provide assistance to the law enforcement authorities of foreign governments. An explanation of each of these exclusions follows.

The exclusion of U.S. activities to collect necessary intelligence is intended to cover all activities of the United States Government undertaken for the purpose of obtaining intelligence necessary for the national security of the United States. While such activities clearly require oversight by the Congress, they are excluded from the definition of "special activities", inasmuch as they are subject to separate authorization and oversight, and often do not require specific approval by the President. This exclusion reiterates the longstanding policy contained in the Hughes-Ryan amendment (24 U.S.C. 2422) (1974) and in subsequent Executive orders.

The exclusion of military operations conducted by the armed forces of the United States and subject to the War Powers Resolution (50 U.S.C. 1541-1548) is new, appearing in neither statute or Executive order heretofore. The purpose of this exclusion is to clarify a problem of interpretation namely, when is a military operation undertaken by the United States reportable as a "special activity" or covert action? The definition sets forth a clear dividing line: if the military operation concerned is carried out covertly by U.S. military forces and it is not required to be reported to the Congress under the War Powers Resolution, then it is a "special activity" which is reportable to the intelligence committees under this statute. The exclusion would not apply to covert assistance given by the United States to the military forces, or to support the military operations, of a third party, either governmental or to private entities.

The third area excluded from the definition of special activities is diplomatic activities carried out by the Department of State or persons otherwise acting pursuant to the authority of the President. This represents a modification of the comparable exclusion

in Executive order 12333. Although most diplomatic activities of the United States are publicly acknowledged, it is recognized that there are many diplomatic contacts and deliberations which are necessarily secret. The definition of special activities excludes these activities so long as they are undertaken by the Department of State, or by persons—either government officials or private citizens—who are acting pursuant to the authority of the President. It would not exclude diplomatic activities which are carried out by persons who are not employees of the Department of State—either governmental or private—whose authority to carry out such activities on behalf of the United States is not already established by law or Executive branch policy.

The fourth and final area excluded from the definition of special activities are activities of the Department of Justice or federal law enforcement agencies solely to provide assistance to law enforcement authorities of foreign governments. This exclusion is also new, reflected neither in law nor Executive order heretofore. Its incorporation here is intended to clarify a problem of interpretation which has existed under the current framework, namely, do law enforcement activities undertaken covertly by U.S. Government agencies outside the United States qualify as special activities? The formulation contained in the proposed definition would exclude assistance provided covertly to third countries by U.S. law enforcement agencies. It would not exclude law enforcement activities actually carried out covertly and unilaterally by such agencies outside the United States. It would also not exclude either assistance to law enforcement agencies of third countries, or carrying out law enforcement activities outside the United States, by elements of the U.S. Government which do not have law-enforcement functions.

SECTION 3. LIMITATION ON USE OF FUNDS FOR SPECIAL ACTIVITIES

Section 3 of the bill redesignates section 502 of the National Security Act of 1947, which concerns the funding of intelligence activities, as section 504 of the Act and adds a new subsection (d) which deals with the use of funds for special activities.

This provision is intended to carry forward and expand the limitation currently contained in 22 U.S.C. 2422 (the Hughes-Ryan Amendment), which would be repealed by Section 1 of the bill. The Hughes-Ryan amendment restricts the use of funds appropriated to CIA to carry out actions outside the United States "other than the collection of necessary intelligence", unless and until the President had determined that such actions were important to the national security.

Section 504(d) would similarly provide that appropriated funds could not be expended for special activities until the President had signed, or otherwise approved, a Finding authorizing such activities, but it would expand this limitation to cover the funds appropriated for any department, agency, or entity of the Government, not solely CIA. It would also cover non-appropriated funds which are available to such elements from any source, over which the agency involved exercises control. These might include funds offered or provided by third parties, funds produced as a result of intelligence activities (i.e. proprietaries), or funds originally appropriated for an agency other than the agency who wishes to expend the funds. The limitation contained in section 504(d) would also apply whether or not the agency concerned actually came into possession of the funds at issue. So long as the agency concerned had the ability to direct such funds to be expended by third parties—governmental or private—it could not do so until a presidential Finding had been signed, or otherwise approved, in accordance with the requirements of section 503(a).

SECTION 4. REDESIGNATION OF SECTION 503 OF NATIONAL SECURITY ACT OF 1947

Section 4 redesignates section 503 of the National Security Act of 1947 as section 505, to conform to the changes made by the bill.

TEXT OF THE PRESIDENT'S LETTER ON NEW GUIDELINES FOR COVERT OPERATIONS

Hon. DAVID L. BOREN,
Chairman, Senate Select Committee on Intelligence, U.S. Senate, Washington, DC.
cc: The Honorable Louis Stokes and the Honorable Henry J. Hyde.

DEAR CHAIRMAN BOREN: In my March 31, 1987, message to Congress, I reported on those steps I had taken and intended to take to implement the recommendations of the President's Special Review Board. These included a comprehensive review of executive branch procedures concerning Presidential approval and notification to Congress of covert-action programs—or so-called special activities.

In my message, I noted that the reforms and changes I had made and would make "are evidence of my determination to return to proper procedures including consultation with the Congress."

In this regard, Frank Carlucci has presented to me the suggestions developed by the Senate Select Committee on Intelligence for improving these procedures. I welcome these constructive suggestions for the development of a more positive partnership between the intelligence committees and the executive branch.

Greater cooperation in this critical area will be of substantial benefit to our country, and I pledge to work with you and the members of the two committees to achieve it. We all benefit when we have an opportunity to confer in advance about important decisions affecting our national security.

Specifically, I want to express my support for the following key concepts recommended by the committee:

1. Except in cases of extreme emergency, all national security "findings" should be in writing. If an oral directive is necessary, a record should be made contemporaneously and the finding reduced to writing and signed by the President as soon as possible, but in no event more than two working days thereafter. All findings will be made available to members of the National Security Council (N.S.C.).

2. No Finding should retroactively authorize or sanction a special activity.

3. If the President directs any agency or persons outside of the C.I.A. or traditional intelligence agencies to conduct a special activity, all applicable procedures for approval of a finding and notification to Congress shall apply to such agency or persons.

4. The intelligence committees should be appropriately informed of participation of any Government agencies, private parties, or other countries involved in assisting with special activities.

5. There should be a regular and periodic review of all ongoing special activities both by the intelligence committees and by the N.S.C. This review should be made to determine whether each such activity is continuing to serve the purpose for which it was instituted. Findings should terminate or "sunset" at periodic intervals unless the President, by appropriate action, continues them in force.

6. I believe we cannot conduct an effective program of special activities without the cooperation and support of Congress. Effective consultation with the intelligence committees is essential, and I am determined to ensure that these committees can discharge their statutory responsibilities in this area. In all but the most exceptional circumstances, timely notification to Congress under Section 501(b) of the National Security Act of 1947, as amended, will not be delayed beyond two working days of the initiative, of a special activity. While I believe that the current statutory framework is adequate, new executive branch procedures nevertheless are desirable to ensure that the spirit of the law is fully implemented. Accordingly, I have directed my staff to draft for my signature executive documents to implement appropriately the principles set forth in this letter.

While the President must retain the flexibility as Commander in Chief and chief executive to exercise those constitutional authorities necessary to safeguard the nation and its citizens, maximum consultation and notification is and will be the firm policy of this Administration.

Sincerely,

RONALD REAGAN.●

● Mr. BENTSEN. Mr. President. I am pleased today to join my colleagues in introducing the "Intelligence Oversight Act of 1987." This legislation continues the pattern of statutory strengthening of the intelligence oversight process that was established 40 years ago by the National Security Act of 1947. In the ensuing years, Congress has enacted other legislation in this area, including most recently the Foreign Intelligence Surveillance Act of 1978, the Intelligence Oversight Act of 1980, and the Intelligence Identities Protection Act of 1982. Each of these pieces of legislation responded to a requirement that was identified at the time, ranging from the need to strengthen our counterintelligence capabilities in the first instance to a life-and-death situation where CIA agents' identities were being publicly revealed in the past. The legislation we are introducing today, too, grows out of our own recent experience.

One of the lessons that we learned during the investigation of the Iranian arms sales and diversion of profits to the Contras is that current oversight statutes, particularly in the area of covert action reporting, are simply not specific enough. Indeed, it had become obvious during the preliminary investigation conducted by the Select Committee on Intelligence late last year that there were gaps and loopholes in our oversight laws and that there were some individuals within the executive branch who exploited these loopholes as a means of avoiding congressional notification of a covert operation.

To be specific, there is currently a statutory requirement that the oversight committees of Congress be noti-

fied in advance of covert actions, or must be notified "in a timely fashion" after the fact. This loophole of "timely fashion" was broad enough to allow the administration not to report the Iranian arms sales for some 18 months. I doubt they would have reported them even then, except that a small newspaper in the Middle East broke the story in November of last year.

The legislation that we are introducing today closes that loophole by requiring that the President provide written notification to the Oversight Committees of the Congress within 48 hours after he has authorized a covert action. If he believes that the action is too sensitive to reveal to the entire membership of the Intelligence Committees, he would be authorized to limit notification to the chairmen and ranking members of those committees, the majority and minority leaders of the Senate and the Speaker and minority leader of the House. Notification of these eight individuals would ensure that we do not have another situation where our country is embarked on a course of action with potentially grave foreign policy implications without notifying the Congress that such was about to be done.

Unlike present law, which does not require Presidential approval for covert activities conducted by agencies other than the CIA, this legislation spells out for the first time that the President must personally approve each covert action or "special activity," as they are sometimes called. So that there will be no doubt as to what the President has authorized and when he authorized it, our legislation requires that a Presidential finding be in writing and that a copy of each finding must be transmitted to the Intelligence Committees within 48 hours after it is signed. Retroactive findings such as were used in the Iran arms sales would be prohibited.

In other sections, this legislation would spell out for the first time the statutory power of the President to authorize covert actions. It also provides that no finding which authorizes a covert action can operate contrary to statute and that no funds can be used for a covert action unless there is a finding. Taken together, it seems to me that these requirements represent a reasonable approach to the problem of regaining control over covert actions, while at the same time not in any way harming or endangering our Nation's ability to conduct such operations.

Mr. President, I would like to close this statement on a more personal note. I have been a member of the Select Committee on Intelligence for almost 7 years now. In time of service on the committee I am the senior member on the Democratic side. During these years it has been my privilege to have had weekly, and sometimes almost daily, contact with the men and women of our Nation's intelligence services. The work that they do for our country is absolutely invaluable, and many of them routinely put their lives on the line with little or no public recognition.

Indeed, when public recognition does occur, it can sometimes mean death, as in the case of William Buckley who was CIA station chief in Beirut. Buckley was taken hostage, tortured, and killed because of what he was doing for his country—our country. There are similar men and women all over the world doing their jobs in silence and without public praise. In the lobby of the CIA headquarters building in Langley, VA, there are rows of gold stars carved into the wall. Each of those stars represents a CIA employee who was killed serving his country. Beneath the stars is a display case in which has been placed an open book. There are names in the book representing most of the stars on the wall, but there are blank lines as well, for some of these CIA employees still cannot be publicly identified, even 35 years later.

Mr. President, I end with these sentiments because I want to make it clear that in sponsoring this legislation today, I am not aiming it at the men and women of the intelligence community. I am not criticizing them for the job they do for us each and every day. No; I am introducing this legislation as a way of strengthening the oversight process, continuing the pattern of the past 40 years, and making our Nation's partnership between the legislative and executive branches in this area a stronger and even more productive one.●

Mr. MURKOWSKI. Mr. President, events of recent months have highlighted the importance of congressional oversight of intelligence activities. The oversight function, performed by the two Select Intelligence Committees—one in the House and one in the Senate—is the means by which this democracy reconciles the people's right to know with the intelligence agencies need for secrecy.

Under existing law the intelligence agencies are obliged to keep the two communities currently informed of significant intelligence activities, including covert action. However, ambiguities inherent in existing statutes were dramatically highlighted during the recently concluded congressional investigation of the Iran-Contra affair. It is important that these ambiguities are eliminated so that the ground rules are clearly understood in both the Executive and the Congress and the temptation to look for loopholes is reduced.

As an outgrowth of painstaking negotiations on these issues between the staffs of the Senate Intelligence Community and the National Security Council, the committee sent a letter to the President's National Security Adviser. The legislation closely follows the provisions contained in that letter.

This bill does not impose new and more onerous burdens upon the intelligence agencies. Rather, it clarifies and rationalizes existing law. For example, this bill will, for the first time, explicitly empower the President to authorize covert actions and establish a Presidential "finding" as the authorizing document.

I am pleased to join with my distinguished colleague from Maine, the vice chairman of the Senate Select Committee on Intelligence, in cosponsoring this legislation.

By Mr. INOUYE (for himself, Mr. EVANS, Mr. BYRD, Mr. CRANSTON, Mr. SIMPSON, Mr. DECONCINI, Mr. BURDICK, Mr. DASCHLE, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BINGAMAN, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. CONRAD, Mr. DOMENICI, Mr. GORE, Mr. GRAMM, Mr. LEVIN, Mr. MATSUNAGA, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. RUDMAN, Mr. STAFFORD, Mr. SANFORD, Mr. SIMON, Mr. WIRTH, Mr. BOREN, and Mr. MELCHER):

S. 1722. A bill to authorize the establishment of the National Museum of the American Indian, Heye Foundation within the Smithsonian Institution, and to establish a memorial to the American Indians, and for other purposes; by unanimous consent, referred jointly to the Committee on Rules and Administration and the Select Committee on Indian Affairs.

NATIONAL AMERICAN INDIAN MUSEUM AND MEMORIAL ACT

Mr. INOUYE. Mr. President, the city of Washington is often referred to as the city of monuments. In addition to nationally renown monuments, such as the Washington Monument, the Lincoln Memorial, the Martin Luther King Library, the Jefferson Memorial, the Emancipation Monument, and the James Madison Library, there are hundreds upon hundreds of other monuments and statues. The U.S. Capitol Building houses over 150 statues. Each State is entitled to honor two of its most distinguished citizens and residents.

For example, the State of Hawaii has so honored King Kamehameha, the first Polynesian Hawaiian king, and Father Joseph Damien de Veuster, the so-called leper priest of Kalaupapa, who someday will hopefully achieve sainthood. It has been said that nearly every civil war general is honored by a statue erected in a circle or intersection of Washington. Sadly, among these hundreds of statues and monuments, there is not one to honor

American Indians—the first Americans.

History records the wisdom, gallantry, and the leadership of many great Indian chiefs and leaders, such as Geronimo, Sitting Bull, Crazy Horse, Chief Joseph, Seattle, Quantah Parker, Barboncito, to name a few. But there are no statues or monuments in Washington, the city of monuments, to honor or remember these great Americans.

The history of American Indians has many sad and tragic chapters. One of the most tragic chapters is that of the so-called Indian wars—a period covering 90 years, beginning in the early 1800's—which left the Indian population decimated.

It may interest my colleagues to know that 200 years ago, at the time we began our formal relationship with Indian nations, there were at least 12 million Indians residing in the continental United States. At the end of the Indian wars, 250,000 remained in our land.

During that time, the American Government systematically violated provisions of treaties that recognized Indian sovereignty over lands, and began pushing and forcing Indians out of the fertile areas of our continent that they had traditionally occupied, into arid, mountainous, uninhabitable regions of our country. Pursuant to Federal policy and legislation, all Indians residing east of the Mississippi River were targeted for removal to lands west of the Mississippi. In the famous Trail of Tears, the Cherokees were removed from Tennessee and Georgia, and North Carolina to the so-called Oklahoma Indian Territory. During what is known as the Long Walk, the Navajos were forced to walk from Fort Sill, OK, to Fort Sumner, NM. But when the Navajos finally arrived in New Mexico, the commanding officer observed:

> Would any sensible man select a spot for a reservation for 8,000 Indians where the water is scarely bearable, where the soil is poor and cold, and where the mesquite roots 12 miles distant are the only wood for the Indians to use?

And when gold was discovered, the Black Hills were taken from the Sioux tribes in violation of their 1868 treaty—an action that the U.S. Supreme Court later described as "a more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history." These are just the better known examples.

During this period, the following directive was issued by Army Gen. Madison Mills, and I wish to quote from the Surgeon General's January 13, 1868 message:

> Medical officers in your department (understand) the importance of collecting for the Army medical museum specimens of Indian cranial and of Indian weapons and utensils, so far as they may be able to procure them . . . the Surgeon General is anxious that our collection of Indian cranial, already quite large, should be made as complete as possible, and that we should be preserve likewise illustrations of the weapons of the fast disappearing tribes.

This directive was sent to the officers and men who were serving our national interest in the Indian wars. As a result, history shows that sacred Indian burial grounds were desecrated; recently killed Indians were stripped of their flesh, and the skeletal remains were shipped to Washington. There is no way of knowing exactly how many skulls and bones were sent to Washington in response to this directive. Obviously, many hundreds, because today, we have in the Smithsonian Institution, in boxes, crates, and on shelves, the skeletal remains of over 18,000 Indians. Many of them were sent to Washington in response to the call of the Army surgeon general, and most of these remains serve no scientific, archaeological, or medical purpose. Most of these skeletal remains have no identity other than the general area from which they came. These remains cry out for a proper resting place. If there are spirits, and many believe that there are, they too must be seeking a resting place.

Today, as the Nation commemorates the American Indian by designating this day, National Indian Day, I am honored, together with many of my colleagues, to introduce a measure that will finally provide a proper resting place for these spirits and skeletal remains. It will also provide an appropriate exhibit facility—a museum—to exhibit the history, the culture, the extraordinary artifacts, and the many significant contributions of the Indians who resided on this continent and their descendants.

At this moment, in a warehouse in the Bronx, is a priceless treasure trove of Indian artifacts that were collected by George Gustav Heye during his lifetime. There are so many of these artifacts that they are still in the process of being cataloged.

It has been said that there are over 1 million artifacts in the collection—hundreds of pre-Columbian tomahawks, pre-Columbian arrowheads, hundreds of Navajo rugs, hundreds of Indian baskets, an unequalled collection of Indian pottery, headdresses, buffalo robes, cradle boards, medicine bundles, burial moccasins, wampum belts, totem poles, ceremonial dresses, spiritual masks, catlinite peace pipes, dugout canoes, wood carvings from the Pacific Northwest and Alaska, whole sections of longhouses, hundreds of rare Kachina dolls, and weapons of war, including the rifles of Geronimo, Sitting Bull, and Crazy Horse. It is a mind-boggling collection with no exhibition area. I visited this warehouse. The first thought that came to my mind upon concluding my tour was "how obscene!" priceless, sacred items, placed in corrugated boxes. Items that would find a place of honor in any of the world's great museums, are found on shelves and not even labeled.

Under the provisions of this bill, this collection can be exhibited, viewed and studied by Indians, so that they can have access to their glorious past and the many contributions that their ancestors have made to America. Non-Indians will have the opportunity to develop a better understanding of the precious contributions that this country's native people have made to our history.

The Smithsonian Board of Trustees has found this collection to be of such priceless value, that they have gone on record favoring the transfer of this collection to Washington, and have taken the first step by setting aside for this museum, property at the foot of the Capitol, between the Botanic Garden and the Air and Space Museum. This spot is the only remaining unoccupied site on the Mall.

