SENATE—*Tuesday, September 29, 1987*

(Legislative day of Friday, September 25, 1987)

The Senate met at 8:15 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore, Mr. BREAUX.

The ACTING PRESIDENT pro tempore. Our prayer today will be offered by Rabbi Moshe Feller, of St. Paul, MN.

PRAYER

Rabbi Moshe Feller, director, upper Midwest regional office of the World Lubavitch Movement, St. Paul, MN, offered the following prayer:

Almighty G-d, Master of the Universe, the members of this august body, the U.S. Senate, convene here to fulfill one of the seven commandments which you first issued to Adam at the time of his creation 5,748 years ago and then reissued to Noah and his sons after the great flood, the commandment to govern by just laws.

At the dawn of civilization, as related in the Holy Biblical Book of Genesis and its sacred commentaries, You issued the following seven laws which came to be known as the Seven Noahide Laws:

To worship you alone and not to serve idols;

Never to blaspheme Your Holy Name;

Not to murder;

Not to commit adultery, incest, sodomy, or any other aberration;

Not to steal, lie or cheat;

Not to be cruel to any living creature; and

That every society govern by just laws which are based in the recognition and acknowledgment of You O G-d as the Sovereign Ruler of all men and all nations.

We, the citizens of this blessed country of the United States of America, proudly proclaim this recognition and our commitment to justice in our Pledge of Allegiance "One Nation—Under G-d—with Liberty and Justice for All."

Grant us Almighty G-d that those assembled here to enact laws to govern this blessed country be cognizant of Your presence and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, good cheer and good fellowship. May they constantly realize that in laboring for the enactment of just laws they are doing Your will. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized for not to exceed 5 minutes.

Mr. BYRD. Mr. President, I yield my 5 minutes to my good friend, the Senator from Wisconsin [Mr. PROXMIRE].

Mr. PROXMIRE. Mr. President, I thank my good friend, the majority leader, for so graciously yielding me this time.

TIME FOR ECONOMIC GLOOM AND DOOM

Mr. PROXMIRE. Mr. President, what are the consequences of the huge and rapidly growing American debt? We all know about the $2½ trillion Federal Government debt. That is bad. It is very bad. But there is a worse, a bigger, a deeper debt. Household debt—for one—that is the debt owed by individual Americans. How is America doing on this debt? The answer is worse. Household debt has now climbed well beyond $2½ trillion. It is pushing $3 trillion. Even that is not the worst of it. Business debt is still higher. Business debt is crowding $3½ trillion. So right now Americans are, or soon will be, $9 trillion in hock and rising—swiftly rising.

Now let us look at the other side of the picture: Savings. For years Americans saved roughly 6 percent of their income. Some other countries do much better. The Japanese, for instance, over the past few years have saved a massive 20 percent of their income. Household and business saving can offset debt. During World War II Federal Government borrowing to finance the war was enormous. For 4 years wartime Federal deficits and a huge increase in the Federal debt smashed all previous records. But business and especially household savings soared. The Federal Government simply borrowed from the private sector. With the huge increase in economic activity stimulated by wartime military spending, personal and business income skyrocketed. But because of Federal restraints there were far less spending opportunities. New housing purchases declined. Automobile companies shut down the auto assembly lines to build tanks, planes, and ships. New autos were off the market. Households paid off old debts and had no reason to acquire new ones.

Today is sharply different. The massive Federal debt is far surpassed by a much larger private debt. The whole country, public and private, is living way beyond its means.

So what? Should this be cause for concern? If so why? Consider just two of several consequences of this colossal and growing and universal debt burden. First, it means that a large and growing proportion of the income of the American people is not going to pay other Americans for producing the Nation's goods and services. It is going to pay interest on the cost of the goods and services that Americans provided in past years. More and more of this debt is owed to foreigners. Just to maintain the economic equilibrium between American spending and American income Americans will have to borrow more and more from abroad. As foreign debt increases, foreign lenders are likely to require increasingly higher rates of interest to increase their lending.

A second consequence of this ocean of American debt is the vulnerability of heavily indebted American households and business in the next recession. With savings at an all-time low, relative to income and personal debt at an all-time high more American families than ever before will be unable to meet their heavy mortgage interest burden plus required interest payments on auto and other loans. Always in the past recessions have diminished housing starts as prospective homeowners found it difficult to come up with the income to meet monthly payments. The next recession will be much worst as established households find they are unable to meet their interest commitments and lose their home.

The record debt that burdens American business will push many firms into insolvency and bankruptcy. This will sharply increase unemployment and aggravate the plight of millions of households.

On top of all this the Federal Government will be unable to employ the "compensatory fiscal" policy—of cutting taxes and increasing spending. This has repeatedly helped our country pull out of recessions. But will it work in the next recession without massively aggravating the country's debt problem and plunging the country into a multitrillion-dollar debt that will destroy business and consumer confidence?

Is this gloom and doom? It sure is. But why not? What's your scenario?

● 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

THE FLEECE THAT NEVER WAS

Mr. PROXMIRE. Mr. President, in this corner are the good guys: keen-eyed congressional investigators, States and Indian tribes, and the long-suffering taxpayers, who may be losing up to $1 billion a year in oil and gas royalties.

In the far corner are the putative villains: Rapacious oil companies, bungling bureaucrats at the Department of the Interior, and political appointees more interested in cushy oil company jobs than in protecting the taxpayers' interests.

When I first started looking into the question of missing oil royalties, the phrase "Golden Fleece" loomed large. But the more I looked, the more I became convinced that the Department was no longer at fault. Instead of a lashing, they deserve a pat on the back for beginning to do a difficult job well.

The House Appropriations Committee released a staff report which apparently drew blood. It certainly piqued my interest. In 1985, they examined the Department's efforts to make sure that royalties from oil and gas produced on Federal lands were properly collected. At first blush, this report was a damning indictment. The key sentence read:

> Applying the 21 percent of underpaid royalties to the $28 billion of royalties collected by the Department since 1979, indicates that as much as $5.8 billion in royalties may be underpaid by the holders of Federal and Indian oil and gas leases.

Even in these days of $200 billion deficits, a loss of about $6 billion in 6 years is sufficient to catch people's attention.

And catch attention it did. NBC's Nightly News did a followup story and repeated the $6 billion assertion. The wire services used the figure in their stories. The Washington Monthly called the royalty management program, "Washington's worst run program." A visit from the folks at 60 Minutes was about the only publicity the Department avoided.

The only thing wrong with this number is that it is based on analysis so faulty that a freshman statistics student would receive a big, fat "F" if he handed it in. It is worse than wrong—it is misleading.

The first rule of statistics is to select an unbiased sample. If the sample does not accurately reflect the population, the results of the study will be useless. The most famous example of this rule being violated was Liberty magazine's 1936 poll, taken by telephone at a time when telephones were a luxury, which indicated that Alf Landon was going to win the 1936 Presidential election in a landslide.

The report used a biased sample when it projected losses of $1 billion a year. The sample consisted of leases which had already been selected for audit because of possible irregularities. The Department of the Interior knew that the leases examined were good targets for an audit and that the audits would likely prove fruitful. Even the underlying data on which the projection was made are shaky because they reflect only the Government's estimate of royalties due. Companies can challenge these estimates and get them reduced, either by administrative or court action. To use these leases and unadjusted audit estimates, and then to assume that they are representative of the 25,000 producing leases, is to commit statistical suicide.

Suppose the Internal Revenue Service decided to make an estimate of unpaid personal income taxes? They start by selecting only those returns identified by their computer as good audit targets. They do a number of audits, and make their estimate of taxes owed. They assume that this figure is an accurate indication of the unpaid taxes owed by every taxpayer. The resulting projection would surely be sufficient to eliminate the deficit and probably make a good start on paying off the national debt. It would also be useless.

Why has the $6 billion estimate been so widely used, if so fundamental an error was made? Mr. John Eisendrath, who authored the Washington Monthly story, gives the explanation:

> It would seem, for instance, simple to decide how much a company owes in royalties each year. Just determine the market price on the oil and gas, apply the applicable royalty rate, and send out the bill.

If things were this simple, then mismanagement would indeed be the culprit, and a fleece would be on the way. But these statements suggest a fatal misunderstanding of the ways in which oil and gas deposits occur in nature, and are produced and sold.

First, look at what comes out of the ground. It can be anything from a complex mixture of oil, gas, and related byproducts, requiring costly processing, to a dry natural gas ready for use by residential water heaters. Second, that product has to be moved from some of the most remote locations in this country to where it can be sold and that costs money.

Administrative nightmares lurk all along this road from wellhead to market. What comes out of the well has to be measured and classified. Is it asphalt or good crude? And what is being produced can, and often does, change as the petroleum pool is drawn down. How many Government employees would it take to keep track of this situation at roughly 25,000 producing leases containing 100,000 wells? The General Accounting Office [GAO] examined this aspect of the problem and concluded:

> I do not think the Department will ever be able to put enough auditors in the field under the current system to really conclusively say, yes, these are the right royalties we should be getting.

Then you have to face the problem of what is a fair offset for the costs incurred while moving and processing the oil or gas. Doing a good job at solving this aspect of the problem would keep a large accounting firm busy year around. Even after the oil and gas have been sold, can the final royalty be calculated? Not always, because in the meantime, the Federal Energy Regulatory Commission, or the Federal courts, may have issued a ruling which requires a recalculation all along the line.

What about determining the production on which royalties are paid? Here again what seems simple turns out to be anything but. Federal oil and gas lands are often interspersed with private, State, or Indian lands and the product is pooled so the resources can be more efficiently recovered. This brings a better return because of economies of scale but it also raises questions about which well produced what and how the proceeds can be fairly divided. Many leases have multiple beneficiaries. Again, the proceeds have to be divided a number of ways.

Most critics simply fail to recognize these complexities. To do so would mean dealing with the fact that errors are inevitable. The Department is working hard to minimize these errors. Such has not always been the case. From 1959 until roughly 1979, the Department did botch royalty management. But since then, it has been doing a better job. My evidence for this statement: Appeals from enforcement actions, which averaged about 40 a year from 1975 to 1982, soared to 350 in 1985, and exceeded 500 in 1986. More squabbles are a certain sign of more enforcement. The clincher from my point of view came when the GAO testified that:

> I think in fairness to the Department that there has been some noteworthy progress made.

By swinging at the wrong problem, and using bad data to do so, critics make two cardinal errors. Bad or lax management is not at fault. Reformers could hire the Harvard Business School's graduating class and a division of auditors, and some royalties would still go uncollected. Given the complexities of system, the Department is doing a reasonably good job. A little more time to continue their improvements and they may soon be doing an outstanding one.

The misuse of data is an even more dangerous error, especially for Congress. Recently, we in Congress became angry, rightly so in my opinion, at the news that administration officials had not been forthright and candid in supplying information to Congress. We should be at least as

angry at evidence that Congress is also capable of playing this kind of game with information. If we do not police ourselves, and see that the data we trumpet to the world is reasonably accurate and statistically valid, how can we then blame the executive branch when they walk the same crooked path?

We must have some minimum standard of candor between the Congress and the Executive. As my colleague, DANIEL PATRICK MOYNIHAN has pointed out, we are all entitled to our opinions, but not to our own facts. Recently, however, I believe both great branches of Government have become more willing to use "facts" to inflame, not to inform. Instead of searching for that core of agreement, which means winnowing out good from bad data, we hurl brickbats at one another. Both branches should be concerned about this trend.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin yields the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Republican leader would be recognized.

EXIT VISAS ISSUED FOR SOVIET JEWISH FAMILIES

Mr. DOLE. Mr. President, it is not often a Member of the Senate has the opportunity to come to the floor with truly good news. But I have such news today.

The Soviet Government has evidently granted exit visas to a family—the Yakirs—and Svetlana Braun—one of the dozens of the so-called divided spouses separated from their partners who live overseas.

Over the years I have had some personal involvement with both these cases. The Yakir family was adopted by Temple B'Nai Jehudah in Kansas City. The congregation has supported the Yakirs, with its unwavering faith and commitment to gain the family's release.

Last spring, a delegation from the congregation led by Rabbi Mark Levin visited me here in Washington and we called the Yakir family in Moscow. I told Yevgeny Yakir, who first applied for an exit visa 14 years ago, that we would continue to press the Soviet Government to live up to the principles of "glasnost" by granting exit visas to his family, among others.

And several years ago I met Keith Braun, a young lawyer from Michigan, who married Svetlana in the Soviet Union in 1984. Since then, the couple has been forced to live apart because the Soviet Government would not grant her an exit visa. Keith has campaigned relentlessly—not only for his wife, but for the many couples who find themselves in this same unfortunate and irrational position.

Now it appears that both these cases will come to a happy conclusion. The Soviet news agency Tass reported yesterday that the Yakir family and Svetlana Braun would be allowed to emigrate.

This is long awaited and wonderful news, and yet another indication that the Soviet Government is responsive to our efforts to press the human rights issue.

But the news is bittersweet. While we all give thanks for the increase in exit visas granted in recent months, literally hundreds of thousands of Soviet citizens—hundreds of thousands of Yakirs and scores of Svetlana Brauns—who would emigrate tomorrow if the Government would grant them permission—remain behind.

Providing exit visas in dribbles—while a welcomed improvement—does not address the real problem. There needs to be fundamental reform in the Soviets emigration policy—reform that is not punitive and lives up to the Soviets commitment to human rights as a signator of the Helsinki final accords. The Soviets are moving in the right direction, I only hope that they finish the course.

I want to offer a personal word of thanks to Secretary of State George Shultz who has championed the human rights cause at every opportunity with Soviet officials, including at the most recent meetings with Soviet Foreign Minister Shevardnadze. I know that he will continue to make human rights a priority issue—as well it should be.

To the Yakirs, and the Brauns, I offer my congratulations and sincere hope that very soon they will join their loved ones in the West. We welcome you to freedom. And to all those who still await their turn, don't give up hope, we will not forget your plight.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein until the hour of 8:30 a.m.

SENATE AGENDA

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. BYRD. Mr. President, the votes are scheduled to begin at 8:30 this morning. Four rollcall votes have been stacked. The first rollcall vote will be a 30-minute vote, notwithstanding the standing order calls for 15 minutes on these rollcall votes. This being an early morning vote, in order to allow all Senators an opportunity to get into the Chamber and to vote, it will be a 30-minute rollcall vote.

I expect to call for the regular order at the close of the time on votes this morning and this evening. All of the back-to-back votes subsequent to the first vote will be 10-minute rollcall votes and I will call for the regular order at the end of each vote so that we can expedite the business for the day. Time on remaining amendments is limited to no more than 30 minutes on each amendment and in some cases less. This will not allow for, perhaps, all of the amendments throughout the day to be called up and given the time announced but I hope that Senators will be on hand to call up their amendments as soon as time expires on one amendment, so that the Senate can go to the next amendment, thus affording as many Senators as possible as much time as possible on their amendments.

At 8 o'clock this evening, the stacked votes will begin. The first rollcall vote will be given 20 minutes and all subsequent back-to-back votes thereto will be given 10 minutes each. Again, the call for the regular order will be made by me so Senators are on alert that they should not wander out of the Chamber and make telephone calls or go back to their offices, lest they forget that they have not voted and find that they have impaired their rollcall vote standing.

With that, I hope that we will have a full day and a good day and we will continue voting into the evening until all of the rollcall votes that have been previously stacked have been had.

I should also caution Senators that rollcall votes may occur during the day.

RECESS FROM 1:15 TO 2 P.M. TODAY

Today there will be a recess from the hour of 1:15 to 2 p.m., but between the hours of 12:45 p.m. and 1:15 p.m., Mr. BRADLEY will address the Senate. There will be no votes during that period.

So it will be a long day. It could go deeply into the evening and possibly even to midnight or beyond.

NO TIME LIMITATION ON SALT II AND WAR POWERS AMENDMENTS

Following the votes on all amendments that are listed, there will be two remaining amendments, the SALT II amendment and the war powers amendment. Amendments to those amendments will be in order and there is no time limitation thereon.

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

The ACTING PRESIDENT pro tempore. The absence of a quorum is noted. 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 order for a quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask that morning business be closed.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 8:30 having arrived, the Senate will now resume consideration of the unfinished business, which is S. 1174, which the clerk will report.

The assistant 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.

Mr. WARNER. Mr. President, at some point I wonder if I might address the Chair. I discussed with the distinguished majority leader the possibility that one of these votes ordered yesterday by this Senator in relation to the pending amendment by the Senator from Louisiana [Mr. JOHNSTON]—it may well be at some point that I would seek recognition and ask unanimous consent that the yeas and nays be vitiated.

That is predicated on my obtaining the concurrence of another Senator.

VOTE ON AMENDMENT NO. 749

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Dakota [Mr. CONRAD], No. 749. This will be a 30-minute recorded vote. 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 Delaware [Mr. BIDEN], the Senator from Tennessee [Mr. GORE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

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

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

The result was announced—yeas 90, nays 4, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—90

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

NAYS—4

Bradley	Matsunaga	McCain
Evans		

NOT VOTING—6

Biden	Cochran	Simon
Boschwitz	Gore	Wallop

So the amendment (No. 749) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, the call for the regular order will be made at the end of each of these succeeding rollcall votes.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I just wish to advise all Senators that it is the intention of this Senator at a subsequent time prior to the vote to request unanimous consent to vitiate the yeas and nays that are now pending on this Johnston amendment. I will make that request at the end of the last vote.

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

VOTE ON AMENDMENT NO. 753

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment by the Republican leader, amendment No. 753. 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.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOMENICI] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

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

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

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

The result was announced, yeas 96, nays 0, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—96

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

NAYS—0

NOT VOTING—4

Domenici	Simon	Wallop
Gore		

So the amendment (No. 753) was agreed to.

VOTE ON AMENDMENT NO. 763

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk proceeded to call 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 Pennsylvania [Mr. HEINZ] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

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

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

Mr. WARNER. Mr. President, may we have regular order, please?

The PRESIDING OFFICER. Are there any Senators in the Chamber who wish to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—96

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	Helms	Reid
Burdick	Hollings	Riegle
Byrd	Humphrey	Rockefeller
Chafee	Inouye	Roth
Chiles	Johnston	Rudman
Cochran	Karnes	Sanford
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Sasser
Cranston	Kennedy	Shelby
D'Amato	Kerry	Simpson
Danforth	Lautenberg	Specter
Daschle	Leahy	Stafford
DeConcini	Levin	Stennis
Dixon	Lugar	Stevens
Dodd	Matsunaga	Symms
Dole	McCain	Thurmond
Domenici	McClure	Trible
Durenberger	McConnell	Warner
Evans	Melcher	Weicker
Exon	Metzenbaum	Wilson
Ford	Mikulski	Wirth

NAYS—0

NOT VOTING—4

Gore	Simon	Wallop
Heinz		

So the amendment (No. 763) was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, a parliamentary inquiry. What is the next amendment to be voted on?

The PRESIDING OFFICER. The next amendment is Amendment No. 774, by the Senator from Louisiana, Mr. JOHNSTON.

Mr. WARNER. Mr. President, I ask unanimous consent that the yeas and nays on this amendment be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, the Senator from Virginia has discussed with the Senator from Louisiana a certain amendment to the amendment that is pending at the desk. I yield the floor for that purpose.

AMENDMENT 774, AS MODIFIED

Mr. JOHNSTON. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. It requires unanimous consent to modify the amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the amendment be modified.

Mr. NUNN. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order. Those who have other business than that before the Senate please retire to the cloakrooms.

The Senator from Louisiana has requested unanimous consent to modify his amendment. Without objection, it is so ordered.

The clerk will read the modification.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 774, as modified.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is as follows:

On page 22, after line 8, add a new section as follows:

BIOENVIRONMENTAL HAZARDS RESEARCH

SEC. 229. Of the funds authorized to be appropriated to the Armed Forces pursuant to section 201(a) not more than $33 million may be obligated through the Office of the Under Secretary of Defense for Acquisition for bioenvironmental hazards research activities at universities, for associated facilities, and for other related purposes.

Mr. JOHNSTON. Mr. President, we have cut down the funds authorized to be appropriated for $40 million to $33 million. Otherwise, the amendment would remain the same. I thank the distinguished Senator from Virginia and the distinguished Senator from Georgia for their courtesy in working this out.

Mr. WARNER. Mr. President, the amendment, as modified, is satisfactory on this side.

Mr. NUNN. Mr. President, I urge the amendment, as modified, be agreed to.

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

The amendment (No. 774), as modified, was agreed to.

Mr. JOHNSTON. I move to reconsider the vote by which the amendment, as modified, 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. NUNN. Mr. President, I will keep the floor for a moment. I see the Senator from Ohio would like to be recognized, I am sure for the purpose of bringing up an amendment. That is exactly what we want.

Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NUNN. Mr. President, I would like to take just a few minutes to let my colleagues know what has happened over the last couple of days and where we stand today.

Mr. President, we still do not have order.

The PRESIDING OFFICER. The Senate will be in order. Will those who are not engaged in the business before the Senate please retire to the cloakrooms?

The Senator from Georgia.

Mr. NUNN. Mr. President, including the three amendments that we have just passed, we have now handled 92 amendments on this bill. Seventy-two have been accepted. Seventeen have been tabled or defeated and three have been withdrawn. We have had now about 30 rollcall votes.

This is the 12th day of debate on this bill. We have had 2 productive days, Saturday and Monday. We had a number of Senators come in on Saturday and we handled a number of amendments. We dealt with 12 amendments. We also got 10 amendments off the unanimous consent list by withdrawal by unanimous consent.

When we left Friday, we had 70 amendments to dispose of. Counting the 22 amendments that were handled on Saturday and the 7 amendments that we dealt with yesterday, plus the deletion of 6 more amendments, we have dealt with, according to my count, 22 on Saturday and 13 on Monday. That is 35 amendments.

The amount of debate we would have had in dealing with those amendments today, had people not come in on Saturday and Monday, would have consumed the entire day. The remaining amendments that we have, some of which are very important, would not have been able to be debated thoroughly. I want to thank all of my colleagues who came in on Saturday and Monday to be able to dispose of these amendments. We had good debate on some of the amendments. I think it facilitated our colleagues who knew there would be no rollcall votes. Perhaps we can learn a lesson as to what can be accomplished when we have people who are willing to come in on Saturdays and Mondays to get some work done without the necessity of rollcall votes.

Mr. BYRD. Will the Senator yield?

Mr. NUNN. I yield.

Mr. BYRD. And we have managers who are willing to stay at their post of duty and work hard and press on and not yield to pressures from colleagues like myself.

Mr. NUNN. I thank the Senator. But the Senator from West Virginia is right behind the managers with a little push that is necessary and needed and indispensable to making this work.

The challenge before us today is that we have 33 amendments that are still on the unanimous-consent list. We have about four of those that we believe can be accepted on both sides of the aisle. We have a few more of those that perhaps can be handled by a colloquy which will not necessarily consume very much time.

But we do have a number of other amendments that need to be debated. I would urge all Senators who want to debate their amendments to come over and let us start debating them in a meaningful way this morning. We have a couple of amendments that have to be debated after 1 o'clock because the people who are on the two sides of it cannot get together before that time.

We will have a good bit of time this morning between now and about 1 o'clock to debate amendments. I hope we will be able to get people over here. If we are able to have a very productive day today, it could be possible that we will be able to move that 8 o'clock stacked vote period up an hour or two. But that depends on whether we utilize the morning hours to the maximum extent possible.

I thank my friend from Virginia for all of his cooperation on Saturday and Monday, and the managers on that side for a splendid job. I also thank the Senator from Illinois, the Senator from Michigan, the Senator from Nebraska, and others who spent their time here both on Saturday and Monday making sure that the managers of the bill could facilitate Senators who were willing to come in. I particularly thank those Senators who came in on Saturday and Monday.

Mr. WARNER. Mr. President, indeed we are grateful to the majority leader, the managers of the bill, and the Senator from Georgia. Progress has been made.

When this UC was laid down, I think there was some skepticism as to whether or not it would work. It has worked and worked well. It must continue to work well if we are to achieve the goal laid out in the balance of the UC agreement.

I say to my good friend from Georgia it is not certain that the 8 o'clock vote period possibly could be moved forward. I would want the leadership to look at that carefully. I know a number of schedules that are timed for Senators to be present here at 8 o'clock, since the UC represented that would be the key period, though we have not in any way precluded the possibility of votes between now and 8. The strong likelihood is that the major number of votes will occur subsequent to that hour.

So much for that, Mr. President. Now let us move to a lively morning with debate starting.

Perhaps the Senator could advise the Senate with a tentative list of amendments that we have.

Mr. NUNN. I will yield to the Senator from Illinois.

Mr. DIXON. Mr. President, if I may respond on behalf of the distinguished manager to the distinguished ranking member, the understanding we have is that we will go to the Senator from Ohio, Mr. President, Senator METZENBAUM, for an amendment that has been cleared on both sides, then to the other side, to the distinguished Senator from Minnesota, Senator BOSCHWITZ, for an amendment which has been cleared on both sides.

We would then go to an amendment by the Senator from Wisconsin. There are very minor objections and I believe they are being cleared on our side. If we can get to that, we will do that.

Then we will go to an amendment by the distinguished Senator from Arizona [Mr. MCCAIN] that will be contested, and we should be able to do that in about 20 minutes or so. After that an amendment by the minority leader. Senator DOLE, on an oil embargo on Iran, and after that probably to an amendment by the distinguished Senator from Texas [Mr. GRAMM] on stockpiles, which will be opposed on this side.

Then we are looking for business, may I say, because the two amendments after that by Senator GRAMM on Davis-Bacon and the service contract will be opposed on this side by the distinguished Senator from Massachusetts, who is tied up this morning in the Bork hearings and has asked that we do that after 12 noon.

But we have at least three agreed amendments and at least three contested amendments to occupy us for awhile, may I say to my friend from Virginia.

Mr. WARNER. Mr. President, I thank the Senator from Illinois. Indeed, we ought to accommodate the Senator from Massachusetts. He was here yesterday and disposed of four amendments, so I think he has endeavored as a member of our committee to do what he can to keep the bill moving.

AMENDMENT NO. 780

(Purpose: To require the Secretary of Defense to submit a report to Congress on plans regarding the sale and production of the M1A1 Abrams tank)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 780.

Mr. METZENBAUM. 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 OF M1A1 TANK.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress a detailed report on any actual or proposed plans of the Department of Defense regarding the sale, co-production, or co-assembly of the M1 or M1A1 Abrams tank. The Secretary shall specifically include in such report the following:

(1) Whether the Secretary of Defense has entered into or proposes to enter into negotiations with any foreign country for the sale of the M1 or M1A1 Abrams tank to such foreign country.

(2) The nature and extent of any negotiations by the Secretary of Defense with any foreign country regarding the co-production or co-assembly of such tank by the United States and such country.

(3) The possible consequences of the sale of such tank to a foreign country and of an agreement for the co-production or co-assembly of such tank by the United States and a foreign country.

(4) A comparison of the effects on United States industry and labor of a direct sale of such tank to a foreign country with the production of such tank under a co-production or co-assembly arrangement with a foreign country.

(5) The impact that the sale of such tank to a foreign country or an arrangement with a foreign country for the co-production or co-assembly of such tank would have on the national security of the United States in view of the sensitive nature of the high technology involved in the production of such tank.

(b) DEADLINE FOR REPORT.—The Secretary shall submit the report required under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) NATURE OF REPORT.—The Secretary shall submit the report required under subsection (a) in both classified and unclassified form.

(d) CONDITION ON AUTHORITY OF SECRETARY.—The Secretary may not enter into any agreement with any foreign country regarding the sale, co-production or co-assembly of the M1 or M1A1 Abrams or any variant of such tank until the report required by this section has been received by Congress.

Mr. METZENBAUM. Mr. President, the amendment I have just sent to the desk would require the Secretary of Defense to report to the Congress on plans for the production and sale of the M-1.

The M-1 is perhaps the most sophisticated tank in the world and we must be sure to safeguard its state of the art technology. I was alarmed recently by news reports that the Army was considering a coproduction agreement with another country. We do not want to export sophisticated weapons technology to an unstable part of the world.

And we do not want to hear about such pacts second hand. We, in Congress, want to hear directly from the Pentagon so we can guard against a

hasty deal that could threaten our national security.

I am opposed to any pact that would cost American jobs. The 3,600 workers in Lima, OH, build the M-1. They are justifiably proud of the role they play in producing the No. 1 tank in the world.

They do a great job and I want them to continue to do that great job in the United States in Lima, OH.

When I visited the tank facility this summer, workers there told me they are worried that a coproduction pact could cost jobs in Ohio and throughout the country.

I rode in this agile and versatile tank. It is a magnificent piece of equipment. It is well worth the $1.8 billion we will spend to buy 720 M-1's in fiscal year 1988 and another $1.9 billion for 720 more in fiscal year 1989. I am glad the tank has been fully funded. Now it is time to make sure its technology is fully protected.

My amendment requires the Pentagon to tell Congress before it exports the M-1's, their technology or the jobs of Americans who have made this the world's greatest tank.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I congratulate the distinguished Senator from Ohio on this very fine amendment which is supported on this side.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this side supports the amendment and congratulates the distinguished Senator from Ohio.

Mr. METZENBAUM. I appreciate the support of the managers of the bill and we are ready to vote.

The PRESIDING OFFICER. Is there any further debate?

The question is on agreeing to the amendment of the Senator from Ohio.

The amendment (No. 780) was agreed to.

Mr. METZENBAUM. 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.

AMENDMENT NO. 781

Mr. BOSCHWITZ. Mr. President, in the days before us, it is very likely that we will be considering a major new arms accord with the Soviet Union, one that will for the first time actually destroy a whole class of weapons. I look forward to a careful review of the provisions of that agreement and to its subsequent ratification.

But we would be remiss, Mr. President, if we failed to take notice of another arms agreement that has already been negotiated and that was signed last week by Secretary of State Shultz and Soviet Foreign Minister Shevardnadze. I refer to the agreement to create nuclear risk reduction centers in the two countries' respective capital cities. The two centers will trade information on a routine basis, informing the other side, for example, of upcoming nuclear and missile tests to lessen the chance of war through accident, miscalculation, or misinterpretation.

This is an agreement for which we here in the Senate can take some measure of credit. It was at the Senate's urging that the two countries took up the subject. In 1984, the Senate, in a resolution originally proposed by Senators NUNN and WARNER with my strong support and encouragement, voted unanimously that the United States and the Soviet Union put nuclear risk reduction centers on the arms control agenda.

The agreement that was signed last week, however, is not all that we envisioned back in 1984 when we urged the administration to go forward. We had hoped then that it might be possible to create real crisis centers manned jointly by United States and Soviet personnel that could develop common responses to the problem of nuclear proliferation and to the possibility of nuclear terrorism or blackmail. The agreement is a useful beginning, an important first step—one that will hopefully build confidence and mutual trust so that, over time, the centers may expand their roles. The centers that have been developed are certainly much more constrained and do not have the broad purpose or the ability to achieve the results that we sought in the resolution of 1984. I would anticipate, for example, the start of joint discussions to look at ways to contain the spread of nuclear weapons or other nuclear issues of mutual concern, but as those centers are now structured it could not occur.

My amendment applauds the beginning we have made in reducing nuclear risk and expresses our hope that additional steps may be taken.

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota (Mr. BOSCHWITZ) proposes an amendment numbered 781.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. —. NUCLEAR RISK REDUCTION CENTERS.

(a) Congress applauds the recent signing of an agreement between the United States and the Soviet Union on the establishment of nuclear risk reduction centers. Congress regards this agreement as an important and practical first step in reducing the threat of nuclear war due to accident, misinterpretation, or miscalculation. Congress notes that the agreement calls for centers to be established in each nation's respective capital for the routine exchange of information and advanced notification of nuclear and missile testing.

(b) It is the hope of Congress that this first step in nuclear risk reduction will increase the confidence and mutual trust by both sides and lead to expansion in functions to reduce further the chances of accidental war. Such functions may include joint discussions on crisis management and the development of strategies to deal with incidents or threats of nuclear terrorism, nuclear proliferation, or other mutually agreed upon issues of concern in reducing nuclear risk.

Mr. BOSCHWITZ. Mr. President, I have described the amendment. The amendment has been cleared on both sides and I urge its adoption.

The PRESIDING OFFICER. Do Senators yield time? The Senator from Georgia.

Mr. NUNN. Mr. President, who is controlling the time?

The PRESIDING OFFICER. The Senator from Georgia controls time in opposition.

Mr. NUNN. Mr. President, I yield myself such time as I may require.

Mr. President, this amendment is I think a very positive step in two respects. One is it acknowledges that we have taken a step forward. It congratulates the President and General Secretary Gorbachev as well as the Secretary of State, George Shultz, and Foreign Minister Shevardnadze. The risk reduction agreement that has been entered into is the first step toward a much broader possible program that can evolve over a period of time to acknowledge that the two superpowers do have a mutual interest.

In spite of our differences in so many respects, we do have a strong degree of mutuality in making sure we do everything possible to prevent a war by accident or war by miscalculation. The Senator from Minnesota has been active in this for a long time. He has been one of the stalwarts in the Senate in pushing for this risk-reduction agreement that has now been entered into.

I congratulate him on moving towards an incentive for the administration and for the Soviets to take the next step, which is a much broader view of discussing possible options to deal with terrorism, the use of nuclear weapons by terrorist groups or third countries that could start a catastrophic war between the superpowers.

So I think this is a good amendment and I urge its adoption.

The PRESIDING OFFICER. Who yields time? Do the Senators yield back their time?

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

Mr. NUNN. I yield back the remainder 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 Minnesota [Mr. BOSCHWITZ].

The amendment (No. 781) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DIXON. Mr. President, may I say at this point in time that I think we have an agreement on an amendment by Senator KASTEN, and it is being cleared on the other side with one Member. In view of that, we will go to Senator MCCAIN of Arizona on an amendment that will be contested. After he has disposed of that, we will return to Senator KASTEN of Wisconsin to dispose of that.

AMENDMENT NO. 716

(Purpose: To provide an incentive for Department of Defense contractors to award subcontracts to Indian organizations and Indian-owned economic enterprises)

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, 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 Arizona [Mr. MCCAIN] proposes an amendment numbered 716.

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

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

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

SEC. 812. INDIAN SUBCONTRACT SET-ASIDE INCENTIVE PROGRAM.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410. Indian subcontract set-aside incentive

"(a) IN GENERAL.—The head of an agency named in clauses (1) through (4) of section 2303(a) of this title shall pay an amount determined under this section to any contractor who awards to an Indian organization or Indian-owned economic enterprise a subcontract for the performance of any work for which the contractor is responsible under a contract awarded to the contractor by such agency. The amount paid under this section shall be in addition to the amount otherwise payable (without regard to this section) to the contractor by such agency under the contract.

"(b) CALCULATION OF ADDITIONAL AMOUNT.—The additional amount paid by the head of an agency to a contractor under subsection (a) shall be equal to 5 percent of the amount of the subcontract awarded by such contractor to the Indian organization or Indian-owned economic enterprise.

"(c) ANNUAL REPORTS.—Not later than October 10 of each year, the Secretary of Defense shall submit to Congress a report containing the number and total amount of the subcontracts referred to in subsection (a) that were awarded by contractors referred to in such subsection during the preceeding fiscal year and the number and total amount of the payments made to such contractors under this section during such fiscal year.

"(d) DEFINITIONS.—In this section, the terms 'Indian organization'; and 'Indian-owned economic enterprise' have the same meanings provided for the terms 'organization' and 'economic enterprise', respectively, in section 3 of the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1452).".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end of the following new item:

"2410. Indian subcontract set-aside incentive.".

Mr. MCCAIN. Mr. President, I rise to offer an amendment to provide an incentive for Department of Defense contractors to award subcontracts to Indian organizations and Indian-owned economic enterprises. I am joined by the distinguished chairman of the Select Committee on Indian Affairs, Mr. INOUYE. This amendment is cosponsored by Senators DECONCINI and BURDICK.

Mr. President, if it is agreeable at this time, due to constraints of the time of the distinguished chairman of the Indian Affairs Committee, I would like to yield to him at this time for his comments if he chooses to make them or would he prefer to wait? He would prefer to wait.

Our amendment directs the Secretary of Defense to provide an incentive for defense contractors to receive an amount equal to 5 percent of the subcontract awarded to an Indian business firm. Such a firm would have to be 51 percent Indian-owned as certified by the Bureau of Indian Affairs. The Indian subcontract incentive would cover the cost of recruitment and outreach that defense contractors incur in identifying Indian enterprises and organizations and providing supportive services to these firms so that they may be qualified to provide products and services needed on a subcontract basis.

Let me point out to my colleagues that Indian preference is not new to the Department of Defense. Since 1982 language from the Buy Indian Act has been applicable to the Department of Defense. The language states that "so far as may be practicable Indian labor shall be employed, and the purchases of the products of Indian industry may be made in the open market at the discretion of the Secretary of Defense." Unfortunately, despite this language and its legislative history, the Defense Department looked upon such language as a simple reaffirmation of its Small Business Administration 8(a) contracting policies. The end result was predictable—only a handful of Indian owned firms received contracts or subcontracts awarded by the Defense Department.

Despite all the past and present minority set-asides and goals for increased minority contract and subcontract awards, Indian tribes remain at a disadvantage. The Department of the Interior's report of the Task Force on Indian Economic Development, released in July 1986, provided a clear explanation of problems with past preferential contracting practices for Indian owned firms. For example, 8(a) certification requires that a firm must be 51-percent owned by minority individuals and that the individuals must be "socially and economically disadvantaged." While this regulation is in place for a clear purpose, the term "economically disadvantaged" becomes ambiguous when applied to Indian tribes. Moreover, the 7-year time limit for 8(a) status places a burden on tribes and individual Indian firms to survive by that time without preferential contracts. While self-sufficiency is the ultimate goal, the limited duration of 8(a) status ignores numerous obstacles tribes already face in developing their economies, such as geographic remoteness, lack of infrastructure, lack of access to capital, and lack of experience in developing, operating and managing individually owned or tribally operated businesses.

Our amendment recognizes that there are problems unique to Indian country as well as problems that more seriously afflict Indian tribes. Problems inherent in the very programs established to increase minority participation. Problems with departments and agencies that have not carried out the intent of the Congress on past Indian preference directives.

In this bicentennial year of the Constitution, it is appropriate for us to remember that the Commerce Clause in the Constitution expressly grants the congress power "[t]o regulate Commerce * * * with the Indian Tribes." This amendment exercises that power by recognizing that the economic conditions plaguing Indian country are of such tragic proportions that establishing an incentive program is justified.

Mr. President, the conditions that exist on Indian reservations across America closely parallel those of Third World nations. Unemployment ranges from 35 percent to 95 percent. There are inordinately high rates of suicide, alcoholism, drug abuse, substance abuse, fetal alcohol syndrome, and others. The list goes on and on. The lowest socioeconomic statistics of

any minority group in America exists on Indian reservations today.

Let me say that if carving out a niche in existing minority set asides were the answer, I would be offering that amendment. But the evidence is clear, even "minority" set asides or goals that include Indian tribal governments do not help. The problem is not more technical assistance. What Indian firms need help on is the basics of developing, managing, and operating a business. The incentive program would create the possibility for joint ventures with tribal or individually Indian owned firms. The private firm brings the experience, the tribe offers the ready and available labor. This amendment can make a difference.

This is a pay-as-you-go amendment. The incentive to the defense subcontractor is only valid if they have a subcontract in place with an Indian-owned firm. The Congressional Budget Office has estimated that this amendment may only cost $5 million each year, although the actual amount could be more or less depending upon the number and amount of the defense suncontracts. I suggest that this amendment is a small investment to make with great potential for creating new jobs, reducing welfare and other transfer payments, and increasing payments of personal income taxes by persons unemployed or underemployed. This amendment is directed to businesses on or near Indian reservations.

Mr. President, Indian unemployment is not a luxury that the Congress can deal with when it finds the time. It is time to address this critical issue. The Indian subcontract incentive program is a step in the right direction. I urge my colleagues to support this amendment.

Mr. President, it does not serve any useful purpose for me to review what is already well known to the Members of this body, and that is the treatment accorded to native Americans throughout the history of this Nation. Beginning with the British settlers in Massachusetts who, because they wanted the land that was occupied by an adjoining tribe, decided that they would make a gift of some blankets which were infested with smallpox which adequately took care of that problem.

Up through chapters throughout our history we have seen the sad events such as the Long Walk, and the Trail of Tears, which indicate very clearly that we have failed and failed miserably in our commitment to give native Americans the equal opportunity which is owed to all of our citizens.

Mr. President, I do not expect that this amendment will dramatically change that situation. I do not expect that this amendment will create an environment which will turn around the tragic statistics which I have cited earlier in my statement.

Recently the distinguished chairman of the Indian Affairs Committee, Senator INOUYE, who has the deep gratitude not only——

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. McCAIN. I ask unanimous consent for 2 additional minutes.

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

Mr. McCAIN. Mr. President, I ask unanimous consent for 3 additional minutes in order that the Senator from Hawaii may make his comments on this amendment.

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

Mr. President, we visited the Navajo Tribe, which is the largest in America at the so-called economic summit in Gallup, NM. It became abundantly clear that the Navajo and other tribes across this country are in need of assistance in order to be provided the equal opportunity that we owe all of our citizens.

I urge my colleagues to support this amendment.

I yield to the distinguished chairman of the Indian Affairs Committee, Senator INOUYE.

Mr. WARNER. Mr. President, I believe the Senator yielded the floor.

Mr. McCAIN. Could I yield to Senator Inouye?

Mr. WARNER. Mr. President, that is not according to the rules of the Senate. Anyway, we will do that.

The PRESIDING OFFICER. The Senator from Virginia has yielded time, is that correct, to the Senator from Hawaii?

Mr. WARNER. No. The Senator from Virginia sought recognition and now as a courtesy will withhold that until such time as the debate is over.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. INOUYE. Mr. President, I rise to support this amendment, not because this is a cure-all amendment, nor do we have any guarantee that it will succeed. But, Mr. President, these are the facts. In Indian reservations, the average unemployment exceeds 48 percent. That is about 10 times the national average. There are certain tribes and certain nations that enjoy good unemployment records, such as 5 percent. But we do have nations that experience 95 percent unemployment.