I believe the time has come to honor and remember the greatness of the first Americans, their wisdom, their leadership, their valor, and their contributions to the people of the United States.

Mr. President, I ask unanimous consent that a letter that was sent to our two leaders, Senator BYRD and Senator DOLE, by Senator WENDELL FORD, chairman of the Committee on Rules, and Senator STEVENS, the ranking minority member, and DANIEL EVANS, the vice chairman of the Select Committee on Indian Affairs to myself be printed in the RECORD.

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

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, DC, September 25, 1987.

Hon. ROBERT C. BYRD,
Majority Leader,
Hon. ROBERT DOLE,
Minority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER AND SENATOR DOLE: A bill to establish a museum and memorial to the American Indian as part of the Smithsonian Institution will be introduced today by the Chairman of the Indian Affairs Committee and 26 cosponsors. This bill authorizes the transfer of the collection of the Museum of the American Indian, Heye Foundation, in New York to the Smithsonian Institution and provides for the establishment of a permanent exhibition facility in the City of New York. The bill also provides that the skeletal remains of American Indians which are currently in the possession of the Smithsonian Institution, which have no scientific or archaelogical value to the institution, and which are not subject to any claim or dispute by any Indian tribe or group of Alaska Natives, would be interred in the memorial established under the bill.

Because of the importance of this bill to our respective committees, we are writing to request that you seek the unanimous consent of the Senate to have the bill jointly referred to the Committee on Rules and Ad-

ministration and the Select Committee on Indian Affairs.

We very much appreciate your assistance in this matter.

Sincerely,

WENDELL H. FORD,
Chairman, Committee on Rules and Administration.

TED STEVENS,
Ranking Minority Member, Committee on Rules and Administration.

DANIEL K. INOUYE,
Chairman, Select Committee on Indian Affairs.

DANIEL J. EVANS,
Vice-Chairman, Select Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1722

TITLE I

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the National American Indian Museum and Memorial Act.

SEC. 102. The Congress finds that—

(1) there is no national museum devoted exclusively to the history and art of cultures indigenous to North America, specifically Indians, Eskimos and Aleuts;

(2) although the Smithsonian Institution employs 5,500 people, operates 14 museums and galleries and 5 major research facilities, none of its institutions are devoted to Native American art and history;

(3) the Museum of the American Indian, Heye Foundation, located in New York City, has an unequalled assemblage of over 1,000,000 Indian art objects and artifacts and is the largest such collection in the world;

(4) the library of the Museum of the American Indian houses 40,000 volumes relating to the archaeology, ethnology and history of Native American peoples;

(5) the collection of the Museum of the American Indian, Heye Foundation, of art, artifacts, specimens and books is inadequately housed in three separate facilities totalling 90,000 square feet, with 95 percent of the collection of art and artifacts stored in 20,000 square feet and the collection of books kept in a 15,000 square foot library;

(6) the collection of the Museum of the American Indian, Heye Foundation needs a minimum of 400,000 square feet to adequately exhibit and store art and artifacts and to provide space for scholars and researchers;

(7) the transfer of the collection of the Museum of the American Indian, Heye Foundation to the Smithsonian Institution would—

(A) create an institution whose capabilities for exhibition and research would be unrivaled in scope and would give all Americans the opportunity to learn of the cultural legacy and historic grandeur of the American Indian people; and

(B) provide—

(i) a meeting place for scholars,

(ii) a significant, national facility for the exhibition of Indian art and artifacts,

(iii) a stage for the performing arts,

(iv) curation and other learning opportunities for American Indian people, and

(v) traveling exhibitions to other areas of the country;

(8) approximately 300 skeletal remains of Indians were collected from battlefields and burial grounds and sent to the Army Medical Museum by orders of the Surgeon General of the United States Army and were afterwards transferred to the Smithsonian Institution where they are still stored;

(9) the Smithsonian Institution has acquired a vast collection of Indian skeletal remains through—

(A) archaeological excavations,

(B) transfers from the United States Army of specimens collected during the Indian Wars era, and

(C) donations from private individuals and museums;

(10) the existence of this collection has been estimated to contain the remains of approximately 18,000 Indians, Eskimos, and Aleuts and has concerned many Indian tribes and bands who are determined to provide an appropriate resting place for their ancestors;

(11) a national memorial should be constructed in a suitable location on the Mall in the District of Columbia for the purpose of—

(A) interring those skeletal remains presently in the custody of the Smithsonian Institution which are not suitable for scientific inquiry, giving due regard to the religious and ceremonial beliefs and practices of those Indians, Aleuts and Eskimos whose ancestors may be included in the Smithsonian collection,

(B) commemorating and memorializing those Indian nations that have disappeared in the process of European settlement on this continent, and

(C) recognizing the Indian tribes and nations that live on their ancestral lands within the United States and acknowledging their historical contribution to American society;

(12) an extraordinary site on the National Mall in the District of Columbia (U.S. Government Reservation No. 6) which has been reserved for the use of the Smithsonian Institution is available for construction of a suitable building to permanently house the collection of the Museum of the American Indian, Heye Foundation; and

(13) the site should also contain a memorial to inter the remains of American Indians and Alaska Natives whose tribal affiliation is not capable of identification and whose remains are also unsuited for scientific inquiry.

SEC. 103. (a) There is established within the Smithsonian Institution a living memorial to American Indian people and their traditions which shall be known as the "National Museum of the American Indian, Heye Foundation" (hereinafter referred to in the Act as the "Museum") which shall provide for—

(1) the advancement of the study of anthropology, particularly in connection with that of the aboriginal peoples of the Americas and the study of their languages, literature, history, art, and life;

(2) for the collection, preservation, and exhibition of objects of artistic, historic, literary, and scientific interest related thereto; and

(3) programs of research and study.

(b) The area bounded by Third Street, Maryland Avenue, Independence Avenue, Fourth Street, and Jefferson Drive, in the District of Columbia, is hereby appropriated to the Smithsonian Institution as the permanent site of the Museum.

(c) The Board of Regents of the Smithsonian Institution is authorized—

(1) to accept a deed or other instrument donating and transferring to the Smithsonian Institution all assets of the Museum of the American Indian, Heye Foundation established under the foundation deed executed and delivered by George Gustav Heye on May 10, 1916 in the City of New York;

(2) to prepare architectural and engineering designs, plans, and specifications, and to construct at the site specified in subsection (b) of this section a building at least 400,000 square feet in size to house the Museum;

(3) to prepare architectural and engineering designs, plans, and specifications, and to construct at the Museum Support Center of the Smithsonian Institution in Suitland, Maryland, a building suitable for the care, conservation, and study of the collection of the National Museum of the American Indian, Heye Foundation; and

(4) to prepare architectural and engineering designs, plans, and specifications, and to construct or otherwise acquire a permanent exhibition facility in the City of New York as part of the Museum in a site as may be designated by the City of New York.

SEC. 104. (a) The identity of the Heye Foundation collection and its name and purposes shall be preserved, and the collection shall not be merged with the collection of the Smithsonian Institution.

(b) Subject to limitations expressly provided by law and, in the case of a gift, subject to applicable restrictions under the terms of such gift and provided that such gift is made upon terms and conditions that are in harmony with the purposes of the Heye foundation deed, the proceeds from the sale of any property acquired pursuant to section 103(c)(1) shall be maintained for the exclusive benefit of the Museum and accounted for separately from other funds of the Smithsonian Institution.

(c) All endowments for the benefit of the Museum of the American Indian, Heye Foundation in existence at the time of the transfer authorized in section 103(c)(1) shall be maintained for the exclusive benefit of the Museum and accounted for separately from other funds of the Smithsonian Institution.

SEC. 105. (a) There is established within the Smithsonian Institution a Board of Trustees to be known as the Trustees of the National Museum of the American Indian, Heye Foundation (hereinafter referred to in the Act as the "Board of Trustees"). The Board of Trustees—

(1) shall provide advice and assistance to the Board of Regents of the Smithsonian Institution on all matters relating to the administration, operation, maintenance, and preservation of the Museum; and

(2) shall have sole authority to—

(A) preserve, maintain, restore, loan, exchange, sell or otherwise dispose of property acquired pursuant to section 103(c)(1);

(B) subject to any limitations otherwise expressly provided by law, and, in the case of any gift, subject to any applicable restrictions under the terms of such gift, sell, exchange, or otherwise dispose of any property of whatever nature acquired pursuant to the provisions of this Act, provided, that the proceeds from the sale of any property acquired pursuant to section 103(c)(1) shall be designated for the exclusive benefit of the Museum and accounted for separately from other funds of the Smithsonian Institution;

(C) purchase, accept, borrow, or otherwise acquire additional artifacts or any other real or personal property for the National

Museum of the American Indian, Heye Foundation;

(D) preserve, maintain, restore, loan, exchange, sell or otherwise dispose of such additional artifacts or any other real or personal property;

(E) determine policy as to method of display of such artifacts contained in the Museum.

(b) the Board of Trustees shall—

(1) designate a chairman from among its members;

(2) adopt bylaws to carry out its functions;

(3) report annually to the Board of Regents on the acquisition, disposition, and display of artifacts and on other matters within its discretion; and

(4) submit an annual report to the Congress which shall include the proceedings of the Board and a full account of the Board's financial operations for the preceding fiscal year.

(c) The initial Board of Trustees shall consist of those members of the Board of Trustees of the Museum of the American Indian, Heye foundation who are serving as of the date of the transfer authorized under section 103(c)(1) and are willing to serve as Trustees of the National Museum of the American Indian, Heye Foundation and such others appointed by the Board of Regents for a total of twenty-one (21) members, all of whom shall be appointed to serve for a three-year term. In addition, the Secretary, and an Assistant Secretary of the Smithsonian Institution to be appointed by the Secretary, shall serve as ex-officio, nonvoting members of the initial Board of Trustees.

(d) Successor members of the Board of Trustees shall be appointed by the Board of Regents. The Board of Regents shall appoint successor members to the Board of Trustees as follows:

(1) twenty-one members, to be selected from nominations submitted by the Board of Trustees, of whom at least seven shall be of American Indian or Alaska Native ancestry; and

(2) the Secretary of the Smithsonian Institution, and an Assistant Secretary of the Smithsonian Institution to be appointed by the Secretary, who shall serve as ex-officio, nonvoting members.

(e) Following the expiration of the term of the initial Board of Trustees, the terms of office of the successor members of the Board of Trustees shall be as designated by the Board of Regents at the time of appointment on recommendation by the Board of Trustees, and shall expire one-third at the end of one year, one-third at the end of two years, and one-third at the end of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(f) A majority of the members of the Board of Trustees, not including ex-officio members, shall constitute a quorum and any vacancy in the Board of Trustees shall not affect its power to function.

(g) Members of the Board of Trustees shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 106. (a) The Board of Regents may appoint and fix the compensation and duties of the Director, in consultation with the Board of Trustees, and of such other officers and employees of the Museum as may be necessary for the efficient administration, operation, and maintenance of the Museum.

(b) The Director and two other employees of the Museum may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, and Chapter 51 and subchapter III of Chapter 53 of Title 5 of the United States Code.

(c) All of the employees of the Museum of the American Indian, Heye Foundation who are serving on the date of the transfer authorized under section 103(c)(1) shall be offered employment by the Smithsonian Institution under its usual terms of employment and may be appointed without regard to the provisions of Title 5 of the United States Code governing appointments in the competitive service, and Chapter 51 and subchapter III of Chapter 53 of Title 5 of the United States Code.

SEC. 107. The faith of the United States is pledged that the United States shall provide such funds as may be necessary for the upkeep of the Museum and the administrative expenses and costs of operation thereof, including the protection and care of collections acquired by the Board of Regents, so that the Museum shall at all times be properly maintained and collections contained therein shall be exhibited regularly to the general public free of charge.

SEC. 108. (a) There is authorized to be appropriated to the Smithsonian Institution the sum of $3,000,000 in fiscal year 1988, and such sums as may be necessary for the succeeding fiscal year to carry out the purposes of this Act.

(b) There is authorized to be appropriated to the Smithsonian Institution such sums as may be necessary for the planning and construction, in consultation with the Board of Trustees, of the museum building authorized in section 103(c)(2).

(c) There is authorized to be appropriated to the Smithsonian Institution such sums as may be necessary for the planning and construction, in consultation with the Board of Trustees, of the building authorized in section 103(c)(3).

(d) There is authorized to be appropriated to the Smithsonian Institution such sums as may be necessary for the planning and construction, or other acquisition, of a permanent exhibition facility as authorized in section 103(c)(4).

(e) Any sums appropriated to carry out the purposes of this section may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action, to the extent of the sums so transferred to it, as may be necessary to carry out such purposes.

TITLE II

SEC. 201. (a) Within the structure authorized in section 103(c)(2), there shall be established a memorial to the American Indian which shall—

(1) honor and commemorate the contributions made by Indians and Alaska Natives to the United States; and

(2) provide a suitable place for the permanent disposition of certain skeletal remains, as identified in section 202 of this title, of American Indians and Alaska Natives.

(b) It is the intent of the Congress that the memorial and museum authorized in section 103(c)(2) should be completed within five (5) years after the date of enactment of this Act.

SEC. 202. Before the close of the fifth fiscal year after the date of enactment of this Act, the Secretary of the Smithsonian Institution shall determine, to the fullest extent possible, the geographical and tribal origin of all skeletal remains of Indians and Alaska Natives that are under the control of the Smithsonian Institution.

SEC. 203. (a) Upon completion of the construction of the memorial authorized in section 201 of this title, the Secretary of the Smithsonian Institution shall inter in the memorial all skeletal remains of Indians and Alaska Natives under the control of the Smithsonian Institution with respect to which the Secretary of the Smithsonian Institution has submitted to the Congress a written statement certifying after completion of the determinations required under section 202 of this title—

(1) that such remains—

(A) have not been identified by the Secretary of the Smithsonian as having been—

(i) associated with a specific Indian tribe or group of Alaska Natives, or

(ii) acquired from a specific archaeological or burial site, and

(B) are not likely to be the subject of any claim or dispute by any Indian tribe or group of Alaska Natives, or

(2) that—

(A) such remains have been identified by the Secretary of the Smithsonian Institution as having been associated with a specific Indian tribe or group of Alaska Natives,

(B) such tribe or group requests the interment of such remains in the memorial, and

(C) such remains are not likely to be the subject of any claim or dispute by any Indian tribe or group of Alaska Natives.

(b) The Secretary of the Smithsonian Institution shall consult with Indian tribes and groups of Alaska Natives to develop proper interment ceremonies, in accordance with Indian and Alaska Native religious practices, that shall be followed in interring skeletal remains.

SEC. 204. (a) The Board of Trustees of the Museum of the American Indian, Heye Foundation shall establish a Board of Design for the memorial which shall consist of seven members, a majority of whom shall be of American Indian or Alaska Native ancestry.

(b) The Board of Design is authorized to:

(1) receive designs for the memorial, and where practicable, to extend a preference to designs submitted by American Indians and Alaska Natives; and

(2) in consultation with and subject to the approval of the Board of Trustees and the Board of Regents, make a final selection from among the designs submitted.

SEC. 205. There is authorized to be appropriated for each fiscal year such sums as are necessary to carry out the provisions of title II of this Act.

SEC. 206. For the purposes of this Act—

(1) The term "Indian" means a person who is a member of an Indian tribe, including any individual who is an Alaska Native.

(2) The term "Alaska Native" means any Eskimo, Aleut, Alaska Indian, Inuit, or Inupiat.

(3) The term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which—

(A) is recognized by the Federal Government as eligible for special programs and services provided to Indians because of their status as Indians, or

(B) was terminated by Federal law after 1940.

(4) The term "Board of Trustees" means the Board of Trustees of the National

Museum of the American Indian, Heye Foundation.

(5) The term "Board of Regents" means the Board of Regents of the Smithsonian Institution.

Mr. EVANS. Mr. President, I am pleased to join as a cosponsor of this legislation to establish a National Museum of the American Indian. This bill would provide a suitable location for the world's greatest collection of American Indian artifacts. And it would provide an honorable final resting place for the remains of many thousands of native Americans, now stored in boxes at the Smithsonian Institution.

The Museum of the American Indian, Heye Foundation is truly a national treasure, but it is fast becoming a national disgrace. George Gustav Heye collected artifacts from most of the indiginous cultures of the Western Hemisphere. The breadth of the collection is beyond the imagination of most, including myself. But the physical setting of the collection is shocking, and certainly jeopardizes its security and long-term safety from physical deterioration.

I commend the trustees and staff of the Heye Foundation Museum for their generosity in offering this collection as part of the Smithsonian Institution and for their willingness to consider a solution to the dilemma presented by the sad state of the Heye collection which looks beyond the somewhat narrow confines of the city of New York. I also commend the tireless efforts of Smithsonian Secretary Robert Adams and Indian Affairs Committee Chairman INOUYE to bring this proposal to fruition. Their vision will help add to the Smithsonian Institution what could be considered the most important addition of the era.

Mr. President, I am pleased to note that several of my colleagues in the Senate leadership and members of the Select Committee on Indian Affairs have chosen to join us as cosponsors of this legislation. I urge all the remaining Members of the Senate, and our colleagues in the House of Representatives, to join us in what should truly be seen as a national initiative.

Mr. DOMENICI. Mr. President, I am very proud to join with the distinguished chairman of the committee [Mr. INOUYE] in sponsoring this bill to provide native American art and culture a place of honor in our Nation's Capital.

This bill will assure that the magnificent collection of Indian artifacts owned by the George Gustav Heye Foundation of New York will receive proper care and display. This collection contains over 700,000 important articles, and a 40,000-volume collection of books.

The foundation is seeking a facility for the proper exhibition and storage of this great collection. Happily, a vacant site on The Mall here in Washington has been reserved for the use of the Smithsonian Institution. It is available.

At the present time, this fine collection is located in three separate sites. Less than 5 percent of the artifacts are on public display. The storage facilities are sadly inadequate, and the collection is threatened with serious deterioration.

This collection, the very best Indian collection in the world, features everything from beaded ceremonial dresses and burial moccasins to medicine bundles and peace pipes.

And what better and more appropriate location for the construction of a Museum of the American Indian than on The Mall here in Washington, a location offering national and international exposure.

Specifically, this bill will:

First, establish the National Museum of the American Indian.

Second, authorize transfer of the Heye Foundation to the Smithsonian Institution, while maintaining the collection's identity.

Third, establish a memorial to the American Indian, recognizing the great contributions that Indians and Alaska Natives have made to the United States, providing a suitable place for the displaced skeletal remains.

Fourth, authorizes $3,000,000 in fiscal year 1988 to complete a feasibility study, plus an amount yet to be determined for planning, construction, and operation of facilities on The Mall, as well as in Suitland, MD, and New York City.

This bill affords all Americans a wonderful opportunity to reflect upon the historical, artistic, and cultural heritage of those indigenous to North America: Indians, Eskimos, and Aleuts.

Through this legislation, Congress and the American people will be able to commemorate and memorialize those Indian nations that disappeared in the process of European settlement on this continent. We can educate all our citizens about the Indian tribes and nations that now live on their ancestral lands within the United States, and acknowledge their many great contributions to our society.