Second, unfortunately, the highest incidence of suicide in any age level is found in Indian reservations. The highest incidence of alcoholism, alcohol abuse, drug abuse, is found in Indian reservations.

I think some of this can be traced back to the loss of pride, the loss of motivation.

Any ethnic group, any community would lose pride if 48 percent of their adults are unemployed.

OMB has suggested that this amendment may cost $5 million. If $5 million can be spent to halt the suicide of 10 Indians, it is worth it.

We have had hundreds and thousands of Indians committing suicide each year, but they do not hit the front pages. No one is concerned about them.

One may wonder why is it so difficult to do business with Indians. We should visit where they live. It was our policy, Mr. President, the policy of the United States in the early days of our Nation to force all Indians west of the Mississippi. We wanted them out of the fertile lands east of the Mississippi. The Cherokees were pushed from North Carolina to Oklahoma. The Navajos from Oklahoma to New Mexico and Arizona, but not to the fertile lands, to the dry deserts and even to this day 40 percent of them do not have running water. Sixty percent have no electricity. And how do you do business, how do you put up a plant?

This is the incentive that may work. I think it is worth it. I support the amendment.

The PRESIDING OFFICER (Mr. ADAMS). The Senator has used 3 minutes.

The Senator from Georgia.

Mr. NUNN. Mr. President, I yield such time as the Senator from Virginia may require.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Now comes an amendment which takes from within that formula one group, albeit a group that desperately needs help, and provides that when a prime contractor awards a subcontract to a native American group, that prime contractor can add on 5 percent.

I pose this in the form of a question not only to the proponents of the amendment, but to all Senators: It would be my opinion that within hours, within days, under the formula established last year for beneficiaries other elements under that formula will come in to this Congress of the United States and say: "We want similar treatment. We can point out that while we may not have a national level of unemployment, fortunately, that is as high as the native Americans, we can show you pockets of America where we suffer just as much, certain areas where there is the predominantly black community, we suffer just as much from unemployment as do the native Americans, so we want equal treatment and we want a statute that accords to us the benefits comparable to the amendment that is now pending."

Mr. President, you cannot look at this very complicated equation of

trying to help disadvantaged groups in this country of ours without doing it on an equal basis.

That is my concern. And I pose it in the form of a question to my distinguished friend and colleague from Arizona.

The PRESIDING OFFICER. The Senator from Virginia yields the floor.

The Senator from Arizona has 1 minute remaining out of the unanimous consent. The Senator from Georgia has 3 minutes and 45 seconds.

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, let me attempt in 1 minute to respond to the understandable concerns by my colleague from Virginia. He neglects two important aspects. One is that this amendment would in no way supersede nor even modify the previously crafted legislation.

More importantly, we cannot neglect, and I am sure that my colleague from Virginia understands that there is a unique government-to-government relationship set up by formal treaty between the United States of America and the Indians in this country and that relationship exists between this Government and Indians and exists between no other group of American citizens. And I think it is also well to remember from a practical standpoint that the unique situations which exist on most Indian reservations in America today do not lend themselves easily to the infusion or introduction of facilities and the kind of infrastructure which is readily available to defense subcontracting.

But most importantly our Government has a relationship which is unique to Indian tribes which relates to no other ethnic, racial, or no other type of citizen in this country.

I believe this amendment applies directly for that reason.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

The Senator from Georgia.

Mr. NUNN. Mr. President, I know the Senator from Hawaii and the Senator from Arizona have worked long and hard to try to assist the Indian populations on the reservations in particular and in general. I know this is a difficult, tough problem. I know that they need an economic boost and they need a helping hand.

I have to share the Senator from Virginia's apprehension about this particular approach. We have had a lot of discussions in conference. We all know that there are a number of disadvantaged groups and Indians, in some categories, are certainly among those groups. We also have very severe pockets of poverty in some black communities and in some Hispanic communities and in other communities. We have women that have not been treated equitably in many instances over our past history in terms of economics. So the problem I have is singling out one group and treating them differently in terms of disadvantaged groups than all other groups.

I hope that what we could do is set aside the vote on this. At this point I would have to join my friend from Virginia in opposing that we go to an immediate rollcall. I would like to stack this vote until this evening. It would be the first stacked vote, I believe, at 8 o'clock this evening.

During the course of the day, I would like to explore a possibility of finding another approach that might be satisfactory to the two Senators. But, in any event, we would have a vote on this this evening unless they desire a rollcall vote, of course, before then.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield time to the Senator from Virginia?

Mr. NUNN. I yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I join with my distinguished colleague from Georgia. I think we have pointed out, in this brief colloquy, legitimate concerns. The proponents of the amendment will work during the course of the day. However, their amendment is fully protected by having a stacked vote at 8 o'clock sharp.

Mr. NUNN. Mr. President, is that satisfactory with the Senator from Arizona?

Mr. McCAIN. Yes. Will the chairman yield to me for a comment?

Mr. NUNN. I am glad to yield on my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President.

I would be pleased to try and work with my colleague from Virginia and my distinguished friend, the chairman of the committee, in an attempt during the day to work out some kind of an agreement so that we could gain their much-needed support for this amendment, or something like it, during the remainder of the day.

I yield the floor.

The PRESIDING OFFICER. The vote will occur, unless there is a unanimous-consent request.

Mr. NUNN. I did not understand the Chair. Would the Chair repeat that?

The PRESIDING OFFICER. The vote will occur, unless there is a unanimous-consent request for the stacking of the vote, which has not been placed to the Chair yet.

Mr. NUNN. Mr. President, I ask unanimous consent that this vote be the first vote to occur at 8 o'clock.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Perhaps it is appropriate to order the yeas and nays.

The PRESIDING OFFICER. The yeas and nays may be ordered. Does the Senator make that request?

Mr. WARNER. Mr. President, I temporarily withhold that request.

Mr. President, I withdraw the request for the yeas and nays.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, under the unanimous-consent request, I want to be clear that a motion to table would still be in order on the amendment. So the unanimous-consent request would be that a vote on or in relation to this amendment occur at 8 o'clock.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

This will be, under the conditions stated by the Senator from Georgia, the first vote to occur, with a tabling motion in order at that point, at 8 o'clock this evening.

Mr. NUNN. And the yeas and nays are not yet ordered on the amendment.

The PRESIDING OFFICER. The yeas and nays have not yet been ordered on the amendment.

Who seeks recognition?

Mr. KASTEN addressed the Chair.

Mr. DOMENICI. Will the Senator yield to the Senator from New Mexico?

Mr. KASTEN. I am pleased to yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wanted to be on the floor when the distinguished junior Senator from Arizona proposed the amendment with reference to the American Indians and their possible participation in some defense contracting by allowing a 5-percent deviation from procurement costs for them.

I would like to be shown as an original cosponsor. I believe that we ought to try to work something out in this area. I think it would be healthy for our defense industry. It would be good for defense in this country. It certainly has a chance of helping the most underemployed part of our population.

So I ask unanimous consent to be added as a cosponsor and hope we can work it out.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. DOMENICI. I thank my friend from Wisconsin.

AMENDMENT NO. 782

(Purpose: To express the sense of the Congress with respect to Japanese trade with the Socialist Republic of Vietnam)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] for himself, Mr. DOLE, Mr. HELMS, Mr. BINGAMAN, Mr. WILSON, Mr. HEINZ, Mr. D'AMATO, Mr. GARN, Mr. KARNES, and Mr. STEVENS, proposes an amendment numbered 782.

Mr. KASTEN. 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 of the bill, between lines 13 and 14, insert the following:

SEC. . TRADE WITH VIETNAM.

(a) FINDINGS.—THE CONGRESS FINDS THAT—

(1) 140,000 Vietnamese troops invaded Cambodia in early 1978;

(2) for the past 9 years, the vast majority of Western powers have pledged to maintain embargoes or developmental aid to Vietnam until these troops are removed;

(3) Japan initially participated in this embargo, freezing some $135,000,000 in grants and concessionary loans, and reducing trade levels from $220,000,000 in 1978 to $120,000,000 the following year;

(4) despite the fact that 140,000 Vietnamese troops continue to occupy Cambodia, Japan's economic ties with Vietnam have grown steadily since 1982, reaching a present day trade level of $230,000,000, and this includes developmental trade;

(5) the Japanese Government has consistently refused to discourage private investment by its private business sector which initiates this trade;

(6) Vietnam's 65 million people are a tempting lure for investors seeking low wages and for traders seeking new markets.

(b) IN GENERAL.—The Congress hereby—

(1) renews its condemnation of the continued Vietnamese occupation of the sovereign state of Cambodia, an activity which violates all standards of conduct befitting a responsible nation and contravenes all recognized principles of international law, and the Congress reconfirms its call for Vietnam to withdraw from Cambodia for only in this way can Vietnam expect to end its self-induced economic isolation, and

(2) strongly urges the government of Japan to—

(A) prevent its private business sector from engaging in developmental trade with the Socialist Republic of Vietnam, and

(B) discontinue specific Japanese trading practices with Vietnam which provide long-term credits and developmental equipment, including equipment for—

(i) oil and exploration development,

(ii) forestry and fishery production,

(iii) development of commodities for light industries, and

(iv) the upgrading of production capacities for export purposes.

Mr. KASTEN. Mr. President, I rise today to propose an amendment to the defense authorization bill condemning particular trading policies of the Japanese Government. This amendment has been offered previously as a free-standing resolution and has been cleared on both sides of the aisle.

Mr. President, 9 years ago, 140,000 Vietnamese soldiers invaded Cambodia. In response, Japan immediately joined in a Western embargo of Vietnam, and froze all official economic aid to the aggressor nation.

As a result, Japanese exports to Vietnam fell from $220 million in 1978 to $120 million in 1979. Japan vowed to join its Western allies in retaining this embargo until Vietnamese troops left Cambodia.

Our allied efforts to get the Vietnamese out of Cambodia have continued for 9 years. But the occupation continues, and the Japanese are reneging on their commitment. In direct violation of their promises, the Japanese have let their exports to Vietnam creep up to a level of $230 million. And Japanese business ties with Hanoi have grown substantially.

The Japanese have become Vietnam's largest non-Communist trading partner, providing the aggressors with developmental equipment and long-term credits for economic development. Thanks to Japanese investment, the Vietnamese are forging ahead in oil exploration, forestry, fisheries, light industries, and export industries in general.

As if all this weren't bad enough, the Honda Motor Co. announced plans to manufacture motorcycles in Vietnam. The Japanese would send all the necessary parts and assembly equipment for producing the motorcycles to a Vietnamese cooperative, and the Vietnamese would assemble the motorcycles.

This would have meant a direct Japanese contribution to Vietnam's war economy—because the Vietnamese could have converted the motorcycle assembly facilities to produce military vehicles. But fortunately, I am pleased to announce that since hearing of our proposed amendment, Honda has offered to withdraw from Vietnam. As a further token of its good-faith efforts to stop aiding Communist countries, Honda has agreed not to sell goods to Vietnam, Laos, and Cambodia in the future.

That's what one company has done. But the problem lies deeper. It lies with the Government. Now, the Japanese Government claims it doesn't approve of this kind of trading with a belligerent Communist nation. If that's so, why, Mr. Nakasone, are officials of your Foreign Ministry repeatedly visiting Vietnam? Why, Mr. Miyazawa, has a consortium representing no fewer than 90 Japanese businesses announced it's going to build a trading center in Hanoi?

Evasions won't cut it for much longer on this issue; it's time for the Japanese Government to show some leadership. It's not as if this is the first time we'd ever heard reports that the Japanese had violated trade agreements. Recent Japanese sales to the Soviet military led our country to ban Toshiba imports.

But it's important to remember that these violations are not isolated. They form a pattern of venality that has infected the Japanese business community. The mentality of "profits first" has blinded many Japanese producers to the moral and political implications of their actions. While other countries trade with Vietnam, few have been as brazen as the Japanese in providing explicitly developmental aid—aid that helps the Vietnamese to become an ever more formidable political and military foe.

Mr. President, it's not "Japan-bashing" to hold the Japanese to their word, and to their ethical commitments. Our amendment does not seek to impose sanctions on Japan—there are efforts in progress to apply already-existing sanctions. What we are trying to do with this amendment is to send a message to the Japanese.

That message is: Our alliance shares deeper values than respect for the bottom line of the balance sheet. We value freedom, and we prize loyalty to the forces of freedom.

The Japanese trade relationship with Vietnam mocks our alliance. It weakens the principles that have bound our two nations in friendship for four decades. I ask my colleagues to support this amendment, and call on the Japanese to be true to our alliance—and to themselves.

Mr. President, as I said, this amendment has been cleared by both sides. I might say that we have also been in consultation with both sides on the Veterans' Affairs Committee because there was some interest in this amendment as to how it would relate to the POW-MIA's. I am pleased to say we have resolved all the different questions and I hope we can now proceed with my amendment.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I congratulate the distinguished Senator from Wisconsin on his amendment that strongly urges the Japanese Government to prevent Japanese business from trading with Vietnam. This side supports that amendment and we are prepared for a vote.

I yield back the balance of our time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this side is also prepared to wholeheartedly support this amendment. I think it is very clear that the Senator from Wisconsin has brought up a very important issue.

We have a nation which has been in continuous occupation of Cambodia for the last 8 years. The conditions which exist in that nation are deplorable. There is no movement, despite protestations to the contrary, on the part of the Vietnamese to remove their troops. The latest numbers I have heard are there are around 200,000 that presently occupy Cambodia.

Perhaps more tragic than that, there has been an effort described as Vietnamization of Cambodia, where settlers from Vietnam have been forcibly moved into that country, which puts a permanent Vietnamese stamp on the makeup of their society. Their withdrawal is long, long overdue.

Frankly, speaking as one Member and not entirely for this side, I find it odious that the Japanese should continue to maintain a level of trade with the Vietnamese when they are engaged not only in this present atrocity but also have been so unwilling to provide the American people with a satisfactory resolution of the missing in action and POW issue. There are presently 20,000 Amerasian children residing in Vietnam for which there has been little or no effort on the part of the Vietnamese to return them to the United States.

So, I find this amendment entirely appropriate. I think that the Japanese should understand, sooner or later, that we must have a reasonable expectation of cooperation from them in areas such as these. The Vietnam war remains an open wound in our society. It is not in the interests of United States-Japanese relations to exacerbate that very serious situation that still exists.

So, on behalf of this side, Mr. President, we welcome this amendment.

The PRESIDING OFFICER. The question occurs upon the amendment of the Senator from Wisconsin. Who seeks recognition?

Mr. HELMS. Mr. President, I strongly support and cosponsor the amendment of the distinguished Senator from Wisconsin [Mr. KASTEN] condemning the increased Japanese economic ties with Communist Vietnam.

Senator KASTEN has performed an excellent service in first bringing this matter to the Senate's attention and obtaining an initial positive result. Without his persistence, a Honda motorcycle factory would be built in Vietnam, the output of which would have provided additional mobility for the invading Vietnamese Army in Cambodia. It is hard for developed countries to appreciate the potential which motorcycles give to Vietnamese reconnaissance units, but it is a significant military advantage.

The issue which the distinguished junior Senator from Wisconsin has raised is an important foreign policy issue for the United States and its allies. That is, how do we get the attention of Japanese business and political leaders and stop Japanese economic interests from propping up Communist regimes around the world?

Mr. President, Japanese businessmen have become the scavengers of the world, moving into those areas where businessmen from other free world countries are prohibited. Today we have before us the case of Japanese trade with Vietnam. The headline of a Wall Street Journal article from last June 12 reads "Japan Gains From American Embargo Against Nicaragua."

Mr. President, does a country running an annual trade surplus of $100 billion per year need to be propping up brutal regimes in Vietnam or Nicaragua? Does a company like Honda really need to do business in the economic garbage pails of the world? Isn't the $800 million in profits Honda earned last year enough? Honda, at least, appears to have seen the light—or rather the importance of access to the American automobile market.

It is worth noting, Mr. President, that we are not alone in our concern over this practice. The Association of Southeastern Asian Nations has repeatedly protested Japanese economic support for Vietnam. The brutality of the Vietnamese regime is widely recognized. An editorial in the Washington Post dated May 1, 1987, and titled "Hanoi's Broken Promise" notes the continued use of "reeducation camps" to control its populace.

Mr. President, I ask unanimous consent that the Washington Post editorial of May 1, 1987, and the Wall Street Journal article of June 12, 1987, be printed in the RECORD at the conclusion of my remarks.

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

[From the Washington Post, May 1, 1987]

HANOI'S BROKEN PROMISE

Just three years ago the communist government of Vietnam promised to release to the United States all the Vietnamese still incarcerated in "reeducation camps" as a result of their service in the South Vietnamese regime associated with the Americans. Three years later, not a single one of these unfortunate people has been released and allowed to leave the country with their dependents under the amnesty pledged at that time.

These several thousand Vietnamese are the senior people remaining from a larger group caught up after the fall of Saigon in 1975. They were not accused of committing war crimes in the usual sense. They had simply held official positions in civilian and military branches under the old order. They are political prisoners, and they have endured an unimaginable ordeal in the camps. Says Khuc Minh Tho, the leader of a support group of their kin in the United States: "We do not think that belonging to a vanquished regime is a crime. But even if our relatives have committed 'crimes' under the new government's law, we think 10 years of imprisonment is enough punishment for those who have sinned."

Soon after then—premier Pham Van Dong promised to free the prisoners, reports started being heard of Hanoi's provocative demand that the United States put a political leash on the prospective new arrivals to keep them from somehow acting against Vietnam. But it is extremely farfetched to imagine that these people could, even if they would, add any discernible weight to the political scales—scales on which the Vietnamese presence in the United States rests very lightly in any event. More recently, Hanoi has simply refused to address the question of the prisoners, and it altogether stopped permitting the emigration even of non-prisoners in January 1986.

In December 1986, Hanoi started a process of leadership renewal and policy review whose significance for matters like this one remains to be demonstrated. Still, if there is any inclination in Vietnam to signal that things are changing, the authorities should consider that nothing would come through to Americans more clearly—along with a resolution of the MIA issue and an end to the occupation of Cambodia—than the prompt release of political prisoners. Hanoi's current policy stands as a glaring example of Vietnamese bad faith.

JAPAN GAINS FROM AMERICAN EMBARGO AGAINST NICARAGUA

(By Clifford Krauss)

MANAGUA, NICARAGUA.—After the Reagan administration slapped a trade embargo on Nicaragua in May 1985, Xerox Corp's Nicaraguan unit couldn't get spare parts from the U.S. So Nicaraguan businessmen and government officials turned to Japanese-made Canon Inc. copiers.

Xerox lost contracts to service 800 copiers, more than half the number of such machines in the country. In the year before the embargo, Xerox de Nicaragua generated profit of $2.1 million on revenue of $8.6 million; last year, it incurred a loss of $740,000 on revenue of $2.2 million.

"I'm trying to tell the American Embassy that we're losing the market and the Japanese couldn't be happier," says Verona Gurdian de Somarriba, director-general of the Xerox unit. "Before the revolution, you used to see American cars on Nicaraguan streets; now all you see are Toyotas and Datsuns."

BEST TRADING PARTNER

Japan hasn't become a political ally of Managua. But since the U.S. embargo, Japan has become with little effort, Nicaragua's best trading partner outside the Soviet bloc. And while Japanese trade with Nicaragua has slipped along with the warstrained economy here, representatives of U.S. corporations that still do business in the country say they lose $40 million in annual sales to the Japanese.

(Dozens of American corporations continue to operate in Nicaragua, including Exxon Corp., International Business Machines Corp. and Colgate-Palmolive Co. They sometimes can get around the embargo by using subsidiaries based in other countries, although it's an expensive way to do business.)

Nicaraguan officials contend that U.S. companies' have suffered more than the Sandinista government from the embargo, "We've become dependent on Japanese technology the way we used to be dependent on American technology," says Foreign Commerce Minister Alejandro Martinez

Cuenca, Mr. Martinez Cuenca gestures to the Sanyo personal computer, purchased last year, that sits beside his desk.

Japanese diplomats stationed here are critical of the ruling Sandinistas, but they stress their nation's nonideological trade policy. "We live in a world with many ideologies, and we try to get along," says Japanese attache Takashi Tanaka

AID PROGRAM STOPPED

Reagan administration officials, including Secretary of State George Shultz, have repeatedly urged Japan to downgrade its ties with Managua. Washington has even asked Tokyo not to invite top Sandinista officials to Japan. Such efforts apparently have had some success: Japan ended its small aid program here four years ago.

Washington has even less clout over Japanese trade, in large part because many Japanese products are brought into Nicaragua by the Sandinistas themselves. The Heroes & Martyrs Corp., a private trading company owned by Sandinista party officials, imports Japanese cars and Canon copiers, mostly through Panama and other third countries. Komatsu Ltd. machinery, which was once marketed by the dictator Anastasio Somoza, is now imported by a holding company linked to Nicaragua's Construction Ministry.

Ricardo Mendoza Miranda, the local representative of Deere & Co., and Caterpillar Inc., says he's lost $10 million in sales to Komatsu since the embargo began. "The Japanese don't even have to make an effort. The U.S. embargo opened the door for them," he says.

While giving a boost to Japanese-Nicaraguan trade and damaging Nicaraguan private enterprise, the embargo has failed to bring the Sandinistas to their knees. Western diplomats here estimate that the embargo caused a mere $30 million in damages to the Nicaraguan economy between May 1985, when it was declared, through 1986.

The PRESIDING OFFICER. Is there any further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 782) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DIXON. It is my understanding that the distinguished minority leader is on his way into the Chamber right now to offer an amendment, 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. 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. We are waiting for the distinguished minority leader to come here with an amendment with respect to an embargo on Iranian products. I want to advise my colleagues that thereafter we expect to go to an amendment by the distinguished Senator from Texas, Senator GRAMM, on stockpiling that will be opposed on this side by Senator BINGAMAN of New Mexico.

Thereafter, we are open for business. All agreed to amendments have been disposed of, so I would encourage colleagues who are interested in offering their amendments that in about 20 minutes to 30 minutes, we will be awaiting amendments from colleagues.

I yield the floor, Mr. President.

AMENDMENT NO. 783

(Purpose: To prohibit the import into the United States of all products of Iran)

Mr. DOLE. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. DOLE. I would ask the amendment be read.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 783.

SEC. . FINDINGS.—The Congress finds that:

(a) The actions of Iran in continuing mine-laying activities, launching Silkworm, missiles against Kuwait and refusing to accept the U.N.-proposed ceasefire in the Iran-Iraq war are totally unwarranted and increase tension and the danger of a widening war in the Persian Gulf.

(b) In recent years, the United States, on annual average, has imported approximately $500-600 million worth of products of Iran.

(c) The provision of this hard currency to Iran increases its ability to procure mines, Silkworm missiles and other armaments from foreign sources, thereby increasing its ability to sustain and escalate its war with Iraq and other irresponsible actions, such as mine-laying.

(d) A formal policy of neutrality does not require the United States to ignore, or fail to respond to, provocations from either side in the Iran-Iraq war; nor to surrender the flexibility to shape our conduct in response to the policies and conduct of the belligerents in that war.

(e) In light of Iranian policy and actions in the Iran-Iraq war and in the Persian Gulf, it is not in the best interest of the Unites States to practice "business as usual" with Iran.

(f) As the provisions of the Algiers Accord make clear, Iran has no legal grounds to respond to any action by the United States, including the imposition of a prohibition on the import into the United States of the products of Iran, in the claims settlement process established under the Accord.

SEC. . PROHIBITION ON THE IMPORT INTO THE UNITED STATES OF PRODUCTS OF IRAN.—

(a) Effective upon the date of enactment of this Section, the import into the United States of all products of Iran is prohibited.

(b) For the purposes of this Section, the term "products of Iran" means any article grown, mined, produced or manufactured (in whole or in part) in Iran.

(c) The President shall direct the appropriate agencies of the Federal Government to establish such regulations and procedures as are necessary to implement Subsection (a).

SEC. . WAIVER OF PROHIBITION ON THE IMPORT INTO THE UNITED STATES OF PRODUCTS OF IRAN.—

(a) Should the President determine that it is not in the overall interest of the United States to prohibit the import into the United States of products of Iran, he may delay the implementation of the prohibition for up to 180 days following enactment of this Section.

(b) Should the President, under the authority of Subsection (a), delay implementation of the prohibition for any period up to the 180 day limit, he shall submit to the Congress a written report, explaining the reasons for the decision, including specifying how the national interest would be jeopardized by implementing the prohibition.

(c) Should the President decide to delay implementation of the prohibition through the procedure outlined in Subsection (b) for the full 180 days, the prohibition shall go into effect on the 181st day following enactment of this Section, unless the Congress, by Joint Resolution, extends the 180 day period.

The PRESIDING OFFICER. The Chair will state that this is under a unanimous-consent agreement. There are 30 minutes equally divided.

The Senator from Kansas is recognized.

IRAN RAISES STAKES

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer and I thank the clerk for reading the amendment.

Let me indicate that although there may be some difference on the question of whether or not the war powers resolution should apply in the current situation in the gulf, I think everyone agrees that Iran has raised the stakes over the past 2 months.

It has fired three silkworm missiles against Kuwait, attacked a British tanker and continued its reckless mine-laying operations, provoking a fully justified American counterstroke.

In early July, as part of the trade bill, we passed an amendment which I introduced mandating a total trade embargo on Iran, if it launched "a purposeful attack in the straits of Hormuz utilizing silkworm missiles."

While the recent silkworm attacks on Kuwait did not meet the specific requirements of that amendment, their launch—combined with the other actions I have mentioned—certainly represent provocations of the kind contemplated in the amendment; and of a kind that demand a firm American response.

WE CAN'T STAND SILENTLY BY

We have responded militarily to the mine-laying. But if we fail to do more; if we stand by silently in regard to the use of silkworms and other Iranian assaults, we send to the Ayatollah a message of uncertainty that only invites further reckless behavior of the kind that has been characteristic of his erratic reign.

We must take further measured, but meaningful, steps to signal the Ayatollah that we will not tolerate "business as usual" with Iran until it again starts acting in a civilized manner.

We must add economic pressure to our military posture. The events which have transpired since we passed the trade bill fully justify further congressional action to impose an import embargo now.

Some are counseling that we take no action on oil and other imports, that we hold back in applying that weapon on the theory that pressure is more effective as a threat than a reality. In fact, I think I saw that referred to this morning in a Washington Post editorial. The threat of our action has not deterred the Ayatollah yet. The failure to respond to his latest provocations will only tell him that he can continue his provocations scot free.

We have had enough warning shots across the bow and now is time for some tough action.

They are meeting in the United Nations talking about an arms embargo. That has been delayed because of the attitude of the Soviet Union. There has been a lot of discussion about what we might do to indicate our displeasure with Iran. I must say, as I travel around the country and bring this topic up at various meetings in many, many States, I do not think many Americans realize that we are buying Iranian oil, giving them $500 to $700 million a year. And the Iranians, in turn, can use that $500 to $700 million to purchase Silkworm missiles and other weapons that pose a threat against American servicemen and servicemen from other countries who may be in the area.

If anyone doubts that the Iranians are not laying the land mines, then they ought to vote against this amendment. If anyone feels that the Iranians have cooperated in any degree with the United Nations then I would say oppose the amendment.

This amendment also has a provision which gives the President discretion. If he finds it is not in our interest, there is a 180-day window where the President can delay implementation of sanctions.

I know sanctions are difficult to impose. I know the difficulty we have had with Libya. Nevertheless, I would not be surprised if the administration did not move in this direction without any legislation.

If there is strong signal, a strong message of support, I think it would encourage the administration to move rather quickly. In fact, I think it is fair to say that I discussed this matter with the Secretary of State about 2 weeks ago. While I could only characterize his answer, I did not glean from that conversation that the Secretary of State would oppose such an amendment.

Accordingly, the amendment that I offer today prohibits the import of all products and material from Iran effective immediately upon enactment, but it does give the President that flexibility I indicated if he chooses.

As I pointed out in our July debate, most Americans would be surprised, and I can tell you firsthand they are surprised, to learn that we actually subsidize the Ayatollah's reckless policies and provocative actions. Each year, we import something of the order of 500 to 700 million dollars' worth of Iranian products. The great bulk of these imports are Iranian crude oil. The oil the Ayatollah ships out of the gulf while trying to keep other nations from conducting their own peaceful commerce.

As the article in yesterday's Washington Post noted, because of the spurt in imports from Iran in July, right now the Ayatollah is our second largest supplier of oil, second only to Nigeria. I do not know any other word to describe this situation except that it is absurd, it is ridiculous, it is hard to believe. I really believe that if we are as concerned as we suggest we are with trying to bring Iran into reality in this day and age, it seems to me we ought to take some reasonable, major step.

It is time to end this absurdity. If the Iranians are going to purchase Silkworm missiles to direct at American servicemen, let them sell their oil to somebody else, get their money from somebody else.

I have heard that this will upset some of the oil brokers in America, because they make a commission and they want that commission. They think this is a very bad idea.

If you took a poll of the average American in any State in this country, I will bet it would be 10 to 1 or 20 to 1 or 100 to 1 saying we ought to cut off all trade with Iran and we should have done it some time ago.

Let me say two final things.

This bill is certainly not any kind of a panacea for the kind of recklessness we see in the Middle East. It is not going to stop the Ayatollah. It is not going to end the war. But I do believe it does send a signal. I think we have to continue to focus maximum attention and effort on the United Nations. If the Ayatollah wants to continue commerce with the United States, all he has to do is agree to the United Nations cease-fire, one proposed and supported in this case by both the Soviet Union and the United States, the two superpowers.

Our strong action in passing this import prohibition will add credibility to our efforts to get the United Nations to go along with tough sanctions.

Neutrality doesn't mean inaction and finally let me address one question that may be raised about this bill—the charge that it constitutes an unwarranted tilt toward Iraq in the gulf war.

Well, personally, I have no problem with accepting that description. If it is a tilt toward Iraq, so be it.

Whatever past history—and the onus for starting this war in the first place probably does rest on Iraq; and Iraq is also undertaking attacks in the gulf that we deplore—the truly relevant facts are these:

It is Iran, not Iraq, which is consciously and purposefully attacking and threatening the United States and our friends in the gulf region. It is Iran that proudly declares its enmity of the United States.

And it is Iran, not Iraq, which has refused to accept the U.N. ceasefire.

We are legally and technically neutral in the war. And we should not change that legal and technical status. But neutrality doesn't mean inaction. It doesn't mean we give up our flexibility to shape American policy to reflect reality, and to maximize our ability to defend American interests, in the Persian Gulf.

It seems to me that we should at least speak out in the U.S. Senate. I am offering this amendment in the spirit of cooperation, hopefully with the administration. I know of the President's concern about the actions of the Ayatollah. I believe this amendment will be embraced by the administration. If not, then I think it is time to exert just a little common sense. Thus is not a partisan amendment. I hope we have broad support on both sides of the aisle.

I reserve the remainder of my time.

Mr. DIXON. Mr. President, may I say that I congratulate the minority leader on his amendment.

Mr. President, the United States imports about $600 million of goods from the Iranians every year, about $400 million of that being oil imports. Yet we export to Iran only $30 to $40 million a year. So from an economic standpoint, I do not think there is any significant importance to the United States.

I think it should further be noted that until about 3 months ago, only about 3 percent of United States oil imports came from Iran. But that has risen now to 11 percent in the last 3 months. I think the amendment of the distinguished minority leader is well taken. I think it sends a significant message. It is an amendment that should be adopted.

I wonder if the distinguished minority leader wants to have a rollcall vote on this amendment later in the day or whether he would want to have this amendment accepted at this time. We would be willing to accept it but I might suggest on the basis of everything that the minority leader has said and this side has said on this

question, he might want to have a rollcall later in the day.

Mr. DOLE. If the manager will yield, I would certainly like to have the yeas and nays.

I ask for the yeas and nays on the amendment.

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

The yeas and nays were ordered.

Mr. DOLE. If I could just indicate I am pleased to have the distinguished majority leader join as a principal cosponsor of this amendment.

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

Mr. DOLE. If there is some way, if things slow down later on, maybe we could have the vote before 8 o'clock.

Mr. WARNER. Mr. President, I think the importance of the amendment is such that it should not necessitate a slowdown. I would suggest to the leaders of the Senate that this would be an appropriate matter to vote on immediately following the termination of the caucuses at 2 o'clock.

Mr. DIXON. Mr. President, that would be satisfactory.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. DIXON. Will my friend yield?

Mr. WARNER. I yield.

Mr. DIXON. May I say this side thinks that is a good idea. If it is satisfactory to all present, we can stack that vote for 2 o'clock immediately following the conference.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. WARNER. I yield.

Mr. BYRD. I believe that is a good idea. I think we ought to limit it to 15 minutes. I will call for regular order at the close of 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, if I might clarify, the vote would commence promptly at the hour of 2 o'clock with the expectation that the majority leader will call for regular order at 2:15.

Mr. FORD. Mr. President, is there some time where I might have a minute or two?

The PRESIDING OFFICER. The Senator from Illinois has the time.

Mr. DIXON. Mr. President, I am delighted to yield 5 minutes to the distinguished Senator from Kentucky.

Mr. FORD. Mr. President, let me compliment the distinguished minority leader for this amendment. I think it is important. I think it points up something that has been a debate in the last few weeks in this Chamber. The Senators are going all over this country, particularly the minority leader. He has been in practically every State in this Union in the last few weeks. Coming back from those trips, what he has gleaned out there is the feeling of the American people. I think we are exerting the prerogative of the U.S. Senate to say that this amendment, as it relates to Iran and the Ayatollah, is absolutely correct.

I think it indicates again the ability of those Members of this body who sense the feeling out there and to make a judgment as it relates to the defense of this country, as it relates to energy self-sufficiency, as it relates to the well-being of our military personnel and to the energy situation in this country.

Let us think a moment about where we were in 1973. In 1973 we were importing 30 percent of our domestic oil. Today, on occasions, we go over 50 percent. We are back in the position where one of these days that spigot will be turned off. When it is, we will react to the problem.

Now is when we ought to be acting. So this amendment is an indication that the Senate can act rather than react.

I think the provision there to give the Commander in Chief some leeway, a window, if you will, is correct.

So I compliment the distinguished minority leader for his amendment. I compliment the distinguished manager, the Senator from Illinois, on this side, for the acceptance of this amendment. I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Kansas.

Mr. DOLE. Mr. President, I thank my distinguished colleague from Kentucky [Mr. FORD], and also the manager of the bill, my good friend and colleague, Senator DIXON, from Illinois, and particularly the majority leader for his cosponsorship and willingness to have a vote on this amendment.

Again, I must say I think there is a lot of surprise; if it were Kentucky or Illinois or my State of Kansas, I do not think many people in my State would believe it if you told them that we in effect are furnishing money to the Ayatollah and he in turn might be buying Silkworm missiles or some other weapons to threaten the lives of somebody on one of those ships who might be from Illinois, Kansas, or Kentucky. It does not make any sense. It is very hard to enforce. But let us face it; if in fact the Iranian threat is as great as it is perceived to be, and I think it is as great as the Secretary of Defense and others have indicated it is, then I think this would at least send an appropriate signal.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator has yielded back the remainder of his time.

Mr. DIXON. Mr. President, I congratulate the Senator from Kansas, the distinguished minority leader, on this amendment. I think it is ridiculous to import 11 percent of our oil from a country that is mining the Persian Gulf to sink our ships. I think this sends an important message.

I yield back the remainder of the time on this side, Mr. President.

I ask unanimous consent that I may join as a cosponsor of the amendment of the distinguished Senator and then I would have some comment about the next order of business.

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

Both sides have yielded back time.

The Chair would state that the unanimous-consent request has not been placed for the stacking of this vote. The yeas and nays have been ordered.

The Senator from Illinois.

Mr. DIXON. Mr. President, I ask unanimous consent that 2 minutes be allocated to the distinguished Senator from Arizona, who cares to make some remarks.

I ask unanimous consent that this vote be stacked at 2 p.m.

The PRESIDING OFFICER. Is there any objection to the time being yielded to the Senator from Arizona?

Hearing no objection, that will be ordered.

Is there objection to the unanimous-consent request that the vote be called for at 2 o'clock this afternoon? Is there objection?

Mr. BYRD. And that it be a 15-minute rollcall vote.

The PRESIDING OFFICER. And that this vote will be a 15-minute rollcall vote. Regular order will be called for at the end of 15 minutes.

Is there objection? Without objection, it is so ordered.

The Senator from Arizona is recognized under the unanimous-consent request.

Mr. BYRD. Mr. President, will the Senator yield to me for a unanimous-consent request without time being charged against him?

Mr. McCAIN. I will be delighted to yield.

Mr. BYRD. Mr. President, I ask unanimous consent that the warning bell on 10-minute votes be sounded when there are 7½ minutes remaining and that there be another bell to be sounded when there are 2 minutes remaining before the end of the 10-minute rollcall vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I would like to add my words to this very important amendment. I think, as our

distingushed leader has stated, most Americans would be amazed to know of the amount of trade between this country and Iran. There is little doubt about the deep-seated resentment that the American people have of the activities of the Iranians over the past 10 years or so. I believe it is high time that we backed up our rhetoric with concrete action and that is to pass this amendment and impose the kind of trade embargo which I think is necessary to brand the Iranians the outlaws that they are and perhaps, only perhaps, further economic pressures can bring about some modification of their present aberrational and irrational behavior.

I yield back the remainder of the time.

The PRESIDING OFFICER. The Senator has yielded back the remainder of this time. All time has expired on the amendment. The amendment has been stacked.

The Senator from Illinois.

Mr. DIXON. Thank you very much, Mr. President. Once again, even though it is repetitious, we are aware, Mr. President, of the fact that many thought that there would be no rollcalls until 8 this evening. That is not, incidentally, the unanimous-consent agreement that we adopted, but there is some misapprehension about that. So may I say to my colleagues, wherever they are, they should be on notice there will be a rollcall vote at 2 p.m. on the Dole amendment, an embargo against Iranian products being imported into this country.

It will be a 15-minute rollcall. The 15 minutes will be strictly adhered to. So everyone is on notice of that.

The PRESIDING OFFICER. The Senator is correct that the unanimous-consent request did not preclude votes during the day.

The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, Senator GRAMM of Texas is on his way into the Chamber with an amendment on stockpiling which will be opposed by Senator BINGAMAN of New Mexico. Senator BINGAMAN is just off the Chamber floor. I think Senator GRAMM will be here momentarily.

Thereafter, we will go to an amendment by Senator HELMS of North Carolina, who has been kind enough, even though he is here, to indicate that he will wait for Senator GRAMM to dispose of his, which had already been agreed to.

So we will take the Gramm amendment, then the Helms amendment, and then my colleagues are again on notice that all agreed amendments have been disposed of except for those that might be during the course of the day accepted for one reason or another, as the amendment of the Senator from Kansas was accepted.

So we are open for business, Mr. President. The Gramm amendment next and then the Helms amendment, and then we will be awaiting others who might want to offer an amendment.

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. DIXON. I ask unanimous consent that the order for the quorum call be dispensed with.

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

THE VOTE ON THE GRAMM AMENDMENT ON STOCKPILING

Mr. DIXON. Mr. President, may I say to the ranking member and the acting manager that we are about to dispense with an amendment by Senator GRAMM of Texas that will be opposed by Senator BINGAMAN of New Mexico on stockpiling. I wonder how they want to stack that vote? We have a 2 o'clock vote stacked on Senator DOLE's amendment. I would be amenable to either stacking it thereafter or at 8 o'clock. But it may be that you will want to wait until 8 in view of the fact that most Members expect most rollcalls then.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Illinois for his courtesy and consultation. I would strongly recommend that this vote be stacked in the 8 o'clock category. The Dole-Byrd amendment relating to trade with Iran seems to me to have had a very special characteristic, one which necessitated an early vote.

So my recommendation to conserve time would be that this vote be stacked.

Mr. DIXON. Mr. President, I ask unanimous consent that at such time as the amendment by the distinguished Senator from Texas, Senator GRAMM, is disposed of, that the amendment and the vote on or in relation thereto be stacked until 8 p.m. this evening, following the vote on the McCain amendment.

The PRESIDING OFFICER. Is there objection? The Chair might state that the Chair has not been informed that the yeas and nays have been ordered.

Mr. DIXON. They have not yet been ordered.

The PRESIDING OFFICER. Or that there has been any action with regard to the vote on the Gramm amendment. But the Senator wishes to propound the unanimous-consent request?

Mr. DIXON. May I say to the President that it is my understanding from the distinguished Senator from New Mexico that the amendment will be hotly contested, and that there certainly will be a request for the yeas and nays on that amendment. So ultimately that will be the disposition.

The PRESIDING OFFICER. Is there objection that the vote be stacked, on the unanimous consent, to 8 o'clock immediately following the McCain amendment? Is there objection?

Mr. DIXON. Mr. President, I am advised that I should clarify the Gramm amendment is on stockpiling. There are two other Gramm amendments. There is the Gramm amendment on stockpiling that we are requesting to be stacked.

The PRESIDING OFFICER. The unanimous consent is on the Gramm amendment on stockpiling, that it be stacked at 8 o'clock after the McCain amendment under the unanimous consent. Is there objection? The Chair hears none. Without objection, it is so ordered.

The Chair will state to the managers that the yeas and nays have not been ordered and therefore the Chair will call for the vote unless that is done at that point.

Who seeks recognition?

Mr. McCAIN. Mr. President, I believe the Senator from Texas will be ready momentarily. Until such time, 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. 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, the distinguished Senator from Texas is still preparing his amendment. He is on the floor and will be prepared to proceed momentarily. The amendment has not been laid down, has it?

The PRESIDING OFFICER. The Chair states to the Senator that the amendment has not been laid down.

Mr. DIXON. Mr. President, we have an agreed-upon amendment with the distinguished Senator from North Carolina, and I ask unanimous consent that we proceed with his amendment at this time.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 784

Mr. HELMS. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 784:

Add at the end of the bill the following new section: Section (a) This section may be cited as the "United States Department of State Freedom of Expression Act of 1987."

(b) Finding. Congress finds that the United States Department of State on September 15, 1987, declared itself to be a temporary foreign diplomatic mission for the purpose of denying free speech to American citizens who planned to protest the tyranny of the Soviet regime.

(c) Prohibition. It is not in the national security interest of the United States for the Department of State to declare, and it shall not declare, itself to be a foreign diplomatic mission.

Mr. HELMS. Mr. President, on occasion, in weak moments, I decided the State Department, at long last, has run the full gamut of absurdity. But then comes the State Department with a new one.

Two weeks ago this morning, at 7:30 o'clock, the State Department, would you believe, officially was declared a foreign mission for the duration of the visit of the Soviet Foreign Minister. I am not jesting. This happened. There are many who have suspected, jestingly or otherwise, that the State Department has been acting like a Soviet mission for years. But this time, it was not outraged critics of the State Department or of our foreign policy making the declaration; it was the U.S. Government, itself, that declared the U.S. State Department as a foreign mission, in honor of Soviet Foreign Minister Shevardnadze.

One wonders if Mr. Shevardnadze did not feel like he was coming home.

This may seem like Alice in Wonderland to some Members of the Senate and to the majority of the American people, but it is the absolute reality of what the State Department did 2 weeks ago.

Now, what was the purpose of declaring the State Department to be a foreign mission? It was to use the provision of the Foreign Missions Act to block peaceful demonstrations.

The timing of this declaration that the State Department was a foreign mission is very interesting, because it took place precisely 30 minutes before a group, including a number of U.S. Congressmen, planned to protest the Soviet Union's human rights abuses by peacefully demonstrating in front of the State Department building. By declaring the State Department to be a foreign mission, the Treasury Department's Secret Service automatically triggered a controversial law prohibiting citizens from appearing to demonstrate within 500 feet of foreign missions. This made the State Department, temporarily, a foreign mission for legal purposes, thus barring otherwise legal demonstrations.

In other words, these Americans, including U.S. Congressmen, were gagged. They were denied their first amendment rights; and I do pray, Mr. President, that this will never happen again.

The State Department did not want to distrub Mr. Shevardnadze with the sounds of democracy, apparently. Mr. Shevardnardze was not accustomed, you see, to the sounds of democracy where he comes from in the Soviet Union.

It may be true that glasnost is supposed to mean that a few whiffs of democracy are sprayed over the rotten record of communism on human rights. But even if glasnost does feign a smidgen of democracy in the Soviet Union, it is plain that in this case it meant a denial of democracy in the United States, specifically at Foggy Bottom.

So it is not mere speculation that the intent was to deny U.S. Congressmen and others their constitutional right of free speech. That is exactly what was intended.

The official memorandum issuing notification of this action stated:

We have been advised of a planned demonstration against a foreign minister—

Meaning Mr. Shevardnadze.

during his meeting at the State Department. As a result of a planned demonstration, we have declared the State Department (the main building) as a foreign diplomatic mission within the meaning of 3 USC Section 202 for the duration of the visit.

I ask the Senator from Idaho how he likes that.

Mr. SYMMS. Mr. President, I respond to my colleague by saying, first, that I compliment him for the amendment, and I wish to join him in supporting it. But I have another question I would like to ask the Senator.

If the State Department decided to take this action, to gag people who wanted to demonstrate peacefully, did they have to name themselves the foreign mission of the Soviet Union, or could they have chosen, say, Great Britain or France or some other country more friendly to our wishes, and had the same effect? Was there some reason why they had to have the Soviet Union, to just grind it into all patriotic, red-blooded Americans?

Mr. HELMS. It beats me. If the Senator is asking me to explain many State Department actions, I plead that I cannot do it. I presume that no one would demonstrate against the British or French Foreign Ministers.

Mr. SYMMS. I thank the Senator.

Mr. McCAIN. Mr. President, will the Senator yield for a comment?

Mr. HELMS. I yield.

Mr. McCAIN. Mr. President, I should like to express, perhaps in partial answer to the question of my friend from Idaho, that the suspicions some of my constituents have concerning the State Department might have been confirmed by this activity, since some feel that from time to time the State Department has indeed been a foreign diplomatic mission. Perhaps that partially answers the question of my colleague from Idaho.

Mr. HELMS. I thank the Senator.

Mr. President, let me emphasize that there was not even the slightest pretense by the State Department that there was about to be even the slightest threat of violence or radical or subversive activities contemplated by the demonstrators. These were U.S. Congressmen and others who are fed up with the abuse of human rights by the Communists of the Soviet Union—not only the Soviet Union, but also elsewhere in the world.

As a matter of fact, 2 weeks ago, it was made abundantly clear that it would be a peaceful demonstration. So, what other conclusion can be drawn? The only reason to declare the State Department temporarily to be a foreign mission for the Soviet Foreign Minister was to deny these American citizens their constitutional right to protest against Communist murderers and butchers being treated as worthy and exalted guests. I had no problem with Mr. Shevardnadze coming. But to shield him from American citizens exercising their constitutional rights under the first amendment goes beyond the pale.

Mr. President, I ask unanimous consent that the entire communique regarding the declaration of the State Department as a foreign mission be printed in the RECORD.

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

Memorandum To: Francis A. Keating II, Assistant Secretary of Enforcement and Operation, Department of the Treasury.

From: Louis Schwartz, Jr., Deputy Assistant Secretary, Diplomatic Security Service, Department of State.

Date: September 11, 1987.

Subject: Declaration of State Department as Foreign Mission.

The Soviet Foreign Minister Shevardnadze will visit Washington, D.C. from September 13-19 and on September 15 he will be at the State Department, 2201 C Street, N.W., Washington, D.C. for a meeting with Secretary Shultz.

We have been advised of a planned demonstration against the Foreign Minister during his meeting at the State Department. As a result of a planned demonstration we have declared the Department of State (the main building) as a foreign diplomatic mission within the meaning of 3 USC Section 202 for the duration of the visit.

Mr. HELMS. Mr. President, let me speculate just a little, and I shall conclude.

It seems to me, as just one Senator—and other Senators may have different views about it—that it would have been in our national interest and in the interest of freedom in the world for the Soviet Foreign Minister to have experienced firsthand what a real democracy is like. It would perhaps have added to the credibility of American representations to the Soviets in the field of human rights.

How in the world are we going to make credible, serious representations to the Soviets about human rights abuses in that country, when the State

Department is willing to sidestep the American constitutional guarantees of individual liberty and democracy?

Therefore, I think it mandatory that Congress take action to protect the Bill of Rights against anybody in the State Department who would seek to spare any guests the embarrassment of observing democracy in action in the United States.

The amendment pending consists of three sections, each being one sentence. I think it is simple. I think it is forthright and clear cut and the clerk has already read it. It is a matter of record.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, I yield myself 2 minutes in connection with this amendment.

Mr. President, I congratulate my distinguished friend from North Carolina on his amendment. His amendment and the point he has made are both well taken.

I ask unanimous consent, Mr. President, that I be listed as a cosponsor with my friend from North Carolina on this amendment and would inform the Presiding Officer that, so far as I know, there is no further comment on this side and yield back the remainder of our time. This amendment is acceptable to the majority.

Mr. HELMS. Mr. President, I yield back such time as I may have.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would ask my distinguished colleague from North Carolina if he would be requesting the yeas and nays on this amendment.

Mr. HELMS. Mr. President, I think it would be well to have them. I think Senators will want to vote on this amendment. So I ask for the yeas and nays just to send a clear message to the State Department.

Mr. McCAIN. Mr. President, I ask unanimous consent that the vote on this amendment take place at 8 o'clock, stacked, which would be immediately following the Gramm amendment.

Mr. SYMMS. Mr. President, reserving the right to object, is there any reason we do not want to vote right now?

Mr. McCAIN. Yes.

Mr. DIXON. If I may direct that to the Senator from Idaho, there are apparently some folks who by virtue of misapprehension thought that the unanimous consent provided for debating all day and stacking the votes at 8 o'clock. For that reason there is reluctance to vote during the day.

We have a vote set immediately following the conference of the two parties on the Dole amendment. The leaders have requested that these other votes be stacked this evening at 8 o'clock. For that reason we already have two amendments and this would be the third amendment, if the Senator from Idaho does not mind, stacked this evening.

Mr. SYMMS. I withdraw my reservation.

The PRESIDING OFFICER. Is there a sufficient second on the call for the yeas and nays?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Thank you, Mr. President.

I would just like to comment briefly on this amendment.

Mr. DIXON. If I may interrupt the Senator, the request is that again on this UC the agreement show on or in relation to the amendment, Mr. President.

The PRESIDING OFFICER. Yes, the agreement provides for that.

Without objection, it is so ordered.

Mr. McCAIN. Mr. President, reclaiming the floor, I would like to express my appreciation to the Senator from North Carolina on this amendment. I find it Orwellian and bizarre to contemplate a situation where our State Department declares it is a foreign diplomatic mission. I also find it incredible to be faced with a situation where the American citizens are denied with one of the basic rights in this year of celebration of the 200th anniversary of the Constitution, and that is to assemble and express themselves as they see fit.

I believe that it displays a degree of arrogance and disregard for the basic rights of the American people on the part of the State Department which is indeed deplorable.

I hope that this amendment of my colleague from North Carolina will prevent any repetition of this kind of outrageous behavior, and I yield the floor.

Mr. HELMS. Mr. President, I thank the distinguished Senator for his comments and genuinely appreciate them.

The PRESIDING OFFICER. All time has expired.

Have Senators yielded back all their time?

Mr. DIXON. Yes, we have, Mr. President.

May I say, Mr. President, under the standing agreement, the next amendment is by the distinguished Senator from Texas [Mr. GRAMM].

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. DIXON. May I further say, Mr. President, that I wanted to inform the Senator from Texas that in his absence, we adopted a unanimous-consent agreement to stack this as the second vote this evening at 8 o'clock, but the yeas and nays have not been requested subject to what the Senator wants to do.

Mr. GRAMM. I thank the Senator for informing me.

AMENDMENT NO. 785

(Purpose: To retain and revise the authority of the President to prescribe stockpile goals for strategic and critical materials in the National Defense Stock Pile)

Mr. GRAMM. 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 Texas [Mr. GRAMM] proposes an amendment numbered 785.

Mr. GRAMM. 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 216, beginning with line 7, strike out all down through line 14 on page 217 and insert in lieu thereof the following:

(a) IN GENERAL.—Section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c)(1) The President shall—

"(A) prescribe a goal for the quantity of each material to be stockpiled; and

"(B) transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing the goals prescribed under paragraph (1).

"(2) Stockpile goals prescribed under paragraph (1) shall become effective upon the expiration of 45 days of continuous session of Congress following the date on which the Committees referred to in paragraph (1)(B) received the report required by such paragraph.

"(d)(1) The President may revise a goal that is in effect under this section in the case of any material only as provided in this subsection.

"(2) The President may—

"(A) reduce a goal referred to in paragraph (1) by not more than 15 percent; or

"(B) increase such a goal.

"(3) Whenever the President revises a goal in the case of any material, the President shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a notice specifying the revised goal.

"(4) A revised goal shall become effective upon the expiration of 45 days of continuous session of Congress following the date on which the Committees referred to in paragraph (3) received notice of the revised goal from the President.

"(e) For the purposes of subsections (c) and (d)—

"(A) the continuity of a session of Congress is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.".

(b) ESTABLISHMENT OF GOALS.—(1) Not later than 60 days after the date of the enactment of this Act, the President shall

carry out the requirements of section 3(c)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)(1)), as amended by subsection (a).

(2) The total quantity of the strategic and critical materials specified in the goals prescribed in accordance with paragraph (1) may not be less than the equivalent of $7,200,000,000 determined on the basis of the cost of such materials at the prevailing prices of such materials, considering all sources of the materials, on May 31, 1985.

Mr. GRAMM. Mr. President, it is very seldom that I offer an amendment when I am certain it is not going to be adopted, but I think this is an issue that nonetheless needs to be debated.

I bring it up today to initiate that debate and I intend to bring this issue up for debate until finally we can make an important change in public policy.

Mr. President, there is something inherently contradictory about the fact that we in Congress and to some extent the American people have the ability to be outraged about little things but we don't seem to have the ability to be outraged about big things.

When some petty crook attempts to charge the Federal Government $300 for a hammer, the taxpayer is usually protected by an alert Air Force sergeant who stops payment, but we still get outraged. On the other hand, if some organized group of citizens, whether it be representatives of particular industries or whether it be organized labor or whomever use their political base to establish a policy that literally steals billions of dollars from the American taxpayer, we hardly even mention it. In fact, there is virtually no outrage.

Now, I am going to offer three amendments today that are on greatly different subjects but they all deal with exactly the same point.

One of the amendments is on Davis-Bacon, a law that requires the Defense Department to pay a wage in construction that is above the competitive wage paid by the local private sector and which literally costs us hundreds of millions of dollars because the law currently grants a special privilege to the few at the expense of the many. That one provision has robbed the taxpayer of more money than all the overpriced hammers and cathode tubes, and toilet seats that have ever been bought by the Defense Department in the entire history of the Republic, and yet every year we perpetuate this policy which cheats the American taxpayers out of their money.

Why should the Defense Department pay construction wages above the wages that are paid for the same work in the same area by the private sector? It obviously should not, but it does because Congress forces DOD to do it as, in a sense, a payoff in return for the support of organized labor.

It is an outrage of monumental proportations, but it is perpetuated by the fact that we can be outraged about little theft, but we are not willing to be similarly outraged when an organized group pirates far greater sums.

Now, the second amendment is aimed at the same kind of problem, a law that most people have probably never heard of, the Service Contract Act.

This Service Contract Act requires those who are receiving services, in this case the Defense Department, to pay wages to computer operators and secretaries and other civilian personnel that are substantially above the wages being paid by private sector employers to their computer operators and secretaries.

Now, why when somebody is providing the Federal Government with a service would want to have a law that forces the taxpayer to pay those wages above the existing, private sector pay scale in their area of the country? Why do we have a law that says computer operators doing business with the Government have to be paid a pay scale that is higher than what is being paid for identical services by IBM and General Motors and other private sector producers?

The answer, of course, is the political power of those who want to provide this special privilege at the taxpayers' expense and the political power of those who do not want services contracted out and who want the Government to provide the services internally.

The final amendment, and the one that I have offered here, has to do with stockpiled mineral resources. We today have stockpiled mineral resources totaling a value of over $9 billion. These are stockpiled resources that we have placed by the side of some railroad track in great, gigantic piles, generally in a raw form, so that in the event of a war with the Soviet Union which disrupts, our sealanes and our transportation and communication links, we would be able to go out and scoop up this raw ore, convert it into copper or lead or zinc, put it through the refinement process, mill it, send it off to the factory and build weapons with it. The fact is that virtually no one at the Pentagon believes that even a conventional World War III with the Soviet Union could ever entail such a scenario; that, in fact, the chances are almost zero that we ever get from raw bauxite to aluminum to an aircraft that will ever fire a shot in anger in a global conflict with the Soviet Union.

A conflict in some region of the world that does not involve confrontation with the Soviet Union is not relevant because the fact is that no other nation could impact our freedom of the seas to any significant extent, at least not in terms of our ability to acquire the minerals we are talking about.

You might say, "Well, what does it cost us to leave almost 10 billion dollars' worth of minerals sitting by the roadside?"

Well, I worked up some numbers that I think are pretty interesting and I urge my colleagues to listen to them.

I took three minerals—copper, lead, and zinc; minerals that are produced in the United States and that are bought from domestic suppliers. I looked at their price in 1947 when we started buying them and I looked at their price today. And I asked a question: What would have happened in 1947 if, instead of buying these mineral resources, we had invested that money in long-term Government bonds to pay off the national debt or we simply did not borrow the money to buy them? What would have happened if we had let the private sector keep the money and it had been invested in AAA corporate bonds? What would have happened if, instead of letting the Government buy all of these minerals and putting them out on the roadside, we had invested in manufacturing at the rate of return, before taxes, that existed each year since 1947?

I think you are going to be astounded by these numbers. Let me just give you a few of them. When we bought copper in 1947, we paid 30 cents a pound for it. Today, it sells at 65 cents a pound. Sounds like a pretty good investment. We held that copper. It has doubled in price.

But do you realize if we had invested that 30 cents in long-term Government bonds, it would be worth $2.22 today instead of 65 cents? If we had invested that same 30 cents in AAA corporate bonds, it would be worth $2.95 today, instead of 65 cents. And, listen to this one: Imagine if we had let the private sector keep the 30 cents and invested in before tax average rate of return in manufacturing. It would be worth $496.67.

The truth is that we are spending billions of dollars holding resources that the modern military does not require and does not want. Every year that we hold this almost $10 billion of stockpile, we are forgoing the benefits that could be achieved with that money—imagine what could be done in terms of buying weapons that deter Soviet aggression, that keep Ivan back from the gate; what could be done by not borrowing money and adding to the deficit and having to pay interest on that deficit; what could be done in the private sector if the funds were left in the hands of the private sector to begin with.

Now, the amendment I have offered is a straightforward amendment. The plain truth is, as we all know, the Reagan administration does not want

these billions of dollars worth of excess minerals. It wants to reduce it substantially. Administration officials want to change the mix. Congress has stopped them from doing that.

And why have we done it? Have we done it because we believe that Ronald Reagan is soft on defense, that Cap Weinberger is not committed to keeping Ivan back from the gate? No. We have done it because these mineral deposits being purchased and held by the Government represent direct economic subsidies to special interests in this country. It was for the same reason that last year we bought high-sulfer coal in the United States and shipped it to Germany and then, in essence, dumped it along the roadside, because the Germans do not want us to burn high-sulfur coal. We did it as a political favor to one industry of this country.

Now I am not saying there is not debate about stockpiling. There is debate. I am not saying that everyone who disagrees with me is trying to help the minerals industry. But the idea of having a law that says we will not even let the President, who is charged with the primary defense responsibility of the country, assess what size stockpile we need is, I think, patently ridiculous. And, as I look at it, I cannot find any logic to justify it other than the economic interest of those involved in producing these resources.

This amendment is actually fairly restrictive. It says that the President can come up with a new minerals reserve policy and then, after this bill is enacted into law, he has 60 days in which to transmit it to the two Armed Services Committees. He cannot act on the new policy until 45 days have passed. If we disagree with the policy, we have 45 days to act. We have 45 days to debate it.

Additionally, no matter what the President wants, no matter what the Secretary of Defense wants, they cannot take it below 7.2 billion dollars' worth of sterile mineral resources sitting by the railroad track. In any one period, in any one action, they cannot reduce the stockpile by more than 50 percent in any particular area.

Finally, we retain the requirement in current law which says that efforts shall be made in the acquisition and disposal of such materials to avoid undue disruption of the usual markets of producers, processors, and consumers of such material and to protect the United States against avoidable loss.

Now, all I am trying to do in this amendment is give the President the right to come forward with a new specification of what the Defense Department believes are its needs; to, in essence, say whether they believe we need the current stockpile of any one of 25 or 30 mineral resources that we currently are holding; and to set out a policy to try to bring that stockpile into conformity with the needs of the services. I submit to my colleagues, at a time when the defense budget has been cut back by the budget resolution that was adopted several months ago to the point where 2 years from now we will be back to spending the same percentage of GNP on defense that we all opposed in 1980 when we forced President Carter to take the largest peacetime defense increase in American history; at a time when we are facing a very difficult deficit problem, I believe that one of the areas we ought to look for savings in is the holding of these sterile mineral resources.

We should ask ourselves: Do we need this much copper? Do we need this much lead? Do we need this much zinc? Could we reorder priorities? Are there other mineral resources we may need more of, so that we might want to sell off nickel and buy germanium or some other mineral?

The basic question remains, however: why should we have a law that says that the person who is constitutionally charged with the leadership of the armed services cannot even propose changing the makeup of the stockpile?

The PRESIDING OFFICER. I believe the Senator has consumed his 15 minutes.

Mr. GRAMM. Did we have a 30-minute unanimous-consent request? If I might, Mr. Chairman, may I just take 30 seconds to conclude?

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

Mr. GRAMM. The question is, when the Commander-in-Chief of our Armed Forces and the Defense Department clearly want to reassess this policy should we not at least allow them to propose changes and let us debate it? If we oppose it we can vote against it.

I think the current policy makes no sense and I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I think two of my colleagues are also intending to speak on this so I will yield myself 5 minutes at this point.

First, let me indicate that I strongly oppose the amendment and state my understanding of what the amendment is.

The Senator from Texas has suggested that this is another example of industry stealing billions of dollars from the U.S. taxpayer. This is another example of an organized group pirating our society.

I think it is really clear that we do not have that. We really have a question of stockpile goals which have been set for many years by interagency process involving the various agencies that have a concern about this.

The agencies that set the goals, historically, are the CIA, Defense Department, State Department, Commerce, Interior, and FEMA. To suggest that this is an example where the will of the people has been disregarded, I think is totally inaccurate.

The United States today does maintain a national defense stockpile because it is clear we cannot produce some of the strategic and critical materials that we need, such as chromium and cobalt and titanium, which would be needed to meet our military and industrial needs during periods of national emergency.

The stockpile inventory today includes less than half of the objectives that have been set under current statutory goals. The stockpile goals would add up to $16.1 billion. In fact, we have $10.1 billion in the stockpile.

Only $7 billion represents materials that can be charged to the stockpile goals. The remaining $3.1 billion in the stockpile are excess to the current goals and thus we have a lack of $9.1 billion of strategic and critical materials to meet the current stockpile inventory goals. We need another $9.1 billion.

This whole subject came to a head this last year, Mr. President, when the National Security Council released its study which suggested very, very drastic changes in the stockpile goals. It suggested that we go from the present $16.1 billion of goals down to $0.7 billion.

I think it is clear that the reaction to that study has been universal skepticism, or near universal skepticism. With the exception of a few in the Office of Management and Budget in the administration, others involved have felt that that was not a reasonable study.

GAO said the NSC study does not appear to provide a sufficient basis for setting stockpile goals or for other U.S. mobilization plans. The committee, in looking at this this year, Mr. President, decided that some action should be taken to provide flexibility. There has been no change in the stockpile goals, now, for nearly 2 years.

The feeling was that Congress should provide some flexibility and the bill that is presently before the Senate provides for that flexibility. In the legislation we reported out of committee we have a provision that says: The administration each year can present to the Congress a recommendation to lower the stockpile goals in any particular area by up to 10 percent. Unless Congress acts to override that, that 10-percent reduction in the goals will occur so that there is an ability by the administration to gradually reduce these goals if they feel that it is appropriate. But I would remind the Senator from Texas that

we have elections every few years and the next President may not feel that he would like to sell off the majority of our stockpiles as this President evidently does.

I believe strongly that Congress should maintain some stability in this stockpile program so that the opportunity for the next President to make up his own mind on these matters will continue.

We did provide that the goals can be reduced up to 10 percent. We provided that, in addition, in the annual material plan that the President has to submit to Congress, if he would like a greater reduction he certainly can recommend that and then it would be up to the Congress to act favorably if it agreed with the President's recommendation in that regard. But, I believe the proposal that we have in the bill today is responsible. I believe it is a good, moderate step to take and I urge my colleagues to resist and vote against the amendment from the Senator from Texas.

I will be glad to yield 4 minutes to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding his time. In the brief time that we have to debate this issue, I must necessarily skip over a number of facts very, very quickly; facts that I think are important for us to consider as we deal with this amendment.

First of all, what is the reason for a stockpile in the first place? The reason for a stockpile of materials, which the Senator from Texas has described as sterile minerals, is that they are the basis of an industrial capacity to produce, in the event of a war. They are just as basic to our ability to turn out the materials of war if they should be required as are the factories, the railroads, the shipyards, the other infrastructure that is necessary to produce. It is absolutely specious to say that we can be so fully prepared to fight a war that we do not have to increase production in the event of war. I think anyone with any historic perspective at all recognizes that the United States won World War II not because we had the greatest standing Army, Navy, Air Force in the world or the greatest military capacity at the beginning of hostilities; we had the greatest industrial capacity and the time to use it. But we also won because we had materials that were necessary to employ in that industrial capacity, in order to produce the tools of war that produced a victory for the United States and for the Western industrialized democracies.

Yes, the stockpile is a part of the security of this United States and needs to be recognized as such.

I think it is specious for us to argue that because the President makes a suggestion to us that this is the only wisdom. If that were true, we could do away with the Congress. And why do we now talk about the issue of how many tanks, which kind of airplanes, which kinds of ships, what kind of defense material requirements should we have. Let us simply allow the administration to make a suggestion on all of those, too, and Congress can have 45 days to accept or reject those suggestions as well?

Well, there are reasons why many of us do not support simply delegating to the administration all the discretion to make all the decisions. I will not take the time to delineate all the frustrations of the stockpile goals over the last several years, but I would say to my friends in the Senate and those others who may be listening that not all of the goals established by administrations over the last many years have been rational goals. They have fluctuated dramatically, and I will not delineate the total amount of those fluctuations but let me look at just what this administration has done, just in the last 18 months.

The stockpile goal for lead, and I will just pick the one the Senator from Texas did:

On July 8, 1986, the administration said we had 301,000 tons excess in stockpile. That was July 8 of 1986.

By February 5, 1986, that same administration, FEMA, had said the excess was 40,000 tons. Somehow between February 5 and July 8 that changed from 40,000 to 301,000 tons.

That was the last word, the definite wisdom of the administration that had at that time made that tremendous change. And yet, even though they made the change from February 6 to July 8, then look at March 26 in which they said it was 74,000 tons.

If you want to look at others, we can do the same thing, for those same three time periods. Zinc varied from 345,000 to 45,000 to 140,000 tons.

You can look throughout the history of the management of the stockpile and it has varied much more by reason of OMB's demands for money and the economics of the budget than it did from any demand from industry.

So if there is error here, the error is compounded on the side of the administration, not just this one but past ones as well.

I would commend to those who are thoughtfully concerned about the stockpile to look at the GAO report dated May 1987, which has already been quoted by my friend from New Mexico. The NSC study does not provide a sufficient basis for setting stockpile goals for other U.S. mobilization planning.

Mr. President, I again thank the Senator for yielding this time. I hope the Senate will indeed reject the amendment.

Mr. BINGAMAN. Mr. President, I yield 4 minutes to my friend Senator SYMMS from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the chairman of the subcommittee on the Armed Services Committee and my friend from New Mexico.

I would like to associate myself with the comments made by my distinguished senior colleague, Senator McCLURE. In general, I think even more important is that there is always a move to try to do budgetary activities when it is clear in the 1979 Stockpiling Act that we are not supposed to reduce the stockpile because of budgetary considerations. That still is the driving force behind this.

Let me say to my good friend from Texas that I oppose his amendment. In most instances I find myself on the Senate floor in general agreement with my good friend from Texas, whether it has been the Gramm-Rudman-Hollings proposition or reformation of the Service Contract Act and Davis-Bacon Act.

However, in this particular instance, what we are really talking about is similar to a person who sells the family jewels so he has extra money to buy a sports car, but then he wrecks the sports car.

I hear the numbers that the Senator from Texas is talking about, what would have happened if we would have invested the money in a certain thing, that it would have been worth this much or that much.

The reality of it is that if an adversarial relationship ever existed and we are confronted with hostilities, such conflict would demand increased production of many of our strategic and critical minerals. If we have the materials, then we can go ahead and meet that contingency. We do not know what the situation will be on the African Continent during a conflict. We do not know what the situation will be on the sealanes. These are all uncertainties that could befall this country and certainly would put us in jeopardy and risk our security.

So, I believe the better course of action, Mr. President, would be to preserve a very rational method. The committee in my view went at length to give the Senator from Texas a great deal in terms of allowing the administration a 10-percent reduction. This would give them time to think it through and the administration could reduce some of these stockpiles by 10 percent on an annual basis and in several years this could make a big change. But we should not do anything too dramatic with regard to stockpile reduction. I think from the standpoint of security it would be a mistake to allow the budget number crunchers at OMB to have control of something as vital as the ability of this country to be able to produce the industrial materials needed to fight

and sustain a long, protracted conflict or war.

If we fail to adequately maintain a strategic stockpile, a national emergency will require the United States to make some very hard decisions regarding: The allocation of limited supplies available; the restriction of civilian consumption; requiring substitute materials; making technological changes in the manufacturing process; and expending large sums of money to produce low grade, domestic sources of supply.

Mr. President, while President Reagan and the negotiators in Geneva are working on nuclear arms reduction talks, the need of greater strength within our conventional forces has greatly enhanced. We cannot meet the current threat of the Soviet Union's superiority in conventional forces, without the necessary strategic minerals and materials to support ours. American ships, planes, and tanks require many of the materials in our stockpile. A dramatic reduction in the stockpile will delay considerably our ability to provide conventional forces parity. Adequate resources in the national stockpile is essential to the strategic planning and mobilization of our forces.

Moreover, depleting the stockpile would only increase dependence upon foreign sources during a national emergency. As I stated earlier, we cannot anticipate the situation on the African Continent during any global conflict. However, with the passage of the South African Sanctions Act, the United States has become increasingly dependent on the Soviet Union for many of our strategic and critical materials. If we are currently relying on the Soviets for our stockpile materials, then what are we going to do in a time of war?

Mr. President, an excellent article on this subject was printed in Barron's magazine, and I ask unanimous consent that it be inserted in the RECORD following my remarks.

I would just like to end by saying that I do not believe we should place a dollar value on the security of our Nation and the safety of American citizens. So, I urge my colleagues to reject the Gramm amendment.

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

[From Barron's Magazine, Aug. 3, 1987]

ANTI-APARTHEID OR PRO-SOVIET? SANCTIONS RAISE UNITED STATES DEPENDENCE ON U.S.S.R. FOR STRATEGIC MINERALS

WASHINGTON.—Among other things, the Comprehensive Anti-Apartheid Act, which Congress overrode a Presidental veto to pass last October, prohibits U.S. imports of any "article" from any firm connected in any way with the South African government. The law also threatens to prohibit currently legal imports of strategic minerals from South Africa one year after passage, if "significant" progress hasn't been made in establishing a nonracial democracy. While few lawmakers (and almost none of their constituents) seem to realize it, such provisions already have succeeded in sharply curtailing the flow of strategic and critical materials from South Africa. At the same time, they have made the U.S. increasingly—some say alarmingly—dependent for such imports on the Soviet Union and its satellites.

The statistics are jolting. For instance, U.S. imports of chrome ore from the Soviets surged to a whopping 6,440 gross tons per month on average for the six months ended March 31, compared with a mere 479 gross tons on average during the legislatively designated base period, 1981 through 1985. Chrome, of course, is essential to the manufacture of stainless steel and superalloys; hence, it is vitally important in the aerospace, chemical, defense, power-generation and transportation industries. And the U.S. is heavily dependent upon imports to meet its needs. Small wonder then that upon passage of the Anti-Apartheid Act, the Soviet Union, the world's second largest source of chrome, started developing a new mine with annual capacity of two million tons.

And chrome is only part of the shocking story. Imports of antimony from Russia have risen to 98 times the total in the base period. The U.S. also lacks adequate domestic sources of antimony, which is essential for such items as bullets, computers, radar and sonar. Anticipating the new demand, Russia also is rapidly expanding production of antimony in the Soviet Central Asian republics of Kirgiziya and Tadzhikistan.

The list goes on—more Soviet ferrosilicon manganese, industrial diamonds, rhodium, platinum and silver bullion, all critical materials. Strategic imports also are up from Soviet bloc countries. Ferrosilicon and ferrosilicon manganese are essential for alloyed and specialty steels used to make hull plates for Navy ships and in the bodies of military vehicles and tanks. Under the first six months of the law, monthly imports of Soviet ferrosilicon averaged 2,814,527 gross pounds, compared with 692,970 for the 1981-85 average.

Again, monthly imports of ferrosilicon manganese from Yugoslovia averaged 3,270,157 gross pounds, against the base of 2,168,352. Imports of industrial diamonds from Russia were up 100 times the base average; platinum bars and plates, up five times; rhodium up three and a half times and zinc up four and a half times. Six different categories of Yugoslav aluminum imports rose.

The law says that the President may lift any of its provisions if he determines after six months that it is causing increased U.S. dependence on Soviet and Soviet-bloc countries for strategic and critical materials and reports his finding to Congress. Even though the newly compiled figures are so startling, President Reagan has no plans to do so. The reason is painfully clear. In the current climate of opinion, Congress and the media would go for his throat.

To its credit, the Commerce Department has carried out the act's mandate to give monthly reports to Congress on growing U.S. vulnerability to the Soviets or Soviet-dominated countries in terms of strategic and critical materials. But nobody on Capitol Hill seems to be paying the slightest heed.

Queried about this, Secretary of the Interior Donald P. Hodel, who also serves as chairman of the National Critical Materials Council, replied, "I don't have the answer. If you ask somebody should we buy a major component of a weapons system from the Soviet Union, they would say, 'Of course not; that's crazy.' Then should we buy the raw material that is necessary to make that weapons system from the Soviet Union? Of course not. Because of the sanctions against South Africa, we are increasingly dependent on the Soviets and Soviet-bloc countries for raw materials that are essential to the defense establishment, at the very least."

To make matters worse, the House Foreign Affairs Africa Subcommittee plans hearings this fall on HR 1580, a bill by Rep. Ronald V. Dellums, California Democrat. It would repeal the Anti-Apartheid Act and substitute a much more drastic measure. Among other things, it would ban imports of any mineral from South Africa essential for military uses unless the President certifies to Congress that domestic supplies are inadequate and "substitutes for such minerals are not available." It says nothing about importing from Communist countries. Moreover, it does away with the requirement to report to Congress on such imports.

HR 1580 also would get rid of a little-noticed part of the Anti-Apartheid Act, which states, "The United States . . . recognizes that some of the organizations fighting apartheid have become infiltrated by Communists and that Communists serve on the governing boards of such organizations."

Incredible as it may seem, during the last Congress, the House passed the Dellums bill. The only change in the current version is an addition which would prohibit any form of cooperation, direct or indirect, with the government of South Africa by U.S. military or intelligence agencies. HR 1580 has 53 co-sponsors, including Rep. Peter W. Rodino, Jr., a New Jersey Democrat and chairman of the House Judiciary Ccommittee.

Sen. Alan Cranston, a California Democrat, has introduced S. 556, a nearly identical measure, on behalf of himself and Democratic Senators Ted Kennedy of Massachusetts and Carl Levin of Michigan. It differs from the Dellums bill only by deleting authorization for the President "to limit the importation into the U.S. of any product or service of a foreign country to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any prohibition imposed by or under this Act." S. 556 now is pending before the Senate Foreign Relations Committee.

Meanwhile, ostensibly because the findings of the Anti-Apartheid Act for the first six months may be criticized as seasonal, the Administration is planning to continue the monthly reports for a full year. But if both houses of Congress pass the Dellums-Cranston bills, they may end abruptly.

Secretary Hodel, however, is considering having the National Critical Materials Council report on increasing imports of strategic materials from the Soviets. The 1984 law which created the Council calls for it to make public such critical materials "issues and concerns . . . as are deemed critical to the economic and strategic health of the nation" and to make policy recommendations to the President concerning them.

Will Hodel recommend that something be done about this country's mounting reliance on the Soviets for strategic materials owing to the Anti-Apartheid Act? First, he replies, Congress and the country must understand what's at stake. "Right now, when we start talking about solutions, people usually say, 'What's the problem?' " he notes.

"The last time I checked," adds Hodel pointedly, "the Soviets were still engaged in killing, mutilating and bombing innocent people in Afghanistan in a clear war of aggression."

If the sanctions against South Africa were working, the Rev. Leon Sullivan (civil rights activist and General Motors director) wouldn't find a need to call for all companies to pull out of that country. Indeed, the South African Catholic Bishops Conference, which initially supported sanctions, now has published a report finding that they are ineffective. In fact, they are counterproductive: By leaving South Africa, some companies are greatly enriching the Afrikaners who take over the divested enterprises.

At the same time, several land-bound black African countries are dependent on exporting through South Africa. Sen. Kennedy is so concerned about the harm which the sanctions he has pushed for are inflicting on them that he has proposed giving them $700 million of American taxpayers' money over half a decade.

One must ask why the U.S. should believe that racial injustice in South Africa warrants action drastic enough to harm this country, but should embrace trade with the Soviet Union, which puts millions of its own people in gulags and commits untold atrocities abroad. U.S. foreign policy should have two objectives: to achieve its intended aims and to advance the nation's interests. On both counts, sanctions against South Africa have failed.—Shirley Hobbs Scheibla.

Mr. BINGAMAN. How much time remains?

The PRESIDING OFFICER. One minute and seventeen seconds.

Mr. BINGAMAN. Mr. President, let me just summarize my comments. I think the issue obviously is coming to the Senate floor for the very simple reason that this administration has attempted to deal with the fiscal problems of the country and the budgetary problems to a great extent by selling assets. This is an area in the defense arena where the administration sees there is a potential to sell some assets. Clearly we want to deal with the budgetary problems, but I do not think we want to do it at the expense of our long-term national security. The provision we have in the bill for a moderate decrease in the size of the stockpile in these areas by the administration unilaterally without the Congress acting I think is reasonable. I think we need to resist the more drastic proposal that the Senator from Texas is presenting.

Mr. President, I gather the vote is going to be after 8 o'clock, but I move to table and ask for the yeas and nays.

If the Senator is not asking for a rollcall, then I will withdraw that motion.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Time has expired. Under the previous agreement, then the vote will occur this evening following a vote on the McCain amendment.

Mr. BINGAMAN. Mr. President, if there is no request for a rollcall, then certainly we have no objection to the issue being voted on at this point. I ask unanimous consent that we proceed to a vote at this point.

The PRESIDING OFFICER. Without objection, the question is on agreeing to the amendment.

The amendment (No. 785) was rejected.

Mr. DIXON. I move to reconsider the vote by which the amendment was rejected.

Mr. McCAIN. I Move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, my understanding of the situation now is that Senator WILSON will be here shortly on an amendment pertaining to the Presidio Army Hospital in California. Now, his staff people advise me that he will be here in about 15 minutes. He is meeting with a delegation from California on this point at this time and will be here momentarily. I have three colloquys that we can put in the RECORD at this time. I ask, if any other colleagues who are paying attention to the proceedings have any other amendments, that they come over because, quite frankly, we are going to have the conference luncheons at 12:45, Mr. President. The luncheon is at 1:15. I think we are going to have a little time after this next amendment and before the special order.

Then after lunch, Mr. President, we vote at 2.

Then we have a long period of time in the afternoon before those 8 o'clock stacked votes. So if any Senators have amendments, this afternoon from about 2:15 on through the afternoon is an excellent time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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, subject to our staff's checking with Senator KENNEDY, may I announce at this time that we are prepared at 4 o'clock to go to two amendments by the distinguished Senator from Texas on service contracts and Davis-Bacon, which are familiar to those of us who have been here a few years, and Senator KENNEDY, the distinguished Senator from Massachusetts, will oppose those from this side. So at 4 o'clock there will be two rather contentious amendments if that is agreeable to the ranking Member.

Mr. WARNER. Mr. President, I think that is a helpful bit of scheduling. While the proponent of the amendment, the Senator from Texas, is here I am wondering if we can get some estimate of time because our colleagues are anxious to work with the managers of the bill. Could the Senator from Texas indicate——

Mr. DIXON. I think there is a 30-minute limit on each of them.

Mr. WARNER. First, Mr. President, is there a time agreement on both amendments?

The PRESIDING OFFICER. There is a time agreement, 30 minutes equally divided in the usual form.

Mr. WARNER. So that would be two amendments totaling an hour under the time agreement?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. The question I would have to my friend from Texas, to help other Senators in their planning, does he think the full hour would be required in view of the fact that the Senator from Illinois pointed out, as I would likewise, that the subject is well known to the Senate?

Mr. GRAMM. If the distinguished Senator from Virginia will yield, my guess is that it would be required. These are two issues about which people feel very strongly. There will be Senators who will want to speak on behalf of both amendments and there will be rollcall votes. So my guess is we will need it. Obviously, if it is not needed, I would be happy to yield it back. In any case we will be voting at 8 o'clock.

Mr. WARNER. The votes will be deferred until later and I think if we could just close on the note the Senator from Texas and presumably the Senator from Massachusetts would endeavor, to whatever extent possible, to reduce the time.

Mr. DIXON. Mr. President, I thank the distinguished manager on the other side.

WIDE AREA ANTI-ARMOR MUNITION

Mr. DIXON. Mr. President, I would like to engage the chairman of the Conventional Forces and Alliance Defense Subcommittee in a colloquy on the Wide Area Anti-Armor Munition Program, and specifically the sensor fuzed weapon portion of the program.

Mr. President, the Wide Area Anti-Armor Munition Program is one of the most important efforts underway to develop so-called "smart munitions" to destroy multiple enemy tanks with one attack run by U.S. aircraft. A single aircraft could launch a dispenser which would in turn dispense 40 submunitions. Each has its own capability to locate and attack individual tanks. This program is one of the ways we use the best of current U.S. technology to overcome the existing large numerical imbalance between NATO and Warsaw Pact conventional forces.

It is my understanding that we are in the closing stages of the full scale development effort, and that development and operational testing will begin next year. Presuming successful testing, low-rate initial production currently is scheduled to begin in 1989.

Mr. President, the Air Force acquisition strategy for the wide area antiarmor munition calls for proceeding promptly with a second source producer. The Air Force will have two contractors compete to become the second source producer with the best selected during fiscal year 1989. After a year of qualification production, the primary contractor and the winning alternate producer will compete head to head. Some 95 percent of the program will be subjected to competition.

Mr. President, I am concerned that there are those who want to delay introducing competition into this program. This would be an expensive mistake, in my judgment. The Sensor Fuzed Weapon Program is a $3 billion program. Competition offers savings that range in one analysis from $300 to $900 million. Clearly the earliest competition that is feasible and prudent is essential.

I would like to ask the distinguished chairman of the Conventional Forces and Alliance Defense Subcommittee several questions. First, how important is competition to the success of the Sensor Fuzed Weapon Program, and what is the chairman's position on competition in this program? Is there any technical reason to delay introduction of competition?