Mr. President, I urge the Senate to take early and favorable action on this important proposal.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator INOUYE's Indian museum bill, S. 1722, be jointly referred to the Committee on Rules and the Select Committee on Indian Affairs.

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

By Mr. BINGAMAN (for himself and Mr. INOUYE):

S. 1723. A bill to authorize the establishment of certain regional exhibition facilities as part of the Museum of the American Indian, and for other purposes; referred to the Select Committee on Indian Affairs.

AMERICAN INDIAN REGIONAL MUSEUM ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce the American Indian Regional Museum Act—legislation I hope will help take the rich national collection of Indian art and artifacts closer to the citizens of this Nation.

I was pleased to join many of my colleagues earlier today in introducing the National American Indian Museum and Memorial Act. That legislation would establish the National Museum of the American Indian within the Smithsonian Institution. I strongly support Senators BYRD and INOUYE in their desire to bring this important collection to the Smithsonian and our Nation's Capital.

My legislation, which is cosponsored by Senator INOUYE, would go one step further. It would authorize the Smithsonian, with the cooperation of the National Park Service, to establish five regional museums in the United States so that more of our citizens can enjoy our national treasure of Indian art and culture. It is incumbent upon us to make these treasures as available to as many Americans as possible. The regional museums would do that, and in so doing, enrich and educate the American people.

For too long, we have witnessed a steady erosion and removal of artifacts from Indian religious and sacred sites in every region of the country. The cultural legacy of the American Indian, as defined by art, is slowly disappearing from our pueblos and reservations. My legislation is a small step toward ensuring that some of these artifacts are returned to the area from which they were collected.

I strongly endorse the proposed creation of a National Indian Museum on The Mall in Washington as part of the Smithsonian family of museums; however, the time has come for a family of satellite museums to make these native treasures more available to all Americans.

The statistics clearly reflect why my legislation is needed. It is anticipated that the current museum in New York only displays 5 percent of its available collection of 1 million native American objects. This means that over 950,000 objects are unavailable for public viewing and appreciation. Can there be any doubt that it would be far better to showcase this art—especially in the very areas that it was first found?

I have long been concerned about the need for regional museums. Growing up in southwestern New Mexico—the location of the historic Mimbres Valley and rich Mimbres culture—there was little opportunity for me or others to see the artifacts collected

from the region. Unfortunately, most of these artifacts are found exclusively in museum collections on the east coast and not in the Southwest.

In 1983, I participated in a hearing in New Mexico on the issue of cultural resource management. At that hearing, Federal, State, and local officials, archeologists, and Indian leaders clearly stated that our cultural heritage was improperly protected and preserved. After this hearing, I asked the General Accounting Office to review the management of cultural resources on public lands in the Southwest and the extent of the loss of these resources. Its tentative findings reveal alarming incidents of theft and vandalism at Indian and other cultural sites.

This threat to our cultural legacy creates another incentive to establish regional museums. The presence of the museums with their educational and interpretive programs will help increase awareness of the importance of preserving and protecting the remnants of our past.

My legislation also requires that a comprehensive interpretive program be implemented to explain the relevance of the art displayed. This interpretive program will be an important educational tool in appreciating and understanding Indian culture.

The legislation also calls for an active exhibit program that would travel within each region to bring the art and history to schools and local communities, which may not otherwise be able to host such an exhibit. Returning the art and artifacts to their native regions is an integral part of this legislation.

I would hope that parents in New Mexico would not have to bring their children all the way to Washington to view objects that may have been taken from their own backyards decades ago. Certainly, excellent private and public museums in every State have done important work in preserving and protecting our history and culture. I hope my legislation will be viewed as an important addition to those efforts.

While we are celebrating that great document, our Constitution, we should also recognize that the land is filled with other treasures that must be preserved, protected, and appreciated.

Mr. President, I ask unanimous consent to print the bill in the RECORD at this point:

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

S. 1723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "American Indian Regional Museum Act of 1987".

FINDINGS

SEC. 2. The Congress finds that—

(1) the collection of Indian art and artifacts of the Museum of the American Indian represents a genuine national treasure that deserves to be shared by all citizens of this country;

(2) although this museum contains over 1,000,000 art objects and artifacts collected from Indian tribes throughout the United States and is the largest such collection in the world, there are no regional facilities where these artifacts can be displayed for the enjoyment and appreciation of all citizens;

(3) only 5 percent of the permanent collection of the Museum is on public display leaving the remaining 95 percent unavailable for viewing by the American public;

(4) many of these artifacts have been taken from Indian communities, and there is little opportunity for these objects to be returned to the areas from which they were collected;

(5) this denies many people the ability to appreciate the rich legacy of the American Indian and Alaskan Native heritage;

(6) additionally, there is no national interpretative or educational program to provide local schools and communities the opportunity to enjoy the significant collection; and

(7) in order to enrich our appreciation of the cultural achievements of the Indian people, it is necessary to create a national system of regional facilities where these artifacts can be properly displayed and appreciated.

REGIONAL FACILITIES

SEC. 3. (a) At such time as the United States acquires the Museum of the American Indian, Heye Foundation, the Board of Regents of the Smithsonian Institution, in consultation and cooperation with the Secretary of the Interior, is authorized to establish, in each of the southwestern, northwestern, northeastern, and southeastern parts of the United States, and in the States of Hawaii and Alaska, a suitable facility for the purpose of using each such facility as a permanent regional exhibition facility as part of the Museum of the American Indian, and to prepare such architectural and engineering designs, plans, and specifications of such facilities as may be necessary for purposes of this Act. Each such facility shall be operated and maintained as a regional facility and as part of such Museum.

(b)(1) Each facility established pursuant to this section shall provide exhibit space for Indian artifacts as well as serve as a comprehensive interpretative and educational center that would highlight the significant historical, artistic, and cultural achievements of the Indian people of the region in which such facility is established.

(2) It shall be the function of each such facility, among others, to sponsor and coordinate a variety of traveling representative exhibits to schools and to local communities in each region. Such exhibits shall stress the rich cultural legacy of the Indian people and increase educational awareness among citizens in each region.

ADVISORY COUNCIL

SEC. 4. The Board of Regents of the Smithsonian Institution shall appoint an Advisory Council within each region to work with the Institution to establish museum policy with respect to such regional facilities, to oversee museum curation and acquisitions for such facilities, and to provide necessary technical assistance. Each Advisory Council shall have not less than eleven members, and shall be composed of individuals knowledgeable and experienced in the Indian arts and cultures of the region in which such regional facility is established. Preference for membership on an Advisory Council shall be given to American Indians and Alaskan Natives.

AUTHORIZATION

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator form Idaho [Mr. SYMMS] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 418

At the request of Mr. WALLOP, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 418, a bill to amend the Tax Reform Act of 1986 to restore the preferential treatment for capital gains, and for other purposes.

S. 629

At the request of Mr. BINGAMAN, the names of the Senator from Montana [Mr. MELCHER], the Senator from Maryland [Mr. SARBANES], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 629, a bill to establish literacy progams for individuals of limited English proficiency.

S. 840

At the request of Mr. THURMOND, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Inc.

S. 1069

At the request of Mr. BINGAMAN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1069, a bill to revise and extend the older American Indian Grant Program under the Older Americans Act of 1965, and for other purposes.

S. 1081

At the request of Mr. BINGAMAN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 1081, a bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such progam and plan.

S. 1188

At the request of Mr. SYMMS, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 1188, a bill to amend the Internal Revenue Code of 1986 to allow certain associations of football coaches to have a qualified pension plan which includes cash or deferred arrangement.

S. 1348

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1348, a bill to establish in the Department of Education an Office of Comprehensive School Health Education, and for other purposes.

S. 1484

At the request of Mr. GRASSLEY, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 1484, a bill to provide permanent authorization for White House Conference on Rural Development and the Family Farm.

S. 1518

At the request of Mr. ROCKEFELLER, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from Delaware [Mr. BIDEN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1518, a bill to amend the Motor Vehicle Information and Cost Savings Act to provide for the appropriate treatment of methanol and ethanol, and for other purposes.

S. 1520

At the request of Mr. BAUCUS, the names of the Senator from California [Mr. CRANSTON], the Senator from Ohio [Mr. METZENBAUM], the Senator from Connecticut [Mr. WEICKER], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Florida [Mr. CHILES], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1520, a bill to amend the Internal Revenue Code of 1986 to allow certain entities to elect not to make changes in their taxable years required by the Tax Reform Act of 1986, and for other purposes.

S. 1541

At the request of Mr. REID, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1541, a bill to provide veterans' benefits to persons who served as seamen in the U.S. merchant marine during World War II.

S. 1600

At the request of Mr. FORD, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1600, a bill to enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

S. 1622

At the request of Mr. DASCHLE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1622, a bill to amend the Internal Revenue Code of 1986 to treat rural electric or telephone cooperatives in the same manner as other cooperatives for purposes of the book income preference under the minimum tax.

S. 1623

At the request of Mr. DASCHLE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1623, a bill to amend the Internal Revenue Code of 1986 to permit rural telephone cooperatives to have qualified cash or deferred arrangements, and for other purposes.

S. 1647

At the request of Mr. CHILES, the names of the Senator from North Dakota [Mr. BURDICK], the Senator from Arizona [Mr. DECONCINI], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1647, a bill to reform the laws relating to former Presidents.

SENATE JOINT RESOLUTION 177

At the request of Mr. THURMOND, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Joint Resolution 177, a joint resolution to authorize and request the President to designate the month of December 1987, as "Made in the U.S.A. Month."

SENATE JOINT RESOLUTION 184

At the request of Mr. RIEGLE, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from New Jersey [Mr. BRADLEY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Mississippi [Mr. STENNIS], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Massachusetts [Mr. KERRY], the Senator from Indiana [Mr. QUAYLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arizona [Mr. MCCAIN], the Senator from Kansas [Mr. DOLE], the Senator from Oregon [Mr. PACKWOOD], the Senator from North Carolina [Mr. HELMS], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Maine [Mr. COHEN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Connecticut [Mr. DODD], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 184, a joint resolution designating October 15, 1987, as "National Safety Belt Use Day."

SENATE RESOLUTION 246

At the request of Mr. MOYNIHAN, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of Senate Resolution 246, a resolution to honor Irving Berlin for the pleasure he has given to the American people through almost a century of his music.

AMENDMENT NO. 706

At the request of Mr. MELCHER, his name was added as a cosponsor of amendment No. 706 proposed to S. 1174, an original bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

SENATE RESOLUTION 288—ORIGINAL RESOLUTION REPORTED RELATING TO AMENDMENTS TO TRADE AGREEMENTS IF SUCH AMENDMENTS RELATE TO DOMESTIC OR FOREIGN WATERBORNE COMMERCE OF THE UNITED STATES

Mr. FORD, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 288

Resolved, That, with respect to the Senate, the provisions of section 151(d) of the Trade Act of 1974 (19 U.S.C. 2191(d)) (relating to the prohibition of amendments) shall not apply to an amendment to an implementing bill or approval resolution relating to the domestic or foreign waterborne commerce of the United States.

SENATE RESOLUTION 289—ESTABLISHING MINING AWARENESS WEEK

Mr. BYRD (for himself and Mr. WARNER) submitted the following resolution; which was placed on the calendar:

S. RES. 289

Whereas, the minerals extracted from the earth have opened doors to progress throughout history and are vital to the continuation of civilization;

Whereas, modern mining machinery, equipment and services permit the best available mining and reclamation technology on industry properties;

Whereas, the mining industry has made and will continue to make essential contributions to the industrial development of the United States, its standard of living, national security, and international competitiveness;

Whereas, the ability of the domestic mining industry to survive and prosper at home and in the international market is vital to the economic well-being and world leadership position of the nation: Now, therefore, be it

Resolved, that the Senate of the United States hereby proclaims April 24-30, 1988, Mining Awareness Week, in recognition of the domestic mining industry, which created, established and maintained our Nation's industrial cornerstone resulting in benefits to the entire world.

AMENDMENTS SUBMITTED

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATION, 1988

DECONCINI (AND DOMENICI) AMENDMENT NO. 738

Mr. DECONCINI (for himself and Mr. DOMENICI) proposed an amendment to the bill (H.R. 2907) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1988, and for other purposes; as follows:

On page 17, line 3 and line 7, delete the citation "453(c)" and insert in lieu thereof the citation "453C";

On page 44, line 4, after the comma, delete the words through the first comma on line 8.

On page 72, line 9, beginning with the word "for", delete the line-type through the word "granted" on line 10;

On page 81, line 19, delete the word "national".

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

ROTH (AND NUNN) AMENDMENT NO. 739

Mr. ROTH (for himself and Mr. NUNN) proposed an amendment to the bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes; as follows:

On page 43, after line 21, insert the following new section:

SEC. . Of the funds appropriated pursuant to Sec. , $50,000 shall be provided to the North Atlantic Interparliamentary Assembly for a Study on the Future of the North Atlantic Treaty Organization.

ROTH AMENDMENT NO. 740

Mr. ROTH proposed an amendment to the bill (S. 1174) supra; as follows:

On page 37, after line 10, insert the following new section:

SEC. . ELIGIBILITY OF MAJOR NON-NATO ALLIES TO COMPETE ON CERTAIN MAINTENANCE CONTRACTS.

(a) IN GENERAL.—Any major non-NATO ally shall be eligible to bid under competitive procedures and any Department of Defense contract for maintenance, repair, and overhaul associated with the European workload program. Any contract with such a non-NATO ally may be carried out in the ally's facilities or in facilities in NATO/Europe.

(b) DEFINITION.—For purposes of subsection (a), The term "Major Non-NATO Ally" has the meaning given that term by Section 1105(g)(1) of the Department of Defense Authorization Act, 1987 (Public Law 99-661).

QUAYLE (AND LEVIN) AMENDMENT NO. 741

Mr. QUAYLE (for himself and Mr. LEVIN) proposed an amendment to the bill (S. 1174) supra; as follows:

On page 114, between lines 13 and 14, insert the following new section:

SEC. . REPORT REGARDING NATO DEFENSES.

(a) IN GENERAL.—The Secretary of Defense in consultation with the Supreme Allied Commander, Europe, shall submit to Congress a report on the options available to the North Atlantic Treaty Organization (NATO) to ensure continued deterrence against war in Europe and continued NATO unity in light of the proposed Intermediate Range Nuclear Treaty (INF) between the United States and the Soviet Union. The report shall include, at a minimum, the following:

(1) Requirements for nuclear modernization of NATO.

(2) Non-nuclear forces that would be needed to support the operational concept of Follow-on-Forces Attack (FOFA).

(3) The status of improvements being made in the air defenses of NATO in Europe.

(4) Possible effects of a conventional arms control agreement on the military balance between NATO and Warsaw Pact forces.

(b) DEADLINE FOR REPORT.—The Secretary shall submit the report required by subsection (a) not later than January 31, 1988, or before the President submits to the Senate for its advice and consent any treaty relating to intermediate range nuclear missiles in Europe, whichever occurs first.

QUAYLE AMENDMENTS NOS. 742 AND 743

Mr. QUAYLE proposed two amendments to the bill (S. 1174) supra; as follows:

AMENDMENT NO. 742

At an appropriate place in the bill, add the following new section:

SEC. . REPORT ON MANPOWER REQUIRED TO IMPLEMENT THE MISSILE TECHNOLOGY CONTROL REGIME.

(a) Not later than February 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report identifying the functional responsibilities of the Department of Defense for implementing the Missile Technology Control Regime, describing the number and skills of personnel currently available in the Department of Defense to perform these functions, and assessing the adequacy of these resources for the effective performance of this mission.

(b)(1) The report described in subsection (a) shall identify the total number of current Department of Defense full-time employees or military personnel, the grades of such personnel, and the special knowledge, experience, and expertise of such personnel to carry out each of the following Missile Control Technology Regime tasks:

(A). Review of private-sector export license applications and government-to-government cooperative activities.

(B). Intelligence analysis and activities.

(C). Policy coordination.

(D). International liaison activity.

(E). Enforcement and technology security operations.

(F). Technical review.

(b)(2) The report shall contain the Secretary's assessment of the adequacy of staffing in the categories specified above in sections (b)(1)(A-F), and shall make recommendations on measures, including legislation if necessary, to eliminate any identified staffing deficiencies, and to improve interagency coordination.

AMENDMENT NO. 743

On page 24, beginning with line 20, strike out all down through line 14 on page 25 and insert in lieu thereof the following:

SEC. 234. REPORTS ON STRATEGIC DEFENSE INITIATIVE PROGRAMS.

(a) IN GENERAL.—At the time the submission by the Secretary of Defense to the Congress of his annual budget presentation materials for each of the fiscal years 1989 and 1990 (but not later than March 15 of the calendar year in which such fiscal year begins), the Secretary of Defense shall transmit to Congress a report on the programs that constitute the Strategic Defense Initiative and other programs, if any, relating to defense against ballistic missiles. Each such report shall include the following:

(1) Details of all programs and projects included in the Strategic Defense Initiative or relating to defense against strategic ballistic missiles.

(2) A clear definition of the objectives of the Strategic Defense Initiative.

(3) An explanation of the relationship between each such objective and each program and project associated with the Strategic Defense Initiative or defense against strategic ballistic missiles.

(4) The status of consultations with other member nations of the North Atlantic Treaty Organizations, Japan, and other appropriate allies concerning research being conducted in the Strategic Defense Initiative program.

(5) A statement of the compliance of the planned SDI development and testing programs with existing arms control agreements, including the antiballistic missile treaty.

(6) A review of possible Soviet countermeasures to specific Strategic Defense Initiative programs and an evaluation of the adequacy of the SDI programs outlined in this report to respond to such countermeasures.

(7) Details on the funding of programs and projects for the Strategic Defense Initiative, including—

(A) prior and current year funding levels for all such programs, projects, and tasks in the Strategic Defense Initiative budgetary presentation materials;

(B) the amount requested to be appropriated for such programs, projects, and tasks for the fiscal year for which the budget is submitted; and

(C) the amount programmed to be requested for the following fiscal year.

(8) Details on what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant military threats and help accomplish critical military missions. The missions to be considered include—

(A) defending the United States Armed Forces abroad and United States allies against tactical ballistic missiles, particularly new and highly accurate Soviet shorter range ballistic missiles armed with conventional, chemical, or nuclear warheads;

(B) defending against an accidental launch of strategic ballistic missiles against the United States;

(C) defending against a limited but militarily effective Soviet attack aimed at disrupting the National Command Authority or other valuable military assets;

(D) providing sufficient warning and tracking information to defend or effectively evade possible Soviet attacks against military satellites including those in high orbits;

(E) provide early warning and attack assessment information and the necessary survivable command control, and communications to facilitate the use of U.S. military forces in defense against possible Soviet conventional or strategic attacks;

(F) providing protection of U.S. population from a Soviet nuclear attack; and

(G) any other significant near-term military mission that the application of SDI technologies might help to accomplish.