Mr. LEVIN. Mr. President, if the distinguished Senator from Illinois will yield, first let me say that the Wide Area Anti-Armor Program and the sensor fuzed weapon project are critical advanced technology programs that make a conventional defense of NATO credible. We must introduce this capability as quickly as it is feasible.

On the question of competition, munitions programs are among the best for applying competition. The Air Force intends to buy 20,000 units, each with 40 submunitions. Clearly competition is appropriate in such a case. I believe the Senator mentioned that some 95 percent of the program is scheduled for head-to-head competition, and I believe the committee strongly supports that plan.

As to the question of technical questions that might necessitate delay in introducing competition, it is my understanding that there are some continuing technical problems in development, but that solutions have been identified for those problems. Those problems might introduce an overall delay in production which will have a ripple effect as far as qualifying the second producer is concerned. The Air Force has informed the committee, however, that at this time there is no reason to believe those problems should delay introduction of competition.

TINKER AIR FORCE BASE

Mr. DIXON. Mr. President, in reply to my two distinguished colleagues from the great State of Oklahoma, may I say that I appreciate their understanding of the challenges which the Senate Armed Services Committee faced in reporting the national defense authorization bill for 1988 and 1989.

As chairman of the Readiness, Sustainability and Support Subcommittee, it was my responsibility to recommend to the full committee adjustments to the military construction portion of the budget request. This included reductions amounting to over $800 million, a goal which could be reached only by deferring a number of very valid projects such as the advanced composite repair facility at Tinker.

Our job was made more difficult because there were several high priority initiatives which were not included in the budget request but which merited support. The waste water connection at Vance Air Force Base, Oklahoma, which my colleagues requested, was one such project which the committee was able to accommodate even within our overall funding reductions.

I am aware that funding of the Tinker advanced composite repair facility enjoys a high priority with both my colleagues and the Air Force. As we proceed to conference, facing a further reduction in the military construction account of perhaps another $800 million, I will keep your interest in mind and attempt to resolve this matter favorably.

Again I appreciate the bringing of this important project to my attention.

Mr. BOREN. Mr. President, I join my good friend and colleague, Mr. NICKLES, in bringing a military construction project to the attention of the floor managers of this bill. I commend my colleagues on the good work accomplished in this most difficult task of providing the best possible defense of our Nation at the most responsible cost to American taxpayers.

Oklahoma is proud to have been assigned by the U.S. Air Force the management and maintenance of the B1-B and many of its subsystems at Tinker Air Force Base. In accordance with the planning for this mission, the administration included in the fiscal year 1988 Military Construction Program the construction of an advanced composite repair facility at a cost of $9.2 million.

I am well aware, Mr. President, of the budgetary constraints with which the members of the Senate Committee on Armed Services must contend. At the same time, however, the postponement of the composite repair facility severs an important link in a smooth transition of the maintenance mission of the B1-B.

This project, included by the administration in the fiscal year 1988 budget request, has been approved recently in both the Milcon authorization and appropriations by the House. I urge my colleagues on the committee to reconsider the importance of this project and accept the House provision during the conference on this legislation.

Mr. NICKLES. Mr. President, I rise today to join my colleague from Oklahoma [Mr. BOREN], in requesting the attention of the floor managers to a military construction project which I believe is vital for the air defense of the Nation.

As my good friend has mentioned, we are very proud to have been entrusted by the Air Force to manage and maintain the B-1B and many of its subsystems at Tinker Air Force Base. In order for Tinker to properly maintain these aircraft, the administration requested $9.2 million in fiscal year 1988 for the construction of an advanced composite repair facility.

The B1-B contains more composite material than any other weapons system. Thirty-three percent of the structure of the B-1B is composite material, and today we have 45 B-1B's flying. The repair of materials such as graphite, boron, Kevalar, and fiberglass is an exacting and specialized process, necessitating an exact and specialized repair facility.

Any delay of funding of this composite repair facility would cause an inability to fulfill the mission the Air Force has entrusted to Tinker, as it would not be able to do all the work on B-1B aircraft required during programmed depot maintenance and would not allow Tinker to be responsive to the needs of the Air Force or to quality control.

I urge my colleagues on the committee to reconsider the importance of funding this project for fiscal year 1988 and to accept the House provision during the conference on this legislation.

AIR FORCE GROUND SUPPORT EQUIPMENT

Mr. DIXON. Mr. President, I would like to have the attention of the distinguished chairman of the Subcommittee on Conventional Forces and Alliance Defense to discuss the matter of ground power generators for tactical aircraft.

Mr. President, the Air Force utilizes ground power carts to provide power, air cooling and air start for tactical combat aircraft. In 1983 the Air Force initiated development of a new ground power generator system to replace two series of carts currently in use by the Air Force. Two companies are competing for the program, and their carts are currently undergoing tests.

It is my understanding that the ground power generator program has

experienced significant increases in cost. According to my figures, the original projected cost for the two cart system was $175,000, and that number has increased to $325,000.

Mr. President, we have an opportunity here to save substantial sums of money. I am aware of proposals to modify the existing MA-3D diesel driven flight line air-conditioner currently used by the Air Force to meet the air-conditioning and power generation requirement at a fraction of the cost. Rather than spending $325,000 per unit, these modified multipurpose units would cost as little as $80,000 each. Assuming a procurement goal of 700 units, this offers savings as great as $170 million.

I am not suggesting that the ground power generator program be terminated, Mr. President, but that the Air Force take a second look at it's acquisition plans in this area. Certainly with the serious budget problems facing the Defense Department, the Air Force will need to examine every opportunity possible for savings.

I wonder if I might ask several questions of the distinguished Senator from Michigan. First, could the Air Force substitute the less expensive multipurpose unit for the more expensive ground power generator sets?

Mr. LEVIN. Mr. President, if the Senator will yield, it is my understanding that the multipurpose unit could well perform some of the functions planned for the ground power generator, but would not meet all those requirements. One of the primary goals of the Air Force program is to have generator units that weigh no more than 5,000 pounds so that two airmen can move them within tactical aircraft shelters. It is my understanding that the multipurpose unit weights twice as much, which fails to meet that goal.

I should also note that the multipurpose unit fails to provide air start capability. While this is not needed for newer F-15 and F-16 aircraft, the Air Force requires this for older generation aircraft. The ground power generator units would provide this air start capability.

Mr. DIXON. I thank the Senator. If I might ask further, is it possible to procure a mix of ground power generators and multipurpose units that would satisfy requirements yet do so at lower costs?

Mr. LEVIN. If I might respond to the Senator, it is my understanding that the Air Force has a study underway that would address that very question. I believe the Senator's suggestion is quite appropriate and I understand that the Air Force is prepared to do that very thing.

Mr. DIXON. I thank the Senator for his remarks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DIXON. Mr. President, it has just been called to my attention that at least one of the distinguished Senators on this side of the aisle would like to do a brief colloquy after lunch on an amendment that he will then withdraw. I see a list that has now been given to me by the staff from the Armed Services Committee, and it suggests that there may be other colloquys that other Senators might want to engage in on matters of importance to them concerning amendments that they would otherwise offer.

Let me again say to my colleagues we are going to do an amendment on the Presido Army Hospital in California with Senator WILSON in a moment. This afternoon, we have two amendments that Senator GRAMM will be doing at 4 o'clock opposed by Senator KENNEDY on Davis-Bacon and service contracts. That will take until 4 or 5 o'clock.

There is going to be some time this afternoon, both before those amendments and immediately subsequent to the amendments. So if any Senators have amendments or colloquys they want to do, I wish they would let us know right now. We are anxious to accommodate any Senators who have colloquys or amendments, and we believe we are about to dispose of this calendar, Mr. President, if our colleagues will be on notice. There is time to dispose of matters if they care to do so.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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, my distinguished friend from California is here with his amendment and I note that we have a special order at 12:45. The unanimous-consent agreement allocates 30 minutes evenly divided. My calculation is that we have only 25 minutes remaining.

I wonder what the pleasure of the Senator from California is. May I say this to him: at 12:45 there is a special order, the conference of the two parties is at 1:15. A 2 o'clock stacked vote on the Dole amendment with a strict enforcement of the 15-minute rollcall means that we are pretty well, except for the 25 minutes remaining, tied up until 2:15.

Mr. WILSON. Mr. President, to respond to my friend from Illinois, if we have not exhausted the 15 minutes to which we are entitled under this may I suggest that we just pick up at the next opportunity.

Mr. DIXON. I would have no objection, Mr. President, if we do not conclude. May I say to my colleague that I will not take the full 15 minutes on this side. Let us just have the understanding if we do not conclude by 12:45 at the time of this special order that we will drift into the afternoon after the Dole amendment that is presently scheduled for 2.

The Senator, as I understand it, will agree to a unanimous-consent agreement that this rollcall be stacked tonight at 8 o'clock after whatever rollcalls are already stacked. I think there are about three of them. Is that agreeable?

Mr. WILSON. Yes, it is.

Mr. DIXON. That it be in the chronological order that it will be found upon the calendar.

Mr. WILSON. Yes, it is.

The PRESIDING OFFICER. Under the previous order debate on this amendment is limited to 30 minutes equally divided and controlled in the usual form, and, as the Senator from Illinois indicated, the debate will stop on this amendment at 12:45 and the time left over will be taken up in the next time available, which will be around 2:15.

Mr. DIXON. Mr. President, then the vote on the amendment or other issues related thereto will be stacked by unanimous consent this evening, subsequent to whatever votes are already stacked, at 8 o'clock. I so ask unanimous consent.

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

AMENDMENT NO. 786

(Purpose: To authorize the lease of certain facilities at the Presidio in San Francisco, California, to the County of San Francisco for use as an AIDS treatment facility)

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 assistant legislative clerk read as follows:

The Senator from California (Mr. WILSON) for himself and Mr. CRANSTON proposes an amendment numbered 786.

Mr. WILSON. 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 198, between lines 4 and 5, insert the following new section:

SEC. . LEASE OF PROPERTY, SAN FRANCISCO, CALIFORNIA.

(a) IN GENERAL.—The Secretary of the Army shall lease to the County of San Francisco the facility at the Presidio in San Francisco, California, formerly operated as a hospital by the Public Health Service, for use by such County as a facility for the care and treatment of persons with acquired immune deficiency syndrome (AIDS) or acquired immune deficiency syndrome related complex (ARC).

(b) TERMS OF LEASE.—(1) The lease entered into with the County of San Francisco pursuant to subsection (a) shall be for a term of 10 years and shall be made without consideration to the United States. The term of the lease shall begin as such time as the Secretary shall prescribe after the transfer referred to in subsection (d) has been completed.

(2) The Secretary may require such other terms and conditions in connection with the lease as he considers appropriate to protect the interests of the United States.

(c) DETERMINATION BY SECRETARY OF THE ARMY; ANALYSIS BY COMPTROLLER GENERAL.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall determine the most economically feasible manner of accomplishing the transfer of activities described in subsection (d) and report such determination, together with an estimate (and underlying analysis) of the cost of accomplishing the transfer, to the Comptroller General of the United States.

(2) Not later than 30 days after receiving such determination and estimate from the Secretary of the Army, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an analysis of such determination and estimate.

(d) TRANSFER OF ACTIVITIES.—(1) The Secretary of the Army or the Secretary of Defense, as appropriate, shall complete the transfer of the Defense Language School and any other activity being carried out at the Presidio in the facility described in subsection (a) to such other location as the Secretary determines to be appropriate. The transfer shall be made as soon as practicable after the date on which the report referred to in subsection (c)(2) is received by the committees named in such subsection or the date on which the County of San Francisco provides the certification described in subsection (e) to the Secretary of the Army, whichever is later.

(e) CERTIFICATION OF FINANCIAL ABILITY.—The Secretary of the Army shall not enter into a lease under subsection (a) or initiate any action to transfer the facilities referred to in subsection (d) until the County of San Francisco has certified to the Secretary of the Army that the County is financially prepared to assume possession of and operate the facility referred to in subsection (a) as a facility for the care and treatment of persons with AIDS or ARC.

(f) RECAPTURE RIGHTS.—The Secretary shall include in the terms of the lease a condition that in the event the leased facility is not used by the County of San Francisco as a facility for the care and treatment of persons with AIDS or ARC, the Secretary shall have the right of immediate reentry and the lease shall be automatically terminated.

(g) CONSIDERATION OF COOPERATIVE USE OF FACILITY.—The Secretary of the Army, and the Administrator of Veterans' Affairs, shall immediately enter into discussions with the appropriate official of the County of San Francisco to determine the feasibility of utilizing the facility referred to in subsection (a), jointly or in conjunction with the County of San Francisco, for the care and treatment of veterans and members of the Armed Forces who have AIDS or ARC.

Mr. WILSON. Mr. President, I yield myself 5 minutes.

Mr. President, the amendment that has been sent to the desk is one that would authorize the Secretary of the Army, actually the Secretary of Defense, to release to the city and county of San Francisco a health facility, formerly a public health hospital, that a little less than a decade ago was released by public health, made available to the Department of Defense and is now being used by the department for a classroom facility in order to teach enlisted personnel four different foreign languages.

The Defense Language Institute, located at Monterey, had reached capacity. This additional space was sought on a purely stopgap arrangement, and the expectation was that within a decade or so there would be either colocation of this facility with the parent in the Monterey area or that some other arrangement would be made.

Mr. President, what has happened in the interval is not news to any of us any longer, that is, that there is an AIDS epidemic in this Nation and tragically the city of San Francisco has become the focal point for much of the attention on that dread disease, that epidemic. People have come literally from throughout the West seeking treatment there because so much of the work has been undertaken in San Francisco.

To come to the point, the Public Health Director of the city and county of San Francisco, Dr. David Worder, had predicted there will be at a minimum a fivefold increase by 1991 in the number of people actively infected with the AIDS virus. He has projected a need for a facility that could accommodate some 300 beds for some subacute AIDS patients. The actual projection is there will be some 500 needed by that time. With the addition of the 300-bed subacute facility that could be provided by this hospital at the edge of the Presidio in San Francisco, the city and county of San Francisco would be far, far ahead in the effort that it is taking to deal with this crisis.

This amendment will instruct the army to make available the hospital but it does two other things. It also instructs the General Accounting Office to find the most advantageous way for the Defense Language Institute or that portion of it currently located at the Presidio to be transferred to some other facility.

The reason for that, Mr. President, is that earlier there was much enthusiasm on the part of the Army for relocating this classroom activity to the army base at Oakland.

Now, apparently those below the level of Secretary Marsh are seeking to have it relocated instead to Monterey at what will be an added cost.

Let us let the General Accounting Office look at the options available, remembering that this is a short-term effort and that it would in fact, by the midnineties, have terminated in any event.

It also requires, as a condition of the release by the Army of this facility to the city and county of San Francisco that the institute demonstrate an ability to go forward with the operational responsibility of conducting this hospital as a subacute AIDS facility.

Mr. President, those two conditions, it seems to me, amply condition the release of this facility. It will give the Army time to determine how to relocate. it will give the city and county of San Francisco time to prepare and in fact they have already begun to prepare for the responsibility of taking over this facility and operating it.

So, Mr. President, I must say that I am irritated not a little at what I will characterize as being jerked around by a change suddenly thrown at us by the Army bureaucracy. I do not appreciate it. I will tell you that in terms of a menace to American security this AIDS epidemic represents a much more clear and present danger than the possibility of need to mobilize this facility as a hospital for the Army and clearly if that day ever comes the Army will find that it is much nearer to that mobilization goal if it is already operating as a hospital and they do not have to go through the motions necessary to convert it to a hospital from a classroom facility.

Mr. President, there is no good reason not to go forward with this. There is every imperative reason. There is a genuine emergency that requires that we take responsible efforts in order to make available, as the Secretary of the Army had indicated in an earlier letter that he fully supported doing as did the Department of Defense.

So I am really at a loss to understand why this is not being accepted, but apparently the explanation is that staff has been co-opted by lower level Department of the Army bureaucrats. I will put it as simply as possible, Mr. President. I do not think the convenience of those bureaucrats is an equivalent moral or material argument for doing something that must be done in any case to combat what is a far more serious threat to the health of the American people.

Mr. President, I will at this point reserve the remainder of my time. I am told that my colleague from Massachusetts, the chairman of the Labor Committee, Senator KENNEDY, wishes to have a voice in this. My colleague from California, Senator CRANSTON, I

think will also wish to speak to its support. And for that reason I will at this point reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I would yield myself such time as I find necessary to respond briefly to the statements by the Senator from California.

The first is that I would hope that my colleagues would understand that the Department of Defense does oppose this legislation. I hold in my hand a letter to the chairman of the Armed Services Committee, Senator NUNN, in which the Department of Defense says that with respect to Presidio, they have been led to believe that they would need this San Francisco annex indefinitely.

That location, Mr. President, is presently being used for the following two purposes: 60 percent of the installation is used for foreign-language education for our service forces, particularly those who will employ those foreign languages, in many cases, in intelligence operations, which are important to the national security interests of our country. The other 40 percent of the space available now is used for storage of medical material. I just want to read the conclusion of the two-page letter to Senator NUNN from the Deputy Assistant Secretary of Defense for Intelligence.

We wish not to be forced to leave the auxiliary school at the Presidio of San Francisco, not now, not in the future. Any move would cause serious disruption to the language training mission.

The other points I want to make are these, Mr. President. The city of San Francisco has indicated they are willing to fund only 15 percent of the operating costs. This is not an appropriations bill. It simply asks for the Army to lease this installation, as I recall it, for 10 years, to the city of San Francisco free of charge. But the next thing that is going to come along, Mr. President, is an appropriations bill. Because 50 percent of patient costs is paid for by Medicare, 15 percent by the city and simple arithmetic tells you that my friend from California and others will be back for 35 percent of the costs from the Federal Government beginning next year, which will be an expense to the Federal Government. While this is not an appropriations bill, it certainly is an authorization, a transfer by lease to the city that ultimately is going to cost us money for at least 10 years to support that lease.

You know, the Senate, Mr. President, just voted 2 to 1 a few days ago on this bill against a $200 million transfer to HHS for medical research for the Department of Defense which was offered, I believe, by the Senator from Connecticut, Senator WEICKER. With all due apologies to the Senator from California, he voted against that amendment. Here we have a back-door attempt to do something similar.

The points I would make are simply these, Mr. President, in conclusion, in the use of my time. First, the Department of Defense opposes it; and second, if this lease takes place against the agreement of the Department of Defense and they are forced to do it—they have to go lease some other place to educate those service forces in foreign languages and to store their medical material—that is a cost to the Government not provided for by the authorization bill by the committee I chair, Mr. President. That is a cost to the Government.

Then the hospital goes to San Francisco. San Francisco will only pay 15 percent; another 35 percent of the cost will be paid by the Federal Government for every year of the life of the 10-year lease, Mr. President. So the Members should be on notice that they are not voting for money in this bill, but they are going to be called upon to vote money shortly in succeeding legislation both for the Army to replace this installation, which it needs and wants, for the hospital, which the city of San Francisco, by its own admission, will not fully finance.

Given all those circumstances, Mr. President, I would urge my colleagues to oppose the amendment by the Senator from California and at the appropriate time, at the conclusion of all the debate, I will offer a motion to table from the managers.

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

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Will the gentleman yield me 2 minutes in support of the amendment?

Mr. WILSON. Yes.

Mr. McCAIN. Mr. President, as a member of the committee and one who is also deeply concerned about our national defense capabilities, I would like to make a couple of points. This lease is for 10 years. It is not a permanent transfer. It does not necessarily mean that alternate sites would have to be leased. We understand that the Department of Defense owns land all over this Nation. There is not a mandate that alternate properties would have to be leased in order for these facilities to be replaced.

I think it is important to understand that this facility originally was a hospital. And I would finally like to point out that there is a compelling need in the city of San Francisco for facilities today which are otherwise not available. If they were available, my colleague from California would not be here with the support of the chairman of the Labor Committee, in order to ask for what is a vitally needed, urgent, emergency situation and that is to treat an epidemic of AIDS.

I would suggest that there are times, perhaps, where monetary values, and even the lack of language capability on the part of our service people—this amendment may cause dislocation—there are times when those are overridden by the greater good and what is acknowledged by every expert that I know of as an emergency that has struck this country and particularly the area around San Francisco.

I respect many of the technicalities in the objections raised by my friend and colleague from Illinois. I would suggest here that we are dealing with the lives of literally thousands of people and this appears to be in the opinion, not only of my colleague from California, but the House Armed Services Committee and the people of San Francisco, as the only viable option to attack what is a serious emergency.

I yield back the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WILSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. WILSON. Mr. President, I would yield myself 2 minutes.

Mr. President, I thank my friend from Arizona. He has put it very succinctly.

Let me just say that what is in the offing is some resolution of the problem as to how, as a nation, we will share the responsibility for funding the treatment of AIDS. It is going to be a sharing between the Federal, the State, and the local levels of Government. I think we will quickly come to a resolution of that simply because we must do so.

The Department of Defense will not be the source of the funding, therefore the Department of Defense really cannot raise any objection on that score.

The sole interest of the Department of Defense in this is that they do not want to be bothered with moving a classroom facility.

I do not demean the teaching of foreign languages for intelligence purposes, but for God's sake, where must it be taught? Must it be in a hospital? Nonsense. What this amounts to is bureaucratic inertia. You have never seen anybody in the services want to give up any real estate for any purpose.

This happens to be an emergency. I am shocked, I am genuinely shocked at the temerity of this response, saying: We cannot be bothered moving a classroom in order to make way for a hospital to accommodate an epidemic.

Let me just say one other thing. My friend from Illinois has not toured that facility, I do not believe. I have. Let me tell you, the only valid reason, the only difficulty they would encounter is that not 40 percent, but maybe

15 to 20 percent of the facility is dedicated to some kind of medical experimentation. What would be involved in moving that is that they would be forced to recalibrate certain instruments. My God, how difficult is that? Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois has yielded back his time.

Mr. DIXON. Mr. President, I had not intended to yield back my time.

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. DIXON. Mr. President, I will take a minute or so.

Mr. President, I simply want to say this in conclusion for those opposing this amendment. We had asked the distinguished Senator from California to let us provide in a second-degree amendment, which is prevented by the unanimous-consent agreement unless he would agree to it, for HHS and the Department of Defense to study this question and come back next year with a sensible recommendation. My friend from California did not want to accept that.

Under those circumstances, we are forced to oppose this amendment, which would mean a tremendous cost to the Federal Government in duplication of effort, as I previously indicated.

Mr. President, I ask unanimous consent that the letter from the Department of Defense to Senator NUNN, chairman of the Armed Services Committee, be printed in the RECORD at this point. The letter indicates their opposition to the amendment.

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

OFFICE OF THE ASSISTANT
SECRETARY OF DEFENSE,
Washington, DC, September 23, 1987.

Hon. SAM NUNN,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: The predominant need for linguists and language-trained technicians in the Department of Defense is to support intelligence and national security missions. Increases in this area, combined with enhanced linguist requirements for special operations forces and other military missions, have caused student input at the Defense Language Institute, Monterey (DLI) to more than double in the last decade. Over 15 years ago, the Department of Defense made the decision to consolidate its military foreign language training at the Presidio of Monterey in California. In 1979, and again in 1982, we were compelled to open auxiliary schoolhouses in San Antonio and San Francisco; but we never abandoned the objective of consolidation. Since 1982 we have, with active Congressional support, expended almost $83 million in construction for the DLI to replace hopelessly outdated facilities (as old as 1903) and to meet the increasing student load. We were able to terminate the San Antonio annex in 1986, but unforeseen language requirements, with firm projections into the future, had recently led us to conclude that we would need the San Francisco annex indefinitely. Environmental restrictions (mostly water and sewage) limit the student load at the Presidio of Monterey to 4,080. We will approach 4,800 students by 1992.

Despite recent objections by the Secretary of Defense and the Secretary of the Army, there is now legislation pending that would cause us to evacuate the DLI training facility in San Francisco—a former Public Health Service hospital that is desired for use as an AIDS clinic and research center. We have had no opportunity to program for alternatives. The former hospital is particularly well-suited as a language school and would be costly to replace. We are using this location effectively, and were just beginning to expand operations to handle modest increases in student load. Our best and most ardent argument is to be allowed to continue to operate as we had planned.

If the Congress proceeds with the DLI relocation legislation, then we must have compensatory relief.

After exhaustive review—site visits and engineering comparisons—the Department of Defense and the Department of the Army concluded that a permanent and enduring structure at Ft. Ord, California, would be the most effective solution. Engineering assessments and cost data have been presented to your staff and interested colleagues in both the House and the Senate. Relocation to Ft. Ord continues the policy of consolidation, drawing the auxiliary school even closer to the Commandant in Monterey. Ft. Ord also presents the most desirable base for student troop support and the soldierization of the many recruit-level students who enter language school (up to 80 percent recent enlistees). To meet this requirement the AIDS Hospital legislation must include authorization and appropriation for an estimated $31.4 million in military construction (Title IV, Defense Agencies). Other alternatives that have been aired are undesirable and may be based on incomplete engineering data and temporary accommodations. Relocation to the Oakland Army Center, for example, could cost over $21 million for immediate construction, would continue the use of older facilities, would not present the desirable environment for language students, would take longer to design and execute, and would cause the displacement of resident Navy missions whose construction requirements could exceed an additional $17 million.

We wish not to be forced to leave the auxiliary school at the Presidio of San Francisco; not now; not in the future. Any move would cause serious disruption to the language training mission. But the DoD has recommended a well-thought-out alternative: relocate the DLI school at Ft. Ord. The Army's Training and Doctrine Command, the Army Staff, the Army Secretariat, and the Office of the Secretary of Defense agree. We solicit your support on this issue.

Sincerely,

CHARLES A. HAWKINS, Jr.,
Deputy Assistant Secretary of Defense (Intelligence).

Mr. DIXON. Mr. President, subject to a brief closing by my friend from California, I intend to move to table the amendment and yield back the remainder of my time. I believe we have an agreement to vote later in the day.

The PRESIDING OFFICER. A motion to table must be made after all time has expired.

Mr. DIXON. Then I will move to table when my colleague has concluded.

Mr. WILSON. A point of parliamentary inquiry, Mr. President. Was not the unanimous consent agreement one that contained the requirement for an up or down vote?

Mr. DIXON. No, may I say to my colleague.

The PRESIDING OFFICER. The Senator from Illinois is correct.

Who yields time to the Senator from California?

Mr. CRANSTON. 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. CRANSTON. 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. WILSON. Mr. President, I yield 3 minutes to my distinguished colleague.

Mr. CRANSTON. Mr. President, I am pleased to join with my distinguished colleague from California [Mr. WILSON] in offering this amendment, which would transfer the former Public Health Service Hospital located in the Presidio of San Francisco from the Department of the Army to the county of San Francisco for use as a regional AIDS facility. However, the amendment would first require the Secretary of Defense to determine the most economically feasible manner to relocate the Defense Language Institute that now occupies the facility and, within 90 days after the date of enactment, report that determination, along with a cost estimate of the transfer to the Comptroller General. The Comptroller General, within 30 days after receiving the determination and cost estimate, would submit them, together with an evaluation of the determination and estimate, to the Committees on Armed Services.

Second, the amendment would require, as a precondition to the transfer, that the county of San Francisco certify to the Secretary of the Army that it is financially prepared to assume possession of and operate the facility.

Mr. President, I am pleased to join with my colleague from California [Mr. WILSON] to offer this amendment requiring the Departments of Defense and Health and Human Services to conduct a study. Once this facility is transferred to the county of San Francisco, it would be used to provide subacute care to people with AIDS and ARC throughout the region. This type of care is virtually unavailable anywhere in the San Francisco Bay area and the same is true throughout the country.

The availability of appropriate care and treatment for people with AIDS or AIDS-related complex [ARC] varies widely across the country. With very few exceptions, care and treatment are at best a patchwork of hospital, home, and community-based services. At worst, they are nonexistent. In most places, they are simply inadequate.

A most serious problem is the lack of adequate programs for those in need of care other than hospitalization. Some communities have developed systems of noninstitutional care and it is widely accepted that more such systems need to be developed. However, although additional home and community-based services are badly needed, a less-publicized but equally pressing need also exists for the development of nursing-home-care models. Home- and community-based care cannot always provide the needed level of attention or medical services that people with AIDS or severe ARC sometimes require. Although these individuals may not need hospitalization, family and community support services are often not enough.

Many individuals with AIDS and ARC, particularly those who suffer from neurological complications resulting from infection with the human immunodeficiency virus [HIV] virus, need 24-hour-a-day surveillance that cannot be provided in a noninstitutional setting. Other individuals may not need the high level of care found in a hospital, but may need more sophisticated medical care than can be provided for at home.

Patients with those needs typically are referred to nursing homes. Unfortunately, there is a paucity of skilled nursing or subacute care available for individuals with AIDS throughout the country. Although a very small number of nursing homes have agreed to take AIDS patients, most refuse to do so. This gap in the continuum of care for AIDS patients means that more patients stay in hospitals when they don't need to or that they simply don't receive needed medical and social services.

Even in San Francisco, which has served as a model for providing a coordinated network of community medical and social services to people with AIDS, very little nursing-home care is available.

Dr. David Werdegar, Director of Public Health in San Francisco, estimates that at least 7.5 percent of all AIDS patients need skilled nursing care at any one time. By the end of this year, 258 people with AIDS or severe ARC in San Francisco alone will be in need of skilled nursing care. That number will surpass 500 in 1991. And that estimate does not take into account the impact of AZT or other drugs that may be developed to prolong the life of AIDS patients.

Currently, patients who require skilled nursing care in San Francisco are placed in a variety of settings, most of which are inappropriate. For instance, many patients continue to receive care in acute-care settings because they need a certain amount of medical assistance that cannot be provided for in the community. San Francisco estimates that approximately 13 percent of the patients at San Francisco General at any one time are in that situation. At present, there are 30 to 40 AIDS/ARC patients in San Francisco General Hospital alone.

Many more AIDS and ARC patients are discharged to their homes, even though neurological complications resulting from the HIV infection or drug addiction make adequate care at home or in a community residential setting difficult or impossible. Most tragic and disturbing are the cases of those individuals who are discharged from the hospital with no home to go to and who, with their tragic vulnerability to life-threatening diseases, are then forced into homelessness.

Mr. President, this amendment would help San Francisco—and the Nation—address that problem. The facility at the Presidio is well-suited for use as a regional skilled nursing and training facility.

I have talked to the manager of this bill, the distinguished Senator from Georgia [Mr. NUNN] about this amendment and he has been very helpful in trying to work out an amendment that he could accept. Unfortunately, he still has serious concerns regarding the cost of effecting the transfer and whether there will be funding available to carry out the necessary renovations of the facility and to meet operating expenses. I want to assure the chairman that I am working to make that funding available as soon as the transfer is accomplished. I appreciate his concern that we not force the relocation of the language school and its faculty and students only to have the facility remain idle.

Thus, when S. 1220, the proposed "AIDS Research and Information Act of 1987" is considered by the full Senate, I intend to offer an amendment, which I submitted on August 7 as amendment No. 672, to establish a 4-year—fiscal years 1988 through 1991—$10 million program of three demonstration nursing homes for people with AIDS or ARC. They are to be conducted in areas with the highest incidence of AIDS and the greatest needs for these services, such as San Francisco.

These facilities would also serve as a training ground for nurses, mental health counselors, physicians, and other health-care professionals and paraprofessionals who provide care to people with AIDS. Finally, the amendment would provide for evaluating whether it is more appropriate to establish specialized AIDS centers or units or to provide AIDS patients with care in general community nursing homes.

As I noted earlier, at present, few nursing homes will admit AIDS patients. In many cases, nursing home staffs are not appropriately trained to care for people with AIDS. Other nursing homes refuse to accept AIDS patients because the level of reimbursement under Medicaid is too low. Still other nursing homes are apparently denying admittance to AIDS patients out of fear—fear of contagion and fear that their other patients might leave.

This amendment would help provide needed training to health-care workers, research on the long-term aspects of AIDS, and, most importantly, needed and appropriate services to people with AIDS. It would provide for the establishment of demonstration projects involving hundreds of AIDS patients and health-care workers. I have discussed the amendment with the floor managers of S. 1220, the distinguished chairman, Mr. KENNEDY and, ranking minority member, Mr. HATCH, of the Labor and Human Resources Committee, and I believe they are supportive of it.

Mr. President, I am also pursuing securing the necessary appropriations for the demonstration project and for the renovation of the old PHS Hospital. The facility is generally in good condition because the Army has kept it ready for health-care use in the event of an emergency. However, some renovations are needed to transform it into a subacute-care facility for people with AIDS.

The city of San Francisco estimates that approximately $15 million would be needed for repairs, conversion, and start-up costs. I have contacted the chairman, Mr. CHILES, and ranking minority member, Mr. WEICKER, of the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies to urge inclusion of funding to cover 80 percent of those costs in the fiscal year 1988 Labor-HHS-Education Appropriations Act, as authorized under section 1610(b)(1)(B) of the Public Health Service Act—42 U.S.C. 300r(b)(1)(B). That law authorizes the Secretary to "make grants to public and nonprofit private entities for projects for the conversion of existing facilities into facilities for long-term care" to provide services for medically underserved populations. Clearly, the proposed grant to the city of San Francisco would meet these criteria. I also urged that $10 million be appropriated to carry out the demonstration projects to be set up under my proposed amendment No. 672.

Mr. President, San Francisco has the highest number of AIDS and ARC pa-

tients per capita of any U.S. city. It has responded compassionately and effectively to the epidemic through the development of an extensive network of home and community-based care as well as by providing first-rate hospital care. Consequently, people with AIDS and ARC migrate to San Francisco from throughout the country.

San Francisco has borne more than its share of the burden. The city has allocated $18 million in its 1987-88 budget for AIDS—5 percent of the city's entire health fund. It has spent more than $50 million on AIDS since 1982—more than any other municipality—and needs Federal assistance to continue to provide vital health services.

A subacute-care facility would be a resource not just for the residents of San Francisco and those AIDS and ARC patients who have moved to that city, but, indeed, individuals in the entire region.

This amendment would be an important step in the Federal Government's acknowledging that this extraordinary epidemic requires that extraordinary steps be taken to combat it and to ensure that people with the disease receive compassionate and effective care.

Mr. President, I urge all my colleagues to support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the hour of 12:45 p.m. having arrived, the Senator from New Jersey is recognized to speak not beyond the hour of 1:15 p.m. today.

Mr. DIXON. Mr. President, if I may impose on the Senator from New Jersey, I will say I will make the motion to table this evening.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I do not object to my friend sharing that intelligence with me. I think that as a matter of procedure it is not yet in order. Is that correct?

The PRESIDING OFFICER. The Senator has not yet made the motion?

Mr. WILSON. How much time remains?

The PRESIDING OFFICER. The Senator from California has 1 minute remaining.

The Senator from New Jersey.

JUDGE ROBERT BORK

Mr. BRADLEY. Mr. President, the verdict on the appointment of Robert Bork to the Supreme Court will be one of the most important decisions this body will ever make. It will have a decisive effect not only on the Nation's highest court but also on all the courts throughout the land. The next appointee will be the pivotal vote on issues that are crucial to the kind of society we will become and the way we relate to each other as human beings. I believe paramount among his qualifications must be an unquestioned commitment to civil rights and individual liberties.

Many Senators have concerns about Judge Bork's position on the right to privacy, equality for women, or the legitimacy of "original intent." I share these concerns, but for me Judge Bork's record on civil rights is the determining factor. Why do I put so much weight on civil rights? Because an essential part of what is best about America has been shaped by racial minorities struggling to realize the promise of the Declaration of Independence "that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed."

America's effort to put out most noble ideals into practice distinguishes our democracy. That progress is not ancient history. Some of it happened just yesterday. Certainly much of it happened within our lifetime. And without vigilance it could be lost, as it was in previous eras.

We forget that 50 years after Emancipation, during the Presidency of William Howard Taft, the Post Office, the Census Bureau, the Federal Treasury, and the Bureau of Printing and Engraving all practiced segregation.

We forget that by the end of the Wilson administration, over 50 years after the ratification of the 14th and 15th amendments, segregation had been extended to the galleries of the U.S. Senate and the lunchroom of the Library of Congress. Toilets in Federal buildings were marked "whites only" and "colored."

We forget that the U.S. Armed Forces was segregated until President Harry Truman issued his Executive order in 1948.

We forget that as recently as the 1960's, blacks were still risking their necks for the right to share lunch counters, parks, hotels, and public transportation with their white compatriots.

We forget that until 1964, the right to vote was routinely denied by the imposition of poll taxes.

We forget the footdragging that persisted throughout the 1970's in implementing the school desegregation which was ordered 20 years before.

We forget that during the 1980's in New Jersey, in Louisiana, and in Texas, there have been attempts to intimidate black voters from exercising their franchise.

We forget that only 4 years ago, the Reagan Justice Department declared that private schools which practiced racial discrimination would have their bigotry subsidized by the American taxpayers through retention of the schools' tax-exempt status. The result, had the Supreme Court not rejected it, would have been segregation, condoned and supported by the Federal Government, much as it was 100 years earlier.

And if we forget the history that happened in our own lifetime, how likely are we to remember the 350-year odyssey of black Americans' struggle for equality? Yet that history frames today's debate.

We must remember that all Americans are better off because of the progress we make.

We must remember that the change begun by Brown versus Board of Education brought black Americans greater freedom and opportunity, but it also gave white Americans self-respect.

We must remember that the civil rights movement transformed the South from a place of national sorrow and misunderstanding to a center of hope and pride; from a community divided to a community emulated; from a contradiction of the Founding Fathers' ideals to the realization of their fulfillment. As it challenged all Americans, both North and South, it revealed what we should have known all along—that racial discrimination has no geographical boundaries and that redemption from our original sin was a national yearning.

Throughout the Judiciary Committee hearings, Judge Bork has attempted to put himself on the right side of this history. He has repudiated views he once held that denied minorities full equality with whites, and he has affirmed that the Constitution outlaws all racial discrimination. I am pleased to hear that. But, even if Judge Bork does accept the principle of unabridged quality for racial minorities, there is little, if anything, in his record, that persuades me he can be counted on to enforce this principle vigorously.

He has opposed decisions that upheld the constitutionality of the Federal Voting Rights Act which enabled minorities in America to participate in the electoral process. Without the Voting Rights Act, States would again be free to require literacy tests as a condition for voting. This would disenfranchise millions of voters.

He has opposed a decision prohibiting State courts from enforcing racially restrictive covenants requiring homeowners not to sell their property to nonwhites. Had Judge Bork's view prevailed on the Supreme Court, we might still be waiting to breakdown legal racial barriers in neighborhoods.

He has opposed a decision declaring the poll tax unconstitutional. Had this view prevailed on the Supreme Court, the spectre of Jim Crow would still hover over the voting booths of America.

Judge Bork also has disagreed with a number of cases implementing the equal protection clause of the 14th amendment. His opposition to providing remedies for discrimination is highly significant. It prevents him from upholding laws that actually give minorities full equality. He apparently opposes remedying the effects of past discrimination except where an individual proves that he or she has been the direct victim of racial discrimination.

If this view were to prevail, institutions that have implemented smoothly functioning affirmative action programs would be plunged into chaos. Should they abandon them, regardless of how well they are working, or how good they are for profits and morale? And to what purpose? To support some narrow reading of the 14th amendment remarkable only for its insensitivity to American's history?

Mr. President, in the years ahead, a deeper trust among the races will require great candor. It will require more action and less rhetoric; more mutual understanding, less finger-pointing; more willingness to confront fears of violence, less acceptance of token solutions to deteriorating economic conditions. Above all, white America must assure black America that the legal basis for black advancement remains unchallengeable and the determination to enforce the law remains unquestioned. The Supreme Court is the ultimate guarantor of that assurance. We must have a Supreme Court that understands the need to make opportunity a reality for minorities who historically have been excluded from jobs, from schools, from full participation in society. Anything less is a sham.

Judge Bork is erudite. He has a quick mind and a ready wit. He posesses the attractive qualities of a great college professor—the ability to provoke, to challenge assumptions, to argue fiercely, to reach a conclusion, and then move on to the next class. His iconoclasm, while stimulating in a professor, can be disastrous in a judge. What is important in our deliberations is not how nimble his argument will be but how his decisions will affect millions of Americans who will have to live by them.

So ultimately what we are asking is not only what's in Judge Bork's mind but also what is in his heart. Or as former Attorney General Nicholas Katzenbach asked for me: "Is Robert Bork a man of judgment?" Is he sensitive to human and racial problems? Is he fair, impartial, and open-minded?

I can hear his supporters saying here comes the irrational argument. But it is prudence, not irrationality, to give as much emphasis to citizen Bork's past views as to nominee Bork's new views. His supporters say, "Can't one change his views." Yes, certainly. Otherwise, how could we, in the last 32 years, have moved from a time when the air was heavy with racism to one in which the union of religious faith and civic action has begun to create a new American reality. So, yes, people can change.

The question here though is not whether people can change in a generic sense but whether Judge Bork has changed since he expressed his hostile attitudes toward civil rights laws and court decisions. On the one hand, we have the started conversion of a man who in his life time has had several different viewpoints. On the other side, we have the lengthy list of current and past positions hostile to civil rights from the nominee of an administration which supports subsidizing segregated schools. So what does one do?

During the confirmation hearings, several members of the Judiciary Committee tried to pin Judge Bork down on how he regarded the importance of precedent. Would he, they asked, seek to overturn decisions with which he disagreed? His answer: No with respect to some areas; unclear as to others. He chose ambiguity on the central question.

A law school professor dissects precedents. A circuit court judge applies precedents. A Supreme Court Justice sets precedents. If a professor slips back temporarily into the blank spot of racial insensitivity, it hurts only his immediate friends who believed him to be a different person. If a Justice of the Supreme Court slips back, it could hurt generations of Americans; it could affect our place in the world; it could destroy our self-respect; it could reopen wounds long healed; it could paralyze the forward movement of society toward a reconciliation with our past.

Ask yourself how you will feel 5, 7, or 10 years from now if the Supreme Court, with Judge Bork as the decisive vote, issues a series of decisions that effectively ends 32 years of progress in civil rights. Ask yourself how you will face your neighbors, and supporters, who believed in you. Most Senators would say it could never happen. I hope it will not, but I am not prepared to take the chance that Justice Bork would never slip back to the views of Professor Bork.

So, Mr. President, I will vote against the confirmation of Robert Bork, not because I question his integrity, competence, or qualifications, but because I doubt that he has the commitment to civil rights and individual liberties on which the decency and well-being of our American community depends.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I would like to compliment the Senator from New Jersey on a very, very thoughtful address on a vitally important matter to our country, civil rights and the nomination of Judge Bork to be on the Supreme Court. It is the sort of thoughtful analysis that we have come to expect from the distinguished Senator from New Jersey.

RECESS UNTIL 2 P.M.

Mr. CRANSTON. Mr. President, I now move in accordance with the previous order that the Senate stand in recess until the hour of 2 p.m.

The motion was agreed to; and, at 1 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DODD).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate continued with the consideration of S. 1174.

VOTE ON AMENDMENT NO. 783

The PRESIDING OFFICER. Under the previous order a vote will now occur in relation to amendment No. 783 offered by the Senator from Kansas, the Republican leader.

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."

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—98

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

NAYS—0

NOT VOTING—2

Gore Simon

So, the amendment (No. 783) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

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

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

AMENDMENT NO. 786

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California [Mr. WILSON], amendment 786, for debate only at this time.

The Senator from California has 1 minute remaining. The Senator from Illinois [Mr. DIXON] has 8 minutes and 49 seconds remaining.

This amendment, at the conclusion of the debate, will be set aside under the previous order to be the third amendment disposed of at 8 p.m. this evening.

Mr. BYRD. Mr. President, I ask unanimous consent the remaining time on this amendment not run. There is not much time left on this. For the moment, the Senate may proceed with other matters.

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

Mr. BYRD. 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. Without objection, it is so ordered.

AMENDMENT NO 786

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from California.

Who yields time?

Mr. WILSON. Mr. President, I yield myself the remainder of my time.

Mr. President, my dear friend and colleague this morning made the point that there had been defeat of an amendment that sought to transfer funds from the DOD budget to the NIH budget the other day. I think he forgot that this very morning both sides accepted an amendment offered by the Senator from Louisiana to provide Tulane University with, as it turns out, $23 million for bioenvironmental hazards research. I gather that is for unspecified research.

Mr. President, I do not begrudge that money. I will simply say there is an epidemic, an AIDS epidemic, in San Francisco. That is quite specific. There is need right now to be planning to accommodate that epidemic. By 1991, 5,000 people will be infected with the AIDS virus. The hospital in question, which was a public health hospital, now being used as a classroom for the teaching of foreign language, is essential to provide 300 beds for expected cases. Language can be taught anywhere and does not require a hospital. This hospital would, in fact, be valuable to the services in time of mobilization.

Mr. President, there is no question other than the convenience of junior Department of the Army bureaucrats to oppose this measure.

I ask if my colleague will yield 1 minute of his time.

Mr. DIXON. I am delighted to do that, Mr. President.

Mr. WILSON. Mr. President, there is no reason beyond the convenience of the military. Never have I seen them really willingly give up real estate. This real estate was not their real estate. It was a public health hospital. This is an emergency. If we act now, it will be in time to prepare them to accommodate 300 subacute cases.

Mr. President, to say that we should not inconvenience the Army by requiring them to relocate to a facility when they are, by their own planning process, obliged to do so in a matter of a few years anyway, is nonsense.

I do not think we can proudly look upon ignoring a medical emergency, an epidemic, merely for the purpose of obliging the convenience of junior Department of the Army bureaucrats. I very strongly urge adoption of this amendment.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. WILSON. I thank my friend from Illinois for his great generosity and graciousness.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, at the appropriate time, at 8 o'clock this evening when we reach this particular vote, I will move to table. At this time, I yield back the remainder of the time on this side.

The PRESIDING OFFICER. All time has expired.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I wonder if after a few remarks I will make, and I will be brief, if the Senator from Illinois, the manager of the bill, would enter into a colloquy with me regarding some of the export policies and also regarding some of the problems we have had with Toshiba, Kongsberg, and now it looks like getting into some of our own companies as far as exporting technology to the Soviet Union or Soviet allies.

The manager of the bill knows I had an amendment that I think should properly be placed in the trade bill, not in this bill.

I had offered an amendment earlier on the floor regarding the trade bill. Senator GARN, of Utah, offered a perfecting amendment to my amendment. That is pending now. It has to do with prohibiting Toshiba from doing business in the United States because of what they did with Kongsberg in selling propeller-making technology to the Soviet Union, enhancing their submarine capability.

The threat to our national security goes far beyond this one sale of high technology equipment to the Soviets. Violations are occurring not only in Japan, but in Europe and the United States as well.

I have learned from the Department of Defense that the Commerce Department has unilaterally revised its previous policy of referring export licenses to DOD when the end user is a Soviet-bloc entity located in a Western country. What this means is that strategically significant computer systems and related equipment which would never be considered as eligible for export to the East bloc under United States and Cocom export policies are routinely making their way into the hands of Warsaw pact countries.

In an internal Department of Commerce memo issued this summer, the policy shift enabling such exports to be licensed without DOD or Cocom referral was formally established. However, the memo largely reaffirmed a unilateral Commerce procedure which appears to have been in place for at least a year without the knowledge of the Department of Defense. Over that time span, the Department of Defense has become aware of some license approvals for this category of exports. However, only a handful of those were forwarded to DOD, and even those few applications did not identify the end user as an East bloc entity. Incomplete though the information is, it is known that Commerce has granted licensing approval for a powerful computer system to support the activities of Transnautic, a 51-percent Soviet-owned facility that controls 10 percent of all shipping operations in and through Hamburg Harbor. We also know of a similar application involving a shipping firm in Singapore that, coincidentally, happens to be a fully owned subsidiary of Moscow Narodny Bank.

I feel that Commerce's cavalier approach in dealing with exports to Soviet bloc-owned firms makes a mockery of our own export control program and severely undercuts our initiatives in Cocom to address the issues of diversion and export enforcement on a multilateral basis. It also serves to discredit all our efforts to revitalize the technology transfer control mechanism in the wake of the Toshiba/Kongsberg fiasco.

In response to these charges and Pentagon pressure, the Commerce Department has returned to its policy of

granting Pentagon review of shipments of high technology products to Communist-controlled companies in non-Socialist nations. This is a step forward, for we need strong enforcement provisions and review of export licenses by the Department of Defense to make sure potential violators of Cocom agreements think twice before becoming involved in illegal transfers.

My amendment that we talked about here dealt with Toshiba. If I offered that amendment, it would prohibit Toshiba from doing business and selling their products in military exchange stores. That is only a small part of Toshiba and the problem we are dealing with.

As the manager of the bill knows, there have been revelations in the last several days dealing with one of our mainframe computer manufacturers selling, with a license by the Commerce Department, some technology to a Soviet controlled corporation in West Germany, one in Singapore, and so forth. I believe DOD ought to review these technical purchases where our national security is involved. I understand that is what the administration is going to reassert there.

I yield to the Senator from Illinois and the Senator from Virginia.

Mr. DIXON. Does the Senator from Virginia care to comment?

Mr. WARNER. Yes, indeed.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I congratulate our distinguished colleague and I wish to associate myself with his remarks.

Congressman DANIEL, senior member of the Virginia congressional delegation, a man who has served for many, many years on the House Armed Services Committee, brought this matter to my attention. It is a matter that should be addressed by this body. It has been in the context of the trade bill.

It is my understanding that the Senator from Alabama desires to bring the amendment up and not add it on at this time. Is that correct?

Mr. SHELBY. The Senator is correct.

Mr. WARNER. But that action should not be interpreted that this body has any lessening in seeing that the purpose of the amendment is carried out.

Mr. SHELBY. If the Senator will yield, I believe we should send a message here this afternoon and hope that our colleagues who will be on the conference committee on the trade bill will hear this, that we are reasserting our interest in the Toshiba affair, in the Kongsberg affair, in what has been going on recently with the exports of technical know-how to the Soviet Union.

This is only a small part of it. But I know the trade bill was the correct bill for this.

I appreciate the Senator bringing this up with me. You share my view that we are giving away a lot of technology and KGB is stealing a lot of technology. What they cannot steal, they are buying through some of our allies and possibly through some of our own companies here in America.

Mr. WARNER. Mr. President, the Senator will state his observations. I take note of the fact that the conference on the armed services bill may come following the one on the trade bill, in which case this amendment is now in the House bill. Is that correct?

Mr. SHELBY. It is a separate bill. It is not in the House bill.

Mr. WARNER. Sometimes in conference things can be cared for. The good Senator will be in that conference as will the Congressman from the Fifth Congressional District, DAN DANIEL.

Mr. DIXON. Mr. President, may I say to my distinguished friend from Alabama that he is a very valuable member of the Armed Services Committee and he has been persistent in his concerns about this very serious national security problem. He has contacted me on regular occasions concerning this problem. He has talked to me on the telephone a number of times. I join him in his sincere concerns and assure him that that matter will be attended to and will be carefully evaluated by the conference committee between the two Houses on the trade bill.

As the Senator from Alabama already pointed out, there is an amendment on that trade bill already adopted by the Senate. There are other matters that will be considered, including the Senator's concerns that are contained in the contemplated amendment regarding the purchase of Toshiba products in military exchanges around the United States and around the world for that matter.

I will be a conferee on that trade bill. I assure the Senator of my support for his concerns and the fact that his concerns will receive the attention of this Senator and others in the conference committee as well.

Mr. SHELBY. Will the Senator yield?

Mr. DIXON. I am delighted to yield.

Mr. SHELBY. The Senator is also a member of the Armed Services Committee and chairs a subcommittee that will have some jurisdiction regarding this in the event the conferees in the trade bill do not really address this subject. Would you then hold hearings in the Armed Services Committee on the gravity of this situation as far as our national security is concerned?

Mr. DIXON. I assure my friend from Alabama that will be done. He is also aware of the fact that I have introduced a separate piece of legislation concerning the trading companies who were involved with Toshiba in this transaction. We hope to broaden the understanding of the Congress about this serious problem and address the question of trading companies as well.

So the question the Senator is referring to, which is profoundly important, as well as the question of trading companies and others who are presently violators that have not yet been touched by the amendment previously adopted to the trade bill, all those matters will receive our attention in the conference on the trade bill. And to the extent that the conference does not satisfy the Senator from Alabama, I am sure we will accommodate him at some time in the near future to hear his concerns.

Mr. SHELBY. If the Senator from Illinois will yield further, I would have a further observation here, that of the obvious confict in the administration between the Department of Commerce and the DOD regarding the selling or exporting of technology from this country. Does the Senator's subcommittee have jurisdiction of DOD regarding that?

Mr. DIXON. I believe I would want to inform the distinguished Senator from Alabama that technically the jurisdiction for that question would lie with my distinguished friend from New Mexico, Senator BINGAMAN. His Subcommittee on Defense Industry and Technology would be jurisdictional on that question.

Mr. SHELBY. We will work on that subcommittee in that regard. I thank the Senator. I appreciate the Senator yielding and I appreciate the remarks of the Senator.

Mr. WARNER. Mr. President, parliamentary inquiry. The present matter before the Senate is what?

The PRESIDING OFFICER. The bill is before the Senate and it is open for amendment.

Mr. WARNER. Mr. President, earlier the distinguished Senators from California, the junior Senator, Mr. WILSON, and the senior Senator, Mr. CRANSTON, brought to the attention of the Senate the need to transfer from Army assets to the civilian sector of the city of San Francisco a hospital, that is, a building formerly designed and built for purposes of medical care but now being utilized as an educational institution for the teaching of languages, to transfer that building to meet a humanitarian need and to try and get ahead of the regrettable bow wave of cases anticipated as a consequence of the AIDS virus. I stand in strong support of this amendment and ask our colleagues to look with great care upon the humanitarian requirements and the need to do this. I commend both Senators. Let us bear in mind that there have been other pieces of legislation, indeed one this

day and several yesterday, which impacted on States of various Members of this body. It seems to me when they are all examined this one is perhaps the most noteworthy of all. I do anticipate support by this body for this amendment.

Mr. WILSON. I thank the Senator.

Mr. DIXON. Mr. President, will my friend, the distinguished manager on the other side, answer this question. The Senator from Michigan [Mr. LEVIN] has an amendment authorizing funds for centers of advanced technology. I think he has talked to the Senator's side about this and there was some thought it had been cleared over there. It is acceptable to us if it has been. That is really about the only other business other than an amendment by my friend from Virginia that we know about at this point in time.

Mr. WARNER. Mr. President, I will confer with the manager of the bill.

Mr. President, I have the amendment before me. As a matter of covenience to the manager and others, I will just read from the amendment, which sets forth, I think with some clarity, the purpose.

SEC. . HIGH TECHNOLOGY MANUFACTURING EQUIPMENT.

Of the funds appropriated pursuant to section 201, not more than $31,000,000 of the amount appropriated for fiscal year 1988 and not more than $31,000,000 of the amount appropriated for fiscal year 1989 may be obligated for the purchase of high technology manufacturing equipment and the installation of such equipment in a private, nonprofit center for advanced technologies for the purpose of training, in a production facility, defense critical machine technicians to build, operate, and maintain high technology manufacturing equipment. Funds may not be obligated for such purpose until a memorandum of understanding has been entered into by the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, and the Secretary of Education concerning the praticipation of their respective departments in a project to demonstrate the training of machine technicians in a production facility.

SEC. 229. CENTER FOR ADVANCED TECHNOLOGIES.

Of the funds appropriated pursuant to section 201, not more than $31,000,000 of the amount appropriated for fiscal year 1988 and not more than $31,000,000 of the amount appropriated for fiscal year 1989 may be obligated for the purchase of high technology manufacturing equipment and the installation of such equipment in a private, non-profit center for advanced technologies to train, in a production facility, defense critical machine technicians to build, operate, and maintain high technology manufacturing equipment. Funds shall not be obligated for this purpose until a Memorandum of Understanding between the Secretaries of Defense, Commerce, Labor, and Education concerning the participation of their departments is concluded.

Now, Mr. President, I have a letter here addressed to the distinguished Senator from Michigan [Mr. LEVIN], signed by Mr. Costello, Assistant Secretary of Defense for Production and Logistics:

DEAR SENATOR: This will confirm our previous discussions regarding the need for skilled technicians in the United States and the Focus: Hope proposed center for advanced technologies. On September 14, the Wall Street Journal published an interesting article on a related subject—*"A Growing Shortage of Skilled Craftsmen Troubles Some Firms."* It makes a statement that, if the skilled labor shortage continues, American industry will be left with modern factories that do not work.

The application of new technologies to the manufacturing process is important to American competitiveness and to the Defense industrial base. Advanced manufacturing systems are both technology and skill intensive. High technology manufacturing systems can be implemented only where the skills exist to use them at peak efficiency. To accomplish this, there needs to be an adequate supply of multi-skilled technicians trained to install, operate, and service advanced systems. At the present time this type of training is in short supply. The need for skills and skills training was recently confirmed during a joint conference of Department of Defense (DoD), defense industry, university, and machine tool builders representatives.

We are exploring, in conjunction with the Departments of Commerce, Education, and Labor, the possibility of establishing a demonstration program for advanced skills technologies. As part of the review, we have discussed methods of funding. It appears that a combination of public and private funds might be necessary for such a program.

We believe the private sector would be willing to make investments if the public sector shows support for a demonstration training program. As I mentioned during earlier discussions, If DoD is to consider any financial support we would require authorizing legislation and new funding.

Sincerely,

ROBERT B. COSTELLO.

Attached thereto is a document entitled "Draft Memorandum of Understanding." I shall not go into that. I ask unanimous consent that the memorandum be placed in the RECORD.

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

DRAFT—MEMORANDUM OF UNDERSTANDING

The application of new technologies to the manufacturing process is key to the restoration of American competitiveness. This was a key factor in the President's decision to approve actions to revitalize the United States machine tool industry. Among those actions is federal support for a private sector National Center for Manufacturing Sciences (NCMS). The NCMS will conduct advanced manufacturing technology research. However, advanced manufacturing systems are not only technology intensive—they are also skill intensive. High technology manufacturing systems can be implemented only where the skills exist to use them at peak efficiency. To accomplish this there is a need to train multi-skilled machine technicians capable of building, installing, integrating, maintaining, diagnosing, repairing, and modifying technologically advanced equipment and systems. These skills are needed within the general economy of the United States and the industrial manufacturing base that supports Department of Defense peacetime and mobilization procurements. At present this type of skill training is lacking in the United States.

We therefore, find a need to jointly support (in conjunction with state, local and private resources) the establishment of a national demonstration program for advanced skills technologies for manufacturing. Our Departments will jointly review and fund, as appropriate, a private sector proposal for a national demonstration center for advanced skills training.

Mr. DIXON. Mr. President, I shall once again consult with the managers of the bill.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I will require some time to consult with the managers of the bill. I see no other Senator at this point seeking recognition. 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. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 787

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 legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 787.

Mr. WILSON. 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:

1. Delete existing Section 227.
2. Add new Section 812, as follows:

SEC. 812. SPACE LAUNCH RECOVERY.

Of the funds appropriated pursuant to authorizations contained in this Act and from funds appropriated to the Department of Defense in prior years that remain available for obligation, $316,000,000 may be transferred from any such appropriation to any appropriate Air Force appropriation to be used for activities related to Space Launch Recovery, to be merged with and to be available for the same purposes, and the same time period, as the appropriation to which transferred. Provided further, that the transfer authority contained in this section shall not become effective until November 1, 1987.

Mr. WILSON. Mr. President, I rise this afternoon to speak to a very important national issue—our national security strategy for access to space. The amendment I was proposing to offer requested the use of additional funds included in the present DOD authorization bill for space launch recovery. Specifically, my amendment asked for the procurement of additional boosters and the expansion of production and launch facilities on both the east and west coast. However, because

this issue requires a more detailed review by this Congress, I have elected to withdraw my amendment at this time and would hope that necessary hearings can be convened in the very near future.

Mr. President, I submit that the questions to be raised here are of degree and not of concept. That we are committed to use of expendable launch vehicles where use of manned systems is not prudent has been addressed by both the Congress and the administration. The issue is no longer whether to pursue this course. We must do so. Rather, the issue is one of scope. And that is a question that can be addressed in hearings which I recommend take place, Mr. President, during the next few weeks so that we can provide our colleagues on the Senate Appropriations Defense Subcommitte a strong endorsement before they begin markup in mid-October.

The matter of launch vehicles for our more critical national security payloads goes to the heart of the recovery from the launch accidents of 1985 and 1986 and of the launch strategy that is evolving. The funds are not a one-time request to fix a specific problem. They are the first step in a commitment to a robust space launch architecture that will ensure our ability to operate in space through the end of the century.

The accidents that have kept our large defense payloads out of space for more than 2 years were a national tragedy. The work that has gone on since then to correct the problems and ensure safe flight has been enormous and more to the point it has been effective. And while it will be the middle of next year before the space shuttle flies again, we will see our largest expendable boosters, the Titans, back in space much sooner than that. The work has been done. We are ready to move forward again. The question before this Congress, and that will be considered in depth, is with what commitment we will move forward. The answer given by this expendable launch vehicle program is that there is a considered, cost effective means to ensure this Nation's space launch capabilities. It lies in a solid mix of manned and unmanned systems, of large and small boosters, of Government-owned vehicles and commercially procured services.

The decisions on this program cannot be put off until next year. They affect payloads in storage and in factories right now, payloads that have been grounded and that are essential to our security posture. And they affect the launch pads and production facilities that will determine our capabilities through the mid-1990's. So while it is not essential that we consider approval today, it is a matter of urgency that we proceed on the detailed evaluation that the program deserves and do so without undue loss of time.

Mr. President, I believe this is an essential step toward full recovery from the disasters of 1985 and 1986 and hope my colleagues will join me in supporting this initiative.

The PRESIDING OFFICER (Mr. DASCHLE). Who yields time?

Mr. NUNN. Mr. President, I thank the Senator from California for bringing this matter to our attention. I can assure him that it will be a matter that will be given a great deal of attention in the near future by the Armed Services Committee.

The Senator from Nebraska heads up our Strategic Forces and Nuclear Deterrence Subcommittee. It is my understanding he had scheduled around September 14 a hearing on this general area, and I think including this particular matter, but it had to be postponed because this bill came up on the floor, and he was, along with the rest of us on the committee, called to be on the floor.

So I can give assurances to my friend from California that this matter will be a subject of the subcommittee's deliberations in the near future, and I have just talked to the Senator from Nebraska about it on the floor while this amendment was pending and he assured me that he will undertake that kind of deliberation.

Congress, I think it should be noted, has approved the development of no less than three new space boosters—the Titan IV (originally called CELV); the medium launch system, or MLS, and, in the bill before us, the advanced launch system, or ALS.

So this subject is being addressed.

The Senator's points are well made about the need for increased capability within the U.S. Government, particularly within the Department of Defense in this all-important area of space satellites and other needed defense kinds of equipment and to launch those in absolutely crucial, of course, with the disasters we have had in recent years with some of the programs we had underway, including the *Challenger* problem and disaster. We really do have a serious challenge.

One of the things that the subcommittee is going to have to consider is how this program does interrelate to the overall existing NASA program, and I think that the question of the shuttle and how it is going to be used in the future is very relevant to this question.

I believe everyone has pretty well concluded that there is no way we can put exclusive reliance on the shuttle. The question is whether we are going to put any reliance on the shuttle in the future rather than trying to develop a completely new alternative and independent system. I think that is a serious question.

I can assure my colleague and friend from California that we will turn our attention to this matter that the Senator from Nebraska as chairman of the subcommittee has agreed to hold hearings, and I am sure the Senator from South Carolina, Senator THURMOND, will also be delighted to hold hearings on this subject. So they will be working together and there will be those of us on the full committee who will be following it closely.

I appreciate the Senator bringing this to our attention.

Mr. WARNER. Mr. President, I join with the distinguished chairman in thanking the Senator from California for bringing this matter to our attention.

As I understand now the Senator from California wishes to address the Senate concerning the amendment.

I yield the floor.

Mr. WILSON. Mr. President, I thank the distinguished chairman and the distinguished ranking member, and with the assurance of the chairman that these hearings are forthcoming I will withdraw the amendment at this time and look forward to participating in the hearings. I am much gratified by the response that the chairman has made in his response to me.

I think that the hearings are necessary and I think that it is absolutely essential that we make these decisions.

The loss of time that was unavoidable as a result of the tragic accidents now requires that we lose no more, that we act as expeditiously as is consistant with good judgment to make decisions that will in fact guide this program that is so vital to our national security on into the 1990's and beyond.

So I thank my friend, the distinguished chairman, and my friend, the distinguished ranking member.

I withdraw the amendment and I yield the floor.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from Virginia.

Mr. WARNER. While the distinguished manager is here, and I note the presence of the Senator from Michigan, in the course of the events here on this bill the Members have been asked to indicate their pending amendments and what they might be able to drop out. I indicated the other day that I had three pending amendments—four, as a matter of fact—and I am prepared now to drop two out, I say to the distinguished chairman, to move things along, but in doing so I want to restore one that was inadvertently taken out before.

I will make now the unanimous consent request that the Senator from Virginia be allowed to drop from the current list two amendments designated by his name, the first one the Department of Energy safety oversight;

the second the FEMA add-on, and return to the calendar just one amendment which will not require more than say—I would like to have the estimate of the Senator from Michigan of time—but I would think 20 minutes equally divided would be adequate to return to the calendar the amendment on SDI.

The PRESIDING OFFICER. Is there an objection?

Mr. NUNN. Mr. President, reserving the right to object, and I regret I will have to object at this time. I would hope something can be worked out but I am informed by the majority leader's staff that there is a standing objection to any restoration of the SDI amendment from our side; that is not by the Senator from Michigan. He is on the floor to speak for himself. Perhaps it could be worked out but at this point I would have to object.

Mr. WARNER. Fine. Then I will revisit this matter, Mr. Chairman. But I clearly state to my colleagues in the Senate, that that was inadvertently dropped; that I am yielding back time that was greater than that anticipated for the purpose of this amendment; that the amendment on the SDI Institute is one that is absolutely essential to the conduct of the business of the Department of Defense and should be addressed by this body. I would hope at some point in time I might revisit this request.

The PRESIDING OFFICER. Objection is heard.

Mr. NUNN. Mr. President, I say to my friend from Virginia, I have objection whatsoever to bringing it up, and I will try to help my friend from Virginia in any way I can to see that it is considered. I may not end up agreeing with him on the substance. I have not looked into the substance, and I would want to have a conversation with the Senator from Michigan on that. But there is an objection on this side that I would have to interpose on behalf of the majority leader at this point.

Mr. LEVIN. Would the floor manager yield?

Mr. WARNER. If I might further elaborate before the distinguished chairman leaves, somehow I thought we had an understanding that the managers had a little flexibility in this area. As a matter of fact, there is another pending amendment on the rehabilitation of the Navy memorial in the Pacific islands on the subject of Corregidor. That one, again, was not on the list. It would be my hope—I thought within the purview of the flexibility normally accorded managers—that these types of situations could occur. So I expect at this time I will not be able to bring up this amendment, in the spirit of this objection and——

Mr. NUNN. I would say to my friend from Virginia, if the Senator from Virginia would like to bring up that amendment, the standing objection is not to the procedure. The standing objection is to the particular amendment the Senator wants to bring up.

Mr. WARNER. Well, Mr. President, I do not intend, then, to try to work within the spirit of adjusting this calendar of amendments if from some unknown quarter an objection is going to be lodged against an amendment of this Senator who is manager of the bill and says he is going to drop two and make up one and make up in lost time far in excess of what is going to be consumed by those two amendments.

There is going to be a ceremony in the Pentagon this afternoon at which time the veterans organizations are going to tender funds to the Secretary of the Navy. This amendment would grant the Secretary of Defense the authority to utilize Navy Seabees to help restore the Pacific War Memorial on the island. The war memorial has unfortunately fallen into a state of disrepair and the Disabled American Veterans are raising funds to purchase material for the repair of the memorial. This amendment authorizes the Secretary of Defense to commit up to $50,000 of training funds for Navy Seabees to assist in the restoration of the memorial. I believe that is important but it has no comparable importance to the question of this SDI amendment which again I inadvertently dropped in an effort to try and assist the majority leader and minority leader in expediting the calendar.

Mr. NUNN. Would the Senator yield?

Mr. WARNER. The Senator certainly yields the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. If the Senator from Virginia chooses to bring up the Corregidor amendment, he would find there would be no objection from this side. That amendment has been studied, and I think the people who are working on that are doing a very splendid job. I know that there are people that are going to have a meeting on that general subject this afternoon and if the Senator would like to bring that up, I would have no objection. But at this point in time I have been asked by the majority leader and his staff to interpose an objection to the original amendment but nothing relating to the Corregidor amendment.

The PRESIDING OFFICER. The Senator from Virginia?

Mr. WARNER. I will not bring the amendment up. I must seek some clarification to the basis on which certain amendments can be brought up and others cannot be brought up. This comes to me as an astonishing, I repeat astonishing, development.

The PRESIDING OFFICER. The Senator from Michigan?

Mr. LEVIN. First let me tell my friend from Viriginia I have no objection to his bringing up the SDI institute amendment. I object to the amendment. We have discussed this over the years. Not only do I object to it, but many, many private groups, such as the U.S. Chamber of Commerce, object to it for reasons we can go into during the debate.

The more important point I want to make with my friend now is that I do not object, if he is able to otherwise remove the objection which apparently has been lodged. I would agree to a time limit of perhaps 30 minutes on the amendment, if that would be satisfactory with the Senator from Virginia; 20 minutes or 30 minutes, whatever is better for you would be find with me.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Michigan and I do urge him to try to help this Senator edify others as to the importance of resolving this dispute, even though the Senator may work against the interests of the Senator from Virginia on this amendment.

But I think it is important this body pass on it. We are talking of a mere 20 minutes. I know of no other Senator seeking recognition at this moment.

Mr. LEVIN. I am wondering whether this other amendment of mine now has been cleared on both sides of the aisle.

Mr. WARNER. It has not.

Mr. LEVIN. I thank you. I had understood that it had been.

Mr. WARNER. Well, there was some statement to that effect. At this point in time—and I will work to see whether or not—I tried in good faith. I got up here, I say, Mr. President, and read the Senator's amendment, covered the background material, and I am anxious to see it moved myself.

The PRESIDING OFFICER. Who yields time? The floor is open to amendments.

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. WARNER. 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. WARNER. Mr. President, I earlier read to the Senate a statement in connection with an amendment relating to the need for improving the monument on the Island of Corregidor memorializing the sacrifices made there by Americans.

I ask the distinguished manager of the bill if it would be appropriate at this time to indicate that he is willing to consent to the amendment, in

which case I will forward it to the desk.

Mr. NUNN. It is all right.

AMENDMENT NO. 788

(Purpose: To authorize the Secretary of Defense to repair and maintain memorial monuments and historic sites on the Island of Corregidor)

Mr. WARNER. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 788.

Mr. WARNER. 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 38, between lines 17 and 18 insert the following new section:

SEC. 324. AUTHORITY OF THE SECRETARY OF DEFENSE TO REPAIR AND MAINTAIN MEMORIALS AND HISTORIC SITES ON THE ISLAND OF CORREGIDOR.

The Secretary of Defense is authorized to repair and maintain memorial monuments and historic sites on the Island of Corregidor in the Republic of the Philippines and may use funds appropriated pursuant to section 301, not to exceed $50,000 for operation and maintenance of the Navy for such purpose.

Mr. WARNER. Mr. President, since I have made the statement, and I should not further belabor the matter, I indicate that on this side it has been cleared.

Mr. NUNN. Mr. President, this is a very meaningful war memorial for many people who served this country with great distinction during the battle that took place on Corregidor. The memorial should be maintained, and I think this amendment is appropriate for that purpose. So I urge support of the amendment.

Mr. WARNER. I thank the distinguished manager of the bill.

Mr. President, I ask unanimous consent to have printed in the RECORD an article describing this memorial, by Bill McAllister of the Washington Post, which appears in today's edition.

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

ON CAPITOL HILL, A NEW BATTLE FOR HALLOWED CORREGIDOR

(By Bill McAllister)

Rep. G.V. (Sonny) Montgomery (D-Miss.), the chairman of the House Veterans' Affairs Committee, is of the old South and the old school of congressional leaders: He hasn't seen a war that the nation should not have won nor a battle that it shouldn't commemorate.

So when Montgomery heard in February about what had happened to a joint U.S.-Philippine memorial to the hundreds who died on the island-fortress of Corregidor during World War II, he was sympathetic. This spring, when he saw what had happened to the battleground, he was outraged.

"It was like letting someone throw paint on the Iwo Jima Memorial or letting a large cross fall down in Arlington Cemetery," Montgomery said in a recent interview.

Vandals have stripped valuable metal off the big guns that had protected the fortress, first from the Japanese in 1942 and then from the returning American forces in 1945.

The jungle has overtaken the ruins of most of the buildings, many of the roads around the base have vanished and many of the tunnels in which Gen. Douglas MacArthur and his command sheltered in 1942 from an intense Japanese bombardment are "unkempt, unlighted and sometimes impassable," according to a congressional report on the visit.

"It was disgusting, a real mess," said Charles E. (Butch) Joeckel Jr., executive director of the Disabled American Veterans. "The pools of water that were supposed to flow around the memorial were stagnant and infested with bugs."

According to the congressional report, "The scenes were of almost total desecration of every aspect of Corregidor's historic sites including the vestiges of battle, the buildings around the memorial and the memorial itself."

That assessment has seemed only to spur Montgomery to action.

What he did on his return to Washington is an example of how a single congressional committee chairman can galvanize attention and force action on an issue that seems far removed from the concerns of the federal bureaucracy.

But then, Montgomery knew what many outside of the nation's capital didn't know: that the government has an agency whose principal concern is maintaining American military cemeteries and battle monuments overseas.

Montgomery turned to the American Battle Monuments Commission, a tiny, independent federal agency with a Washington staff of 11, an annual budget of $12 million and responsibility for 24 overseas cemeteries, 14 memorials and two commemorative tablets.

Actually, officials at the 64-year-old agency, nestled in a carpeted fifth-floor suite amid the Army Corps of Engineers headquarters on Massachusetts Avenue, already knew of the problem. "We got a lot of complaints in here about the American memorial over there," said Col. Frederick C. Badger, one of three retired Army officers who have been recalled to active duty to help run the commission.

But because the Corregidor memorial was established by a joint U.S.-Philippine commission and supposedly maintained by the Philippine government's department of tourism, the U.S. agency has been unable to act.

"There is no question that place is in an awful condition," said Badger, who visited the island after Montgomery. The 11-member board that oversees the commission also was sympathetic.

The problem Badger saw was twofold: money and the Philippine government.

While Montgomery quickly won the promise of $100,000 from the Disabled American Veterans, whose officials accompanied him to the Philippines in April, Badger's review saw the need for much more money.

His estimate calls for $5 million to restore a key portion of the fort and the memorial to a more presentable status, plus $500,000 a year to operate the memorial and a staff of 50 to maintain it.

Just getting the Aquino government, beset by serious economic and political troubles, to consider the issue has not been easy, according to Montgomery. The Corregidor memorial, dedicated by the United States and the Philippines in 1968, simply fell victim to the Marcos government's inability to maintain it.

Corregidor, situated strategically at the entrance to Manila harbor, had briefly been a major tourist attraction, with hydrofoil boats ferrying sightseers from Manila to the fort. But that service collapsed, as did the electric and water service needed to run the U.S.-Philippine memorial atop the 600-foot-high cliffs on the island.

Today the hydrofoils have given way to slower and less crowded tour boats that daily bring a handful of tourists, many of them Japanese, to the battlefield. The island itself is occupied only by a small group of farmers and their goats.

The State Department, at the battle commission's urging, has opened talks with the Aquino government about the memorial. "They are receptive, at least they are not throwing up any roadblocks," said Badger.

The talks thus far have focused on the government's desire to open up the island, about an hour's boat ride from Manila, to development. "We would like to develop it, but we don't want anything like Disneyland there," said the colonel.

The Philippine plan calls for opening up the east end of the island to a resort-style development with hotels, shops and other attractions and reopening an old street car service to link that area with the "Topside," the western end of the island where the memorial is.

The idea of trolleys running through that area troubles the American commission, which would like to see any tourism district clearly separated from the memorial area. The Americans would like the areas restored to the condition it was during its famous four-month-long siege by the Japanese.

The battle commission, which President Jimmy Carter once targeted for abolition and then was astonished to see how many friends it had, is prepared to run the Corregidor memorial if Congress concurs.

It did the same in Europe recently, taking over a small memorial at Pointe du Hoc in Normandy after the French government declared it was unable to care for the site where American Rangers in June 1944 scaled a 100-foot-cliff overlooking Omaha Beach.

But the commission, which prides itself on maintaining its sites with "not a blade out of place," as the operations director, Col. William E. Ryan Jr., puts it, has not had much luck in obtaining tax money for new projects.

It currently lists 25 World War II battles that it proposes to commemorate, but Ryan and Badger say they have little hope of Congress providing funds for any of them because of concern over budget deficits.

The commission's current major project, a Washington memorial to veterans of the Korean war, was approved by Congress last year but with the proviso that the funds for the $5.5 million monument come from the public. The commission's first fund-raising effort has not met with much success, Ryan said.

A letter to the Washington area's top 100 firms produced $700, and one to the nation's leading unions did only slightly better, raising $2,100.

The sole major success was the Hyundai Motor Corp., a South Korean automobile maker, and its American dealers. They have pledged $1.2 million toward the memorial.

If the commission manages to raise the funds, it would become its second Washington memorial. It built the monument to the World War I leader, Gen. John J. Pershing, who was the commission's first chairman, at 14th Street and Pennsylvania Avenue NW.

When might the Corregidor battlefield join the list?

"Well," said Ryan with a deep sigh. "It isn't in our 1988 budget and it isn't in our 1989."

The answer, officials said, will probably depend, as the whole Corregidor issue has, on Montgomery's clout on Capitol Hill.

"He's the sparkplug," said Badger.

Mr. WARNER. Mr. President, the Senate should acknowledge the leadership and the work done by Representative MONTGOMERY, of Mississippi. He has brought this to the attention of the manager and myself and other Members of the Senate. It has been adopted by the House as part of their legislative package. Therefore, I am quite confident that it will be accepted in conference.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 788) was agreed to.

Mr. WARNER. Mr. President, I 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, I wish to discuss some matters with the manager of the bill.

Mr. President, I see our distinguished colleague, a member of the Armed Services Committee, the Senator from Michigan, approaching the manager's chair for the purpose of presenting an amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 789

(Purpose: To provide funds for the purchase of high technology manufacturing equipment and the installation of such equipment in a center for advanced technologies)

Mr. LEVIN. I thank the Senator from Virginia.

Mr. President, I understand that this amendment has now been cleared. It has been modified, and I send it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. RIEGLE, proposes an amendment numbered 789.

Mr. LEVIN. 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 22, between lines 8 and 9, insert the following new section:

SEC. . CENTER FOR ADVANCED TECHNOLOGIES.

Of the funds appropriated pursuant to section 201, not more than $31,000,000 of the amount appropriated for fiscal year 1988 and not more than $31,000,000 of the amount appropriated for fiscal year 1989 may be obligated for the purchase of high technology manufacturing equipment and the installation of such equipment in a private, nonprofit center for advanced technologies for the purpose of training, in a production facility, defense critical machine technicians to build, operate, and maintain high technology manufacturing equipment. Funds may not be obligated for such purpose until a memorandum of understanding has been entered into by the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, and the Secretary of Education concerning the participation of their respective departments in a project to demonstrate the training of machine technicians in a production facility.

Funds may not be obligated for such purpose without the approval of the Secretary of Defense.

Funds may not be obligated for such purpose until sixty days after a report has been submitted to the Armed Services Committees of the Senate and the House of Representatives.

Mr. LEVIN. Mr. President, this amendment provides the Department of Defense with discretion to create, on a pilot basis, a Center for Advanced Technology. It does not require the Defense Department to do anything. It does not add money to the bill. If they decide to exercise their discretion, it would have to come out of the money which is authorized in the bill.

We have a letter from Dr. Costello supporting the concept that this amendment embodies, and the amendment would require that if the Department of Defense decided to proceed with such a center that they could only do so after a report has been submitted to the Armed Services Committees of the Senate and the House of Representatives.

So it adds no additional money. It is discretionary.

I understand now that it has been cleared on both sides of the aisle.

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

The Senator from Virginia.

Mr. WARNER. Mr. President, the amendment is cleared on this side of the aisle, and I congratulate the distinguished Senator from Michigan for bringing this to the attention of the Senate.

Mr. LEVIN. I thank my friend from Virginia for his help on this.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 789) was agreed to.

Mr. LEVIN. 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. WARNER. Mr. President, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 790

(Purpose: To limit the application of the Davis-Bacon Act, in the case of Department of Defense contracts, to contracts in the amount of at least $250,000)

Mr. GRAMM. 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 Texas [Mr. GRAMM] proposes an amendment numbered 790.

Mr. GRAMM. 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 192, between lines 11 and 12, insert the following:

SEC. 2819. COST THRESHOLD FOR THE APPLICABILITY OF THE DAVIS-BACON ACT.

(a) IN GENERAL.—Subsection (a) of the first section of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931, (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, is amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting "or, in the case of contracts awarded by the Department of Defense, every contract in excess of $250,000" after "$2,000" in the first sentence; and

(3) by adding at the end the following new paragraph:

"(2)(A) A person contracting on behalf of the Department of Defense may not divide any project for construction, alteration, or repair (including painting and decorating) into projects costing less than $250,000 for the purpose of avoiding the application of this Act to a contract for such project.

"(B) Whenever the Secretary of Labor determines that there has been a division of any project for a purpose prohibited by subparagraph (A) in the case of any contract, the Secretary may—

"(i) require that the contract be modified to incorporate retroactively all the provisions that are required under this Act and any other prevailing wage law;

"(ii) require the contractor to pay each laborer and mechanic covered by such provisions an amount, for each pay period, equal to the excess of the applicable prevailing wage rate over the wage rate actually paid such laborer or mechanic, together with in-

terest on such amount computed at the rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 from the date on which the work under the contract was performed by the laborer or mechanic; and

"(iii) require the Department of Defense to compensate the contractor for the total amount of the payments made under clause (ii).

"(C) The Secretary of Labor may make a determination for the purposes of subparagraph (B) in the case of any construction project only if the Secretary has notified the Secretary of Defense, not later than 180 days after the date on which construction on the project is completed, that an investigation will be conducted concerning an alleged violation of subparagraph (A).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to solicitations for bids or proposals made on or after the date of the enactment of this Act.

Mr. GRAMM. Mr. President, may I inquire as to what kind of time limit we are under?

The PRESIDING OFFICER. The Senator is advised that under the unanimous-consent agreement this amendment is allocated 30 minutes evenly divided.

Mr. GRAMM. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. GRAMM. Mr. President, the amendment I have sent to the desk is well known by the Members of this body. It is an amendment to try to save the taxpayers' money by promoting efficiency and economy in defense procurement. As I noted this morning in speaking on another amendment, it never ceases to amaze me that Members of Congress can be outraged when a petty crook tries to bill the taxpayer $30 or $100 for a hammer. Usually some alert sergeant discovers the attempted ripoff and the bill is never paid, and yet there is indignation and righteous outcry that we need to do something about the taxpayer being cheated. I share that indignation. I have joined in the outcry.

But it never ceases to amaze me that while we are indignant about these little things, we allow the American worker to be robbed in far greater amounts by an act of policy that is perpetrated not by a petty criminal but by an organized political group that uses its political power to extract special privileges from the American taxpayers and in doing so, to impose more costs on the American taxpayers in the defense budget than we have spent on all the well publicized hammers, all the cathode tubes, all the ashtrays, and, yes, all the toilet seats that have ever been purchased by the Defense Department in the entire history of the Republic.