(9) for each of the near-term military missions listed in (8), the report shall include

(A) a list of specific program elements of the Strategic Defense Initiative that are pertinent to these applications;

(B) the Secretary's estimate of the initial operating capability dates for the architectures or systems to accomplish these missions;

(C) the Secretary's estimate of the level of funding necessary for each program to reach these operating capability dates; and

(D) the Secretary's estimate of the survivability and cost effectiveness at the margin of these architectures or systems against current and projected Soviet threats.

(b) REPEALS.—Section 1102 of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2431 note), and section 215 of the Department of Defense Authorization Act, 1987 (Public Law 99-661; 100 Stat. 3843), are repealed.

HEINZ (AND OTHERS) AMENDMENT NO. 744

Mr. HEINZ (for himself, Mr. COHEN, Mr. NICKLES, Mr. QUAYLE, Mr. MCCAIN, Mr. MCCLURE, Mr. KASTEN, and Mr. BOREN) proposed an amendment to the bill (S. 1174) supra; as follows:

At the end of the bill, add the following new section:

SEC. . (a) The Congress finds that the use of salary remission arrangements whereunder the nationals of member states of the United Nations serving as employees of the United Nations Secretariat or its specialized agencies are required to turn over their salaries to their national governments and retain only a portion of the salary paid to them by the United Nations violates the United Nations Charter and seriously compromises the independence of the United Nations' international civil service.

(b) The elimination of salary remission arrangements that compromise the independence of the international civil service should be a high priority of the United States in its efforts to reform the personnel practices of the United Nations system.

(c) Fifty percent of the funds made available for each fiscal year by any provision of law to meet the obligations of the United States for assessed contributions to the United Nations and its specialized agencies may not be obligated until the President certifies to the Congress that significant progress has been made within the United Nations Secretariat and the United Nations specialized agencies in eliminating—

(1) the excessive use of secondment by member states whereunder nationals of the member states serving as employees of the United Nations Secretariat are seconded to such employment on fixed-term contracts and not allowed to become regular career employees of the United Nations, with a view to implementing the recommendations of the Group of 18 with respect to limits on the use of secondment; and

(2) the blatant control of nationals of member states serving as employees of the United Nations Secretariat or the specialized agencies through regular supervision, consultation, and evaluation of such nationals of member states by their permanent missions to the United Nations or to the specialized agencies of the United Nations.

INOUYE AMENDMENT NO. 745

Mr. INOUYE proposed an amendment to the bill (S. 1174) supra; as follows:

On page 198, between lines 4 and 5, insert the following new section:

SEC. 2826. LAND CONVEYANCE, FORT DERUSSY, HAWAII.

(a) IN GENERAL.—Notwithstanding any other provision of law restricting the sale, lease, rental, or other disposition of any lands which comprise a portion of Fort DeRussy, Hawaii, the Secretary of the Army may convey to the State of Hawaii the City and County of Honolulu, Hawaii, at fair market value (as determined by the Secretary), all right, title, and interest of the United States in and to not to exceed 45 acres of land (together with improvements thereon) which lie northeast of Kalia Road in Honolulu and which constitute a portion of Fort DeRussy, Hawaii.

(b) AUTHORITY OF THE SECRETARY TO ACQUIRE OTHER LANDS AND CONSTRUCT REPLACEMENT FACILITIES.—The Secretary may acquire land in the vicinity of Honolulu, Hawaii, and design and construct on such land such facilities as may be necessary to replace those facilities on the land conveyed pursuant to subsection (a). The Secretary may also relocate activities currently located on the land conveyed pursuant to subsection (a) to the replacement facilities.

(c) USE AND DISPOSITION OF FUNDS.—The proceeds of the sale authorized by subsection (a) shall be available without fiscal year limitation to acquire land and replacement facilities authorized to be acquired and constructed pursuant to subsection (b) and to pay associated relocation costs. Any funds which may remain after the acquisition of such land and replacement facilities and the payment of associated relocation costs shall be deposited in the Treasury as miscellaneous receipts.

(d) LEGAL DESCRIPTION AND SURVEYS.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the city and county of Honolulu.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance authorized in subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

McCLURE (AND SYMMS) AMENDMENT NO. 746

Mr. McCLURE (for himself and Mr. SYMMS) proposed an amendment to the bill (S. 1174) supra; as follows:

On page 216 following line 8, insert the following new section:

SEC. 3133. ACQUISITION STRATEGY FOR A NEW PRODUCTION REACTOR.

(a) The Secretary of Energy shall submit to the committee on Armed Services of the Senate and House of Representatives a report describing the acquisition strategy of the secretary for new production capacity as soon as possible after the date of enactment of this act, but not later than February 1, 1988.

(b) The report in subsection (a) should contain but not be limited to, an evaluation of the alternative sites anddn technologies, including all safety features considered, their associated costs and schedules, and the recommendation of the Secretary of Energy with respect to the preferred alternatives. The report in subsection (a) shall also include the recommendations of the Secretary of Energy with respect to an acquisition strategy, either in a phased approach or concurrently, technologies in different locations.

HOLLINGS (AND OTHERS) AMENDMENT NO. 747

Mr. HOLLINGS (for himself, Mr. DOLE, and Mr. WILSON) proposed an amendment to the bill (S. 1174) supra; as follows:

On page 114, between lines 13 and 14 insert the following new section:

"SEC. . TESTING PROGRAM FOR DRUG, CHEMICAL, AND ALCOHOL USE AND DEPENDENCY PRIOR TO ENTRY OR REENTRY INTO THE ARMED FORCES.

"(a) Under uniform regulations prescribed by the Secretary of Defense, testing shall be required for drug, chemical, and alcohol use and dependency for any indivdual prior to entry into the Armed Forces.

"(b) Testing required under paragraph (a) shall be conducted as part of a pre-registration physical prior to entry into Active, Reserve, or National Guard Units whether under the direct accession or delayed entry programs.

"(c) Failure to consent to the testing program prescribed in paragraph (a) shall disqualify an individual for entry into the units described in paragraph (b).

"(d)(1) The Secretary of Defense shall prescribe regulations to implement this Section not later than 45 days after the date of the enactment of this Act.

"(2) The effective date for initiation of the testing program prescribed by this Section shall be no later than 180 days after the enactment of this Act."

HELMS AMENDMENT NO. 748

Mr. HELMS submitted an amendment to the bill (S. 1174) supra; as follows:

Add at the end of the bill the following new section:

SEC. . (a) notwithstanding any other provision of law and, particularly, the Vienna Convention on Diplomatic Relations, done

on April 18, 1961, and the Vienna Convention on Consular Relations, done on April 24, 1963, members of a foreign diplomatic mission (other than diplomatic agents) and members of a foreign consular post (other than consular officers) shall not be entitled to immunity from the criminal jurisdiction of the United States (or of any State) for any crime of violence, as defined in section 16 of title 18, United States Code, or for reckless driving or driving while intoxicated or under the influence of alcohol or drugs.

(b) For purposes of this Section—

(1) the term "consular officer" has the same meaning as is given to such term in Article 1(1)(d) of the Vienna Convention on Consular Relations;

(2) the term "diplomatic agent" has the same meaning as is given to such term in Article 1(e) of the Vienna Convention on Diplomatic Relations;

(3) the term "members of a foreign consular post" is used within the meaning of Article 1(1)(g) of the Vienna Convention on Consular Relations; and

(4) the term "members of a foreign diplomatic mission" is used within the meaning of Article 1(b) of the Vienna Convention on Diplomatic Relations.

(c) This Section may be cited as the "American Citizen Protection Act of 1987."

(d) Notwithstanding any other provision of law or of this Act, if the President, in considering factors of reciprocity and perceived obligations of international law, determines and so certifies to Congress that the national interest of the United States requires the exclusion of certain individuals from the coverage of the provisions of Section 1 of this Act, then the President may exclude from such coverage up to 5,000 foreign nationals who are family of foreign diplomats or support staff of foreign diplomatic or international missions in the United States; provided, however, that the assertion of diplomatic immunity on behalf of a person so excluded shall be made in the appropriate judicial forum only by the Ambassador to the United States from the sending foreign sovereign of which such person is a national and such person shall immediately thereafter be declared persona non grata, forthwith expelled from the United States, and denied re-entry. The President shall direct the Office of Foreign Missions to publish in the FEDERAL REGISTER not less than once annually a list of foreign nationals, if any, excluded pursuant to the provisions of this Section.

(e) Section 1732 of Title 22 of the United States Code is hereby reenacted and made a part hereof and incorporated herein by reference."

CONRAD (AND OTHERS) AMENDMENT NO. 749

Mr. CONRAD (for himself, Mr. SASSER, and Mr. METZENBAUM) proposed an amendment to the bill (S. 1174) supra; as follows:

On page 114, between lines 13 and 14, insert the following:

SEC. 812. SENSE OF CONGRESS RELATING TO SUPPORT OF MUTUAL DEFENSE ALLIANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) Japan, the member nations of the North Atlantic Treaty Organization (NATO), and othr countries rely heavily on the United States to protect their national security under mutual defense alliances.

(2) The United States spends more than $100,000,000,000 annually to provide the defense umbrella for the allies of the United States.

(3) The financial burden * * * assumed by many NATO allies and Japan is not commensurate with their economic resources, and, as a result, the United States is forced to bear a disproportionately large share of the financial burden of supporting such mutual defense.

(4) While the United States is currently spending 6.5 percent of its gross national product on defense, our NATO allies spend an average of 3.5 percent of their gross national products on defense and Japan spends only 1.0 percent of its GNP on defense.

(5) The greatest weakness in the ability of the United States to provide for the mutual defense of the United States and its allies is not the military capability of the United States, but rather the economic vulnerability of the United States.

(6) The level of Federal spending must be reduced in order to reduce the Federal budget deficit and revitalize the economy.

(7) The continued unwillingness of the allies of the United States to increase their contributions to the vitality, effectiveness, and cohesion of the * * * alliances between those countries and the United States.

(b) POLICY.—It is the sense of Congress that—

(1) the President should enter into negotiations with countries which participate in mutual defense alliances with the United States, especially the member nations of the NATO and Japan, for the purpose of reaching an agreement on a more equitable distribution of the burden of financial support for the alliances;

(2) the objective of such negotiations with the member nations of NATO and Japan should be to establish a schedule of increases in defense spending by our NATO allies and Japan or a system of offsetting payments that is designed to achieve, to the maximum practicable extent, a division of responsibility for defense spending between those allies and the United States that is commensurate with their resources; and

(3) the President should report to Congress, within one year after the date of the enactment of this Act, on the progress of such negotiations.

(4) if, in the judgement of the Congress, the President's report does not reflect substantial progress toward a more equitable distribution of defense expenses among the members of a mutual defense alliance, the Congress should review the extent of the distribution of the mutual defense burden among our allies and consider whether additional legislation is appropriate.

D'AMATO (AND OTHERS) AMENDMENT NO. 750

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. WILSON, Mr. DIXON, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill (S. 1174) supra; as follows:

On page 114, between lines 13 and 14, insert the following new section:

SEC. . STUDY RELATING TO CAPABILITIES FOR THE CONTROL OF DRUG SMUGGLING INTO THE UNITED STATES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a comprehensive study regarding illegal drug smuggling into the United States and the current capabilities of the United States to deter such smuggling. In carrying out such study, the Comptroller shall—

(1) assess the national security implications of illegal drug smuggling into the United States;

(2) assess the magnitude, nature, and operational impact that current resource limitations have on the drug smuggling interdiction efforts of Federal law enforcement agencies and the capability of the Department of Defense to respond to requests for assistance from those law enforcement agencies;

(3) assess the impact on military readiness, the costs that would be incurred, the operational effects on military and civilian agencies, the potential for improving drug interdiction operations, and the methods for implementing increased drug law enforcement assistance by the Department of Defense under section 825 of H.R. 1748 as reported in the Senate on June 2, 1987, as if such section were enacted into law and were to become effective on January 1, 1988;

(4) assess results of a cooperative drug enforcement operation between the United States Customs Service and National Guard units from the States of Arizona, Utah, Missouri, and Wisconsin conducted current capabilities of the United States to deter such smuggling. In carrying out such study, the Comptroller shall—

(1) assess the national security implications of illegal drug smuggling into the United States;

(2) assess the magnitude, nature, and operational impact that current resource limitations have on the drug smuggling interdiction efforts of Federal law enforcement agencies and the capability of the Department of Defense to respond to requests for assistance from those law enforcement agencies;

(3) assess the impact on military readiness, the costs that would be incurred, the operational effects on military and civilian agencies, the potential for improving drug interdiction operations, and the methods for implementing increased drug law enforcement assistance by the Department of Defense under section 825 of H.R. 1748 as reported in the Senate on June 2, 1987, as if such section were enacted into law and were to become effective on January 1, 1988;

(4) assess results of a cooperative drug enforcement operation between the United States Customs Service and National Guard units from the States of Arizona, Utah, Missouri, and Wisconsin conducted along the United States-Mexico border beginning on August 29, 1987, and include in the assessment information relating to the cost of conducting the operation, the personnel and equipment used in such operation, the command and control relationships in such operation, and the legal issues involved in such operation;

(5) determine whether any cost savings and increased effectiveness and efficiencies could be expected to result if the national drug interdiction effort were consolidated under the authority of the Department of Defense;

(6) determine what assets are currently available to and under consideration for the Department of Defense, the Department of Transportation (for the Coast Guard), and the Treasury Department (for the Customs Service) for the detection of airborne drug smugglers;

(7) assess the current plan of the Customs Service for the coordinated use of such assets;

(8) determine the cost effectiveness and the capability of the Customs Service to utilize effectively the detection output of the systems employed by or planned for the Department of Defense, the Coast Guard, and the Customs Service, respectively, to detect airborne drug smugglers;

(9) determine the availability of current and anticipated tracking, pursuit, and apprehension resources to utilize the capabilities of such systems; and

(10) at a minimum, assess the detection capabilities of the Over-the-Horizon Backscatter radar (OTH-B), ROTHR, aerostats, airships, and the E-3A, E-2C, P-3, and P-3 Airborne Early Warning aircraft (including any variant of the P-3 Airborne Early Warning aircraft).

(b) AUTHORITY TO CONTRACT OUT.—The Comptroller General may contract for the performance of all or any part of the study required under subsection (a) with the Rand Corporation, the Center for Naval Analysis, or any other Federal contract research center, but the Comptroller General shall retain management, direction, and control of the study.

(c) REPORT.—Not later than March 31, 1988, the Comptroller General shall report the results of the study required under subsection (a), together with such comments and recommendations as he considers appropriate, to the Committees on Armed Services the Committees on the Judiciary, and the Committees on Appropriations of the Senate and the House of Representatives, the Senate Caucus on International Narcotics Control, and the House Select Committee on Narcotics Abuse and Control. The Comptroller General shall submit the report in both classified and unclassified form.

(d) TRANSFER OF FUNDS.—Of the funds appropriated pursuant to the authorizations contained in this division, the Secretary of Defense shall transfer to the Secretary of Transportation funds to provide for the Law Enforcement Detachment program of the Coast Guard in the following amounts:

(1) $3,000,000 for fiscal year 1988.

(2) $6,000,000 for fiscal year 1989.

BYRD AMENDMENT NO. 751

Mr. BYRD proposed an amendment to the bill (S. 1174) supra; as follows:

On page 180, line 7, strike out "$55,300,000" and insert in lieu thereof "$55,900,000".

HARKIN (AND OTHERS) AMENDMENT NO. 752

Mr. HARKIN (for himself, Mr. MATSUNAGA, and Mr. BUMPERS) proposed an amendment to the bill (S. 1174) supra; as follows:

At the appropriate place insert:

SEC. . That, notwithstanding any other provision of law, no person serving on active duty as a commissioned officer of the Armed Forces of the United States may serve as the Assistant to the President for National Security Affairs or otherwise be employed within the executive Office of the President as the primary assistant to the President on national security affairs.

DOLE (AND OTHERS) AMENDMENT NO. 753

Mr. DOLE (for himself, Mr. SYMMS, Mr. WALLOP, Mr. QUAYLE, Mr. WARNER, Mr. WILSON, Mr. COCHRAN, and Mr. NUNN) proposed an amendment to the bill S. 1174, supra; as follows:

At the appropriate place, insert the following:

The Senate finds that:

The Armed Forces of the United States are engaged in escort operations in the Persian Gulf in support of American national security interests and the principle of freedom of navigation;

The government of Iran, through the use of its armed forces and revolutionary guards, is engaging in ongoing activities to disrupt shipping in the Persian Gulf;

On September 21-22 a joint operation of United States Army and Naval forces succeeded in detecting in the act, tracking and neutralizing an Iranian mine-laying activity;

The success of that joint operation, by serving notice on Iran that the United States will react decisively and effectively to such activity, may lead to a reduced risk to American interests and armed forces from such activity;

There is precedent throughout American history for Congress to recognize and commend similar operations by United States Armed Forces, including the action of the Congress February 3, 1801, in praising "the gallant conduct" of the members of a United States Naval force in the Wars with the Barbary Powers.

Therefore, it is the sense of the Senate of the United States that:

1. The members of the United States Armed Forces who participated in the September 21-22 operation acted in the finest traditions of the Armed Forces, and displayed exemplary professionalism, skill and dedication.

2. The aforementioned members of the Armed Forces, and all United States Armed Forces personnel who supported their operation, are commended for their participation in this important and successful endeavor.

EVANS (AND OTHERS) AMENDMENT NO. 754

Mr. EVANS (for himself, Mr. ADAMS, and Mr. HATFIELD) proposed an amendment to the bill (S. 1174) supra; as follows:

On page 199, increase the amount on line 2 by $54,000,000.

On page 206, increase the amount on line 22 by $7,000,000.

On page 206, increase the amount on line 24 by $17,500,000.

D'AMATO (AND OTHERS) AMENDMENT NO. 755

Mr. D'AMATO (for himself, Mr. DECONCINI, Mr. WILSON, Mr. DIXON, Mr. GRAHAM, and Mr. MURKOWSKI) proposed an amendment to the bill (S. 1174 supra; as follows:

On page 114, between lines 13 and 14, insert the following new section:

SEC. . STUDY RELATING TO CAPABILITIES FOR THE CONTROL OF DRUG SMUGGLING INTO THE UNITED STATES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a comprehensive study regarding illegal drug smuggling into the United States and the current capabilities of the United States to deter such smuggling. In carrying out such study, the Comptroller shall—

(1) assess the national security implications of illegal drug smuggling into the United States;

(2) assess the magnitude, nature, and operational impact that current resource limitations have on the drug smuggling interdiction efforts of Federal law enforcement agencies and the capability of the Department of Defense to respond to requests for assistance from those law enforcement agencies;

(3) assess the impact on military readiness, the costs that would be incurred, the operational effects on military and civilian agencies, the potential for improving drug interdiction operations, and the methods for implementing increased drug law enforcement assistance by the Department of Defense under section 825 of H.R. 1748 as reported in the Senate on June 2, 1987, as if such section were enacted into law and were to become effective on January 1, 1988;

(4) assess results of a cooperative drug enforcement operation between the United States Customs Service and National Guard units from the States of Arizona, Utah, Missouri, and Wisconsin conducted along the United States-Mexico border beginning on August 29, 1987, and include in the assessment information relating to the cost of conducting the operation, the personnel and equipment used in such operation, the command and control relationships in such operation, and the legal issues involved in such operation;

(5) determine whether any cost savings and increased effectiveness and efficiencies could be expected to result if the national drug interdiction effort were consolidated under the authority of the Department of Defense;

(6) determine what assets are currently available to and under consideration for the Department of Defense, the Department of Transportation (for the Coast Guard), and the Treasury Department (for the Customs Service) for the detection of airborne drug smugglers;

(7) assess the current plan of the Customs Service for the coordinated use of such assets;

(8) determine the cost effectiveness and the capability of the Customs Service to utilize effectively the detection output of the systems employed by or planned for the Department of Defense, the Coast Guard, and the Customs Service, respectively, to detect airborne drug smugglers;

(9) determine the availability of current and anticipated tracking, pursuit, and apprehension resources to utilize the capabilities of such systems; and

(10) at a minimum, assess the detection capabilities of the Over-the-Horizon Backscatter radar (OTH-B), ROTHR, aerostats, airships, and the E-3A, E-2C, P-3, and P-3 Airborne Early Warning aircraft (including any variant of the P-3 Airborne Early Warning aircraft).

(b) AUTHORITY TO CONTRACT OUT.—The Comptroller General may contract for the performance of all or any part of the study required under subsection (a) with the Rand Corporation, the Center for Naval Analysis, or any other Federal contract research center, but the Comptroller General shall retain management, direction, and control of the study.

(c) REPORT.—Not later than March 31, 1988, the Comptroller General shall report the results of the study required under subsection (a), together with such comments and recommendations as he considers appropriate, to the Committees on Armed Services, the Committees on the Judiciary, and the Committees on Appropriations of the Senate and the House of Representatives, the Senate Caucus on International Narcotics Control, and the House Select Committee on Narcotics Abuse and Control. The Comptroller General shall submit the report in both classified and unclassified form.

(d) TRANSFER OF FUNDS.—Of the funds appropriated pursuant to the authorizations contained in this division, the Secretary of Defense shall transfer to the Secretary of Transportation funds to provide for the Law Enforcement Detachment program of the Coast Guard in the following amounts:

(1) $3,000,000 for fiscal year 1988.

(2) $6,000,000 for fiscal year 1989.

DOMENICI (AND OTHERS) AMENDMENT NO. 756

Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. MCCLURE) proposed an amendment to the bill (S. 1174) supra; as follows:

PART D—THE DEPARTMENT OF ENERGY SEMICONDUCTOR TECHNOLOGY RESEARCH EXCELLENCE INITIATIVE

SEC. 3141. FINDINGS.

Congress makes the following findings:

(1) Semiconductors and related microelectronic devices are key components in computers, telecommunications equipment, advanced defense systems, and other equipment.

(2) Aggregate sales of such equipment, in excess of $230,000,000,000 annually, comprise a significant portion of the gross national product of the United States.

(3) The leadership position of the United States in advanced technology is threatened by (A) competition from foreign businesses which is promoted and facilitated by the increasingly active involvement of foreign governments, and (B) other changes in the nature of foreign competition.

(4) The principal cause of the relative shift in strength of the United States and its semiconductor competitors is the establishment of a long-term goal by a major foreign competitor to achieve world superiority in semiconductor research and manufacturing technology and the pursuit of such goal by that competitor by effectively marshalling all of the government, industry, and academic resources needed to achieve that goal.

(5) Although the United States semiconductor industry leads all other principal U.S. industries in terms of its reinvestment in research and development, this has been insufficient by worldwide standards.

(6) Electronic equipment is essential to protect the national security of the United States, as is evidenced by the allocation of approximately 35 percent of the total research, development, and procurement budgets of the Department of Defense to electronics research.

(7) The Armed Forces of the United States will eventually depend extensively on foreign semiconductor technology unless significant steps are taken, and taken at an early date, to retain United States leadership in semiconductor technology research.

(8) It is in the interests of the national security and national economy of the United States for the United States to regain its traditional world leadership in the field of semiconductors.

(9) The most effective means of regaining that leadership is through a joint research effort of the Federal Government and private industry of the United States to improve semiconductor manufacturing technology and to develop practical uses for such technology.

(10) In order to meet the national defense needs of the United States and to insure the continued vitality of a commercial manufacturing base in the United States, it is essential that priority be given to the development, demonstration, and advancement of the semiconductor technology base in the United States.

(11) The national laboratories of the Department of Energy are a major national research resource, and the extensive involvement of such laboratories in the semiconductor research initiatives of the Federal Government and private industry would be an effective use of such laboratories and would help insure the success of such initiatives.

SEC. 3142. ESTABLISHMENT OF THE SEMICONDUCTOR MANUFACTURING TECHNOLOGY RESEARCH INITIATIVE.

The Secretary of Energy shall initiate and carry out a program of research on semiconductor manufacturing research technology and on the practical applications of such technology (such program hereinafter in this subtitle referred to as the "Initiative"). The Secretary shall carry out the initiative in a way as to complement the activities of a consortium of United States semiconductor manufacturers, materials manufacturers, and equipment manufacturers, established for the purpose of conducting research concerning advanced semiconductor manufacturing techniques and developing techniques to adopt manufacturing expertise to a variety of semiconductor products.

SEC. 3143. PARTICIPATION OF NATIONAL LABORATORIES OF THE DEPARTMENT OF ENERGY.

(a) MISSION OF NATIONAL LABORATORIES.—Each national laboratory of the Department of Energy shall participate in research and development projects under the Initiative in conjunction with the Department of Defense, any consortium, college or university carrying out any such project for or in cooperation with the consortium referred to in Section 3142, to the extent that such participation does not detract from the primary mission of the national laboratory.

(b) AGREEMENTS.—The Secretary of Energy shall enter into such agreements with the Secretary of Defense, with any consortium referred to in Section 3142 and with any college or university as may be necessary to provide for the active participation of the national laboratories of the Department of Energy in the Initiative.

(c) REQUIRED PROVISIONS.—The Initiative shall include provisions for one or more national laboratories of the Department of Energy to conduct research and development activities relating to research on the development of semiconductor manufacturing technologies. Such activities may include research and development relating to materials fabrication, materials characterization, design and modeling of devices, and new processing equipment.

SEC. 3144. PERSONNEL EXCHANGES.

The initiative shall include provisions for temporary exchanges of personnel between any domestic firm, the consortium referred to in Section 3142 and the national laboratories of the Department of Energy that are participating in such initiative. The exchange of personnel shall be subject to such restrictions, limitations, terms, and conditions as the Secretary of Energy consider necessary in the interest of national security.

SEC. 3145. OTHER DEPARTMENT OF ENERGY RESOURCES, IN GENERAL.

The Secretary of Energy may make available to the Department of Defense, to any other department or agency of the Federal Government, and to any consortium that has entered into an agreement in furtherence of this initiative any facilities, personnel, equipment, services and other resources of the Department of Energy for the purpose of conducting research and development projects under the Initiative consistent with section 3143(a).

SEC. 3146. BUDGETING FOR SEMICONDUCTOR MANUFACTURING TECHNOLOGY RESEARCH.

The Secretary of Energy, in preparing the research and development budget of the Department of Energy to be included in the annual budget submitted to the Congress by the President under section 1105(a) of title 31, United States Code, shall provide for programs, projects, and activities that encourage the development of new technology in the field of semiconductors.

SEC. 3147. COST-SHARING AGREEMENTS.

(a) PERMITTED PROVISIONS.—The director of each national laboratory of the Department of Energy that is participating in the Initiative or the contractor operating any such national laboratory may include in any research and development agreement entered into with a domestic firm in connection with such initiative a cooperative provision for the domestic firm to pay a portion of the cost of the research and development activities.

(b) The director of each national laboratory of the Department of Energy that is participating in the Initiative shall submit a proposal to the Department of Energy defining cost sharing arrangements and the appropriate level of funding for approval.

(c) LIMITATIONS.—(1) Not more than an amount equal to 1 percent of any National Laboratory's annual budget shall be received from non-appropriated funds derived from contracts entered into under the initiative in any fiscal year except to the extent approved in advance by the Secretary of Energy.

(2) No Department of Energy National Laboratory may receive more than $10,000,000 of non-appropriated funds under any cooperative research and development agreement entered into under this subsection in connection with the Initiative except to the extent approved in advance by the Secretary of Energy.

SEC. 3148. DEPARTMENT OF ENERGY OVERSIGHT OF COOPERATIVE AGREEMENTS RELATING TO THE INITIATIVE.

(a) PROVISIONS RELATING TO DISAPPROVAL AND MODIFICATION OF AGREEMENTS.—If the Secretary of Energy or his designee desires an opportunity to disapprove or require the modification of any such agreement under section 3147, the agreement shall provide a 90-day period within which such action be taken beginning on the date the agreement is submitted to the Secretary.

(b) RECORD OF AGREEMENTS.—Each National Laboratory shall maintain a record of all agreements entered into under this section.

SEC. 3149. AVOIDANCE OF DUPLICATION.

In carrying out the Initiative, the Secretary of Energy shall ensure that unnecessarily duplicative research is not performed at the research facilities (including the national laboratories of the Department of Energy) that are participating in such initiative.

SEC. 3151. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Energy for each fiscal year FY 88 and FY89, the additional sum of $25,000,000 for the activities of the Department of Energy under the Initiative.

(b) RELATIONSHIP TO OTHER FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.—Funds available to the Secretary of Energy in connection with activities of the Department of Energy under the Initiative shall be in addition to amounts available to the Department of Defense for semiconductor manufacturing technology research and development.

SEC. 3152. TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary of Energy shall adopt procedures to provide for the timely and efficient transfer of semiconductor technology developed under the Initiative pursuant to applicable laws, executive orders, and regulations followed by the Department of Defense.

(b) PLAN FOR COMMERCIALIZATION ENHANCEMENT.—(1) Not later than one year after the date on which funds are first appropriated to conduct the Initiative, the Secretary of Energy shall transmit to the committees of Congress named in paragraph (2) a plan for the transfer of semiconductor technology and information generated by the Initiative.

(2) The committees of Congress referred to in paragraph (1) are the Committees on Armed Services of the Senate and House of Representatives, the Committee on Science and Technology of the House of Representatives.

WILSON (AND GLENN) AMENDMENT NO. 757

Mr. WILSON (for himself and Mr. GLENN) proposed an amendment to the bill (S. 1174) supra; as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . Sense of the Senate Regarding the Contributions and Roles of Spouses of Military Personnel in Supporting the Military Community—

The spouses of military personnel have contributed greatly to the well-being and to the support of the military community in the Armed Forces for decades;

The spouses of military personnel have voluntarily lent their time and talents to support military personnel, their families, and the military community as a whole, in time of war and in time of peace;

In 1987, when more than 72% of all active duty military officers and 52% of all active duty enlisted military personnel are married, the voluntary service of spouses of military personnel in support of the military community is ever increasing in scope and importance;

At the same time, the pressures on the spouses of military personnel to be employed outside of the home are increasing, reflecting American society as a whole;

Neither the Armed Forces, the Congress, nor the American people have a right to expect or demand that spouses of military personnel voluntarily contribute their time or talents to support the Armed Forces or the military community, beyond that expected of all good citizens.

Therefore, it is the sense of the Senate that the spouses of military personnel are to be thanked and congratulated for their unswerving support and work on behalf of military personnel, their families and the military community as a whole.

And further, it is the sense of the Senate that the decision by spouses of military personnel to be employed, either in addition to or rather than voluntarily participating in activities relating to the Armed Forces, must be viewed as a personal decision which is of no official consequence to the Armed Forces.

SASSER AMENDMENT NO. 758

Mr. DIXON (for Mr. SASSER) proposed an amendment to the bill (S. 1174) supra; as follows:

At the end of the bill, add the following new section:

SEC. . Notwithstanding the requirements of the Competition in Contracting Act, 10 U.S.C. 2304, et seq. or any other provision of law, the Service Secretaries are authorized to modify the agreements authorized by section 802 of the Military Construction Authorization Act of 1984, as amended (10 U.S.C. 2821 note) and existing on the date of enactment of this Act to reflect the amendments made by section 2713 of the National Defense Authorization Act for fiscal year 1987 (Public Law 99-661), to permit a 25-year guarantee period and to allow for cost escalation of the entire rental payment over the guarantee period.

BINGAMAN (AND OTHERS) AMENDMENT NO. 759

Mr. DIXON (for Mr. BINGAMAN, for himself, Mr. KENNEDY, and Mr. DOMENICI) proposed an amendment to the bill (S. 1174) supra; as follows:

On page 22, between lines 8 and 9, insert the following:

SEC. . NUCLEAR MONITORING RESEARCH PROGRAM.

Of the funds appropriated or otherwise made available to the Department of Defense pursuant to section 201(a)(4) for research, development, test, and evaluation, $25,000,000 of the amount appropriated for fiscal year 1988 may be obligated only for the nuclear monitoring research program of the Defense Advanced Research Projects Agency.

On page 199, line 4, strike out "$95,500,000" and insert in lieu thereof "$120,500,000".

On page 210, line 4, strike out "$166,500,000" and insert in lieu thereof "$191,500,000".

DANFORTH (AND BOND) AMENDMENT NO. 760

Mr. WARNER (for Mr. DANFORTH, for himself and Mr. BOND) proposed an amendment to the bill (S. 1174) supra; as follows:

On page 179, line 11, strike out "$149,816,000" and insert in lieu thereof "$154,116,000".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that hearings have been scheduled before the full Committee on Energy and Natural Resources.

The hearings will take place on October 13, 14 and 15, 1987, beginning at 9:30 a.m. and concluding at approximately 12 noon. The hearings will be held in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearings is to receive testimony concerning S. 1217, a bill introduced by Senator MURKOWSKI to amend the Mineral Leasing Act of 1920 to authorize the Secretary of the Interior to lease, in an expeditious and environmentally sound manner, the public lands within the Coastal Plain of the Arctic National Wildlife Refuge, Alaska for oil and gas exploration, development and production.

On October 13 the committee will hear primarily from elected officials, affected Federal agencies, and the State fo Alaska. Those supporting the Murkowski bill will appear on the 14th and those opposed to the legislation will be scheduled on the 15th. In an effort to make as detailed and as substantive a record as possible, it will be necessary to limit the number of witnesses to approximately 10 witnesses per day. After these hearings have been completed we will assess what, if any, additional information or hearings may be needed to give the committee all the facts regarding this issue.

If you have any questions about these hearings, please contact Tom Williams of the committee staff at (202) 224-7145.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President. I would like to announce for the information of the Senate that the closed hearing originally scheduled on October 1, 1987 at 2 p.m. in room S-407 on the status of the Department of Energy's efforts to address questions on environmental and safety issues concerning the defense materials production reactors located in the United States has been rescheduled.

The closed hearing will now take place on October 20, 1987 at 9:30 a.m. in room S-407 in the Capitol Building in Washington, DC.

For further information, please contact Mary Louise Wagner at (202) 224-7569.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the information of the Senate and the public, a change in the scheduling of a field hearing before the Subcommittee on Water and Power of the Senate Com-

mittee on Energy and Natural Resources.

The hearing is scheduled for October 19, 1987, beginning at 10:30 a.m., rather than the previously announced time of 10 a.m. This hearing is regarding S. 1435, to authorize certain elements of the Yakima River Basin Water Enhancement project, and for other purposes, and will be held in Yakima, WA.

For further information regarding the hearing, you may wish to contact Russell R. Brown of the subcommittee staff at 224-2366. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Subcommittee on Water and Power, room SD-364, Dirksen Senate Office Building, Washington, DC 20510.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public, a change in the scheduling of an oversight hearing before the Senate Committee on Energy and Natural Resources to receive testimony from government and public witnesses regarding the implementation of the Reclamation Reform Act of 1982.

The hearing is scheduled to take place on October 2, 1987 and will begin at 9 a.m. rather than the previously announced time of 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

For further information regarding the hearing you may wish to contact Russell R. Brown, senior professional staff, telephone (202) 224-2366. Written inquiries regarding the hearing may be addressed to the Committee on Energy and Natural Resources, room SD-364, Dirksen Senate Office Building, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GLENN. Mr. President, I ask unanimous consent that the full committee on Environment and Public Works be authorized to meet during the session of the Senate on September 25, beginning to mark up clean air legislation.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. GLENN. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Friday, September 25, 1987, to hold a markup on the following bills:

S. 1475. Clinical staffing recruitment and retention program; and

H.R. 2937. Miscellaneous technical and minor amendments of laws relating to Indians, and for other purposes.

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

COMMITTEE ON THE JUDICIARY

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a hearing during the session of the Senate on September 25, 1987, on the nomination of Robert H. Bork to be Associate Supreme Court Justice.

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

SUBCOMMITTEE ON FEDERAL SPENDING, BUDGET AND ACCOUNTING

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Federal Spending, Budget and Accounting of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Friday, September 25, to hold hearings on proposed legislation relating to seized property and cash.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GLENN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, September 25, 1987 to hold a hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATIONS BY SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Joshua Bolten, a member of the staff of the Committee on Finance, to participate in a program in the People's Republic of China, organized by the U.S.-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the U.S.-Asia Institute, from August 8-25, 1987.

The committee has determined that participation by Mr. Bolten, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the U.S.-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Linda Krueger, a member of the staff of Senator ALAN CRANSTON, to participate in a program in the People's Republic of China, organized by the U.S.-China Friendship Program, and sponsored by the Chinese People's Institute of Foreign Affairs, in conjunction with the U.S.-Asia Institute, from August 8-24, 1987.

The committee has determined that participation by Ms. Krueger, in the program in the People's Republic of China, at the expense of the Chinese People's Institute of Foreign Affairs, in conjunction with the U.S.-Asia Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Caroline Haynes, a member of the staff of Senator ALAN K. SIMPSON, to participate in a trip to Seoul, South Korea, sponsored by the Ilhae Institute of Seoul, South Korea, from August 22-29, 1987.

The committee has determined that participation by Ms. Haynes in the program in South Korea, at the expense of the Ilhae Institute of Seoul, South Korea, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Mark Fleming, a member of the staff of Senator JESSE HELMS, to participate in a trip to Seoul, South Korea, sponsored by the Ilhae Institute of Seoul, South Korea, from August 9-17, 1987.

The committee has determined that participation by Mr. Fleming in the program in South Korea, at the expense of the Ilhae Institute of Seoul, South Korea, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Andrew Samet, a member of the staff of Senator DANIEL P. MOYNIHAN, to participate in a program in the Republic of China on Taiwan, sponsored by Soochow University, from August 17-24, 1987.

The committee has determined that participation by Mr. Samet in the program in the Republic of China on Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request of the staff of Senator JAMES A. MCCLURE, to participate in a trip to Seoul, South Korea, sponsored by the Ilhae Institute of Seoul, South Korea, from August 22-29, 1987.

The committee has determined that participation by Ms. West in the program in South Korea, at the expense of the Ilhae Institute of Seoul, South

Korea, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. David Starr, a member of the staff of Senator HOWARD M. METZENBAUM, to participate in a program in the Federal Republic of Germany, sponsored by the Konrad Adenauer Stiftung, from August 23-29, 1987.