The amendment that I have sent to the desk is a very simple and, I think, a very modest amendment. This amendment says we should raise the Davis-Bacon threshold on Department of Defense construction contracts and exempt contracts worth less than $250,000.

That would mean that about 12 percent of all the DOD construction dollars, and about 70 percent of all the contracts, would be exempt from Davis-Bacon.

What is the Davis-Bacon statute?

The Davis-Bacon statute is a statute that requires the taxpayers to pay artificially higher construction wages than those paid for similar work in the private sector of the economy. This imposes an unnecessary, unjustified, and unjustifiable cost to the taxpayer.

Mr. President, I am not the first or the only person who has seen the outrageous nature of the existing law. The White House Conference on Small Business came out in favor of reform of the Davis-Bacon Act in general, not just as it applies to defense.

The American Farm Bureau Federation supports this amendment.

The National Association of Counties, the National League of Cities, the National Tax Limitation Committee, the National Federation of Independent Business, the Department of Labor, the Department of Defense, the Office of Management and Budget, the Grace Commission, all support the amendment. The list goes on and on and on. The amendment is supported by concerned citizens who think we ought to run the Defense Department like we run a business; that we ought not to have laws that grant special privileges to organizations that have political action committees and that are actively involved in campaigns around the country.

This is not a partisan issue.

I have here a report by the Comptroller General, a report to the Congress of the United States. It was issued on April 27, 1979. I remind my colleagues that this was during the Carter administration. The title of it is "The Davis-Bacon Act Should Be Repealed." On the cover it lists three reasons why: No. 1, there have been significant changes in economic conditions since 1931 when the bill was passed.

No. 2, the Labor Department has never come up with an effective way to implement it.

No. 3, it results in unnecessary construction and administrative costs of several hundreds of millions of dollars a year.

In fact, the most recent estimate we have from the Congressional Budget Office, the Director of which is appointed, in essense, by the two Budget Committee chairmen, both of whom are Democrats, estimates that simply raising the threshold of $250,000 would save us $150 million over 5 years. Repealing Davis-Bacon would save us $1.265 billion.

The argument for raising the threshold is simple: Why should the Federal Government pay a premium to construction labor above the rate that is paid in the private sector by IBM and General Motors, for example?

No. 2, it is well known, in fact it is the major reason for the support given the amendment by various groups, groups such as the National Federation of Independent Business, that Davis-Bacon, by imposing an artificially high wage, prevents small contractors from having the capacity to do business with the Government and places a particularly heavy penalty on minority contractors.

The logic of this amendment is straightforward. We can with this amendment save the taxpayer $150 million, eliminate a grievous abuse where people are paid a premium merely because they have political power. We can save more money in one vote than the Government has been ripped off on all the hammers, and toilet seats, and ashtrays that the papers have been filled with. We can save more money on one vote than we could by correcting all of those wrongs.

I urge my colleagues to not look at this issue as a labor-management issue, but to look at it from the point of view of being a good stewart of the taxpayer's money. We have been entrusted by the American taxpayer to provide for the common defense. We know that Ivan is at the gate. We all are concerned about the level of the defense budget. The wolf is at the door with Federal deficits that threaten the recovery of the Nation, that threaten a recovery that has brought jobs, hope and opportunity to our people. Why should we, in the midst of this dual challenge, perpetuate a program that is nothing more than outright piracy of the workingman's dollar, a program that benefits people who make higher than the average wage earned by the American worker, which is three times the minimum wage. Why should a privileged group benefit at the expense of the working men and women of America.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas is advised that he has 6 minutes and 49 seconds remaining. The Chair recognizes the Senator from Massachusetts, who controls the time on the other side.

Mr. KENNEDY. Mr. President, I yield myself 7 minutes.

Mr. President, I rise in strong opposition to the amendment offered by the Senator from Texas.

As chairman of the Labor and Human Resources Committee, I strongly object to these repeated attempts to radically alter statutes exclusively within the jurisdiction of my committee.

Last year, when the DOD authorization bill was on the floor containing language similar to that which is before this body now, I warned the Senate of the damaging consequences of hasty and ill-considered action in this area by the improper committee on the improper vehicle. The Senate ignored my warnings, and the ensuing conference was a disaster. In fact, the conference almost broke up over the protracted debate on this issue which had no business being in a DOD bill in the first place!

When a similar amendment was offered this year in the Senate Armed Services Committee, it was rejected. It was rejected because the Armed Services Committee realized it was not the proper vehicle, for substantive changes in our prevailing wage statutes. Nothing was changed to alter that assessment, and this amendment should be rejected again.

When the House was considering their DOD authorization this past May, the ranking Republican of the Armed Services Committee offered a similar amendment, and withdrew it after a colloquy with the Labor Standards Subcommittee chairman.

The amendment was withdrawn because assurances were given that the committee of proper jurisdiction would take up legislation reforming the Davis-Bacon Act.

Those assurances have been kept. The chairman of the Labor Standards Subcommittee introduced legislation, held hearings, and reported the bill to the full Education and Labor Committee. The bill has been reported from the full committee and currently awaits action on the House floor, which is expected this fall.

As chairman of the Labor and Human Resources Committee, I can assure this body that the Labor and Human Resources Committee will take up Davis-Bacon reform legislation soon after the House sends it over.

While this is neither the appropriate time nor the place to take up this body's time with a discussion of the Davis-Bacon Act, I feel a few words are called for in response to the distinguished Senator from Texas.

The principle established by our prevailing wage laws is clear: The money raised by taxing the working men and women of our country should not be used to drive down their wages. These laws do not promise inflated wages for workers at the expense of the taxpayers, nor do they make any worker rich. But they do protect the average workers by assuring that when the Federal Government, with its massive purchasing power, comes into a local market, the wages of the workers employed on Government projects must not be driven below area standards by awarding work to the contractor promising to exploit the most by paying the least.

The distinguished Senator from Texas cites the rationale that since CBO estimates this amendment, which would exempt 70 percent of contracts from the protection of the act would save some money, that sole consideration justifies adoption.

The rationale is faulty, the estimates of savings are fatally flawed, and the consequences of low-paid shoddy construction potentially disastrous for our military preparedness.

No one disputes the need to save Federal money, particularly from our defense budget. Should we reduce the pay for soldiers? Officers? Pentagon employees? Of course not.

In fact, last year CBO reported that if the Army wanted to meet its goal of improving the quality of its manpower, it would have to pay higher wages and bonuses. The study stressed, however, that higher quality recruits reduces turnover and saves training costs.

No one on the Armed Services Committee doubts you get a better soldier with better pay. How can they doubt the same about construction craftsmen?

I will not take up this body's time with extended comment on CBO's faulty methodology, nor do more than point out that the cost savings projected turned out to be virtually nonexistent when the act was suspended in the early 1970's under President Nixon.

I will agree with the observation of the distinguished Senator from Texas about CBO revenue estimates when this body was considering an oil import fee.

"Yours is a study," Senator GRAMM stated, referring to a CBO estimate, "written by people who want an easy source of revenue. There is no doubt about the fact you get CBO to claim the amendment will save money, but do not believe it."

As Prof. D. Quinn Mills, an expert in the field of construction labor relations, pointed out about removing Davis-Bacon projections from the Federal award process, it "could result in greater total costs on Government projects by increasing industrial strife, and by facilitating awards to incompetent contractors competing only by virtue of low wages."

We can get a good sense of what a contracting world without Davis-Bacon would be like by looking at some of the violations. Testimony before the House Labor Standards Subcommittee revealed that a contractor on a Federal highway project in Harrison County, TX, evaded Davis-Bacon requirements. A concrete finisher was paid 15 cents an hour, with overtime of 22½ cents an hour. Another Texas firm brought a crew of illegal aliens to the Washington, DC, area to work on a bridge repair project. A DOL investigation disclosed that these workers were paid only $10 per day, plus food and lodging, some working 10 hours a day 7 days a week. Back pay of some $25,000 was found due these workers.

There is a myth that Davis-Bacon pay means high pay. It by definition means average pay, and if the average is low, so is the prevailing wage.

In 1986, of the 3,358 wage decisions issued in the first 4 months, 44.7 percent were for wage rates of $5.30 or less. Even assuming full-time, year round work—which in this industry is a rarity—that rate of pay for those wage determinations yields a whopping annual wage of $10,169, 92 percent of the poverty line for a family of four.

Even if the act were repealed entirely, we are forgetting that most States have their own prevailing wage laws.

These State thresholds are far closer to the current Federal level than the amendment before us.

I might point out to the Senator from Texas that while he and the Senator from Massachusetts do not agree on very much on this issue, our States agree in terms of our respective State dollar thresholds. Massachusetts and Texas have the same threshold: It is not $1 million, not $250,000, not even $2,000—the thresholds in Massachusetts and Texas are zero.

Mr. President, I also believe there are some needed changes in the Davis-Bacon Act, including the issues of interpretation and enforcement by the agencies charged with those responsibilities under the law. If the threshold should be raised to account for inflation since passage of the act, let the proper committees look at the impact of various levels on the workers protected by the act.

Let us not take up this body's time debating dollar amounts pulled from a hat and thrown out at the drop of a hat.

Mr. President, this amendment should be tabled so this body can get on with the germane and important issues of the DOD authorization bill. I assure this body that when the House sends over its Davis-Bacon reform bill, the Labor Committee will take up this issue and give it the hearings and due deliberation this issue deserves.

Mr. President, I will be glad to yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Massachusetts is advised that he has 8 minutes and 53 seconds remaining, and the Senator from Washington is recognized for 3 minutes.

Mr. ADAMS. I thank the Senator from Massachusetts. I thank the Presiding Officer.

Mr. President, I am opposed to the pending amendment—but I am not opposed to making reforms in the Davis-Bacon Act. This is simply a case of

seeking to do too much and seeking to do it on the wrong bill.

Since its creation in 1931 the Davis-Bacon Act has served to maintain a wage floor under wages for Federal construction projects in communities throughout this Nation.

The Davis-Bacon Act has been a method of maintaining decent wages throughout the length and breadth of this Nation, particularly in areas where we have had low wage areas and where the temptation has been great for contractors to come in and exploit workers.

Davis-Bacon simply says that the Government contracts will not be used to undermine the wage scale in communities, and indeed they should not be. This only results in greater inefficiency and eventually greater costs to the Defense Department.

American wage standards, Mr. President, are eroding because of an increase in low wage-zero benefit jobs. I believe protecting fair and decent wages is one of the most important services of Davis-Bacon. I am aware of the needs for reform in Davis-Bacon, and I know as Senator KENNEDY has just stated that we will take up this legislation when the House sends it over. As a member of that committee, I am fully prepared and intend to look carefully into the various proposals as they are sent over in an effort to protect the essential goals of Davis-Bacon while looking also to reasonable adjustment for inflation in this area.

I believe that this amendment is not necessary. Congress will be taking a look at it which will include the possibility of raising the threshold.

In closing, Mr. President, I would like to stress the need for the proposed legislation to better enforce Davis-Bacon so far as the Federal agencies are concerned.

I am aware and have been informed by people in my State that Federal agencies may be violating the Davis-Bacon law. Again, how can we expect employers to follow Federal labor law when our own Federal agencies ignore them?

The Federal Government must practice what it preaches. According to the construction unions in Washington State this is turning into a growing problem. I hope, I intend, and expect to be able to join the chairman of my illustrious committee, Senator KENNEDY, and I hope that he will hold field hearings in the State of Washington to investigate these potential violations.

Mr. President, this is the wrong amendment on the wrong bill and I hope that the amendment will be defeated and that we will take it up in proper order at a later time in this Congress.

I thank the manager and the Senator from Massachusetts for yielding me the time.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. GRAMM. Mr. President, first of all, this heralded bill in the House actually broadens the coverage of Davis-Bacon and would cost the taxpayer money. It is no reform at all. It is more piracy at the expense of the taxpayer.

No. 2, we continue to hear talk about protecting the American worker. That is why we have wage and hour laws. But that is not what we are talking about in Davis-Bacon. We are talking about a bill that requires the same contractor hiring the same workers to pay them one wage if they are working for the private sector, to pay them an artificially higher wage when they are working for the Federal Government, and to pass that tab right along to the working men and women of America.

This issue is about defense. It is about waste, fraud, and abuse of the largest magnitude of any that we have discussed of clearly definable nature.

We have an opportunity here to save $150 million by letting the Federal Government go out and enter into contracts on a competitive basis just like IBM, just like General Motors, and just like every other employer doing construction work in the private sector of the economy.

Why should the Federal taxpayer be forced to pay a premium on labor that no other purchaser of construction labor in America pays? It makes absolutely no sense. And the only reason we are doing it is as a special benefit to a special group, and it ought to be stopped.

But I have not proposed repealing Davis-Bacon. That would save $1.2 billion. All I have proposed is raising the threshold on Defense contracts to $250,000 and let small businesses have an opportunity to do business with the Federal Government.

I remind my colleagues, many of whom are the first to jump to their feet on behalf of minority business, that many of the small contractors that are disadvantaged by Davis-Bacon are minorities. They are not union operators. They would like to have a chance to go on the military base and pave sidewalks and build driveways, but they do not have an opportunity to do that because they cannot compete because the system is rigged. And the rigging costs the taxpayer money. It costs the small, independent business person money. And this is waste, fraud, and abuse no matter how you want to gild the lily on the other side.

I urge my colleagues to vote for this amendment.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas is advised that he has 3 minutes and 52 seconds.

Mr. GRAMM. I yield 2 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by my distinguished colleague from Texas. Davis-Bacon has long outlived its utility. In today's marketplace, it is simply a protectionist piece of archaic legislation that costs the U.S. Government millions of dollars in excess costs on construction projects.

The amendment offered today is limited in scope and does not go far enough in my opinion. I, for one, support repeal of the Davis-Bacon Act. Unfortunately, the Congress has refused to do so repeatedly. Senator GRAMM'S amendment would apply only to Department of Defense construction projects and represents an acceptable compromise between straight repeal and no change at all.

Mr. President, the amendment would raise the threshold from $2,000 to $250,000 for Department of Defense construction contracts. Only 12 percent of military construction funds would be subject to the change.

Furthermore, 70 percent of military construction contracts would be exempt from the Gramm amendment. This amendment is simply a way of saving limited military construction dollars, and I urge my colleagues to support the amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Massachusetts is recognized and has 5 minutes and 26 seconds.

Mr. KENNEDY. Mr. President, this is basically a procedural issue and the question we have to ask ourselves is whether this really is the appropriate vehicle to be dealing with this very dramatic change in this policy. But let me conclude by pointing out a few items which I think reflect what is really at stake here.

What we are basically talking about is prevailing wages. We are not talking about union wages. We are talking about prevailing wages. The 1986 study of the entire universe of Davis-Bacon decisions revealed that only 42 percent of all area wage decisions had prevailing rates that were union rates. Almost 48 percent of all area wage decisions issued by the Department of Labor had nonunion wage rates as prevailing. Twenty-three percent of all project decisions had union rates prevailing while 62 percent had nonunion rates prevailing.

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If this act is being enforced the way it should be, if it is being interpreted the way it is intended, it ought to be the prevailing wage at that particular area and at that particular site.

That is but the basis for this particular program.

Let me finally say this is not a federally superimposed piece of legislation. There are some 35 States who have various forms of the Davis-Bacon provision. So, again, I think if we are going to deal with the generic problem we ought to deal with it in toto, not just on the DOD authorization.

Finally, I will say those members of the Armed Services Committee who attended the conference last year saw that we were resolving the basic differences in terms of weapons systems that divided the House and Senate provision. This provision almost destroyed the whole conference itself. It is an appropriate way to deal with it. We on the Human Resources Committee are committed to doing so. And I, at the appropriate time, will make a motion to table the amendment.

I withhold the balance of my time unless the Senator from Texas wants to yield back the balance of his time.

Mr. GRAMM. I want to make a short statement and then I will yield back my time.

Mr. President, for three administrations under Democratic and Republican Presidents, the administrations have taken the position that this Davis-Bacon change should be made. This single change will save $150 million by letting small contracts be let competitively. It will benefit small business. It will give minorities, who make up many of the small independent contractors who would like to do business with the Federal Government, an opportunity to get on the playing field and compete. It saves money. It deals with only 12 percent of the contract dollars. It gives us an opportunity to put to the test competition versus Government intervention.

It is strongly supported by most of the groups around the country, from the White House Conference on Small Business to the American Farm Bureau Federation, to the National Association of Counties, to the National League of Cities, to the National Federation of Independent Business. It is supported by them for one, and only one, reason: it saves money. It promotes efficiency. It ends a process that squanders our construction money before we ever begin the process.

We voted on this twice before. In fact, the Senate agreed 2 years ago to raise the threshold to $1 million, not $250,000.

I know that we have had an election since then, and I wanted to go back to a very basic test of a principle. When we vote on this amendment, it is going to be a test. Are we willing to save $150 million by letting the Defense Department go into the market and compete for construction contracts, like General Motors and IBM and everybody else in America, without requiring by law artificially high wages that hurt the taxpayer, that raise costs, and that lessen effective defense?

I urge my colleagues to vote for this amendment.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts has yielded back the remainder of his time.

Mr. DIXON. Mr. President, has all time been yielded back on both sides, or consumed?

The PRESIDING OFFICER. The Senator from Texas has 3 seconds, if he wishes to use it.

Mr. GRAMM. Tempting as it may be, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. DIXON. Mr. President, I move to table the amendment offered by the Senator from Texas, 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 to table the amendment. On this question 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.

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 Delaware [Mr. ROTH] is necessarily absent.

Mr. BYRD. Regular order, Mr. President.

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

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—56

Adams	Dodd	Leahy
Baucus	Durenberger	Levin
Biden	Ford	Matsunaga
Bingaman	Fowler	Melcher
Bradley	Glenn	Metzenbaum
Breaux	Graham	Mikulski
Burdick	Harkin	Mitchell
Byrd	Heflin	Moynihan
Chiles	Heinz	Murkowski
Conrad	Hollings	Nunn
Cranston	Inouye	Packwood
D'Amato	Johnston	Pell
Danforth	Kennedy	Proxmire
Daschle	Kerry	Reid
Dixon	Lautenberg	Riegle
Rockefeller	Shelby	Stevens
Sanford	Specter	Weicker
Sarbanes	Stafford	Wirth
Sasser	Stennis	

NAYS—41

Armstrong	Garn	McConnell
Bentsen	Gramm	Nickles
Bond	Grassley	Pressler
Boren	Hatch	Pryor
Boschwitz	Hatfield	Quayle
Bumpers	Hecht	Rudman
Chafee	Helms	Simpson
Cochran	Humphrey	Symms
Cohen	Karnes	Thurmond
DeConcini	Kassebaum	Trible
Dole	Kasten	Wallop
Domenici	Lugar	Warner
Evans	McCain	Wilson
Exon	McClure	

NOT VOTING—3

Gore	Roth	Simon

So the motion to table the amendment (No. 790) was agreed to.

Mr. DIXON. Mr. President, I move to reconsider the vote by which the motion to table 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. WARNER. Mr. President, it is my understanding that the Senator from Texas and the Senator from Massachusetts——

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order.

Senators who are carrying on conversations will cease carrying on those conversations. Staff members who are talking will stop talking so the Senate may resume its business. The Senate is not in order. The Chair would appreciate if Senators who are talking would cease talking.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Chair.

Mr. President, the Senator from Texas and the Senator from Massachusetts are prepared to take up a second amendment. But before that time, I urge the Senate to give its attention to the distinguished manager of the bill concerning our joint efforts to try and move the bill forward and accommodate as many of our colleagues as possible respecting their amendments.

Mr. NUNN. I thank the Senator from Virginia.

Mr. President, other than the two big amendments to which there can be amendment and which there has not been any agreement reached on, that is the SALT II amendment and the war powers amendment, other than those two, we have a Glenn amendment on the Department of Energy oversight. We have two Dole amendments that relate to SALT. So that would await the SALT outcome. We have a Dole amendment on the Persian Gulf.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator will please suspend.

The Senate is not in order. Two minutes ago, I requested the Senate be in order. The same Senators who were talking then are talking now. Senators will please cease conversation. The Senate will be in order before we resume business.

The Senator from Georgia.

Mr. NUNN. Mr. President, I have been informed that Senator DOLE, the minority leader, is not going to offer his amendment on the Persian Gulf.

But the next one I have on my list is a Heinz shipbuilding amendment. We have a Levin ABM amendment. We have an amendment that I have on amphibious lift, which will probably not be offered. We have a Warner amendment on the DOE oversight. We have a Warner amendment on FEMA add-on. We have a Wilson amendment.

Mr. WARNER. Mr. President, if I might interject, the distinguished manager is aware of the intention of this Senator from Virginia to expedite matters and drop some of those amendments, providing one can be restored which was inadvertently dropped off. That amendment is of vital importance to the Senate.

Mr. NUNN. Mr. President, I urge all our colleagues to allow the Senator from Virginia to bring that amendment up. He knows I have done that and I will continue to, because that amendment was inadvertently left off the list. The Senator from Virginia worked diligently and in good faith on this bill and on the unanimous-consent request. I hope all of our colleagues, whether they are for or against the amendment—and I may vote against the amendment, but I think he should be afforded the privilege of bringing it up.

Mr. BYRD. Mr. President, the amendment was inadvertently left off the list and we will put it back on. I ask unanimous consent that the Senator may be permitted to do that. I would do this for anybody.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BYRD. Mr. President, it was left off through no fault of the Senator from Virginia. And I would do this for any Senator, no matter who the Senator is, if he comes to me and says it was inadvertently left off, even if I did not know about it. In this instance, I know that that is the case.

Mr. WARNER. I thank the distinguished majority leader.

The amendment was deleted in the process when the majority and the minority leaders were endeavoring to collect the body of amendments that would be deleted and, with that in mind, we would not have had a Saturday session. I think it was important that we had a Saturday session that was productive. But, nevertheless, in that formulation, this one was dropped off.

And since we are dealing with time, and that was the reason to drop off the amendment, the Senator from Virginia is prepared to drop off other amendments that would have consumed more time. So the net gain to the Senate is a savings in time.

Mr. BYRD. Well, we enter into time agreements around here and we try to lean on the good faith of everybody. And if somebody inadvertently gets an amendment left off the list through some printing error or some error on the part of myself or on the part of staff, that Senator should have his amendment back on the list, else we will not get time agreements in the future.

Mr. WARNER. Mr. President, the error, if it was error—the Senator from Virginia takes responsibility for the error. There is no error on the part of the majority leader nor the minority leader or otherwise. It was an effort to accommodate the leadership, to save time, that I reduced the number of my amendments and there was a clerical miscalculation.

The PRESIDING OFFICER. Does the majority leader make his request?

Mr. BYRD. Yes, I do.

The PRESIDING OFFICER. Is there objection to it? Without objection, it is so ordered.

Mr. WARNER. I thank the distinguished leader.

Mr. NUNN. I have a Wilson amendment on Guard and Reserves. We also have a Wilson amendment on cost effectiveness at the margin. We have a Wilson shipboard amendment identifying a friend or foe. We have a Wilson amendment on striking the Levin-Nunn language in the bill. We have a Wilson amendment on a defense manpower exemption. We have the Gramm service contract amendment, which I understand the Senator from Texas is going to bring up shortly.

We have Lautenberg amendment for CHAMPUS payments for charitable hospitals. We have a Levin-Dixon amendment relating to shifting SDI funding to conventional weapons. We have a Warner amendment on the morale, welfare, and recreation funds.

We have a Wilson Army hospital amendment which I understand has already been debated. There will be a vote on that later this evening.

Then we have a Warner amendment which was just added back to the list, which had been inadvertently left off, on the SDI Institute.

We have a lot of amendments and we have this debate. It will be lasting about a half-hour. I suspect a lot of these amendments are not going to be called up, but I want to put all Senators on notice that any debate on these will be foreclosed at 8 o'clock, pursuant to the unanimous-consent request.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. If there is not going to be an amendment called up, if there is going to be that kind of a gap, I would like us to proceed on the appropriations bill.

The distinguished Republican leader and I are here. We have our staffs, appropriations staffs. We could fill that gap with that bill. If there are any rollcall votes ordered in regard thereto, they can be stacked to follow the rollcall votes that are already stacked on this bill.

Is there another amendment? Upon the disposition of the Gramm amendment, if no other amendments are——

Mr. WARNER. Mr. President, it will be the intention of the Senator from Virginia to bring up the amendment that was restored through the courtesy of the leadership a few moments ago. I would anticipate the Senator from Michigan and I can conclude our debate in less than 30 minutes.

Mr. BYRD. All right. Upon the disposition of that amendment, then, I ask unanimous consent that the Senate proceed to consideration of the Interior appropriations bill with the understanding that at 8 o'clock the Senate will resume its consideration of the DOD authorization bill and the Interior appropriations bill would in no way dislodge the DOD authorization bill today or tomorrow or any other time as long as this bill is pending before the Senate. But upon disposition of this bill, if the Interior appropriations bill had not been completed by that time, the Senate then would revert to that.

The PRESIDING OFFICER. Is there objection? The Senator from Virginia.

Mr. WARNER. I do not intend to object. I just seek clarification from the distinguished majority leader.

I understand on the conclusion of the amendment to be brought up by the Senator from Texas, the Senate would then turn to the amendment brought up by the Senator from Virginia. We would then go to the appropriations bill.

Now, should Senators come to the floor during the course of the deliberation on the appropriations bill and address the managers to the effect that: I am on the list, where is my time? Can we set aside the appropriations bill? Is that a discretionary matter with the managers of the bill?

Mr. BYRD. I would include that in my request, that that be a discretionary matter with the managers of the bill so that there would be nothing done that would delay action on the DOD authorization bill.

Mr. WARNER. And to preserve the rights of Senators who have pending

amendments to the DOD bill, to be recognized as they request?

Mr. BYRD. Absolutely. They would have priority.

Mr. DOLE. I would hope that any votes that might occur on Interior appropriations would, as you indicated earlier, follow any votes on the DOD appropriation.

Mr. JOHNSTON. Would the Senator yield? On the Interior bill, when we move to the Interior bill, it shall be in the discretion between the time we take it up and the hour of 8 p.m. with the floor managers that have the bill as to whether to displace the bill or not?

Mr. BYRD. No. No. My request is to provide that the DOD authorization bill have top priority throughout. But that during those periods when there is no action being taken in respect to DOD, the Interior appropriations would then be the business of the Senate. Then, later, on the final disposition of the DOD bill, whenever that comes, if the Interior appropriations bill had not prior thereto been disposed of, it would then come back and be the business before the Senate.

It is a way of filling in the gap, possibly getting some work done on Interior. It may very well be that we will find ourselves spending an hour and a half on Interior today. I would hope that would be the case.

The PRESIDING OFFICER. Is there objection to the majority leader's request? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 791

(Purpose: To limit the applicability of the Service Contract Act of 1965 to Department of Defense contracts and to certain mariner service contract)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 791.

Mr. GRAMM. 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 114, between lines 13 and 14, insert the following:

SEC. . APPLICABILITY OF SERVICE CONTRACT ACT OF 1965 TO CERTAIN CONTRACTS.

(a) DEPARTMENT OF DEFENSE CONTRACTS.—Section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "or, in the case of a contract entered into by the Department of Defense, $1,000,000" after "$2,500";

(2) by striking out "Every" and inserting in lieu thereof "Subject to subsection (c), every"; and

(3) by adding at the end the following new subsection:

"(c) In the case of a contract entered into by the Department of Defense, this Act shall apply only to a contract the principal purpose of which is to furnish services and shall not apply to a contract which requires the provision of services if the principal purpose of the contract is not to furnish services.".

(b) CERTAIN MARINER SERVICE CONTRACTS.—(1) Chapter 141 of title 10, United States Code is amended by adding at the end thereof the following new section:

"§ 2410. Nonapplicability of the Service Contract Act of 1965 to certain mariner service contracts

"The Service Contract Act of 1965 (41 U.S.C. 351 et seq.) shall not apply to a contract for services to be performed on a vessel owned or chartered by an agency named in section 2303(a) of this title unless at least 20 percent of such contract is performed within the United States, as defined in section 8(d) of that Act.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2410. Nonapplicability of the Service Contract Act of 1965 to certain mariner service contracts.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall take effect with respect to solicitations for bids or proposals issued on or after the date of enactment of this Act.

Mr. GRAMM. Mr. President, I would like to ask for a clarification of the time limit that we are under.

The PRESIDING OFFICER. Thirty minutes equally divided in the usual manner.

Mr. GRAMM. Mr. President, I would like to ask my colleagues to bear with me. I will try to be brief.

The amendment I have offered attempts to deal with something we have all been outraged about. We have all been outraged by the overcharges on hammers and cathode tubes, and toilet seats. We have reacted with righteous indignation to the fact that the American taxpayer was being cheated and I think we should have.

I am going to provide an opportunity today to deal with more waste, fraud, and abuse in one vote than has occurred on all the hammers, all the cathode tubes, all the toilet seats, all the ashtrays that have ever been bought by the Defense Department in the whole history of the Republic. This waste, fraud, and abuse goes by the name of the Service Contract Act.

Mr. President, the Service Contract Act was a bill that set out in law what the wage rates have to be for private industry personnel who are providing services for the Department of Defense.

If you are providing services for the Department of Defense in competition with the Civil Service, the Service Contract Act prescribes what wages you pay.

The General Accounting Office has analyzed the wage structure and has found that we are paying between 9.9 and 11.6 percent above comparable pay in the private sector of the economy.

I remind my colleagues that we are buying 10 billion dollars worth of services, so we are talking about a lot of money.

Lest anybody think that I am being too tough on waste, fraud, and abuse, I am not proposing to repeal the Service Contract Act. I am simply asking that we raise the threshold from its existing level of $2,500 to $1 million. I am saying that if somebody provides a service up to $1 million for the Federal Government; they have to abide by the Fair Labor Standards Act; they have to abide by labor laws concerning the minimum wage; but they can go out and competitively hire people just as any other contractor would.

This modest change, according to the Congressional Budget Office, would save us $315 million.

If the debate follows its normal course, you are going to have some Members get up and say, "You are talking about people who are poor and we are trying to help them by paying them these artificial wages."

I want my colleagues to be aware that the average wage under the Service Contract Act is three times the minimum wage.

Also, I thought it would be instructive, since we are here in the Federal city, to look at the wages that are being paid in Washington and compare those to what is dictated by the Service Contract Act.

For example, if you are working for IBM or General Motors, or whomever, here in Washington, you can go out and hire a master console operator as a computer operator for $8.95. But if you have a contract to provide services for the American taxpayer, you are required by law to pay that same operator $11.05.

If you go out and hire an operations and development program phase I operator in the private sector, you pay $7.21; what General Motors is paying. But if you are doing business with the Federal Government, you pay the same operator $9.06.

For a scheduler, it is $9.50 per hour in the private sector, but if you are doing business with the Federal Government, you are required by law to pay $11.05.

I could go on and on. It is not just an inequity, and it is not just a waste of money related to the private sector.

Let me give you a couple of examples related to Civil Service. The Civil Service annually pays an able seaman $14,121. But if you go out and hire one and you happen to be doing business with the Defense Department, you are

required by law to pay 33 percent more: $18,732.

For an electrician in the Civil Service we pay $21,841, but we force a private contractor doing business with the Federal Government to pay $28,152, or a 29-percent premium.

Why do we do that? Why do we impose a $300 million in additional costs on the taxpayer?

We do it because the Government employee labor union does not want contracting out. So, as a result, we have passed a law requiring all of these artificially high wages to make private sector contractors noncompetitive. Who picks up the cost? The people who do the work, pay the taxes, pull the wagon, and make America work.

It is an outrage. It ought to be stopped. We can, in one vote, save $305 million. I urge my colleagues to vote for this amendment.

I know the distinguished Senator from Oklahoma wanted to speak on this subject. He has another engagement. I would like to yield to him at this point.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I congratulate and compliment my colleague from Texas, Senator GRAMM. He has a very good amendment. I hope my colleagues will listen to the arguments he has made and I hope they will support this amendment.

This amendment deals with the Service Contracting Act and a lot of people are not familiar with it. Basically, we are talking about people who perform services for the Federal Government. They are required under this act to have the wage rates determined by the Federal Government, by the Department of Labor.

As a person who made his living in the private sector prior to coming to Congress, I am personally offended when the Department of Labor would mandate and tell an employer that they know what an individual should make instead of what the employer-employee mutually agree to.

I am very much offended by this imposition of Federal dictation of saying that this employee shall be paid $12 or $13 an hour, and maybe this employee should be paid $9 an hour. Why do we not allow the employer and the employee to decide what the wages and terms and conditions of employment should be?

It is totally absurd to have the Department of Labor mandate, coming from Washington, DC, to take some type of survey and to make that kind of statement.

Everyone who has ever employed any number of people know that you have a lot of people who perform exceptionally well. They are the real producers. They should make more money. Maybe the ones who do not produce as much should not make as much. That is the free enterprise system.

This law is directly contradictory to the free enterprise system. This is a law that say the Department of Labor should mandate wage rates, not the free market, not free individuals working for their own improvement.

I hope that we will support this amendment.

This amendment also costs, as the Senator from Texas said, $305 million. It really costs a lot more than that.

Say an employer has a janitor service, which I used to have a long time ago, and he provides service for a lot of different companies, with a lot of different opportunities. You do work here and work in another building and you go to the next and the next. But when you get to the Federal building, the Federal Government will tell you what you will pay. You may have 50 contracts, but when you get to the one that has the Federal Government behind it, the Department of Labor will tell you what your wage rate will be. You may do 90 percent of your work in the private sector, but when you get to the one contract with the Federal Government, the Government will tell you what your labor rate will be.

That can cause you a lot of problems. If you have a decent-size service, moving a lot of employees in and out, into Government work and into non-Government work, and possibly back, this makes it so difficult a lot of people say it is not worth it and they do not bid on Government work. Therefore, the cost of Government contracting services goes up and goes up substantially. This discourages competition.

Not only that, but it prices out a lot of people at the bottom end of the economic scale. If you have to hire for a janitorial service and your wage rate is $9 or $10 or $11, maybe you will not start that guy. Maybe he is only 17 or 18 years of age and looking for his first job. So you price out a lot of people trying to enter into the work force. Basically, you are denying them a job.

Basically, I think it is bad legislation. I compliment the Senator from Texas for trying to make this much-needed improvement.

Some say, "You are increasing the threshold from $2,000 to $2 million. Is that not too much of an increase?"

We should not have the Federal Government mandating wage rates on contracts above $1 million much less below $1 million. That should be repealed.

Again I compliment the Senator.

I have one final reason for supporting this amendment. We are all going to be making difficult and tough decisions in here trying to bring the deficit down. This is a simple amendment that will not cost anybody a job, it will not hurt anyone. It will save the taxpayers over $300 million. It will help us take a good step, not a panacea in the budget, certainly, a good step in the right direction where we can save hundreds of millions of dollars. I urge adoption of the amendment.

Mr. GRAMM. How much time have I remaining?

The PRESIDING OFFICER. The Senator from Texas has 3 minutes 40 seconds.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I yield myself such time as I may require.

Mr. President, I rise to oppose the Service Contract Act amendment offered by the distinguished Senator from Texas. Congress passed the Service Contract Act in 1965 to provide labor standards for employees engaged in the performance of Government service contracts. Congress acted because these service employees were and still are the poorest and the most politically vulnerable members of our national work force.

The 700,000 employees covered by the Service Contract Act are for the most part cooks, cashiers, cleaners, custodians, window washers, trash collectors, and other similarly situated at the lower end of our national wage structure. They are overwhelmingly female and minority and generally have minimal technical skills and literacy.

The Service Contract Act prohibits Federal service contractors from offering their employees wages and benefits below prevailing community rates. This prohibition effectively prevents contractors from using Federal contracts to engage in wage-busting acts.

Let me tell you about a few of the workers protected by the Service Contract Act, workers who would be the victims of this repeal.

At Fort Belvoir, VA, 150 workers are employed by an Air Force contractor to perform cleaning services at various base facilities.

These employees, who are overwhelmingly female and minority, vacuum carpets, remove trash, sweep floors, wash windows, and sterilize operating and delivery rooms in the base hospital. Blanche Bishop, who works on the surgical ward and has been employed at DeWitt Army Hospital for 13 years, is a typical worker in this unit. As of October 1984, she supported three teenage children. Her biweekly take-home pay was $428. That is $428 for 2 weeks' work to support herself and her 3 teenage children.

At Kirtland Air Force Base in New Mexico, some 75 workers are employed by a service contractor as custodians,

buffers, and scrubbers. Listen to one of them, Donna Vieyra, describe her job responsibilities: "mine is vacuuming daily, trashing daily, dusting daily, table tops to be washed, the chrome of the legs of the table to be wiped down. They require that twice a week, but it is impossible to get everything, scouring rings out of toilets, off the faucets on your sinks."

It is Blanche Bishop and Donna Vieyra and thousands of others like them, who supposedly are gouging the Federal Treasury, whose wages and benefits we are being told must be dramatically reduced through unbridled wage competition. I find it appalling that the Senate would further impoverish these already poor Americans to feed the greed of Pentagon weapons-makers. Star wars and MX's should not be purchased at the expense of the dignity of janitors and housekeepers.

What a great deal we get from those defense contractors and not a word is raised by those who would take the dollars out of the poor working people who are trying to make a living for their families. One out of three MX's do not operate and where are their voices; $4.5 billion is spent on the DIVAD and it does not work; B-1's are being cannibalized in order to keep them operating. We spend $435 for a hammer and $456 for a socket and $768 for a set of wrenches, but, no, we are going to make a big savings from the sweat of people working for a living.

Fifty-nine of the top 100 defense contractors of this country have been investigated for procurement fraud and where are the voices of those who would move this amendment? I do not hear one voice raised. I do not hear one concern indicated.

A company in my own city of Cleveland, TRW, just agreed to repay $17 million for violating the law for giving false figures with respect to procurement contracts. I believe it is high time that voices be raised with respect to these defense contracts that rip off the American people.

By raising the threshold on covered contracts from $2,500 to $1 million, we would exempt 94 percent of the contracts now covered and would exclude 72 percent of the low-wage workers currently protected. In my own State of Ohio, some 70 million dollars' worth of contracts would be eliminated overnight from coverage, and 4,300 workers would lose the protections accorded by the act.

Let us be clear about another point: This change is being made for big business. The Gramm changes, in fact, will make it easier for large businesses to use wage-busting practices to eliminate their smaller competition.

For over 20 years, Congress has spoken with one voice to protect the right to a decent minimum standard of living for millions of service workers in this country. Last year, the Senate rejected a virtually identical proposal by a resounding vote of 62 to 34. I cannot believe that in 1987 this body will vote to put the Federal Government in the business of exploiting these service workers. We must reject the Gramm proposal.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 5 minutes on this amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KENNEDY. Mr. President, once again my colleague from Texas is attempting to make labor legislation through the back door of the DOD authorization bill. And once again, he has chosen a very unworthy target—the Service Contract Act.

On August 8 of last year, the Republican-controlled Senate voted to strike virtually the same language from the DOD authorization bill by almost a two-thirds margin. It seems to me that such a resounding vote of support for preserving the SCA's threshold is a clear signal that the act is doing its job and should be left well enough alone.

The act's opponents cannot see the self-evident rightness of that proposition and today they are attempting to drastically reduce the number of workers covered under the law.

But service workers need the protecti of this act today more than ever before. The Defense Department alone has increased the number of contracts awarded under the Service Contract Act 33 percent from fiscal year 1983 to fiscal year 1985.

Unfortunately, some of my distinguished colleagues seem to have missed the signal.

The Service Contract Act stands for the simple principle that workers performing services for the Government should be paid the prevailing wage for their particular job in their particular locality. It does not ask that a premium wage be paid but simply the prevailing wage.

And the workers performing those services are still low paid and low skill. A Department of Labor preliminary sample survey conducted in 1986 found that employment covered by the Service Contract Act "appears to be dominated by the types of workers intended to be protected by the law: janitors, cleaners, porters, guards, mess attendants, laborers, etc."

If the amendment carries, 65 percent of all housekeeping contracts would lose protection; 62 percent of laundry contracts; 61 percent of custodial contracts; and 35 percent of food service contracts.

Service workers are also still largely minorities and women. Recent statistics compiled by the BLS show that the most common SCA-covered jobs are disproportionately filled by women, blacks, and Hispanics.

And 1 out of every 4 families headed by service workers is already in poverty.

We certainly have not lost the need for this legislation. I have not lost the will to fight for its existence. And I am confident that my colleagues have not lost the will to do what good judgment requires by voting—as 62 Members did last year—to preserve the protections of this law.

We have enough difficult issues to grapple with in this authorization bill—arms control, weapons systems, and strategic decisions affecting our Nation's security—without arguing over whether our tax dollars should be used to impoverish low-paid, low-skill service workers.

I hope the amendment of the Senator from Texas is rejected. I reserve the remainder of my time.

Mr. GRAMM. Mr. President, we have heard a lot of impassioned pleas, but I would like my colleagues to remember that 99 percent of the services provided in this country are not covered by the Service Contracting Act. Despite all the talk about poor people, the average wage paid under the Service Contract Act is three times the minimum wage and higher than the wage earned by the person who is paying the taxes to pay this premium.

Let me give you some examples of the wages we are talking about. If we went out today in Washington, DC, and hired a computer operator, we would pay in the private sector of the economy $6.65 per hour. Under the Service Contract Act, the taxpayer is paying $9.06 to a person with the same job classification.

Now you can talk all you want about poor people, but it is the poor people, the working people who are being taxed to pay a premium of almost 30 percent to people who are given special privileges that is not right.

Now, we hear all this talk about poor people.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. GRAMM. If the Senator would like to ask on his time, I will be happy to yield.

Mr. KENNEDY. Will the Senator yield on my time?

Mr. GRAMM. I would be happy to yield on the Senator's time.

Mr. KENNEDY. For a minute and a half. Would the Senator give the breakdown in terms of the wages? Because the vast majority of the service contracts apply to groups that I mentioned which are the lowest paid individuals. Also included in the service contracts are computer operators and other more highly paid individuals. But the Senator knows very well that

what we are basically protecting are the individuals on the lowest paid rung of the pay scale.