The committee has determined that participation by Mr. Starr, in the program in the Federal Republic of Germany, at the expense of the Konrad Adenauer Stiftung, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Marjorie Chorlins, a member of the staff of Senator JOHN C. DANFORTH, to participate in a program in the Republic of China on Taiwan, sponsored by Soochow University, from August 16-23, 1987.

The committee has determined that participation by Ms. Chorlins in the program in the Republic of China on Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Alex Netchvolodoff, a member of the staff of Senator JOHN C. DANFORTH, to participate in a program in the Federal Republic of Germany, sponsored by the Konrad Adenasuer Stiftung, from August 23-29, 1987.

The committee has determined that participation by Mr. Netchvolodoff, in the program in the Federal Republic of Germany, at the expense of the Konrad Adenauer Stiftung, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Richard J. Tarplin, a member of the staff of Senator CHRISTOPHER J. DODD, to participate in a program in the Federal Republic of Germany, sponsored by the German Academic Exchange Service, from May 16-26, 1987.

The committee has determined that participation by Mr. Tarplin, in the program in the Federal Republic of Germany, at the expense of the German Academic Exchange Service, was in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. William Mansel Long, a member of the staff of Senator HOWELL HEFLIN, to participate in a program in the Republic of China on Taiwan, sponsored by Soochow University, from August 14-24, 1987.

The committee has determined that participation by Mr. Long in the program in the Republic of China on Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Lisa Learner, a member of the staff of Senator DONALD W. RIEGLE, JR., to participate in a program in the Republic of China on Taiwan, sponsored by Soochow University, from August 16-23, 1987, and in Thailand for 4 or 5 days following the Taiwan trip, sponsored by the Thai Food Processors Association.

The committee has determined that participation by Ms. Learner in the program in the Republic of China on Taiwan, at the expense of Soochow University, and in Thailand, at the expense of the Thai Food Processors Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Jeb Hensarling, a member of the staff of Senator PHIL GRAMM, to participate in a program in Taiwan, sponsored by the Chinese Culture University, from August 17-24, 1987.

The committee has determined that participation by Mr. Hensarling in the program in Taiwan, Republic of China, at the expense of the Chinese Culture University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Fran Goodwin, member of the staff of Senator NANCY KASSEBAUM, and Ms. Susan Johnson, a member of the staff of Senator BILL BRADLEY, to participate in a trip to Seoul, South Korea, sponsored by the Ilhae Foundation of Seoul, South Korea, from August 22-29, 1987.

The committee has determined that participation by Ms. Goodwin and Ms. Johnson, in the program in South Korea, at the expense of the Ilhae Foundation of Seoul, South Korea, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Annie Lesher, a member of the staff of Senator DAVID PRYOR, and Mr. Alexander Polinsky-Lav, a member of the staff of Senator DAVE DURENBERGER, to participate in a program in Bangkok, Thailand, sponsored by the Thai Food Processors Association from August 27 to September 1, 1987.

The committee has determined that participation by Ms. Lesher and Mr. Polinsky-Lav in the program in Thailand, at the expense of the Thai Food Processors Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. W. Lamar Smith, a member of the staff of Senator WILLIAM PROXMIRE, to participate in a program in Taipei, Taiwan, sponsored by Soochow University, from August 16-23, 1987.

The committee has determined that participation by Mr. Smith in the program in Taipei, Taiwan, at the expense of Soochow University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Marjorie Chorlins, a member of the staff of Senator JOHN C. DANFORTH, to participate in a program in Bangkok, Thailand, sponsored by the Thai Food Processors Association from August 27 to September 1, 1987.

The committee has determined that participation by Ms. Chorlins in the program in Thailand, at the expense of the Thai Food Processors Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Ira H. Goldman, a member of the staff of Senator PETE WILSON, to participate in a program in the Federal Republic of Germany, sponsored by the Konrad Adenauer Stiftung, from August 22-30, 1987.

The committee has determined that participation by Mr. Goldman in the program in the Federal Republic of Germany, at the expense of the Konrad Adenauer Stiftung, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Randy Scheunemann, a member of the staff of Senator DAVE DURENBERGER, to participate in a program in the Federal Republic of Germany, sponsored by the Konrad Adenauer Stiftung, from August 22-29, 1987.

The committee has determined that participation by Mr. Scheunemann in the program in the Federal Republic of Germany, at the expense of the Konrad Adenauer Stiftung, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Dr. Christopher Manion, a member of the staff of the Committee on Foreign Relations, to participate in a program in Turkey and Northern Cyprus, sponsored by the Foreign Policy Institute of Turkey, from August 22, to September 9, 1987.

The committee has determined that participation by Dr. Manion in the program in Turkey and Northern Cyprus, at the expense of the Foreign Policy Institute of Turkey, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Andrew K. Semmel, a member of the staff of Senator RICH-

ARD G. LUGAR, to participate in a program in the Republic of Korea, sponsored by the Ilhae Institute from August 22 to August 30, 1987.

The committee has determined that participation by Mr. Semmel in the program in the Republic of Korea, at the expense of the Ilhae Institute, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. David Apgar, a member of the staff of Senator BILL BRADLEY, to participate in a program in Thailand, sponsored by the Thai Food Processors Association, from August 27 to September 1, 1987.

The committee has determined that participation by Mr. Apgar in the program in Thailand, at the expense of the Thai Food Processors Association, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Mr. Keith McCormick, a member of the staff of Senator FRANK H. MURKOWSKI, to participate in a program in the Republic of Korea, sponsored by the Ilhae Foundation from August 22 to August 29, 1987.

The committee has determined that participation by Mr. McCormick in the program in South Korea, at the expense of the Ilhae Foundation, is in the interest of the Senate and the United States.●

SVETLANA BRAUN—GOOD NEWS

● Mr. LEVIN. Mr. President, I note, with great joy, that a commission of the Presidium of the Supreme Soviet has made the recommendation to the full Presidium that Svetlana Braun be allowed to emigrate and join her husband, Keith Braun, in Michigan.

Keith and Svetlana were married in Moscow in August of 1984 and have been fighting since that time to be together in the United States. Although Svetlana has not been given permission as of this date, I hope that the Soviets will notify her quickly that she will, indeed, receive her exit visa.

Keith has been an unrelenting activist on behalf of divided spouses. I admire his tenacity and energy in what has been a long and frustrating matter of heartbreak and disappointment. Although he will welcome his wife soon to Michigan, I know that he will continue to work on behalf of the 13 divided spouse couples still waiting for reunification in the United States.

Keith and Svetlana will begin the Jewish New Year together—I wish them both a year of sweetness, happiness, and peace.●

TIMBERLINE LODGE 50 YEAR ANNIVERSARY

● Mr. HATFIELD. Mr. President, this week marks a very special anniversary in the State of Oregon—the 50th anniversary of Timberline Lodge. Perched majestically on the slope of Mount Hood, Timberline Lodge has become a symbol of pride for all Oregonians. I would like to take a moment to share with my colleagues some of the history of this unique State treasure.

The plan to build a lodge on Mount Hood in Oregon's Cascade Mountains originated in the early 1920's. A group of Portland businessmen, seeing the recreational potential of the mountain, formed a committee to orchestrate the construction of a lodge for skiers and mountain climbers. In late 1929, under the Hoover administration, the committee was given initial permission by the Forest Service to build such a lodge. A conflict arose, however, between members of the business community, who thought a lodge would boost tourism in and around Portland, and preservationists, who were afraid that the natural beauty of the mountain would be compromised. The architects resolved the conflict, designing a building integrated into the mountain surrounding it. The design was submitted to the Forest Service and finally approved nearly 10 years after the committee first met.

By the time the design was approved, the Depression was on, and money to begin construction was hard to find. So it was that the Director of the Works Progress Administration (WPA) in Oregon, Emerson Griffith, became involved in the efforts to build Timberline. He promptly sent an application to the National WPA director asking for a grant of $250,000. The application was approved and construction began in 1936. Since it was the height of the Depression, the work force was changed every 2 weeks to give more men the opportunity to work.

The lodge which emerged is both rustic and stately in design, the product of much collaboration between architects. Built literally to fit into the mountain, it is protected from snow drifts and high winds. Margery Smith oversaw the interior design and combined traditional Indian designs with other indigenous handicrafts including woodcarving and blacksmithing. When it opened, the interior coordinated perfectly with the architecture of the lodge.

In September 1937, President Franklin Roosevelt dedicated Timberline Lodge and with his presence at the ceremony came national recognition. He and his entourage were the first guests as it was finished just in time for the dedication.

The lodge was run successfully for more than a decade by a group of Portland businessmen. Eventually the businessmen found the operation of the lodge to be too time-consuming, however, and turned it over to private resident managers. This new management team unfortunately allowed the lodge to deteriorate, and in 1954 it was closed because of unpaid debts.

The turning point for Timberline Lodge came when Dick Kohnstamm took over its management a year later. Kohnstamm arrived to find the entire complex badly in need of costly restoration, and promptly created the RLK Co. to assist in the project. Between 1955 and 1966, the RLK Co. invested half a million dollars for the restoration of the lodge and surrounding ski lifts.

Skiers began to return, as did visitors who just wanted to take advantage of the natural beauty surrounding the lodge. Kohnstamm presented the Forest Service with a plan to build new facilities to accommodate them. They approved his plan but told him that he would need to raise the money himself. After a successful appeal to Congress for the necessary funds to finance the new construction, Kohnstamm proceeded with his plans.

The East Wing Convention Center was finished by 1975, and Kohnstamm immediately initiated construction of the Palmer chairlift. Many people said the chairlift construction would be made impossible by the conditions on the mountain, but Kohnstamm proved them wrong. He raised the money by offering a package of unlimited lift tickets until the year 2000 to skiers for $2,000, and after three tough winters, the lift was finally built. A day lodge for skiers was opened in 1981. As Kohnstamm explains, "My whole philosophy of operating the lodge is that it should be a celebration of life. I wanted to see Timberline successful, and that's happening."

But Dick Kohnstamm is the first to admit that no single person can be given credit for the operation of the lodge. The Friends of Timberline, a non-profit organization established in 1975 to assist in the restoration of the entire lodge, continues to help. The group's immediate goal was to restore the lodge's interior furnishings to their original condition. With donations and the help of many groups and individuals throughout Oregon, the Friends of Timberline completed the initial restoration and kept on going. With the cooperation of the Forest Service and Kohnstamm, the Friends of Timberline now pay a lodge curator to keep the history of the lodge current, and have a small financial base from which funds are drawn to pay for continuing restoration and upkeep of the lodge.

Over the years Timberline Lodge has become a source of great pride for the State of Oregon. As Emerson Griffith

described the sentiments of the many workers involved in the project when the lodge was finally finished: "Eyes glistened as they organized Timberline Guild and pledged themselves to meet each year at Timberline Lodge to drink a toast to a job well done." The same spirit of pride surrounds the lodge today. Dick Kohnstamm summed up the feelings of most Oregonians when he said: "Everybody thinks they own Timberline."

Mr. President, I ask all of my colleagues to join me in wishing a happy 50th anniversary to Timberline Lodge.●

SOVIET JEWRY

● Mr. BOREN. Mr. President, once again it is my privilege to join my colleagues in the congressional call to conscience vigil for Soviet Jewry. Although there has been some recent improvement, tremendous obstacles still face many Soviet citizens who have applied for permission to emigrate from the Soviet Union. The persecution and restrictions facing many Soviet citizens, particularly those who consistently practice their religion, are well documented. These activities by the Soviet Government are clearly in violation of the Geneva accords. Many of us in the Senate will continue to call upon the Government of the Soviet Union to recognize the rights of their fellow citizens.

At this time, I am particularly concerned with two Soviet citizens, Valery and Svayonia Federov, who have a 7-month-old child. In the summer of 1986, Svayonia, who was pregnant, was witness to a quarrel between a drunken woman who was trying to steal money from a flower salesman. Svayonia intervened and the drunken woman turned on Svayonia who, in self defense, hit the woman with her purse. Valery Federov, Svayonia's husband, stopped the fight and took them both to militia headquarters to report the incident. A criminal case was opened and then withdrawn on August 17, 1986.

More than 4 months later and after the baby was born, in December of 1986, the Federovs were called to militia headquarters where they were informed that the case had been reopened, implicting both of the Federovs. The new charges included testimony, given by unidentified witnesses neither present nor mentioned in the initial report, that Svayonia beat the drunken woman out of sheer hooliganism. I have written general Secretary Gorbachev asking for his personal attention to the rights of the Federovs who are trying to emigrate from the Soviet Union.

As our own Government is presently involved in intense negotiations with the Soviet Union, it is appropriate that the Congress direct its attention to the fate of thousands of Soviet Jews and others within the Soviet Union who are being denied their basic human rights. We must persist in demanding attention to this problem whenever representatives of the United Sates and the Soviet Union meet for discussions. Soviet officials must know that these serious questions of human rights will not be ignored by the Government of the United States.

I am proud that so many groups and individuals here in our own country and around the world continue to take an active interest in the problems confornting these people in the Soviet Union. In my own State of Oklahoma, several groups, who are affiliated with national and international organizations, speak out and challenge Soviet policy regarding emigration. I commend these efforts and call upon the Soviet Government to recognize the strong and growing worldwide commitment to securing human rights for all people everywhere.●

INFORMED CONSENT: MONTANA

● Mr. HUMPHREY. Mr. President, letters continue to arrive in my office from women in every State, detailing the negative consequences they suffered from past abortions. Complications occur in other serious medical procedures as well, but in the case of abortion, patients are often not told about the potential effects prior to the operation. In other words, women are being denied the right to informed consent.

I urge my colleagues to support my informed consent bill, S. 272, which would require that medical personnel secure informed consent from women considering an abortion. This would help remove the disparity between abortion and other medical procedures, and allow the patient to make an educated decision on an operation that cannot be undone.

I ask that the following letter, sent to my office from a woman in Montana, be printed into the CONGRESSIONAL RECORD by unanimous consent.

The letter follows:

JUNE 12, 1987.

DEAR SENATOR HUMPHREY. I had an abortion eight years ago. I'm 29 years old now and happily married.

Abortion is a very devastating experience, I would not recommend for any woman for any reason. I did not have any counseling before or after, I just paid the $350 and the doctor and nurses did the rest and then I left and that was that. I never discussed it with anyone at the time until now. When I had the abortion, all I was thinking was panic, being pregnant and unmarried, it seems so insane now. It's a very unpleasant matter to discuss or even think about. I try to forget, but it haunts me at times. The personal anguish can't be described. Aside from it being very painful physically, the emotional pain continues. When a woman makes that choice, she doesn't realize what it will be like, she only feels panic and abortion is a quick and final solution or so it seems at the time. I really have to wonder about M.D.'s who kill for pay, and distrust them.

Sincerely,

A WOMAN,
Montana.●

REMIC'S

● Mr. CHAFEE. Mr. President, on August 17, 1987, Fannie Mae issued $500 million of REMIC securities. The offering sold out almost immediately.

As the author of the Real Estate Mortgage Investment Conduit [REMIC] legislation and one who was committed to the full participation of the secondary market agencies, I am especially gratified about the response to the Fannie Mae offering because this is precisely what we intended in developing the REMIC legislation.

Fannie Mae's REMIC provided incentives for lenders who produced the mortgages for this issue. One piece of the REMIC, known as the thrift plus certificate was specifically designed for investment by thrift institutions. This tranche contains a feature guaranteeing the maximum term of the security, enabling it to qualify as a liquidity investment for thrift institutions.

In another significant departure from previous REMIC's, Fannie Mae will provide monthly updated information on the REMIC that will allow investors accurately to price Fannie Mae REMIC's at any time.

Mr. President, I introduced the legislation creating REMIC's to serve a number of purposes, but my paramount concern was to provide lower mortgage interest rates for home buyers. Fannie Mae's REMIC helps that goal. Its innovations set new standards for the REMIC'S market, and Fannie Mae's presence in the market in general helps further the market acceptance of the REMIC instrument overall.

Contrary to some of the comments raised during the REMIC legislation debate, REMIC'S are a beneficial tool for thrifts. I think the thrift response to Fannie Mae's "thrift plus" certificates demonstrates that. REMIC'S help mortgage originators by creating an efficient mechanism to sell their mortgages. In addition, REMIC'S are a useful portfolio management tool. By improving the efficiency of the mortgage finance system REMIC'S will reduce the interest rates home buyers must pay to finance their homes.

I applaud Fannie Mae's contribution toward making REMIC'S work, and I urge them to maintain the effort.●

TRIBUTE TO RACHEL CARSON

● Mr. LEAHY. Mr. President, this Sunday marks the 25th anniversary of the publication of "Silent Spring" by Rachel Carson. This extraordinary book sparked an international controversy over the use of pesticides, a controversy that rages on today. In graceful prose written for laymen, Rachel Carson exposed the dangers of the indiscriminate use of synthetic chemicals on our farms, in our homes and gardens, and on our public lands. Today, the debate about pesticide use often gets mired down in technical scientific and legal arguments that mean very little to our citizens or our legislators for that matter. Perhaps we need another "Silent Spring" to reawaken America to the urgency of pesticide law reform.

Rachel Carson was already a well-known writer and scientist when "Silent Spring" was published in September 1962. After earning a masters degree in zoology and working 15 years as a marine biologist for the U.S. Fish and Wildlife Service—two remarkable accomplishments for a woman of her time—Miss Carson produced a best-selling book titled "The Sea Around Us." Praised as a masterpiece of lyrical scientific writing, "The Sea Around Us" stayed on the bestseller lists for over 1½ years, and garnered honors and awards from around the world. As she published other books and articles, she sealed her reputation as "an eloquent interpreter of natural science for the public."

Rachel Carson's interest in the misuse of pesticides grew from a friend's request for assistance in stopping the spraying of DDT in her bird sanctuary. As appalling facts were uncovered, Miss Carson realized that the public was uninformed about the hazards of pesticides and that a book needed to be written. After 6 years of gathering evidence from scientists in America and Europe and drafting and redrafting the manuscript, "Silent Spring" first appeared as a serial in the New Yorker and later as a book.

"Silent Spring" detailed the harm wrought on soil, air, water, wildlife, and humans from the "rain of chemicals." Although she strongly protested the use of chlorinated hydrocarbons, of which DDT is one, she never advocated total elimination of chemical pesticides. Rather, she advocated more judicious application of chemicals coupled with biological controls.

Unlike Miss Carson's previous work, "Silent Spring" was not greeted with universal praise. The chemical industry, unaccustomed to anything but praise for the "economic miracle" of pesticides, immediately sought to ridicule and discredit the book. However, the serials in the New Yorker caught the eye of President John F. Kennedy, who proceeded to appoint a Presidential Scientific Advisory Committee to study the effects of pesticides on the environment. The committee's report affirmed and vindicated Rachel Carson by backing the main points of her book.

Mr. President, we have been slow to heed many of Rachel Carson's warnings. Twenty-five years ago she warned us against the chlorinated hydrocarbons—DDT, chlordane, heptachlor, and others—chemicals that have all since made headlines. It was only last month that the last manufacturer of chlordane and heptachlor agreed to stop selling them. The battle isn't over yet; the courts have been asked to decide whether the remaining stocks should be pulled out of the chain of distribution.

Twenty-five years ago Rachel Carson warned us that pesticides could leach into ground water. Evidence has proved her correct. EPA now tells us that 23 different pesticides have been detected in the ground water of 24 States. Mr. President, 97 percent of our rural communities depend on ground water for their drinking water. When are we going to take action to prevent further contamination of this irreplaceable resource?

Fifteen years ago Congress ordered the Environmental Protection Agency to reevaluate the health and safety data on 600 of the pesticides then on the market. To date, the Agency has thoroughly reviewed only a handful of those chemicals, a sorry record indeed. Congress has to shoulder some of the responsibility, though; we have not given the Agency sufficient resources to do the job.

We have the opportunity to right some of these wrongs in this Congress. My good friend from Indiana, Senator LUGAR, and I have introduced a comprehensive bill to reform our pesticide laws. Senator DURENBERGER and I have introduced a bill to prevent contamination of our ground water resources. These issues have dragged on for far too long; reform is long overdue. I want to send a bill to the President, and when farm credit is settled, I want the committee to take up FIFRA.

On this anniversary of the publication of "Silent Spring," a book widely credited with inspiring the environmental movement, I want to say again that pesticide reform is at the top of my agenda. I urge other Senators to give it priority as well.●

NEW YORK BIGHT RESTORATION ACT OF 1987

● Mr. D'AMATO. Mr. President, I am pleased to rise today as an original cosponsor of the New York Bight Restoration Act of 1987, S. 1714, which was the result of the combined efforts of my distinguished colleagues, Senators MOYNIHAN, LAUTENBERG, and BRADLEY. This legislation will require the Environmental Protection Agency to take a closer look at the dumping practices which have caused the deterioration of the bight area. It is essential that we identify the sources of these pollutants, determine the effects that they have upon our water, and develop a plan to clean up the bight area.

I strongly believe that a study of the entire bight area is long overdue. As referred in the list of sponsors, this is an issue transcending State lines. The pollution is not just in one concentrated area of the bight, it is widespread throughout the entire area. It is imperative that we discover the sources of the garbage and pollution that are relentlessly bombarding our beaches. New York's beaches have long been treasured by the thousands of citizens who flock to its shores all year round.

The pollutants that have been washing ashore pose hazards not only to bathers, but to the marine life in the water. This summer has witnessed a rash of fish kills along Long Island's beaches and along the Jersey shore.

How much longer can New York's beaches survive under the effects of tons of raw sewage and countless other contaminants dumped into our waters every year? The dumping of several billion gallons of raw sewage and more than 7 million wet metric tons of dredged material into the bight every year must be stopped. We must find alternative methods of disposing of this waste. We must act now to restore the bight area before it is too late.

On June 23 of this year, local health officials in Nassau County, NY, were forced to close down the shorefront at East Atlantic Beach due to garbage that washed ashore. The refuse was identified as hospital waste and included blood vials, surgical tubing, and discarded syringes with needles attached. Again, on June 24, a total of 10 beaches in Hempstead Harbor were closed after the waste treatment plant serving the village of Roslyn began dumping untreated sewage into the harbor at the alarming rate of 5,000 gallons per hour. The affected areas extended the length of the harbor from Bar Beach to the privately owned IBM Beach on the west shore and from Tapan Beach to Morgan Park Beach on the eastern shore of the harbor. Can we allow our children to swim in waters that contain this kind of pollution?

This legislation, which amends the Marine Protection, Research, and Sanctuaries Act of 1972, requires EPA to conduct a study to determine what is currently being dumped into the bight area; learn what effect this material has on the bight area; and find alternate means for handling material that results in continued degradation of the bight. EPA must also set standards for some of the more common hazardous pollutants that are destroy-

ing the bight, such as heavy metals and PCB's.

We need to take a serious look at the pollution of our waters. It is a shame to watch this natural resource deteriorate before our very eyes. I call upon my colleagues to act upon this legislation. Our water is too precious a resource to let go to waste.●

CONGRESSIONAL OVERSIGHT OF INTELLIGENCE ACTIVITIES

● Mr. DECONCINI. Mr. President, I am pleased to join my colleagues in sponsoring the Intelligence Oversight Act of 1987 which, through strengthening and clarifying provisions, amends the National Security Act of 1947.

Since last November, when the Nation was stunned to learn that the United States had, in direct contravention to official policy, secretly sold arms to the regime of the Ayatollah Khomeini and that profits from those sales had been turned over to the Contras, it has been evident that the process under which intelligence activities are conducted was weak, confused, and inadequate.

In response to those startling revelations, the Senate Select Committee held hearings, which were followed by the hearings of the Special Iran-Contra Committee. These investigations revealed that a small group of people, under the direction of the National Security Council, secretly devised and directed major foreign policy initiatives, which included activities of questionable legality and resulted in severely damaging the national interest.

As rationale, the committees repeatedly heard that congressional intent pertaining to the conduct of activities such as these was unclear. This legislation is offered to eliminate any such ambiguity. It addresses the shortcomings of the current process, and results from the thorough examination of congressional oversight of these matters undertaken by the Senate Intelligence Committee during the last several months.

I want to make clear that this legislation would in no way compromise the President's ability to rely on the intelligence community to gather the information he needs to establish foreign policy. But it does assign to the President the responsibility to make certain that consultations between the intelligence committees and him, or his representatives, occur before the initiation of any intelligence activity. Through these prior consultations with the intelligence committees, increased cooperation between the Congress and the executive branch, as these two branches of Government formulate intelligence policy, should result.

This bill also mandates specific conditions to be met by the President in the planning and execution of special activities—covert actions: Only the President could authorize a special activity; such authority must be set forth in a written finding, which cannot be retroactive, and which must enumerate every Government entity and/or third party which will participate in that activity. Furthermore, no special activity could be undertaken which violated the laws of the United States.

This legislation would also place responsibility for congressional notification with the President, who must, as soon as possible, and no later than 48 hours after he has signed the finding, ensure that the intelligence committees are notified of the special activity. Should the President determine extraordinary circumstances prevail at the time the finding is made, then notification would be required of only eight Members of Congress, the chairmen and vice chairmen of the two intelligence committees, the Speaker and minority leader of the House of Representatives and the majority and minority leaders of the Senate. The appropriate Members of Congress must also be notified if the special activity is changed in any significant way.

Mr. President, this bill, through the establishment of a strong and unambiguous statute, would protect the national interest and enhance our democratic process by making certain that those elected to serve their country, the President and the Congress, have clearly defined roles in the evolution and execution of our Nation's intelligence activities.

Mr. President, I ask unanimous consent that this statement be inserted in the RECORD at the appropriate place.●

GOVERNOR DUKAKIS' VISION OF NATIONAL SECURITY

● Mr. KERRY. Mr. President, as the Nation faces the 1988 Presidential election, one essential goal must be to develop a coherent alternative vision of national security to the one pursued by President Reagan over the past 6½ years.

The administration has too often equated spending money on weapons with national security, even as it has demonstrated managerial incompetence in weapons purchasing and disregard for the law and international institutions in its foreign policy.

Today, Gov. Michael Dukakis delivered a speech at Georgetown University in which he declared his vision of the real elements of national security.

Instead of rhetoric about decades of neglect and evil empires, Governor Dukakis offered a pragmatic approach for the coming decade—an approach of stabilized defense spending, arms control on offensive and defensive strategic systems, a halt to nuclear testing and antisatellite weapons development, and the willingness to do what is necessary to make sure that no adversary doubt U.S. resolve to defend itself or its allies in a conventional conflict.

In this thoughtful speech, Governor Dukakis talked about risk reduction, coping with terrorism, halting nuclear proliferation, reinforcing conventional defense, protecting our sealanes, controlling Third World arms purchases, making international institutions work for the United States, rather than against it, as among his national security goals.

It's refreshing to hear a Presidential candidate provide a tough, but pragmatic approach to these issues. I believe Governor Dukakis' approach provides a firm foundation for the Nation as it faces the 1988 election and urge my colleagues to take the opportunity to take a look at it now as we begin to consider the direction our Nation shall take for the future.

I ask that the text of Governor Dukakis' speech be inserted in the RECORD.

The speech follows:

THE ELEMENTS OF OUR NATIONAL SECURITY

(Governor Michael S. Dukakis)

I am an internationalist.

I believe that we must be tough and strong and involved—in our relations with the Soviet Union; in Europe and in our own hemisphere; in the Middle East and the Far East; in the struggle against apartheid in South Africa; and in the world economy.

Of course, it's easy to talk about being tough and strong and involved. We've been getting that kind of rhetoric from the White House for nearly seven years.

But it's another thing to be tough; to be strong; and to use our strength for the right reasons and the right goals.

During the next weeks and months, I will be setting forth my vision of America's place in the world; my views on our relations with the Soviet Union; on how we build a competitive America; on how we promote democracy and human rights around the globe.

It is an optimistic vision. A vision of an America that is proud and strong and confident; that respects the rule of law; that works in concert with our allies and friends; and that pursues a foreign policy that gives life to the principles and values upon which our nation was founded.

This afternoon, I want to apply this vision to a specific challenge: the national security of the United States.

From the day it took office, the current Administration has equated defense spending—especially on nuclear weapons—with national security.

Almost two trillion dollars later, the nuclear balance of terror is unchanged. NATO forces remain inadequate to the task of defending Europe without early resort to nuclear weapons. There are serious weaknesses in our conventional capability. We have gone from being the largest creditor nation to the largest debtor nation on earth. The defense budget has become a bitter partisan issue. And the choices that will be available

to the next President of the United States will be sharply constrained.

The next President must, at the very least, stabilize defense spending. He will have no other choice. We do not have the resources to continue throwing money at the Pentagon. And we have important obligations, as well—to compensate fairly the men and women of our armed forces; to strengthen our conventional capabilities; and to meet our commitments around the globe.

We may be able to make significant cuts below current levels of defense spending—if negotiations with the Soviet Union go well. But that will not happen overnight. And we should not assume—or promise—that it will.

The next President, like all modern Presidents, will be required to respond to grave international risks—important diplomatic opportunities—and critical security questions.

How can we reduce the risk of nuclear war?

How can we improve the ability of our conventional forces to respond to threats, and to secure our vital interests, quickly and successfully around the globe?

How do we cope with terrorism?

How do we manage the Defense Department in a way that reflects the common sense and protects the pocketbooks of the American people?

How do we restore professionalism and accountability and integrity to the national security planning process of our country?

How do we use our strength in a way that not only protects our interests, but promotes human rights, encourages democratic values and fosters economic opportunity around the world?

The answer to these questions begins with some very good news.

The news that the United States and the Soviet Union have agreed, in principle, to eliminate short and medium range missiles from Europe. I strongly support this agreement. And I hope the verification issues will be carefully and promptly resolved and that the Senate will consent to ratification of the new treaty.

The INF Treaty is important not because of the number or type of weapons involved. The superpowers have deployed twice as many warheads since 1981 as will be destroyed under this agreement.

The treaty is important because it will set the stage for the next President of the United States to negotiate deep cuts in strategic weapons and for a comprehensive test ban treaty—in short, to reduce the risk of nuclear war.

What do I mean by that? How did we get where we are today?

It has been forty-two years since the *Enola Gay* dropped a 13 kiloton bomb on Hiroshima, ending a long and brutal war, and revolutionizing the way we thought about our security.

For a time, we held a monopoly on nuclear weapons, and made them the backbone of our defense. To contain the massive Soviet armies that were in the process of stifling the right of self-determination throughout half of Europe, we had no choice.

But as the Soviet nuclear program developed, and their arsenal came to match our own, the strategic rationale for building yet more nuclear weapons grew weaker as the stockpiles on both sides grew higher.

This was clear 26 years ago to General Douglas MacArthur: "Global nuclear war," he said "has become a Frankenstein that will destroy both sides. No longer is it a weapon of adventure—the shortcut to international power. If you lose, you are annihilated. If you win, you only lose."

Any yet both sides went on building. Six thousand warheads by 1970; fourteen thousand by 1979; and today, together, the superpowers have twenty-two thousand strategic warheads. Each far more destructive than the bomb that devastated Hiroshima. Counting theater and battlefield weapons, we, together, have more than 50,000. The U.S. has the capacity to destroy the Soviet Union forty times over; and they can do the same to us.

The nuclear standoff has been matched in central Europe by the largest peacetime build-up of conventional military power in world history. More than six million men and women are on active duty on both sides of what we used to call the Iron Curtain, and they account for nearly 2/3 of the world's trillion dollar annual budget for military purposes.

Our rivalry with the Soviet Union was born in the bitter aftermath of the second World War. It quieted for a time after Stalin's death; again after the Cuban Missile Crisis; again during the detente of the Nixon years.

But Soviet policies have made a lasting change in our relationship impossible.

Today we have an opportunity—not a guarantee, but an opportunity—for something far more significant.

Because Mikhail Gorbachev and the people around him appear to reflect a real change—a new generation of Soviet leaders—more pragmatic, less ideological; leaders who have inherited a nation on its way to becoming a third rate economic power.

French President Francois Mitterand has said he believes Gorbachev is the first Soviet leader since the Revolution to understand the flaws of the Communist system.

The Soviet Union's rate of economic growth has fallen in every five-year plan since the 1950's; Soviet farmers are less than one-seventh as productive as ours; alcoholism and poor health care have chopped six years off the life span of the average Russian male: infant mortality is up; the birth rate is down; and a majority of the population, for the first time under Communist rule, will soon be made up of non-Russian nationalities—whose loyalties to the Kremlin are tenuous at best.

In Gorbachev's own words, the Soviet Union will not enter the twenty-first century as world power if it continues to perform as it has during the past decade.

The time has come not only for the Soviet Union, but for both superpowers, to realize there is no finish line to this arms race.

Each weapons system produces a countersystem. We invented atomic bombs in 1945; the Soviets followed four years later. We exploded the hydrogen bomb in 1953; the Soviets in 1954. Khrushchev launched Sputnik and invented ICBM's in the late 1950's; we deployed Polaris and the Minuteman in the early 1960's. We went to multiple warheads; so did they. They built the SS-18; we countered with MX and D-5. We are developing a mobile missile; they beat us to the punch.

The price tag of the arms race goes up and up, but the product has no value. There is no return on the investment.

Meanwhile, we are saddled with a $160 billion budget deficit and a $170 billion trade deficit. The Soviet economy can't produce a decent personal computer, and Cessnas are landing in Red Square.

What is the alternative to this endless and fruitless competition?

The first step is to be clear.

Our goal should be to prevent the use of a single nuclear weapon, whether strategic or battlefield, whether by calculation or miscalculation, by the superpowers, by a regional power or by terrorists.

That is our goal. That is why we negotiate with the Soviet Union. It is why we must maintain an effective nuclear deterrent. It is why we must reduce our reliance on nuclear weapons for the defense of Europe. And it is why we must do everything in our power to stop the spread of nuclear arms.

My objective as President will be to do more than control the arms race. We have the opportunity to stop it. To reverse it. And the way to stop the arms race is to stop building and testing nuclear weapons.

That is the way John Kennedy halted atmospheric explosions in 1963. And that is the approach I would take as President of the United States.

We should initiate a verifiable moratorium on underground testing, and on ballistic missile flight testing, to set the stage for serious negotiations.

Negotiations:

That make deep cuts, 50 percent or more, in all stragetic arms;

That ban the testing and deployment of anti-satellite weapons;

That prohibit all underground nuclear tests.

There is an agreement waiting to be made. If we have strong national leadership. If we remove Star Wars as an obstacle to arms reductions by agreeing to abide by the traditional interpretation—the correct interpretation—of the ABM Treaty, while insisting that the Soviets do the same. Construction of the Krasnoyarsk radar must stop.

Obviously, what we can do will depend on what the Soviets are willing to do—about numbers and types of weapons, about verification procedures, about the resolution of disputes over the interpretation of treaties.

Obviously, we will be guided far more by what Soviet leaders do than what Soviet leaders say.

Obviously, we cannot rule out the need for nuclear modernization—even if arms reductions talks succeed—where modernization is necessary to maintain a stable and survivable deterrent.

And we will not base our policies today on any assumptions about the nature—or the identity—of Soviet leaders tomorrow.

But we must take the initiative: to reduce our nuclear arsenals; to build confidence between the superpowers; to let everyone on this planet know that the United States is committed to reducing the threat of nuclear war.

And we should do much more than this Administration has done to stop the spread of nuclear arms.

Israel, India, Pakistan and South Africa are on the threshold of joining the five nuclear powers; others are waiting in the wings. Some of these countries are in regions of turbulence and unrest; some are bordered by bitter enemies; some are highly vulnerable to terrorism.

We know that Colonel Qadhafi has tried to buy a bomb. We know the Baader-Meinhof gang in Germany tried to steal one. And if the Shah of Iran had built or bought a bomb, we know who would have it now.

The next President must lift this issue to the top of the world agenda. He must be tough on a country like Pakistan that has violated our laws to help build a bomb. He must make certain that the components of nuclear weapons are guarded as carefully as

the weapons, themselves. And he must work with the leaders of other industrialized nations—including the Soviet Union—to control trade in nuclear materials and to police their use.

And he must be tough and strong and effective in the fight against international terrorism. Terrorism is not a political issue; it's a law enforcement issue. It requires first-rate police work; good intelligence; good international cooperation; tough penalties; and a firm policy of no concessions to those who commit or who sponsor terrorist acts.

But our greatest need, our greatest vulnerability, is in our conventional strength.

Why? Because if it is necessary to use military force in the future, we are much more likely to use our conventional forces than our nuclear forces. That has been true for a generation.

Because conventional weakness invites conventional war. And a conventional war could rapidly escalate into a nuclear exchange.

And because we have badly neglected our conventional military needs.

Nowhere is that more true or more important than in Europe, the defense of which remains the heart and soul of our national security strategy.

I do not agree with those who oppose the INF agreement. The advantages of that agreement for our long term security are too great. But I do share their commitment to the NATO alliance, and I understand their concern about NATO's defense.

As President, I will commit this nation to a partnership with our allies to achieve a true balance of forces in Europe. A balance we can, should and will achieve: by negotiation if possible, by the build-up of conventional forces, if that's what it takes.

"This goal", as Sam Nunn has pointed out, "will not be easy or quick. It will require allied solidarity, public education and a bipartisan commitment throughout the alliance. But it is a goal that must be pursued."

Soviet Secretary Gorbachev has called for what he terms a "reasonable sufficiency" of forces. "In the European building" he says, "every apartment is entitled to protect itself against burglars, but only in such a way as not to demolish the next door apartment."

Those are interesting and promising words. But they have yet to be tested. And we should attest them. By seeking mutual reductions in conventional forces; by asking the Soviets to restructure their forces to defensive positions; by devising verification and confidence-building measures that will make a surprise attack almost impossible.

And by making clear our determination—if negotiations fail—to build a conventional military capability that is tough and strong and versatile and equal to the task of defending Europe.

Can that be done?

Yes, if our allies are willing to do their share. Because although we care deeply about European security, we cannot, and should not, care more than the Europeans.

Yes, if the next President doesn't squander billions on Star Wars and on redundant nuclear arms.

Yes, if we invest in conventional forces that can protect the sea lanes, in a better-equipped and better organized Army, and in airlift and sealift that will get our forces where they are needed, when they are needed.