And so, when we start going off and talking about three times the minimum wage, approximately $10 an hour, it ought to be put in some kind of context. So, will the Senator add in the RECORD the different groups, what levels they are getting paid since he seems to be free in terms of talking about those figures?

Mr. GRAMM. Now we are returning to my time. I am happy to do that. In fact, the newest figure I have is 65 percent of the positions covered by the Service Contract Act pay $9 or more, 55 percent pay $11 or more, and the average is three times the minimum wage. But the question is not whether we are talking about rich people or poor people. The point is that 99 percent of the people providing services are providing services in a market where wages are determined by supply and demand. The people who are supplying services through Government contractors are consistently paid artificial wages that are out of line with what is paid in the private sector. That money is being effectively pirated from the pockets of the men and women of America; the working men and women of America who are not so privileged.

I cannot understand how we can be outraged about hammers and ashtrays and not be outraged when we are paying in this very city chef stewards in the civil service $18,556 a year, and we are paying $26,832 to a person in the same position under the Service Contract Act. There is no justification for that. There is no amount of rhetoric that can justify the great unfairness that exists in the law, and which is effectively taking money out of the pockets of the people who have to pay the bill.

If people want to stand up, jump up and down, and criticize defense contractors, we should try to eliminate instead the greatest inequity, the greatest waste, fraud, and abuse. These abuses are the very ones imposed by the Federal Government.

Does a wrong end when the people on whose behalf the wrong is being committed have political power? I say no. We should act to raise this threshold, and let the market system set wages for the benefit of taxpayers just as it sets wages in the private sector of the economy. Why should we pay more than General Motors and IBM for identical services? In fact, they have more money than the average working American does. Let us let the free market work. That is the intent of this amendment.

I urge my colleagues to reject the motion to table that I am sure is going to be made.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, has all time been yielded back?

The PRESIDING OFFICER. All time has expired on the part of the proponents; 5 minutes remain to the opponents.

Mr. DIXON. Does my colleague yield back the balance of his time on this side?

Mr. KENNEDY. I yield back the balance of the time on this side.

Mr. DIXON. Mr. President, I move to table the amendment by the Senator from Texas, 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 to lay on the table the amendment of the Senator from Texas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill 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 Delaware [Mr. ROTH] is necessarily absent.

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

The result was announced—yeas 67, nays 30, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—67

Adams	Evans	Mitchell
Baucus	Exon	Moynihan
Bentsen	Ford	Nunn
Biden	Fowler	Packwood
Bingaman	Glenn	Pell
Boren	Graham	Proxmire
Bradley	Harkin	Pryor
Breaux	Hatfield	Reid
Bumpers	Heflin	Riegle
Burdick	Heinz	Rockefeller
Byrd	Hollings	Sanford
Chafee	Inouye	Sarbanes
Chiles	Johnston	Sasser
Conrad	Kasten	Shelby
Cranston	Kennedy	Specter
D'Amato	Kerry	Stafford
Danforth	Lautenberg	Stennis
Daschle	Leahy	Stevens
DeConcini	Levin	Weicker
Dixon	Matsunaga	Wilson
Dodd	Melcher	Wirth
Domenici	Metzenbaum	
Durenberger	Mikulski	

NAYS—30

Armstrong	Hecht	Nickles
Bond	Helms	Pressler
Boschwitz	Humphrey	Quayle
Cochran	Karnes	Rudman
Cohen	Kassebaum	Simpson
Dole	Lugar	Symms
Garn	McCain	Thurmond
Gramm	McClure	Trible
Grassley	McConnell	Wallop
Hatch	Murkowski	Warner

NOT VOTING—3

Gore	Roth	Simon

So the motion was agreed to.

Mr. WARNER. Mr. President, the distinguished Senator from Michigan [Mr. LEVIN], who is in the Chamber, and I have been working on a proposed amendment, and it is my understanding that it is agreeable on both sides.

I might say that the amendment is a culmination of an effort that extends over nearly 3 years.

Mr. President, when the Republicans were in the majority and I was privileged to be chairman of the Subcommittee on Strategic Deterrence, I put forth an amendment on the SDI Institute. At the time my good friend from Michigan had what I felt were some very legitimate concerns about the structuring of that amendment and in the sense of fairness—possibly I think I had the votes—I did not push him, and now in the reverse situation he, with the sense of fairness, has come forward in, I believe, shall we characterize this amendment as being a fair accommodation of the interests of both parties.

Mr. President, perhaps the Senator from Michigan would like to speak for a moment prior to my forwarding this amendment to the desk. I would be happy to yield the floor for purposes for recognizing the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the Senator from Virginia will be offering an amendment which I believe is a far better approach than has previously been proposed by the SDIO. When we first heard about a proposal for an SDI Institute, it was going to be a sole source contract for a handpicked group of people. The amendment the Senator from Virginia is going to offer will provide first and foremost for competition, including specific requirements that private entities and existing think-tanks and research centers be invited to participate and to forward proposals. They will be specifically solicited for by the SDIO.

Also, the Senator from Virginia has provided in the new version of this amendment that in the event that the SDIO decides to propose a contract, whether it is with an existing private entity or with an existing FFRDC, or some other entity, or indeed a new entity, they will not make that decision or announce any decision prior to January 31, 1989.

Then they would have to wait 30 days at that point in case Congress wishes to act. There is in the amendment which will be offered by the Senator from Virginia a 2-year bar on any SDIO employee from participating in the SDII. There will be peer review which has been set forth now in this amendment. There is a requirement

that there be a line item in a budget for any SDII in the event that one is finally set up. And there is a sunset provision as well.

With all of these changes, I am able to accept this amendment. I do not know if I can speak for this entire side of the aisle, but if I were manager of the bill, at least for the moment, I would find, at least with these changes, the amendment would be acceptable to this side. But I do not want to be presumptuous in any way because I am not manager of the bill.

Mr. NUNN. Mr. President, I say to my friend from Michigan I am delighted the Senator from Virginia and the Senator from Michigan has worked this matter out to their mutual satisfaction. There was another Member on this side, I believe Senator PROXMIRE, who had an interest in this. I see he is on the floor. Has he been acquainted to this?

Mr. LEVIN. I think his staff has been. I do believe other staffs have been apprised, staffs of a number of other Senators. I believe, with that change, this matter can be voice voted.

Mr. WARNER. Mr. President, that would be the intention of the Senator from Virginia.

I wish to again thank my distinguished colleague from Michigan for it is clear to me that the agreement does recognize the use of existing FFRDC's and contractors to provide the integration and support in the interim period between now and such date as established by this amendment that the center envisioned by the SDI would come into being. This will provide—and it is very important that the Senator from Michigan brought this out—a competitive environment for existing FFRDC's to have an equal playing field on which to compete to offer their service.

Mr. LEVIN. If the Senator will yield, and so do private entities have a right to compete, as well. I think that is important.

Mr. WARNER. That is correct, Mr. President, commercial entities. In other words, there is a level playing field out there for all to compete and try and serve the Nation in this capacity.

AMENDMENT NO. 792

(Purpose: To set forth conditions for possible authorization of the establishment of a federally funded research and development center to support the Strategic Defense Initiative Program)

Mr. WARNER. Mr. President, at this time I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 792.

Mr. WARNER. 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 25, between lines 14 and 15, insert the following new section:

SEC. 235. ESTABLISHMENT OF A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER TO SUPPORT THE STRATEGIC DEFENSE INITIATIVE PROGRAM.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Department of Defense requires technical support for system level design and integration issues related to the Strategic Defense Initiative program.

(2) The Strategic Defense Initiative Organization assessed alternative types of organizations to provide technical support to the Strategic Defense Initiative program, including Government organizations, profit and nonprofit entities (including existing federally funded research and development centers), a new division within an existing federally funded research and development center, a new federally funded research and development center, colleges and universities, and private non profit laboratories, and determined that a new federally funded research and development center would be the type of organization to provide technical support to the Strategic Defense Initiative program.

(3) To ensure the independence and objectivity of any such new FFRDC and to control its expense, certain conditions need to be met.

(4) Competitive selection of a contractor to establish and operate a federally funded research and development center to support the Strategic Defense Initiative program is one way to enhance the prospects for independent and objective evaluation of technological and system level Strategic Defense Initiative program issues.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds appropriated to the Department of Defense for the Strategic Defense Initiative program may be used for the purpose of awarding a contract to operate a federally funded research and development center established to support the Strategic Defense Initiative program if such center is established under competitive procedure and which emphasize the cost considerations provided further that—

(1) the Secretary of Defense has solicited proposals for such contract from existing Federally funded research and development centers, universities, commercial entities, and any new organizations, and has maximum efforts to obtain more than one proposal for such contract;

(2) the Secretary of Defense has submitted the 3 best contract proposals, together with a copy of the proposed sponsoring agreement for the new FFRDC, to peer review by 3 persons designated by the Defense Science Board from a list of six or more persons compiled by the National Academy of Sciences;

(3) the persons performing the peer review referred to in clause (3)—

(A) have evaluated the extent to which each proposal and the sponsoring agreement foster competent and objective technical advice for the Strategic Defense Initiative Program; and

(B) have reported their evaluation to the Secretary;

(4) the Secretary of Defense has issued a directive requiring that the contract referred to in clause (b) include a provision stating that no officer or employee of DOD shall have the authority to veto the employment of any person selected to serve as an officer or employee of the new FFRDC;

(5) the Secretary of Defense has issued a directive requiring that at least 5 percent of the total amount of funds available for the new FFRDC is to be set aside for independent research to be performed by the staff of the new FFRDC under the direction of the chief executive officer of the new FFRDC;

(6) the Secretary of Defense has issued a directive (A) imposing a limitation on the compensation payable to each high-level executive of the new FFRDC for services performed for the new FFRDC so that such compensation shall be comparable to the amount of compensation payable to high-level executives of comparable Federally funded research and development centers for similar services, and (B) imposing a requirement that the new FFRDC publicly disclose the salary of its chief executive officer;

(7) the Secretary of Defense has issued a directive (A) prohibiting current or former members of the Strategic Defense Initiative Advisory Committee from serving as members of the Board of Trustees if such members constitute ten or more percent of the Board of Trustees or from serving as officers of the new FFRDC, and (B) requiring that the contract referred to in clause (b) include a provision prohibiting members of such Board of Trustees from serving as officers of the new FFRDC except the President of the new FFRDC if the Board is comprised of 10 or more members.

(8) the Secretary of Defense has issued a directive requiring that the contract referred to in clause (1) include a provision prohibiting the new FFRDC from employing any person who, as a Federal employee or member of the Armed Forces, has served in the Strategic Defense Initiative Organization within 2 years before the date on which such person is to be employed by the new FFRDC;

(9) the Secretary of Defense has issued a directive providing for a separate line item within the Department of Defense budget for all funds for the new FFRDC;

(10) the Secretary of Defense has issued a directive requiring that any contract referred to in clause (b) include a provision requiring that the Board of Trustees of the new FFRDC be comprised of individuals who represent a reasonable cross-section of views on the engineering and scientific issues associated with the Strategic Defense Initiative Program;

(11) the Secretary of Defense shall not decide upon or announce the award of any contract before January 30, 1989 and, before awarding a contract for the operation of the new FFRDC, the Secretary of Defense shall submit to Congress no sooner than January 30, 1989—

(A) a copy of the proposed final contract;

(B) a copy of the proposed final sponsoring agreement relating to the operation of the new FFRDC; and

(C) shall withhold the award of such contract and approval of such sponsoring agreement for at least 30 days of continuous session of Congress beginning on the day after the date on which Congress receives such copies and report.

(c) CONTINUITY OF CONGRESSIONAL SESSION.—For purposes of subsection (a)(13), the continuity of a session of Congress is

broken only by an adjournment sine die at the end of the second regular session of that Congress; however, in computing a 30-day period for such purposes, days on which either House of Congress is not in session because of an adjournment of more than five days to a day certain shall be excluded.

(d) SUNSET PROVISION.—No funds shall be available for the new FFRDC 5 years after the award of its initial contract.

Mr. WARNER. Mr. President, unless there are other Senators wishing to address this amendment, I move its adoption.

The PRESIDING OFFICER. Does the Senator from Virginia yield back the remainder of his time?

Mr. WARNER. The Senator from Virginia yields back the remainder of his time.

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

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Virginia [Mr. WARNER].

The amendment (No. 792) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I thank the Chair and I thank all Senators for their consideration.

T-AO FLEET OILERS

Mr. LAUTENBERG. Mr. President, several of my distinguished colleagues and I wish to discuss with the distinguished managers the funding for the Navy's T-AO Fleet Oiler Program.

Mr. President, I want to commend our Armed Services Committee for its strong support of the Navy's efforts to modernize and expand its mobile logistics support forces, of which our new T-AO fleet oilers are an essential component. Without sufficient T-AO supply ships, our naval combatants simply cannot sustain deployments at sea. However, the committee reluctantly, and only due to budget constraints, reduced funding for the T-AO Program for fiscal year 1988 from the Navy's request for $279.1 million for two ships, to $150.0 million for only one ship. I and a number of my colleagues have considered offering an amendment to the pending authorization bill to restore funding for two T-AO's. May I ask the distinguished Senator from Georgia to please state his views on this matter?

Mr. NUNN. Mr. President, I am glad to respond. The distinguished Senator from New Jersey has described the committee's action correctly. The committee reduced funding for the T-AO Fleet Oiler Program from two ships to one with extreme reluctance, and only due to budget constraints. As one Senator, I favor funding for two T-AO's for fiscal year 1988. The other body has included funding for both ships in its version of the authorization bill, and I want to assure the distinguished Senator and my colleagues that I will strive to accommodate that funding within the budgetary constraints which must be overcome to resolve this difference.

Mr. HEINZ. Mr. President, I thank the Senator from Georgia for his statement on this important matter. Would the distinguished Senator from Virginia please respond with his views on the necessity of funding two T-AO's for fiscal year 1988? In particular, I have ruefully observed that budgetary constraints have already affected the Navy's desperate need for new T-AO fleet oilers to replace 1940's vintage ships. T-AO procurement has been curtailed from four ships per year, to three per year, to two per year. Does the distinguished Senator agree that a procurement rate of two T-AO's per year is the bare minimum to meet our national defense requirements for auxiliary ships to sustain our combatants at sea?

Mr. WARNER. Mr. President, the distinguished Senator from Pennsylvania is correct. The Armed Services Committee decided by a very narrow margin to reduce funding for T-AO fleet oilers in fiscal year 1988 from two ships to one. I strongly support the Navy's request for funding two fleet oilers in this budget and will make every effort in conference to restore funding for the second ship.

Mr. BRADLEY. Mr. President, I thank the distinguished managers for their statements of support for funding two T-AO's for fiscal year 1988. Congress directed the Navy to dual source T-AO construction when it approved funding for three T-AO's in fiscal year 1985, two in fiscal year 1986, and two in fiscal year 1987. Dual sourcing has been of benefit to the Navy and has also helped maintain our Nation's shipbuilding industrial base. Without keeping to the schedule outlined to complete construction of the 18 T-AO's contemplated, it would be impossible to dual source. That would reduce competition and would imperil the ability of the Navy to continue cost-efficient production lines. That is not in the interest of the Navy and it certainly is not in the interest of the thousands of workers who are presently building these ships.

Mr. NUNN. Mr. President, I recognize the point which my good friend from New Jersey has just raised. If only one T-AO could be procured in fiscal year 1988, the benefit of dual-sourcing for this program would be lost. This is another reason why, as one Senator, I will strive to attain funding for two T-AO's for fiscal year 1988, provided that the budgetary constraints we face can be overcome.

Mr. SPECTER. Mr. President, I, too, thank the distinguished managers for their expressions of support to fund two T-AO's for fiscal year 1988. The importance of supply auxiliaries like the T-AO's has been reemphasized by the deployment of our naval forces in the Persian Gulf. Without replenishment, any deployment of naval ships would have to be cut short. The achievement of U.S. policy objectives would thus be undermined, especially in regions of the world far-distant from land-based supply sources such as the Indian Ocean, no matter how capable our personnel. My distinguished colleagues, Senator LAUTENBERG and Senator JOHNSTON, and I are privileged to serve on the Senate Appropriations Committee, where we must also consider this matter. The authorization for the T-AO Program for fiscal year 1988 is included in the Navy's shipbuilding and conversion account, in a total amount of $10.1 billion. If our Appropriations Committee were to consider this matter before final congressional action on the authorization has occurred, what guidance would the distinguished managers suggest with respect to the T-AO Program?

Mr. JOHNSTON. Mr. President, as a member of the Senate Appropriations Subcommittee on Defense, I share the concern my good friend from Pennsylvania has just expressed. I strongly support the Navy's request to fund two T-AO's for fiscal year 1988. Funding the T-AO Program to achieve a procurement rate of two ships per year is the bare minimum to meet the Navy's desperate need for these ships. I join my colleagues in thanking the distinguished managers for their statements of support for funding two T-AO's for fiscal year 1988. We on the Senate Defense Appropriations Subcommittee will certainly strive to achieve that result.

Mr. NUNN. Mr. President, I will respond as best I can to the distinguished Senator's hypothetical question. First, I am very hopeful that the situation which the Senator has described will not occur, so that appropriations for fiscal year 1988 would be consistent with the authorization finally approved by Congress. In the alternative, I would hope that our authorizing committee could work with you to achieve the outcome which we all support for the T-AO Program.

Mr. WARNER. Mr. President, I concur with my distinguished chairman's statement. There seems to be no disagreement over the desirability of funding the Navy's request for two T-AO's for fiscal year 1988, and I have high expectations that this outcome will be achieved.

THE APACHE ATTACK HELICOPTER PROGRAM

Mr. McCAIN. Mr. President, in 1972, the Army began a program to develop

a new attack helicopter to replace the aging Cobra aircraft fleet. This program was called the Advanced Attack Helicopter [AAH]. The Army invested some $1.2 billion to build prototypes of the AAH, test them in a flyoff between two competing companies, and enter full scale engineering development. After some 10 years of R&D, the AH-64 Apache attack helicopter evolved. The Apache, now in high rate production, is considered one of the world's finest attack helicopters. It has exceeded its specifications for aircraft performance, reliability and maintainability. Its integrated weapons system allows the Apache pilots to fly at night, in adverse weather, and to navigate precisely to targets. The pilot's and gunner's optical systems allow them to detect targets at long standoff ranges. The Apache can then laser designate those targets in order to provide guidance for projectiles launched from the Apache or other close air support aircraft. The Army pilots who are flying this superb attack helicopter are pleased with its capabilities and report that it is changing the nature of attack helicopter warfare.

With these results, one would expect that the Army would be procuring the AH-64 Apache as one of its highest priority programs. Unfortunately, this is not the case. The budget request submitted by the Army this year included 67 Apaches for fiscal year 1988 with no request for advance procurement funds for any aircraft in fiscal year 1989. These final 67 aircraft requested would have given the Army a total production run of 593, despite the fact that the Army has stated its weapons system requirements as 1,031 aircraft to equip 28 of its attack helicopter divisions.

I want to commend Senator LEVIN, the distinguished chairman of the Conventional Forces and Alliance Defense Subcommittee, for his leadership in providing funds for procurement of 90 AH-64 Apaches in fiscal year 1988 and for adding advance procurement funds for 72 Apaches to be bought in fiscal year 1989. The provision for 90 aircraft in fiscal year 1988 will help the Apache's manufacturer phase down from its present efficient production rate of 12 AH-64's per month to the long-term sustaining rate of 6 per month. Also, the 23 additional Apaches will outfit another Army attack helicopter battalion and enhance the Armys war-fighting capability when those aircraft are delivered.

I would like to further commend the Senator from Michigan [Mr. LEVIN] for the position that the subcommittee, and full committee, took regarding the Army's long-term modernization program. You have so aptly pointed out in the Committee report that the Army's five major weapons systems were having production termination well short of the Army's inventory objectives with significant gaps in time before their replacements were due to be fielded. The committee's direction to the Department of Defense to ensure production of these systems in fiscal year 1989 and beyond, and the specific recommendation for procurement of set percentage of the Army's requirements within the fiscal year 1989 Five-Year Defense Program [FYDP], represents excellent guidance to the Department for programming of its available resources.

I did note that the committee believes with regard to the AH-64 Apache that 85 percent of the Army's requirement be bought within the fiscal year 1989 FYDP, and it is my understanding that the Army testified to the subcommittee that their weapon system requirement for Apaches is 1,031 aircraft. Is the 1,031 number the correct one for Apaches that was referred to in the committee report?

Mr. LEVIN. Yes, the Army stated that the weapon system requirement for the AH-64 Apache is 1,031 aircraft, to equip 28 divisions for its Active Reserve and National Guard units.

Mr. MCCAIN. So the committee's belief that 85 percent of the requirement be bought, in essence, recommends that the Defense Department program the funds to procure a total of 876 Apaches?

Mr. LEVIN. That is quite correct, 876 is 85 percent of the 1,031 quantity.

Mr. MCCAIN. And the committee's recommendation is that the Apaches should be produced at a 6-per-month, or 72-per-year rate, is that correct?

Mr. LEVIN. Yes, that is the minimum economical production rate.

Mr. DECONCINI. If the Senator would yield, I too would like to commend the chairman of the Conventional Forces Subcommittee for the strong position the committee took on the AH-64. There is no question that this is the finest attack helicopter in the world. I believe it is a serious mistake for the Army to terminate production at this stage in the program. And like my colleague from Arizona, I too think the committee took the correct position in suggesting that the Army continue to procure Apache helicopters at a rate of 72 a year.

I would like to ask the distinguished chairman, however, about another aspect of the bill which relates to the AH-64, and that concerns funds added to the research and development account. As I review the bill reported by the committee, I note that you have added $50 million "to develop improved models" of the AH-64. Could the Senator from Michigan explain what the intent of the committee was in providing those funds?

Mr. LEVIN. I thank the senior Senator from Arizona for raising this point because it is an important aspect of the overall program crafted by the committee. The committee believed that while the AH-64 is an excellent helicopter today, it could be significantly improved with modest investment. The AH-64 represents 1970's technology. Since that time there have been significant advances, especially in the area of electronics. For example, electronic navigation systems today are substantially more sophisticated. This could well be an area of improvement for the AH-64. The committee believed that in addition to continuing the AH-64 in production, it was important to improve future aircraft.

Mr. DECONCINI. If the Senator would yield, is the committee suggesting that the Army develop a "B" model of the AH-64 and that all future purchases of the AH-64 be in this advanced configuration?

Mr. LEVIN. If I might respond, the committee supports the concept of a "B" model of the AH-64, though it may take some time to fully develop that configuration. As such, we would not expect the helicopters authorized in this bill to be in the advanced configuration, but we certainly would expect the Army to develop a comprehensive plan for an advanced-design Apache helicopter.

Mr. DECONCINI. I thank the Senator for his response, and I commend him and all the members of his subcommittee for the leadership they have provided on this key issue.

M113

Mr. WILSON. Mr. President, I seek recognition for purposes of engaging in a colloquy with the distinguished chairman of the Subcommittee on Conventional Forces and Alliance Defense.

Mr. President, I would like to bring to the attention of my colleagues a problem that exists regarding the M113 vehicle. The M113, and the nine related vehicles which are based on the baseline M113 chassis, is the most common combat vehicle in the U.S. Army. Without question, the Army and the National Guard could not go to war without the M113. Across all missions, the Army has a requirement for over 49,000 M113 type vehicles. Today it has only 27,000, with another 2,000 yet to be delivered. In short, the Army is short over 20,000 M113 and related vehicles.

The shortage is particularly pressing in the National Guard which has a requirement for nearly 11,000 vehicles, but will have only 7,700 vehicles. The National Guard is short 3,200 vehicles, which is nearly a 30-percent shortfall.

Mr. President, shortages are an unfortunately common story in DOD, and especially in the Army. But what makes this situation different is that the M113 production line will be shut

down after this year if there are no added purchases made. The Army has requested no M113 or related vehicles in fiscal year 1988 or 1989. Additional procurement of M113-based vehicles are planned in fiscal year 1990. There may be no further production, however, because the production line will go cold and the cost to reopen the line may be prohibitive.

This is unwise, in my judgment, because the M113 is used in so many missions and the Army is substantially short of meeting its requirements of them.

It is also unwise to terminate production of a very cost effective vehicle in the face of tightening budgets. We can afford to buy the M113 in quantity if we want to. We can't say that for many other systems.

I would like to ask the distinguished chairman of the Subcommittee on Conventional Forces several questions. First, are there any M113's in the bill as reported? If there are no funds provided in fiscal year 1988, will that mean the M113 production line will close? And finally, if funds can be identified, would the chairman support continued production in fiscal year 1988?

Mr. LEVIN. Mr. President, I thank the distinguished Senator from California for raising this issue. He knows that I am quite concerned about the lack of attention to conventional combat systems in the budget that was submitted. We amended that request to correct those shortages, but we were not able to address all the deficiencies.

As the Senator knows, there are no funds in the bill to procure M113's, and absent any reprogramming or foreign military sales, this will necessitate termination of the production line.

The distinguished Senator asked whether I would support continued production in fiscal year 1988 if additional funds could be identified. First, I know some sources of funds that my friend from California may not wish to use for that purpose. I won't press that matter here.

I should also inform my colleagues that the authorization bill that passed the House includes funds to buy an additional 300 M113 vehicles in fiscal year 1988. They did this with a bill that cut substantially more from the budget than did the bill reported by our committee. While I can't insure the Senator that we will be able to include M113's in the bill reported from the conference, it is clear that it will be a conference issue. I will be delighted to work with my friend from California during conference to carefully review this issue and to weigh the priority of continued production against the other important items contained in the budget.

SHIPBOARD IFF

Mr. WILSON. Mr. President, I would like to engage the distinguished Senator from Massachusetts, the chairman of the Subcommittee on Projection Forces and Regional Defense, in a colloquy concerning shipboard IFF.

Mr. President, our Navy surface ships have a system onboard which helps distinguish between friendly and enemy aircraft. It is called the Mark 12 AIMS IFF system. IFF is a military acronym meaning "identification friend or foe." A crucial part of this system is a device called the SN-501 UPX video synchronizer. This device, a part of the entire shipboard IFF system, is a key to effective shipboard air defense.

The Navy has identified a requirement for the SN-501 device, and the original plan called for procurement of 81 units in fiscal year 1988 and 84 units in 1989. However, the fiscal year 1988 budget request for the Mark 12 AIMS IFF system included funds for only 27 units.

Mr. President, the Navy can usefully employ these devices as quickly as the budget will allow. They are of great importance for effective air defense of Navy surface combatants.

I would like to ask the distinguished chairman of the Subcommittee on Projection Forces and Regional Defense if he is aware of this program and the current situation.

Mr. KENNEDY. I thank the distinguished Senator from California for his comments and for bringing this matter to the Senate's attention. This is an important system for the Navy, and, as events in the Persian Gulf have shown most recently, our Navy ships must have the capability to identify incoming aircraft.

I share the concerns of the Senator from California. In fact, I believe the Armed Services Committee last year supported a reprogramming request for this system.

Mr. WILSON. I thank the distinguished chairman. One other point I would like to make in this time of dwindling defense budgets—it is imperative that we spend defense dollars effectively, and this includes procuring items efficiently.

Mr. President, the current rate of production for the SN-501 is very inefficient both for the Navy and for the contractor, in this case an 8a minority owned and controlled small business.

Mr. President, I would like to ask the chairman of the Subcommittee on Projection Forces and Regional Defense if he would consider favorably an increase to this line item during conference, if possible, and, if not, if he would give fair and complete consideration to a reprogramming request for this by the Navy later in the year?

Mr. KENNEDY. Mr. President, I can assure my colleague from California that I understand his request. I am not certain this can be supported in conference. However, I will do my best to accommodate the Senator; and if not, I will agree to give careful consideration to a reprogramming request from the Navy next year, should one be submitted.

Mr. WILSON. I thank the Senator and I look forward to working with him in the future.

AMENDMENT NO. 793

(Purpose: To correct certain authorization figures in the bill and to revise section 811 of the bill relating to technical and conforming amendments.)

Mr. NUNN. Mr. President, I send to the desk an amendment to correct certain authorization figures in the bill and to revise the provisions of the bill relating to technical and conforming amendments.

The amendment contains six corrections in the authorization figures which are needed to align the bill with the overall amounts approved by the committee, and to conform certain portions of the bill in light of changes made to date through floor amendments.

This amendment also contains necessary technical and conforming changes to permanent law which have been identified by the staff and by the Department of Defense.

Section 811 contains changes related to the Goldwater-Nichols Department of Defense Reorganization Act of 1986. Section 812 consists of changes to other provisions of law.

Section 813 establishes the position of Assistant to the Secretary of Defense for Atomic Energy as a statutory position. This position has existed within DOD through administrative action, and this will provide a statutory basis for Presidential appointment and Senate confirmation. This is a conforming change resulting from last year's DOD Authorization Act which established the Nuclear Weapons Council and abolished the Military Liaison Committee.

These are routine changes that have been cleared on both sides. We have cleared it with the Senator from Virginia and I urge the adoption of the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. WARNER proposed an amendment numbered 793.

Mr. WARNER. Mr. President, I ask unanimous consent that 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 4, line 11, strike out "$9,150,436,000" and insert in lieu thereof "$9,272,047,000".

On page 4, line 14, strike out "$7,164,139,000" and insert in lieu thereof "$7,164,439,000".

On page 14, line 24, strike out "$2,869,013,000" and insert in lieu thereof "$2,860,598,000".

On page 15, line 7, strike out "$8,706,452,000" and insert in lieu thereof "$8,699,452,000".

On page 15, line 14, strike out "$3,877,680,000" and insert in lieu thereof "$3,870,680,000".

On page 110, beginning with line 18, strike out all down through line 13 on page 114 and insert in lieu thereof the following:

SEC. 811. AMENDMENTS RELATED TO THE ENACTMENT OF THE GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986

(a) AMENDMENTS TO PUBLIC LAW 99-433.—(1) The table contained in section 101(a)(5) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 995) is amended by striking out "chapter 3" above the right hand column and inserting in lieu thereof "chapter 144".

(2) Section 202(b)(2) of such Act (100 Stat. 1011) is amended by inserting "the first place it appears" immediately before the semicolon.

(3) Section 532(c)(1) of such Act (100 Stat. 1063) is amended by striking out "section" and inserting in lieu thereof "sections".

(4) Section 602(e)(3)(B) of such Act (100 Stat. 1067) is amended by striking out "and strength" and inserting in lieu thereof "end strength".

(b) AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1)(A) Section 152 is amended by striking out the section heading and inserting in lieu thereof the following:

"§ 152. Chairman: appointment; grade and rank".

(B) The table of sections at the beginning of chapter 5 is amended by striking out the item relating to section 152 and inserting in lieu thereof the following:

"152. Chairman: appointment; grade and rank.".

(2) Section 155 is amended—

(A) in subsection (f)(4)(B), by inserting "or Congress" after "the President"; and

(B) in subsection (g)(2), by inserting "the President or" after "declared by".

(3) Section 194(e)(2) is amended by inserting "the President or" after "declared by".

(4)(A) The heading for section 743 is amended by adding at the end "; Commandant of the Marine Corps".

(B) The table of sections at the beginning of chapter 43 is amended by inserting "; Commandant of the Marine Corps" after "Air Force" in the item relating to section 743.

(5) Section 1406(i) is amended—

(A) by inserting "AND VICE CHAIRMEN" after "CHAIRMEN" in the subsection heading; and

(B) by inserting "or Vice Chairman" after "Chairman" in paragraph (1).

(6) Sections 3014(f)(4), 5014(f)(4), and 8014(f)(4) are each amended by inserting "the President or" after "declared by".

(7) The table of sections at the beginning of chapter 549 is amended by striking out the item relating to section 5898 and inserting in lieu thereof the following:

"5898. Action on reports of selection boards.".

(8) Section 8062(e) is amended by striking out "section 114" and inserting in lieu thereof "section 115".

(c) AMENDMENTS TO TITLE 37.—(1) Section 413 of title 37, United States Code, is amended to read as follows:

"§ 413. Chairman and Vice Chairman of the Joint Chiefs Staff

"The Chairman and Vice Chairman of the Joint Chiefs of Staff are entitled to the allowances provided by law for the Chief of Staff of the Army.".

(2) The table of sections at the beginning of chapter 7 of such title is amended by striking out the item relating to section 413 and inserting in lieu thereof the following:

"413. Chairman and Vice Chairman of the Joint Chiefs of Staff.".

(d) MISCELLANEOUS AMENDMENTS.—Footnote 2 in the table in section 411(a) of title 38, United States Code, is amended by inserting "or Vice Chairman" after "Chairman".

(2) Section 1344(b)(4) of title 31, United States Code, is amended by inserting "the members and Vice Chairman of" before "the Joint Chiefs of Staff".

(3) Footnote 2 of the table entitled "COMMISSIONED OFFICERS" in section 101(b)(1) of the Uniformed Services Pay Act of 1981 (37 U.S.C. 1009 note) is amended by inserting "or Vice Chairman" after "Chairman".

(4) Section 1302(b)(3) of the Department of Defense Authorization Act, 1986 (37 U.S.C. 431 note), is amended by striking out "section 133(d)" and inserting in lieu thereof "section 113(d)".

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply as if included in the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

(2) The amendments made by subsections (c)(1), (d)(3), and (d)(4) shall take effect as of October 1, 1986.

SEC. 812. TECHNICAL AND CLERICAL AMENDMENTS

(a) AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 101(14) is amended by inserting "a" after "means"

(2) Section 179 is amended by realigning subsection (e) so as to appear flush to the left margin.

(3) The table of sections at the beginning of chapter 21 is amended by striking out the item relating to section 423 and inserting in lieu thereof the following:

"423. Authority to use proceeds from counterintelligence operations of the military departments.".

(4) The table of sections at the beginning of chapter 39 is amended by transferring the item relating to section 686 from the end of such table to appear immediately below the item relating to section 685.

(5) Section 1102(c)(2) is amended by striking out ", United States Code" in the second sentence.

(6) Section 2321 is amended—

(A) in subsection (d)(4)(A), by striking out "paragraph" and inserting in lieu thereof "subsection"; and

(B) in subsection (i), by inserting "or subcontractor" after "contractor".

(7) Section 2322(b) is amended by inserting a period at the end.

(8) Section 2327(d) is amended by inserting "(1)" after "APPLICABILITY.—".

(9) The heading of section 2342 is amended by inserting a hyphen between the first and second words.

(10)(A) Section 2364 is amended by striking out "milestone O, I, and II decisions" in subsection (b)(5) and inserting in lieu thereof "milestone O, milestone I, and milestone II decisions".

(B) The heading of such section is amended by revising the fifth word so that the first letter is lower case.

(C) The item relating to that section in the table of sections at the beginning of chapter 139 is amended to conform to the amendment made by subparagraph (B).

(11) Section 2366(e)(1)(B) is amended by striking out "section 2303(5)" and inserting in lieu thereof "section 2302(5)".

(12) The item relating to section 2367 in the table of sections at the beginning of chapter 139 is amended so that the initial letter of the third word is lower case.

(13) Section 2406(f)(2)(A) is amended by inserting "section" after "is defined in".

(14) Section 2436(c)(5) is amended by inserting "law," after "auditing,".

(15) Section 2801(c)(3) is amended by striking out "defense agencies" and inserting in lieu thereof "Defense Agencies".

(16) Section 3723 is amended by striking out the comma after "disease".

(17) Sections 801, 1447, 2005(e), 2101, 2147(d), 2393(c), 2687(e), and 9511 are amended—

(A) by inserting "The term" in each paragraph (other than paragraph (2) of section 801) after the paragraph designation; and

(B) by revising the first word after the first quotation marks in each paragraph (other than paragraph (2) of section 801, paragraph (1) of section 1447, and paragraphs (7) and (11) of section 9511) so that the initial letter of such word is lower case.

(18)(A) Sections 1089(g), 2002(b), 2141(c), 2143(c), and 2145(b) are amended by inserting "the term" after "In this section,".

(B) Section 2356(b) is amended by inserting ", the term" after "In this section".

(19)(A) Sections 3251 and 8251 are amended by inserting ", the term" after "In this chapter".

(B) Sections 4801, 8368(a), and 9801 are amended by inserting "the term" after "In this chapter,".

(20) Section 101(20) is amended by striking out " 'Rate" at the beginning of the second sentence and inserting in lieu thereof "The term 'rate".

(b) AMENDMENTS TO TITLE 37.—Section 303(2) of title 37, United States Code, is amended—

(1) by striking out the comma at the end of subparagraph (A) and inserting in lieu thereof a semicolon; and

(2) by striking out ", or" at the end of subparagraph (B) and inserting in lieu thereof "; or".

(c) AMENDMENTS TO PUBLIC LAW 100-26.—Public Law 100-26 is amended—

(1) in section 7(b)(3)(A), by inserting "in subsection (a)," before "by";

(2) in section 7(k)(1)(C), by inserting "(2)" after "paragraphs (1),"; and

(3) in section 8(d)(7), by striking out "Section 406" and inserting in lieu thereof "Section 406b".

(d) MISCELLANEOUS AMENDMENT.—Section 956(b)(1) of the Defense Acquisition Improvement Act of 1986 (as contained in title IX of Public Law 99-661 and in title X of section 101(c) of Public Laws 99-500 and 99-591) is amended by inserting "the first place it appears" before the semicolon.

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (c) shall apply as if included in the enactment of the Defense Technical Corrections Act of 1987 (Public Law 100-26).

(2) The amendment made by subsection (d) shall apply as if included in the enactment of Public Laws 99-500, 99-591, and 99-661.

SEC. 813. ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY AND CHAIRMAN OF NUCLEAR WEAPONS COUNCIL

(a) STATUTORY ESTABLISHMENT OF POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.—(1) Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 141. Assistant to the Secretary of Defense for Atomic Energy

"(a) There is an Assistant to the Secretary of Defense for Atomic Energy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Assistant to the Secretary shall advise the Secretary of Defense and the Joint Nuclear Weapons Council on nuclear energy and nuclear weapons matters.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"141. Assistant to the Secretary of Defense for Atomic Energy.".

(b) EXCEPTION TO SENATE CONFIRMATION.—The person serving as Chairman of the Military Liaison Committee, Department of Defense, under section 27 of the Atomic Energy Act of 1946 (42 U.S.C. 2037) on October 16, 1986, may be appointed as the Assistant to the Secretary of Defense for Atomic Energy under section 141 of title 10, United States Code (as added by subsection (a)), without the advice and consent of the Senate.

(c) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5316 of title 5, United States Code, is amended by striking out "Chairman of the Military Liaison Committee to the Atomic Energy Commission, Department of Defense" and inserting in lieu thereof "Assistant to the Secretary of Defense for Atomic Energy, Department of Defense".

On page 210, line 4, strike out "$166,500,000" and insert in lieu thereof "$270,000,000".

Mr. WARNER. Mr. President, the Senator from Georgia has exactly stated the case. It is clear on both sides. I move the amendment.

The PRESIDING OFFICER. If all Senators yield back their time, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 793) was agreed to.

Mr. BYRD. 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.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 322, H.R. 2712. This is in accordance with the order earlier entered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2712) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1988, and for other purposes.

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

H.R. 2712

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 Department of the Interior and related agencies for the fiscal year ending September 30, 1988, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, **[**$493,649,000**]** *$502,972,000,* of which $75,000,000 for firefighting and repayment to other appropriations from which funds were transferred under the authority of section 102 of the Department of the Interior and Related Agencies Appropriations Act, 1987, as contained in Public Law 99-591, shall remain available until expended **[**: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors**]**: *Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors: Provided further, That appropriations herein made shall be available for the Bureau of land Management to revise policy statements and regulations concerning wild horses and burros: Provided further, That appropriations herein made shall be available for reviewing and implementing proposals to establish humane wild horse and burro sanctuaries, pursuant to the Committee's reprogramming guidelines: Provided further, That the Bureau shall submit a report to the House and Senate Committees on Appropriations by April 1, 1988, reviewing the current status of wild horse and burro populations and recommending future policies for Congressional consideration.*

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, **[**$1,981,000**]** *$2,736,000,* to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), $105,000,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interest therein, **[**$4,170,000**]** *$10,235,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[**$57,817,000**]** *$58,134,000,* to remain available until expended: *Provided,* That the amount appropriated herein for road construction shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further,* That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315, et seq.), but not less than $8,506,000 (43 U.S.C. 1901), and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided,* That notwithstanding any provision to the contrary of subsection 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that subsection, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to subsection 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent

appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further,* That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $25,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided,* That appropriations herein made for Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further,* That appropriations herein made may be expended for surveys of Federal lands of the United States and on a reimbursable basis for surveys of Federal lands of the United States and for protection of lands for the State of Alaska: *Provided further,* That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further,* That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Bureau.

Notwithstanding any other provision of law or any court order, the Secretary of the Interior, through the State Director, Utah, Bureau of Land Management, is authorized and directed to negotiate with the appropriate government officials in the State of Utah and to take any action necessary to consummate an exchange of Federal lands and improvements thereon identified as tracts U-a and U-b, for State lands of equal value. Any exchange involving such lands shall include the transfer of funds conveyed to the BLM for the management and protection of the tracts U-a and U-b.

Notwithstanding any other provision of law or any court order, the Secretary of the Interior is authorized and directed to revoke the Bureau of Reclamation's Dixie project withdrawal, created by Commissioner's order of June 11, 1943; Public Land Order No. 1868 of June 3, 1959; Public Land Order No. 4036 of June 6, 1966; and Public Land Order No. 4061 of July 18, 1966, and to complete any land actions with regard to those lands that he believes to be in the public interest.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge[; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $335,524,000] *$342,859,000,* of which $4,300,000, to carry out the purposes of 16 U.S.C. 1535, shall remain available until expended; and of which [$6,409,000] *$6,528,000* shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and shall remain available until expended[: *Provided,* That, of the amounts provided above, not less than $1,204,000 is available for the National Fishery Research and Development Center at Wellsboro, Pennsylvania].