Over the past decade, the Soviet Union has produced three times as many tanks, four times as many armored vehicles, and nine times as many artillery and rocket launchers as the United States.

And yet, the Administration wants to spend nearly $100 billion over the next five years on weapons systems we do not need, and cannot afford: on nuclear carriers, the MX, Midgetman missiles, Star Wars, anti-satellite weapons, and more warheads.

For the same amount, assuming it were available:

We could convert 3 army light divisions into mechanized units, with more tanks, more fighting vehicles, more anti-tank missiles, more helicopters, and more air-defense systems;

We could buy 440 more tactical fighters;

We could improve our anti-submarine capabilities against increasingly quiet Soviet submarines;

We could strengthen airlift and sealift to meet the need for rapid mobilization and deployment;

We could purchase needed ammunition and spare parts;

We could provide additional training and equipment for our National Guard and Reserve; and

We could deposit the remaining $50 billion in the Treasury of the United States.

We could even buy a minesweeper or two.

But we must recognize that the weapons we buy will be only as good as the troops who use them. We must recruit, train and fairly compensate the men and women of our armed forces. Their dedication—and their morale—are the most important ingredients of a strong national defene.

And we must recognize, as well, that the threats to our security, and to our friends and allies, and to world peace, do not all emanate from the Soviet Union.

For seven years, a war has been raging in the Persian Gulf—longer than World War II. Hundreds of thousands of human beings have been killed and maimed and crippled.

Where has the international community been? Where have the five permanent members of the UN Security Council been—the five nations who under the UN Charter have a special responsibility for stopping conflict—before it threatens to engulf the entire Middle East.

I'll tell you where they've been. Everyone of them, at one time or another, has been supplying arms to the combatants. They—and dozens of other nations who have been making money off this war.

We need a ceasefire and an embargo on foreign arms sales to both countries—and we needed it six and a half years ago. Because that's what strong and tough and effective international leadership is all about.

Not putting flags on Kuwaiti tankers. Or supplying arms to the Ayatollah. Or "tilting" towards Iraq—the country that started the war; that has used chemical weapons; and that is responsible for 60-70 percent of attacks on tankers in the Gulf, one of which took the lives of 37 Americans.

All this may not happen overnight. And it hasn't been made any easier by an Administration that has disparaged international law and international institutions from the day it took office.

But it can be done. If we are persistent. If we have the patience to do the hard work of international diplomacy. And if we back up what we say with what we do.

Six and a half years ago, we were promised a stronger defense.

But we haven't gotten what we've gone into debt for.

Improvements in equipment, readiness, morale and capability simply do not match the investments we've made. Defense planning and procurement has been grossly inefficient, unrealistic, confused and unprofessional.

The Navy began construction of a 600 ship Navy it can not man; the Air Force drew up plans for a 40 wing Air Force it cannot sustain; the Army began an armored buildup it cannot afford.

High tech miracle weapons have had high-priced technical problems. The M-1 tank, the Bradley infantry vehicle, the Sergeant York, the B-1 bomber: all have cost much more and done far less than advertised.

The Army's new helicopter program is in disarray; its tactical communications capabilities are in bad shape; and even its new "high mobility multi-purpose wheeled vehicle"—its new jeep—has serious cost and performance problems.

In Grenada, communications between our forces were so bad that an Army lieutenant seeking air support for his troops had to call Fort Bragg from a phone booth—using his AT&T credit card.

We need new leadership that will insist on discipline and accountability; that will give us some stability in defense spending with long term planning and multi-year procurement; that will resist sacrificing military preparedness in order to protect big weapons projects; that will require serious competition, independent testing and appropriate warranties on the weapons and equipment we buy.

Leadership that will make it possible for our armed services to compete against our adversaries instead of each other.

Leadership determined to get the American taxpayer a dollar's worth of security for every defense dollar we spend.

Two weeks ago, Richard Godwin, the man assigned only a year ago to straighten out the procurement process at the Pentagon resigned in disgust. He said he didn't have sufficient authority to get the job done.

Authority within the Executive branch comes from one place: the Oval Office.

And in a Dukakis Administration, it will be the Commander in Chief—not an Admiral or a Lieutenant Colonel—who will be accountable for the national security operations and policies of the United States.

A Chief Executive who will stand by his word and who will be accountable to the law; to the Constitution; to our values; and to our people.

Because we can't afford four more years of a policy that talks tough and sells guns to terrorists.

And we can't afford to have a Secretary of State trying to do one thing, while the National Security Adviser is doing another and the Secretary of Defense something else.

For me, the saddest day of the Iran-contra affair was the day that Secretary of State Shultz testified. The chief foreign policy adviser to the President; our leading diplomat; the point man in the fight against international terrorism—without control over—or even a voice in—one of the most important and disastrous foreign policy decisions we've ever made.

Good government—especially when it involves our national security—must begin with good people.

With a National Security Council that understands its responsibilities and its limits; and with a National Security Adviser who does the job quickly and professionally.

With good intelligence, careful analysis and sound planning that will produce for the President the kind of thoughtful, hard-

headed, and honest assessments he will need to make good decisions.

I will appoint those kinds of people. I will insist on that kind of process. And I will read those assessments.

I have focused this afternoon on what must be a comprehensive national security strategy. But national security is a coat of many colors.

We need a strong national defense.

And we need strong, professional, fiscally responsible management of our national security policies and resources.

But we also need a strong and growing economy; quality schools for our children; a well-trained and highly-skilled workforce; and a civilian science and industrial research program that is second to none.

We must be united. By our commitment to freedom and equality and opportunity—at home and overseas.

We must work together with our allies and with the international community—to increase respect for international law and to respond firmly to those who do not.

We must understand what Carlos Fuentes meant when he said that the "great weakness of the Soviet Union is that they are surrounded by satellites, and not by friends."

For it is something far more powerful than guns and missiles that has sustained us as a nation; that has served as a beacon of hope and inspiration to immigrants and democrats and freedom fighters around the globe for the past two centuries.

Ultimately, our nation will stand or fall on how well we understand the source of our own strength.

On how truly we respond to that understanding.

On how true we are to ourselves.●

THE CALENDAR

Mr. BYRD. Mr. President, I understand there is a little business that can be disposed of at this time.

I inquire of the distinguished acting Republican leader [Mr. WARNER] if Calendar Order 317 and Calendar Order 335 have been cleared on his side of the aisle.

Mr. WARNER. Mr. President, the majority leader is correct.

Mr. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that the Senate proceed seriatim to the consideration of those two items.

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

HISTORIC PRESERVATION FUND AUTHORIZATION

The bill (H.R. 1744) to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund, was considered, ordered to a third reading, read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF CERTAIN HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS

The joint resolution (S.J. Res. 191) to provide for the extension of certain programs relating to housing and community development, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 191

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUATION OF PRIOR EXTENSIONS.

Each provision of law amended by Public Law 99-430 is amended by striking out "September 30, 1987" wherever it appears and inserting in lieu thereof "October 31, 1987".

SEC. 2. ADDITIONAL EXTENSIONS.

(a) SOLAR BANK.—The last sentence of section 505(a) of the Solar Energy and Energy Conservation Bank Act is amended by striking out "September 30, 1987" and inserting in lieu thereof "October 31, 1987".

(b) AUTHORITY TO PURCHASE SECOND MORTGAGES.—

(1) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—Section 302(b)(5)(A)(i) of the Federal National Mortgage Association Charter Act is amended by striking out "until October 1, 1987" and inserting in lieu thereof "through October 31, 1987".

(2) FEDERAL HOME LOAN MORTGAGE CORPORATION.—Section 305(a)(4)(A)(i) of the Federal Home Loan Mortgage Corporation Act is amended by striking out "until October 1, 1987" and inserting in lieu thereof "through October 31, 1987".

(c) LIMITATION ON AMOUNT TO BE INSURED UNDER NATIONAL HOUSING ACT.—Section 531 of the National Housing Act is amended by striking out "for fiscal year 1986" and inserting in lieu thereof "for any fiscal year".

(d) PREPAYMENT MORATORIUM.—The second paragraph under the heading "FARMERS HOME ADMINISTRATION" in chapter X of title I of Public Law 100-71 is amended by striking out "September 30, 1987" and inserting in lieu thereof "October 31, 1987".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESOLUTION PLACED ON CALENDAR—MINING AWARENESS WEEK

Mr. BYRD. Mr. President, I ask unanimous consent that I may submit on behalf of myself and have placed on the Calendar a resolution proclaiming April 24-30, 1988, as Mining Awareness Week, Senate Resolution 289.

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

Mr. WARNER. Might I ask the distinguished majority leader if I could be listed as a cosponsor?

Mr. BYRD. Mr. President, I would consider that an honor. I thank the distinguished Senator. I make that unanimous consent request.

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

GOLD STAR MOTHERS DAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 355 designating September 27, 1987, as "Gold Star Mothers Day."

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 355) designating September 27, 1987, as "Gold Star Mothers Day."

Mr. BYRD. Mr. President, House Joint Resolution 355 designates September 27, 1987, as Gold Star Mothers Day.

On September 14, 1940, President Franklin D. Roosevelt issued a proclamation designating the last Sunday in September as "Gold Star Mothers Day." In order to continue and reemphasize this tradition, I urge my colleagues to support House Joint Resolution 355 which designates September 27, 1987 as "Gold Star Mothers Day."

As my colleagues may recall, "Gold Star Mothers Day" are those who have lost a son or daughter while serving in the Armed Forces. In honoring these women, we honor the memory of all those whose lives were sacrificed in our wars.

This year's Gold Star Mothers Day is especially significant for West Virginia's veterans. On September 27, 1987, I will be participating in the dedication of the New Veterans' Administration West Virginia National Cemetery in Pruntytown, WV. I am very pleased that I was able to secure approximately $2 million in Federal funds to establish this new and much needed resting place for our West Virginia veterans.

Again, I urge my colleagues to support House Joint Resolution 355 which designates September 27, 1987 as "Gold Star Mothers Day."

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 355) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the order entered earlier today provided that any rollcall votes ordered on amendments between now and Tuesday not occur until Tuesday. I do not anticipate any rollcall votes on motions to recess or adjourn. Conceivably, there would be the need for a rollcall vote on a motion to instruct the Sergeant at Arms. I do not anticipate the need for that in this situation.

But in the event that should be necessary, I think I should clarify the agreement to the extent that any necessary parliamentary motions of that kind would possibly require a rollcall vote. So I should like to make that exception. Otherwise, it could be that the Senate would not be able to, in some situations, function. I suppose that all Senators understand that situation could arise. The case we usually find in which I ask that the Sergeant at Arms be instructed to request the attendance of absent Senators is not normally what I would expect to happen tomorrow or Monday, but in the event it does I would think Senators should be in notice by the RECORD that that action might occur.

Mr. WARNER. Mr. President, there is no objection.

Mr. BYRD. Mr. President, I thank my friend.

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

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I ask the distinguished Senator from Virginia, the acting Republican leader, if the following nominations have been cleared on the other side of the aisle, beginning with nominations under the Department of State on page 6 of the Executive Calendar, all nominations on that page, and nominations on page 7 under International Atomic Energy Agency and International Monetary Fund.

Mr. WARNER. Mr. President, the majority leader is quite correct in his representation. They are all cleared.

Mr. BYRD. I thank the Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session; that the Senate consider and confirm the nominees en block that were heretofore mentioned, and that the President be immediately notified of the confirmation of the nominees; that the motion to reconsider be laid on the table; and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

James H. Michel, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

Stephen J. Ledogar, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as United States Representative to the European Conventional Arms Negotiations and the Representative of the United States of America for Mutual and Balanced Force Reductions Negotiations.

Leonard Rochwarger, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Tonga, Ambassador Extraordinary and Plenipotentiary of the United States of America to Tuvalu, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Max L. Friedersdorf, of Florida, for the rank of Ambassador in his capacity as United States Representative to the Conference on Disarmament.

Peter R. Sommer, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

INTERNATIONAL ATOMIC ENERGY AGENCY

John S. Herrington, of California, to be the Representative of the United States of America to the Thirty-first Session of the General Conference of the International Atomic Energy Agency.

INTERNATIONAL MONETARY FUND

Alan Greenspan, of New York, to be United States Alternate Governor of the International Monetary Fund for a term of five years.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, does the distinguished Senator on the other side of the aisle, my friend, the acting leader, have anything further he would wish to say today or any business he would like to transact?

Mr. WARNER. Mr. President, nothing other than again to congratulate the majority leader for his distinguished leadership and again the Republican leader in structuring one of the more complicated unanimous-consent agreements that I have heard in my 9 years in this body.

Mr. BYRD. I thank the Senator. And again I want to thank him for his work in helping to formulate the agreement and his work in helping to get the support of other Senators in acquiescence thereto.

I also failed to mention today the work of the two whips, the majority whip and the minority whip, Mr. CRANSTON and Mr. SIMPSON, and the chief deputy whip, Mr. MATSUNAGA, and the respective whips on both sides who worked so diligently to help the leadership put together this extremely difficult agreement.

I would be recreant in my duty if I did not also thank our fine people here at the desks in front of us, the members of the Policy Committees on both sides, because without their work we would not be able to proclaim at this hour that we have achieved the agreement.

Mr. WARNER. Mr. President, I know the majority leader would like to include in that the respective staffs of the minority and majority of the Senate Armed Services Committee.

Mr. BYRD. Absolutely. I thank the Senator for reminding me. They have sat here all day, as we sit here every day when we have this bill before the Senate. They are our experts. They have given us the best in cooperation, and we profit by their expertise and their dedication to this institution.

Mr. WARNER. Mr. President, the majority leader and I note the presence of the distinguished manager of the bill, the Senator from Georgia.

Mr. BYRD. Mr. President, I yield the floor if the distinguished Senator from Georgia would like to speak.

Mr. NUNN. Mr. Leader, I have nothing whatsoever to add to the dialog at this hour except to say that I am very grateful to the Senator from Virginia and the Senator from West Virginia for all the splendid and dedicated work they have done in getting this time agreement. We have a couple of major hurdles yet in front of us but we have cleared some major hurdles this week. I thank the Senator from West Virginia for his tremendous leadership and our colleague, friend and ranking Republican from Virginia.

Mr. WARNER. Mr. President, I very much appreciate the sentiments of our distinguished manager of the bill from Georgia, Mr. NUNN. I think perhaps as we close tonight, if I might say, we have in our hearts the welfare and rapid recovery of our colleague who was removed from us temporarily for medical reasons and indeed that absence contributed to the decision to postpone the important debate that this body will eventually have on the War Powers Act. We wish him well.

Mr. BYRD. Mr. President, I share in those good wishes. Senator WEICKER has once again demonstrated his supreme dedication to the service of his people in this great institution.

I also want to thank my friend, SAM NUNN, for his compliments. Someone has said that a compliment is like a kiss through a veil and Mark Twain said, he could live for 2 months on a good compliment. I certainly will bask in the recollection of the compliment that I have received from the distinguished Senator from Georgia for more than 2 months.

Mr. President, I have been on the floor, I guess, almost constantly, about

as near as one could be, for 21 years in various positions of leadership, and I have yet to see a Senator who is a better chairman and better manager of a bill than is the Senator from Georgia. That is putting it rather mildly.

I also have never seen a team work better on this floor than these two Senators, Senator NUNN and Senator WARNER. They know when to press hard. They know when to compromise. The manager of a bill should know that he is going to have to compromise now and then on an amendment. I think that other Senators would do well to watch and emulate these two fine Senators. I do not cast those words out carelessly. It really is a matter of satisfaction and a degree of joy to see this kind of teamwork by the leaders of our two parties in their respective positions here as they have been managing this bill.

The Senator from Georgia and his counterpart, Mr. WARNER, have conducted thorough hearings. They have not gone into hearings without much aforethought. There is very careful and logical strategy in the hearings they have conducted, not only on this bill but on other matters as well. And they are not just looking at the necessities of the moment. They are looking into the future as they have planned their hearings. I salute them.

I look upon their work with wonderment and with admiration, and I hold the fondest of affections for both of them.

Mr. WARNER. Mr. President, I am deeply touched by the sentiments expressed by this veteran of the U.S. Senate, the most respected leader.

I would say that it is a learning process to observe the Senator. It is a pleasure to work with him. I think the success we have had thus far on this particular piece of legislation, highly controversial though it is, was due to the complete access he has given the managers of the bill at all times to his office, where we can go and be joined by the Republican leader and try to solve the unforeseen problems that have arisen.

This is a very positive way to end a long, hard week.

Mr. BYRD. I thank the able Senator.

Mr. NUNN. I also thank the majority leader.

Mr. President, I was saying to the majority leader this afternoon that I though I ought to pay part of the rent on his office, I have spent so much time there these past few days.

I thank my colleagues, and I will see them tomorrow.

Mr. WARNER. I thank the Senator.

Mr. BYRD. Mr. President, I want to make sure, before I move to recess over, that the time has been set for tomorrow and Monday and Tuesday.

The PRESIDING OFFICER. The Chair states that the order does include times for tomorrow and Monday.

Mr. BYRD. Is the time for tomorrow 10 o'clock?

The PRESIDING OFFICER. The majority leader is correct.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 o'clock tomorrow morning.

The motion was agreed to, and at 8:34 p.m. the Senate recessed until tomorrow, Saturday, September 26, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 25, 1987:

UNITED NATIONS

HERBERT STUART OKUN, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-SECOND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

MARK D. SILJANDER, OF MICHIGAN, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-SECOND SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DEPARTMENT OF DEFENSE

EVERETT ALVAREZ, JR., OF MARYLAND, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1993, VICE PERRY ALBERT LAMBIRD, TERM EXPIRED.

NATIONAL MEDIATION BOARD

JOSHUA M. JAVITS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR THE TERM EXPIRING JULY 1, 1989, VICE CHARLES L. WOODS, TERM EXPIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

JOSEPH TRIPPE NALL, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1992. (REAPPOINTMENT)

CONFIRMATIONS

Executive nominations confirmed by the Senate September 25, 1987:

DEPARTMENT OF STATE

JAMES H. MICHEL, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

STEPHEN J. LEDOGAR, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING THE TENURE OF HIS SERVICE AS UNITED STATES REPRESENTATIVE TO THE EUROPEAN CONVENTIONAL ARMS NEGOTIATIONS AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR MUTUAL AND BALANCED FORCE REDUCTIONS NEGOTIATIONS.

LEONARD ROCHWARGER, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FIJI, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF TONGA, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TUVALU, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

MAX L. FRIEDERSDORF, OF FLORIDA, FOR THE RANK OF AMBASSADOR IN HIS CAPACITY AS UNITED STATES REPRESENTATIVE TO THE CONFERENCE ON DISARMAMENT.

PETER R. SOMMER, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

DEPARTMENT OF JUSTICE

WILLIAM S. SESSIONS, OF TEXAS, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR THE TERM OF TEN YEARS.

INTERNATIONAL ATOMIC ENERGY AGENCY

JOHN S. HERRINGTON, OF CALIFORNIA, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE THIRTY-FIRST SESSION OF THE GENERAL CONFERENCE OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

INTERNATIONAL MONETARY FUND

ALAN GREENSPAN, OF NEW YORK, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.