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; [$21,054,000] *$19,437,000,* to remain available until expended, of which $2,000,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k-3, 5), [$1,000,000] *$3,561,000,* to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, [$39,074,000] *$72,860,000,* to be derived from the Land and Water Conservation Fund, to remain available until expended[, including $1,000,000 for the Tensas NWR, Louisiana].

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $5,645,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 145 passenger motor vehicles, of which 144 are for replacement only (including 41 for police-type use); not to exceed $350,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided,* That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

(INCLUDING RESCISSION)

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $424,000 for the Roosevelt Campobello International Park Commission [and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, $725,129,000] *$731,755,000,* without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451): *Provided,* That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation[: *Provided further,* That none of these funds may be used to compensate a quantity of staff greater than existed as of May 1, 1986, in the Office of Legislative and Congressional Affairs of the National Park Service or to compensate individual staff members assigned subsequent to May 1, 1986, at grade

levels greater than the staff replaced]*: Provided further, That to advance the mission of the National Park Service for a period of time not to extend beyond fiscal year 1988, the Secretary of the Interior is authorized to charge park entrance fees for all units of the National Park System, except as provided herein, of an amount not to exceed $3 for a single visit permit as defined in 36 CFR 71.7(b)(2) and of an amount not to exceed $5 for a single visit permit as defined in 36 CFR 71.7(b)(1): Provided further, That the cost of a Golden Eagle Passport as defined in 36 CFR 71.5 is increased to a reasonable fee but not to exceed $25 until September 30, 1988: Provided further, That for units of the National Park System where entrance fees are charged the Secretary shall establish an annual admission permit for each individual park unit for a reasonable fee but not to exceed $15, and that purchase of such annual admission permit for a unit of the National Park System shall relieve the requirement for payment of single visit permits as defined in 36 CFR 71.7(b): Provided further, That all funds derived from National Park Service recreation fees during fiscal year 1988, and all funds collected by the National Park Service during fiscal year 1988 under subsections (a), (b), and (c) of section 4 of the Land and Water Conservation Fund Act of 1965, as amended, shall be transferred to the General Fund of the Treasury of the United States: Provided further, That notwithstanding any other provision of this Act, no admission fee may be charged at any unit of the National Park System which provides significant outdoor recreation opportunities in an urban environment and to which access is publicly available at multiple locations, nor shall an admission fee be charged at any unit of the National Park System which has a current, specific statutory exemption: Provided further, That where entrance fees are established on a per person basis, children 12 and under shall be exempt from the fees: Provided further, That if permanent statutory language is enacted during fiscal year 1988 establishing entrance fees for the National Park System that such language shall supersede the provisions on recreation fees contained in this Act: Provided further, That of the amounts appropriated under this head, $18,500,000 shall be distributed to units of the National Park System, to be available for resource protection, research, interpretation, and maintenance activities related to resource protection, to be distributed in the following manner: 50 percent shall be allocated to each unit of the System based on each unit's proportion of the total budgeted in the prior fiscal year for park operating expenses, and 50 percent shall be allocated to units collecting user fees or entrance fees based on each units proportion of the total entrance and user fee revenues collected during the prior fiscal year: Provided further, That when authorized by the head of the collecting agency, volunteers may sell permits and collect fees authorized or established pursuant to section 4 of the Land and Water Conservation Fund Act of 1965, and funds appropriated or otherwise available to the collecting agency shall be available to cover the cost of any surety bond as may be required of any such volunteer in performing such authorized services under that section: Provided further, That $5,500,000 of the funds provided under this head in Public Law 99-591 for the Steamtown National Historic Site are rescinded: Provided further, That notwithstanding any other provision of law, Public Law 96-565 is amended by adding the following at the end of section 104(a): "The Secretary may lease from the Department of Hawaiian Home Lands said trust lands until such time as said lands may be acquired by exchange as set forth herein or otherwise acquired. The Secretary may enter into such a lease without regard to fiscal year limitations": Provided further, That none of the funds appropriated to the National Park Service shall be used to remove, obstruct, dewater, fill or otherwise damage the Brooks River fish ladder in the Katmai National Park, Alaska: Provided further, That of the funds hereafter available to the National Park Service, $85,000 shall be available annually for the town of Harpers Ferry, West Virginia, for police force use: Provided further, That funds appropriated to the National Park Service may be used for the purchase or hire or personnel services without regard to personnel laws as contained in title V of the United States Code, only to provide for the orderly transition from regional finance offices to a central finance office: Provided further, That the National Park Service shall issue a Special Use Permit to the Garkane Power Association in accordance with section 5(b) of Public Law 92-207 (Capitol Reef Enabling Act) for a period of 25 years, following the easement described in Special Use Permit No. I-45np-44, dated October 24, 1949, and shall authorize power transmission capacity not to exceed 34.5 KV: Provided further, That upgrading of existing facilities shall be conducted in a manner which will minimize visual impacts in the park.*

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, [$12,753,000] *$12,983,000.*

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), [$25,000,000] *$34,050,000* to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1989: *Provided,* That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C. 470w(2): *Provided further,* That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation: *Provided further, That $3,000,000 of the amount appropriated herein shall remain available until expended to establish a Bicentennial Lighthouse Fund, to be distributed on a matching grant basis after consultation between the National Park Service, the National Trust for Historic Preservation, State Historic Preservation Officers from States with resources eligible for financial assistance, and the lighthouse community. Consultation shall include such matters as a distribution formula, timing of grant awards, a redistribution procedure for grants remaining unobligated longer than two years after the award date, and related implementation policies. The distribution formula for fiscal year 1988 shall include consideration of such factors as—*

(A) the number of lighthouses on or determined to be eligible for listing on the National Register of Historic Places by March 30, 1988;

(B) the number of river lights and number of historic river sites on or determined to be eligible for listing on the National Register by March 30, 1988; and

(C) the availability of matching contributions in the State: Provided further, That the Secretary shall allocate appropriate funds from the Bicentennial Lighthouse Fund to be transferred, without the matching requirement, for use by Federal agencies, in cooperative agreements with the Park Service and the State Office of Historic Preservation in which the property is located, for properties otherwise eligible for the National Register but owned by the Federal Government.

URBAN PARK RECREATION FUND

(RESCISSION)

Of the amounts previously appropriated under this head and unobligated, $2,800,000 is hereby rescinded.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), [$86,056,000] *$81,331,000,* to remain available until expended, of which $4,700,000 shall be derived by transfer from the National Park System Visitor Facilities Fund, including $1,500,000 to carry out the provisions of sections 302, 303, and 304 of Public Law 95-290 and not to exceed $300,000 for assistance to Mariposa County, California for a solid waste disposal facility: *Provided,* That the National Park Service may not pay a fee for use of the facility at rates higher than for other users of the facility: *Provided further,* That for payment of obligations incurred for continued construction of the Cumberland Gap Tunnel, as authorized by section 160 of Public Law 93-87, $31,000,000 to be derived from the Highway Trust Fund and to remain available until expended to liquidate contract authority provided under section 104(a)(8) of Public Law 95-599, as amended, such contract authority to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1988 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [$48,431,000] *$76,323,000* to be derived from the Land and Water Conservation Fund, to remain available until expended, including $3,433,000 to administer the State Assistance program: *Provided,* That of the amounts previously appropriated to the Secretary's contingency fund for grants to States, $27,000 shall be available in 1988 for administrative expenses of the State grant program: *Provided further, That notwithstanding any other provisions of the Land and Water Conservation Fund Act of 1965, Public Law 88-578, as amended, or other law, Land and Water Conservation Fund assisted land in Pine Bluff, Arkansas, assisted under project No. 05-00128 and No. 05-00196, may be exchanged for existing public lands if Land and Water Conservation Fund conversion criteria regarding equal fair market value*

and reasonably equivalent use and location are met.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $4,920,000: *Provided, That contracts awarded for environmental systems, housekeeping, protection systems, and repair or renovation of buildings of the John F. Kennedy Center for the Performing Arts may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.*

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 370 passenger motor vehicles, of which 320 shall be for replacement only, including not to exceed 300 for police-type use and 25 buses; to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided,* That no funds available to the National Park Service may be used, unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without the consent of the owner: *Provided further,* That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further,* That notwithstanding any other provision of law, the National Park Service may recover unbudgeted costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

No funds shall be available for the National Park Service to issue any construction permit for the Potomac Greens interchange on the George Washington Memorial Parkway unless an Environmental Impact Statement is conducted. The Environmental Impact Statement shall be commenced promptly and completed and filed within eighteen (18) months of the date on which this bill is enacted. After completion and filing, the EIS shall be transmitted to the appropriate Congressional Committees for a period of 60 days, during which time the National Park Service shall not issue any construction permit for the Potomac Greens interchange on the George Washington Parkway.

The Environmental Impact Statement shall review the traffic impact of only the proposed 38-acre development opposite Daingerfield Island west of the George Washington Memorial Parkway. Further, the Park Service shall review the impact of the planned development on the visual, recreational and historical integrity of the Parkway.

The Environmental Impact Statement shall also provide an evaluation of alternative acquisition strategies to include but not be limited to appraisal estimates for the access rights, the entire 38-acre parcel, that portion of the 38-acre parcel as defined approximately by the historic district boundary line, any other recommendations by the National Park Service to mitigate the Parkway degradation effects of the proposed development so as to adequately protect and preserve the Parkway. Such appraisals shall be prepared and filed as soon as is reasonably possible. The National Park Service solely shall determine the legal and factual sufficiency of the Environmental Impact Statement and its compliance with the National Environmental Policy Act of 1969.

The Environmental Impact Statement shall be separate from, independent of, and in no way intended to affect or modify any pending litigation. Notwithstanding any other provision of law, no court shall have jurisdiction to consider questions respecting the factual and legal sufficiency of the Environmental Impact Statement under the National Environmental Policy Act of 1969.

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; [$447,324,000] *$449,908,000*: *Provided,* That $60,364,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 25 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That appropriations herein made shall be available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work of the Geological Survey, and that within appropriations herein provided, Geological Survey officials may authorize either direct procurement of or reimbursement for expenses incidental to the effective use of volunteers such as, but not limited to, training, transportation, lodging, subsistence, equipment, and supplies: *Provided further,* That provision for such expenses or services is in accord with volunteer or cooperative agreements made with such individuals, private organizations, educational institutions, or State or local government: *Provided further,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224.

MINERALS MANAGEMENT SERVICE

LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [$169,313,000] *$171,267,000,* of which not less than [$50,929,000] *$50,179,000* shall be available for royalty management activities including general administration: *Provided,* That notwithstanding any other provision of law, funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further,* That of the above enacted amounts, $250,000 proposed for data gathering to help determine the boundary between State and Federal lands offshore of Alaska shall be available only if an equal amount is provided by the State of Alaska from State revenues to match the Federal support for this project[: *Provided further,* That notwithstanding any other provision of law, $128,600,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury: *Provided further,* That none of the funds in this Act may be used to implement a rule which modifies the product value guidelines of the Minerals Management Service, in-

cluding the proposed modification to NTL-5].

Subsection (g)(5)(A) of section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)(5)(A)) is amended—

(1) by striking out "such account" in the second sentence and inserting in lieu thereof "an escrow account established pursuant to an agreement under section 7";

(2) by designating the indented clause as clause (ii);

(3) in the first sentence of the clause (ii) by striking "any" and inserting in lieu thereof "a", by striking out "all" and by inserting in lieu thereof "any additional", and by inserting "or credited to" before "the escrow account"; and

(4) by inserting before clause (ii) the following new clause:

"(i) Twenty-seven percent of all bonuses, rents, and royalties, and other revenues (derived from any bidding system authorized under subsection (a)(1)), excluding Federal income and windfall profits taxes, and derived from any lease issued after September 18, 1978, of any tract which lies wholly within three nautical miles of the seaward boundary asserted by the Federal Government in the boundary dispute, together with all accrued interest thereon, shall be paid to the State either—

"(I) within thirty days of December 1, 1987, or

"(II) by the last business day of the month following the month in which those revenues are deposited in the Treasury, whichever date is later.".

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, [$132,727,000] *$158,392,000,* of which [$82,859,000] *$97,459,000* shall remain available until expended: *Provided,* That not more than [$1,890,000] *$2,147,000* of the amount appropriated may be used for executive direction: *Provided further,* That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided,* That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not to exceed 14 passenger motor vehicles, of which 9 shall be for replacement only; and uniform allowances of not to exceed $400 for each uniformed employee of the Office of Surface Mining Reclamation and Enforcement; [$102,305,000] *$105,690,000,* and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, equal to receipts to the General Fund of the Treasury from performance bond forfeitures in fiscal year 1988: *Provided,* That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States in fiscal year 1988, moneys collected pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977*: Provided further, That the Secretary of the Interior shall abide by and adhere to the terms of the Settlement Agreement in NWR v. Miller, C.A. No. 86-99 (E.D. Ky), and not take any actions inconsistent with the provisions of footnote 3 of the Agreement with respect to any State or Federal program.*

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, including the purchase of not more than 21 passenger motor vehicles, of which 15 shall be for replacement only, [$194,899,000] *$205,439,000,* to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided,* That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-87, administrative expenses may not exceed 15 per centum: *Provided further,* That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees: *Provided further,* That the Secretary of the Interior may deny 50 percent of an Abandoned Mine Reclamation fund grant, available to a State pursuant to title IV of Public Law 95-87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement: *Provided further,* That expenditure of moneys as authorized in section 402(g)(3) of Public Law 95-87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87[: *Provided further,* That section 405(k) of Public Law 95-87 is amended by adding at the end thereof, "except for purposes of subsection (c) of this section with respect to the Navajo, Hopi, and Crow Indian Tribes"]: *Provided further,* That 23 full time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, [$966,452,000] *$979,471,000,* of which not to exceed [$51,121,000] *$53,557,000* for higher education scholarships and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), and $25,000,000 for firefighting shall remain available for obligation until September 30, 1989, and the funds made available to tribes and tribal organizations through contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall remain available until September 30, 1989: *Provided,* That this carryover authority does not extend to programs directly operated by the Bureau of Indian Affairs unless the tribe(s) and the Bureau of Indian Affairs enter into a cooperative agreement for consolidated services; and for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), $1,971,000, to remain available until expended*: Provided further, That hereafter, the amounts available for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be distributed on the same basis as such funds were distributed in fiscal year 1986*: Provided further,* That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further,* That notwithstanding any provision of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Develop-

ment Act, the amounts appropriated for fiscal year 1988 for the Bureau of Indian Affairs for the Institute of American Indian Arts shall be available *to operate the Institute until the Board of Regents and President of the Institute have been named and had an opportunity to organize, and* for use under part A of that Act: *Provided further,* That [$250,000 of the funds made available in this Act] *savings realized by the Bureau of Indian Affairs from the transfer of fish hatcheries to the Fish and Wildlife Service* shall be available for cyclical maintenance of tribally-owned fish hatcheries and related facilities: *Provided further,* That no part of any appropriations to the Bureau of Indian Affairs shall be available to provide general assistance payments for Alaska Natives in the State of Alaska unless and until otherwise specifically provided for by Congress: *Provided further,* That none of the funds contained in this Act shall be available for any payment to any school to which such school would otherwise be entitled pursuant to section 1128(b) of Public Law 95-561, as amended, until after July 1, 1988: *Provided further,* That the Secretary shall take no action to close the school or dispose of the property of the Phoenix Indian School until the Congress has specifically approved the school closure or provided for disposition of the property in legislation: *Provided further,* That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for such tribe or individual have been audited and reconciled, and the tribe or individual has been provided with an accounting of such funds, and the appropriate Committees of the Congress and the tribes have been consulted with as to the terms of the proposed contract or agreement: *Provided further,* That none of the funds in this Act shall be used to implement any regulations, or amendments to or revisions of regulations, relating to the Bureau of Indian Affairs' higher education grant program that were not in effect on March 1, 1987: *Provided further,* That none of the funds in this Act shall be used to implement proposed initiatives to transfer any school operated by the Bureau to the control of any tribe, State, or local government agency (except that this prohibition shall not apply with respect to the transfer of a Bureau-operated school to the control of an Indian tribe under a contract entered into under the Indian Self-Determination and Education Assistance Act if the governing body of the Indian tribe approves of the transfer); to charge tuition at Bureau post-secondary schools; to implement the proposed economic self-assistance initiative (except for a limited demonstration program); to change the method of funding tribal contractor indirect costs, including imposition of a flat rate for contract support costs; to make available to the Bureau administrative deductions collected from Indian timber sales; to contract out the administration of the Bureau forestry program or any other Bureau-operated programs without prior approval of the Committees on Appropriations; or to implement any reorganizations, including "regionalization" of programs, without the prior approval of the Committees on Appropriations: *Provided further,* That Public Law 99-349 is amended by deleting under the heading "Bureau of Indian Affairs, Operation of Indian Programs" the second, third, and fourth provisos and substituting: "*Provided further,* That the funds appropriated hereunder shall be used pursuant to the consent decree and subsequent court orders in United States v. Michigan (M-26-73)": *Provided further, That $120,000 of the amounts provided for education program management shall be available for a grant to the CloseUp Foundation.*

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; preparation of lands for farming; and construction, repair, and improvement of Indian housing, [$73,967,000] *$65,780,000,* to remain available until expended: *Provided,* That $1,482,000 of the funds appropriated for use by the Secretary to construct homes and related facilities for the Navajo and Hopi Indian Relocation Commission in lieu of construction by the Commission under section 15(d)(3) of the Act of December 22, 1974 (88 Stat. 1719; 25 U.S.C. 640d-14(d)(3)), may be used for counseling, archeological clearances, water production and administration related to the relocation of Navajo families[: *Provided further,* That $2,000,000 of the funds made available in this Act shall be available for rehabilitation of tribally-owned fish hatcheries and related facilities :*Provided further,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation]: *Provided further,* That none of the funds available in this Act may be used to implement any regulations, or amendments to or revisions of regulations, relating to the Bureau of Indian Affairs' housing improvement program that were not in effect on October 1, 1986.

ROAD CONSTRUCTION

[For construction of roads and bridges pursuant to authority contained in 23 U.S.C. 203, the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), and the Act of May 26, 1928 (45 Stat. 750; 25 U.S.C. 318a), $1,000,000 for the Honobia Indian Road in Oklahoma, to remain available until expended: *Provided,* That not] *Not* to exceed 5 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover roads program management costs and construction supervision costs of the Bureau of Indian Affairs.

MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, *99-283,* and 99-503, including funds for necessary administrative expenses, [$13,340,000] *$14,334,000,* to remain available until expended: *Provided,* That not to exceed $10,700,000 is made available to the Tohono O'Odham Nation for purposes authorized in the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99-503.

MISCELLANEOUS TRUST FUNDS

TRIBAL TRUST FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is appropriated in fiscal year 1988 and thereafter to the Secretary of the Interior for the benefit of the tribes on whose behalf such funds were collected, not to exceed $1,000,000 in each fiscal year from tribal funds not otherwise available for expenditure.

REVOLVING FUND FOR LOANS

During fiscal year 1988, and within the resources and authority available, gross obligations for the principal amount of direct loans pursuant to the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451 et seq.), shall not exceed resources and authority available.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment of interest subsidies on new and outstanding guaranteed loans and for necessary expenses of management and technical assistance in carrying out the provisions of the Indian Financing Act of 1974, as amended (88 Stat. 77; 25 U.S.C. 1451 et seq.), $3,085,000, to remain available until expended: *Provided,* That during fiscal year 1988, total commitments to guarantee loans pursuant to the Indian Financing Act of 1974, as amended, may be made only to the extent that the total loan principal, any part of which is to be guaranteed, shall not exceed resources and authority available.

Title II of the Indian Financing Act of 1974 (25 U.S.C. 1481, et seq.) is amended—

(1) by redesignating section 218 as section 219, and

(2) by inserting after section 217 the following new section:

"SEC. 218. (a) Notwithstanding any other provision of this Act (other than subsection (b)) or any other provision of law, the Secretary of the Interior is authorized to use any funds available to the Secretary to pay the holder of the guaranty certificate of any loan guaranteed, or the lender of any loan insured, by the Secretary under this title that is in default.

"(b)(1) The total amount of funds available solely by reason of subsection (a) to pay lenders and holders of guaranty certificates with respect to loans in default during any fiscal year shall not exceed $20,000,000.

"(2) The amount of funds available to the Secretary solely by reason of subsection (a) to make payments with respect to any loan shall not exceed the fair market value of any property securing such loan.

"(c) Any proceeds received into the Treasury of the United States from the sale of property that secures a loan with respect to which the Secretary has made a payment from funds available solely by reason of subsection (a) shall, to the extent the proceeds do not exceed such payment, be credited as a reimbursement to the appropriation from which such payment was made.

"(d) Nothing in this section shall affect any funds available in the Indian Loan Guaranty and Insurance Fund or any funds appropriated under the authority of section 217.".

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans and the Indian loan guarantee and insurance fund) shall be available for expenses of exhibits, and purchase of not to exceed 150 passenger carrying motor vehicles, of which 100 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, [$74,809,000] *$79,999,000* of which (1) [$71,847,000] *$77,037,000* shall be available until expended for technical assistance; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam

Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for support of governmental functions; construction grants to the Government of the Virgin Islands as authorized by Public Law 97-357 (96 Stat. 1709); construction grants to the Government of Guam, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $2,962,000 for salaries and expenses of the Office of Territorial and International Affairs: *Provided,* That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further,* That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Accounting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further,* That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: *Provided, further, That funds previously appropriated under this head for a loan to the Government of the United States Virgin Islands, for construction of an extension to the Alexander Hamilton Airport runway, St. Croix, shall be available for issuance of the loan without approval of a multiyear grant of Airport Improvement Program funds from the Federal Aviation Administration: Provided further, That $540,000 of the amounts provided for technical assistance shall be available for a grant to the CloseUp Foundation and $500,000 shall be available for the establishment of a disaster contingency fund.*

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495); grants for the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; grants for the compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; [$59,390,000] *$21,590,000,* of which [$50,940,000] *$13,590,000* is for operations [including $24,350,000 for payment of claims pursuant to the Micronesian Claims Act of 1971]: *Provided further,* That section 105 of Public Law 95-134 (91 Stat. 1159) is amended by inserting after the word "Islands" the words "(TTPI), or TTPI constituent or successor governments,"; and of which [$8,450,000] *$8,000,000* is for construction, to remain available until expended: *Provided,* That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further,* That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, [and 223] *223, 232, and 233* of the Compact of Free Association, [$33,220,000] *$33,620,000,* including $2,500,000 for the Enjebi Community Trust Fund, to remain available until expended, as authorized by Public Law 99-239: *Provided,* That notwithstanding the provisions of the Public Laws 99-500 and 99-591, the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101(d) of Public Law 99-658: *Provided further, That funds previously appropriated under this head shall be available for audit purposes as identified in section 233 of the Compact of Free Association: Provided further, That the $2,500,000 provided herein for the Enjebi Community Trust Fund, and all funds appropriated heretofore and hereafter into such Fund, and all earnings and distributions therefrom, shall not be subject to any form of Federal, State, or local taxation: Provided further, That $400,000 provided herein shall be for construction at the Jaluit Atoll.*

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of the Interior, [including $1,722,000 for the Immediate Office of the Secretary, $45,849,000] *$48,237,000* of which not to exceed $10,000 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, [$23,109,000] *$23,282,000.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, [$17,700,000] *$17,858,000.*

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, [$2,500,000] *$718,000* [which, together with unexpended balances in this account and personnel of the Office of Construction Management, shall be transferred to the "construction" appropriation of the National Park Service] for continued operation of the facilities construction, operation and maintenance programs and to manage the facilities improvement and repair program of the Bureau of Indian Affairs.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 8 aircraft, all of which shall be for replacement: *Provided,* That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods or volcanoes; for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or asso-

ciations which issue publications to members only or at a price to members lower than to subscribers who are not members: *Provided,* That no funds available to the Department of the Interior are available for any expenses of the Great Hall of Commerce.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the preparation for, or conduct of, pre-leasing and leasing activities (including but not limited to: calls for information, tract selection, notices of sale, receipt of bids and award of leases) of lands described in, and under the same terms and conditions set forth in section 107 of the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99–190.

[SEC. 108. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.]

SEC. [109] *108.* Notwithstanding any other provision of law, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. [110] *109.* No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

[SEC. 111. Section 5 of the Outer Continental Shelf Lands Act (43 U.S.C. 1334) is amended by adding at the end the following new subsection:

"(j)(1) Any vessel, rig, platform, or other structure used for the purpose of exploration or production of oil and gas on the Outer Continental Shelf south of 49 degrees North latitude shall be built—

["(A) in the United States either by a United States chartered corporation or by a joint venture between a United States chartered corporation and a foreign corporation, with at least 50 percent of total person hours expended in the United States; and

["(B) from articles, materials, or supplies at least 50 percent of which by cost, shall have been mined, produced, or manufactured, as the case may be, in the United States.

["(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, which is being built, or for which a building contract has been executed, on or before October 1, 1987, and shall expire with respect to any vessel, rig, platform, or other structure for which either the bidding or award process has commenced on or after September 30, 1991.

["(3) The Secretary may waive—

["(A) the requirement in paragraph (1)(B) whenever the Secretary determines that 50 percent of the articles, materials, or supplies for a vessel, rig, platform, or other structure cannot be mined, produced, or manufactured, as the case may be, in the United States; and

["(B) the requirement in paragraph (1)(A) upon application, with respect to any classification of vessels, rigs, platforms, or other structures on a specific lease, when the Secretary determines that at least 50 percent of such classification, as calculated by number and by weight, which are to be built for exploration or production activities under such lease will be built in the United States in compliance with the requirements of paragraph (1)(A).".]

SEC. 110. The Secretary of the Navy is authorized to transfer to the Guam Power Authority (GPA), pursuant to the payment provisions described in the conference report on the Continuing Appropriations Act, 1985 (House Report No. 98–1159), those Navy-owned electric power generation, transmission and distribution facilities, and equipment (excluding distribution facilities required by the military) on Guam as specified in the customer-supplier contract to be negotiated between the Navy and the GPA together with associated land interests. Transfer of such power generation, transmission and distribution facilities, and equipment shall not occur until the GPA assumes full responsibility for islandwide electrical power supply to military and civilian customers on Guam. GPA shall assume full responsibility when it meets all performance standards specified in the August 1986 independent third party plan for takeover of the islandwide power responsibilities or other performance standards mutually agreed upon by GPA and Navy.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [$137,670,000] *$136,610,000* of which $4,000,000 shall remain available until expended for competitive research grants, as authorized by section 5 of Public Law 95–307.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, [$67,734,000] *$73,894,000,* to remain available until expended, as authorized by law: *Provided,* That a grant of [$3,000,000] *$2,800,000* shall be made to the State of Minnesota for the purposes authorized by section 6 of Public Law 95–495.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for [repayment of advances] *liquidation of obligations* made in the preceding fiscal years pursuant to 16 U.S.C. 556d for forest firefighting and emergency rehabilitation of National Forest System lands, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", [$1,218,406,000] *$1,263,799,000,* of which [$252,975,000] *$325,121,000* for reforestation and timber stand improvement, cooperative law enforcement, firefighting, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1989[: *Provided,* That not more than $30,366,000 shall be obligated for support costs for timber sales in fiscal year 1988.]

CONSTRUCTION

[(INCLUDING TRANSFER OF FUNDS)]

For necessary expenses of the Forest Service, not otherwise provided for, for construction, [$200,914,000] *$215,519,000,* to remain available until expended, of which [$42,143,000] *$23,410,000* is for construction and acquisition of buildings and other facilities; and [$158,771,000] *$192,109,000* is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205[;- and $25,000,000 to be derived by transfer from the permanent appropriation entitled "Timber purchaser roads constructed by the Forest Service";] *and $166,000,000 are appropriated for the fiscal year ending September 30, 1989, and shall remain available until expended: Provided,* That funds becoming available in fiscal year 1988 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States.

Notwithstanding any other provision of the law, of the funds provided under this head, $6,600,000, to remain available until expended, is provided to the appropriate entity in the city of Kellogg, Idaho for construction of a gondola in the Coeur d'Alene, National Forest: Provided, That these funds shall be matched from other sources: Provided further, That of these funds, $200,000 is provided to the Forest Service to proceed with all necessary land exchanges.

There is hereby authorized and appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $3,800,000, to be transferred to the Forest Service, to remain available until expended for road construction and improvement of the Snow Bowl Road, Arizona: Provided, That the funds authorized and appropriated by this section shall be available in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of this project shall be 100 per centum, and such funds shall remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [$36,327,000] *$49,313,000* to be derived from the Land and Water Conservation Fund, to remain available until expended: *Provided,* That, notwithstanding any other provision of law, the Secretary of Agriculture, as soon as practicable, shall—

(1) acquire the following described lands (containing approximately 2,000 acres) from the owner of such real property:

All that portion of sections 17, 18, 19, and 20 in Township 25 north range 11 west Mt. Diablo Meridian Trinity County, California, described as follows:

The west half; of the southwest quarter; the west half of the east half of the southwest quarter of section 17.

Lots 9, 10, 11, and 12 and the southeast quarter of section 18.

Lots 5, 6, 7, 8, 17, and 18 and the northeast quarter of section 19.

The west half the northeast quarter; the west half of the northeast quarter of the

northwest quarter; the southeast quarter of the northeast quarter of the northwest quarter; the southeast quarter of the northwest quarter; the southwest quarter of the northeast quarter and the south half of the northwest quarter of the northeast quarter of section 20.

All that portion of sections 13, 14, and 24 in township 25 north range 12 west Mount Diablo Meridian Trinity County, California, described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; the west half of the northeast quarter; the east half of the west half; the northwest quarter of the northwest quarter; and the southwest quarter of the southwest quarter of section 13.

Lots 3, 4, 5, and 6; the west half of the northwest quarter of the northeast quarter; and the east half of the northeast quarter of the northeast quarter; the southeast quarter of the southeast quarter; and the southeast quarter of the northeast quarter; and the northeast quarter of the northwest quarter of section 14.

Lots 1, 2, 7, and 8 of section 24.

Tracts 44, 55, and 76;

(2) in consideration of such acquisition, reduce the aggregate outstanding loan balance, with respect to loans made to such owner by the Farmers Home Administration, by an amount equal to the fair market value (as determined by the Secretary) of such real property, plus the reasonable expenses incurred by such owner in executing such transfer of title, plus an amount equal to the reasonably expected liability of such owner for Federal, State, and local taxes incurred on account of such transfer of title, except that such reduction shall not exceed $1,250,000; and

(3) transfer such lands to the Forest Service for such sums as the Secretary determines to be appropriate, which lands shall be added to, and administered as part of, the Yolla-Bolly Middle Eel Wilderness.

TIMBER ROADS, PURCHASER ELECTION, FOREST SERVICE

(RESCISSION)

Of the funds currently available and unobligated in this account, $75,000,000 is hereby rescinded.

TIMBER SALVAGE SALES

For design, engineering and supervision of construction of roads, for salvage timber sales, and for sale preparation and supervision of harvesting of such timber, $40,000,000, to remain available until expended: Provided, That the appropriation shall be merged with and made a part of the designated fund authorized by section 14(h) of Public Law 94-588, October, 1976: Provided further, That moneys received from the timber salvage sales program in fiscal year 1988 shall be considered as money received for the purposes of computing and distributing 25 per centum payments to local governments under 16 U.S.C. 500, as amended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, and Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, and Cleveland National Forests, California, as authorized by law, $966,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

MISCELLANEOUS TRUST FUNDS

For expenses authorized by 16 U.S.C. 1643(b), $90,000 to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 186 passenger motor vehicles of which nine will be used primarily for law enforcement purposes and of which 179 shall be for replacement only, of which acquisition of 157 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 50 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (g) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest: *Provided,* That not less than [$21,502,000] *$61,502,000* shall be made available to the Forest Service for obligation in fiscal year 1988 from the Timber Salvage Sales Fund appropriation.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprograming procedures contained in House Report 99-714.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official receptions and representation expenses.

The boundary of the Cranberry Wilderness located within the Monongahela National Forest, West Virginia, is modified as depicted on a map entitled "Cranberry Wilderness Area Revised" dated October 1987, on file in the Office of the Chief, Forest Service, United States Department of Agriculture, Washington, D.C.

All of the funds available to the Forest Service in fiscal year 1988 pursuant to section 705(a) of Public Law 96-487 shall be deemed obligated as of the date of enactment of this Act and shall remain available until expended.

[Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

[Notwithstanding section 705(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(a)), not more than $41,471,000 shall be available for timber supply from, and protection and management, and resource protection on the Tongass National Forest in fiscal year 1988.]

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

[Of the funds deposited and retained in the Clean Coal Technology Reserve pursuant to Public Law 98-473, $50,000,000 are appropriated for the fiscal year beginning October 1, 1987, and shall remain available until expended, $200,000,000 are appropri-

ated for the fiscal year beginning October 1, 1988, and shall remain available until expended, and $100,000,000 are appropriated for the fiscal year beginning October 1, 1989, and shall remain available until expended.]

For necessary expenses of, and associated with, Clean Coal Technology demonstrations pursuant to 42 U.S.C. 5901, et seq., $350,000,000 are appropriated for the fiscal year beginning October 1, 1987, and shall remain available until expended, and $500,000,000 are appropriated for the fiscal year beginning October 1, 1988, and shall remain available until expended.

No later than sixty days following enactment of this Act, the Secretary of Energy shall, pursuant to the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901, et seq.), issue a general request for proposals for emerging clean coal technologies which are capable of retrofitting or repowering existing facilities, for which the Secretary of Energy upon review may provide financial assistance awards. Proposals under this section shall be submitted to the Department of Energy no later than ninety days after issuance of the general request for proposals required herein, and the Secretary of Energy shall make any project selections no later than one hundred and twenty days after receipt of proposals: *Provided,* That projects selected are subject to all provisos contained under this head in Public Law 99-190: *Provided further,* That pre-award costs incurred by project sponsors after selection and before signing an agreement are allowable to the extent that they are related to (1) the preparation of material requested by the Department of Energy and identified as required for the negotiation; or (2) the preparation and submission of environmental data requested by the Department of Energy to complete National Environmental Policy Act requirements for the projects: *Provided further,* That pre-award costs are to be reimbursed only upon signing of the project agreement and only in the same ratio as the cost-sharing for the total project[: *Provided further,* That Federal financial assistance shall not be in the form of grants:] *Provided further, That notwithstanding any other provision of law, funds provided to the Department of Energy by this Act or any other Act for any fiscal year shall be used to maintain not less than 88 full-time permanent Federal employees to administer the Clean Coal Technology Program.*

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, [$345,394,000] *$281,390,000,* to remain available until expended, of which $230,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909[),-and of which $9,000,000 shall be available for a grant for an energy center at the University of Oklahoma in Norman, Oklahoma, pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended (42 U.S.C. 5821(b)(1)(B)),] *and pursuant to 41 U.S.C. 12, of the amount appropriated under this head, $12,000,000 shall be available to construct DOE Fossil Energy building B-26, and pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended, of the amount appropriated under this head, $9,000,000 shall be available for a grant for an energy center at the University of Oklahoma in Norman, Oklahoma, and $15,000,000 shall be available for a grant for an energy center at West Virginia University in Morgantown, West Virginia, without section 111(b)(2) of such Act being applicable,* and [$500,000] *$21,394,000* to be derived by transfer from amounts derived from fees for guarantees of obligations collected pursuant to section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5919), and deposited in the "Energy security reserve" established by Public Law 96-126, *and $62,000,000 to be derived by transfer from the "Energy security reserve.", such sums to remain available until expended: Provided,* That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas[: *Provided further,* That notwithstanding any other provision of law, funds appropriated under this head in Public Law 99-190 for demonstration of the Kilngas coal gasification process, which remain unobligated, shall be available for carrying out any fossil energy research and development activities.]

Of the funds herein provided, $35,000,000 is for implementation of the June 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided further,* That 25 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1988, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further,* That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further,* That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further,* That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $159,700,000, to remain available until expended: *Provided, That section 7430(b) of title 10, United States Code, is amended by adding after paragraph (2) the following:*

"(3) For purposes of paragraph (2), the term 'petroleum' does not include natural gas liquids,"

and section 7422(c)(1)(B)(ii) of such title is amended by inserting "(other than natural gas liquids)" after "petroleum".

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [$162,247,000] *$335,824,000,* to remain available until expended, *of which $2,000,000 shall be made available from funds previously appropriated under this head for steel production by direct strip casting* and *of which $36,133,000, notwithstanding any other provision of law, shall be derived from unexpended balances in the Department of Energy Deposit Fund Escrow account: Provided,* That [up to] $200,000,000 *shall be* [to remain available until expended] for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) [which shall be available only in such sums as are equal to the difference between $200,000,000 and the excess amount for fiscal year 1988 disbursed by the Secretary of Energy for use in energy conservation programs under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502)]: *Provided,* That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums [and the excess amount disbursed] shall be allocated to the eligible programs in the same amounts for each program as in fiscal year 1987[,-and of which $6,000,000 shall be available for a grant for an energy demonstration and research facility at Northwestern University as authorized by section 202 of Public Law 99-412 (42 U.S.C. 8281 note):] *Provided further,* That $4,800,000 of the amount provided under this heading shall be available for continuing a research and development initiative with the National Laboratories, industry, universities, or others for new technologies up to proof-of-concept testing to increase significantly the energy efficiency of processes that produce steel: *Provided further,* That obligation of funds for these activities shall be contingent on an agreement to provide cash or in-kind contributions to the initiative or to other collaborative research and development activities related to the purpose of the initiative equal to 30 percent of the amount of Federal Government obligations: *Provided further,* That existing facilities, equipment, and supplies, or previously expended research or development funds are not acceptable as contributions for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice: *Provided further,* That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, [$21,680,000] *$21,741,000: Provided, That none of the funds herein made available may be used by the Economic Regulatory Administration or the Department of Energy to pursue judicial enforcement of any alleged violation of 10 C.F.R. 212.186 which action has not completed final administrative review by the Department and been certified by the Federal Energy Regulatory Commission.*

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $6,206,000.

STRATEGIC PETROLEUM RESERVE

For expenses necessary to carry out the provisions of sections 151 through 166 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), $164,225,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses under section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), [$603,744,000] *$806,934,000*, to remain available until expended: *Provided, That petroleum acquisition shall not exceed an approximate annual average of 75,000 barrels per day through February 1, 1988, and shall be increased to an annual average rate of 100,000 barrels per day thereafter.*

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $61,599,000.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles, hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXI and sections 208 and 338G of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; [$943,388,000] *$947,235,000* together with payments received during the fiscal year pursuant to 42 U.S.C. [300aa-2] *300cc-2* for services furnished by the Indian Health Service: *Provided*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act): *Provided further*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall remain available until September 30, 1989; and [$10,000,000] *$15,000,000* shall remain available until expended, for the Indian Catastrophic Health Emergency Fund *and contract medical care*: *Provided further*, That of the funds provided, $2,000,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed $25,000 per year of obligated service in return for full-time clinical service in the Indian Health Service. Each individual participating in this program must sign and submit to the Secretary a written contract to accept repayment of educational loans and to serve for the applicable period of service in the Indian Health Service: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available until September 30, 1989 for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, construction of new facilities, or major renovation of existing Indian Health Service facilities): *Provided further*, That of the funds provided, $2,500,000 shall remain available until expended, for the establishment of an Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under section 103 of the Indian Health Care Improvement Act and section 338G of the Public Health Service Act with respect to the Indian Health Service shall remain available for expenditure until September 30, 1989.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, [$67,592,000] *$57,511,000*, to remain available until expended.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That none of the funds appropriated under this Act to the Indian Health Service shall be available for the initial lease of permanent structures without advance provision therefor in appropriations Acts: *Provided further*, That non-Indian patients may be extended health care at all Indian Health Service facilities, if such care can be extended without impairing the ability of the Indian Health Service to fulfill its responsibility to provide health care to Indians served by such facilities and subject to such reasonable charges as the Secretary of Health and Human Services shall prescribe, the proceeds of which, together with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53), shall be deposited in the fund established by sections 401 and 402 of the Indian Health Care Improvement Act: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That the Secretary of Health and Human Services may authorize special retention pay under paragraph (4) of 37 U.S.C. 302(a) to any regular or reserve officer for the period during which the officer is obligated under section 338B of the Public Health Service Act and assigned and providing direct health services or serving the officer's obligation as a specialist: *Provided further*, That none of the funds in this Act shall be used to implement proposed eligibility regulations until such regulations have been submitted to and approved by the Committees on Appropriations: *Provided further*, That personnel ceilings may not be

imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further,* That funds provided in this Act may be used to reimburse the travel costs of spouses who accompany prospective Indian Health Service medical professional employees to the site of employment as part of the recruitment process: *Provided further,* That section 103(c) of the Indian Self-Determination Act (88 Stat. 2206) is amended by adding the following sentence at the end thereof: "For purposes of section 224 of the Public Health Service Act of July 1, 1944 (42 U.S.C. 233(a)), as amended by section 4 of the Act of December 31, 1970 (84 Stat. 1870), with respect to claims for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, a tribal organization or Indian contractor carrying out a contract, grant agreement, or cooperative agreement under sections 103 or 104(b) of this Act [or the so-called Buy Indian Act in the Act of April 30, 1908 (35 Stat. 71) or section 23 of the Act of June 25, 1910 (36 Stat. 861; 25 U.S.C. 47)] is deemed to be part of the Public Health Service in the Department of Health and Human Services while carrying out any such contract or agreement and its employees (including those acting on behalf of the organization or contractor as provided in section 2671 of title 28) are deemed employees of the Service while acting within the scope of their employment in carrying out the contract or agreement.".

The paragraph under the heading "Administrative Provisions, Indian Health Service" that is under the superior headings "Health Resources and Services Administration" and "Department of Health and Human Services" in title II of the Department of the Interior and Related Agencies Appropriations Act, 1987, which is contained in section 101(h) of Public Law 99-500 (100 Stat. 1783-277) and in section 101(h) of Public Law 99-591 (100 Stat. 3341-277) is amended by striking out all after "any political subdivision of the State," in the seventh proviso and inserting in lieu thereof "any corporation (including the University of Alaska), any partnership, any business organization, any non-profit organization, or any person, and may receive or pay money to the extent that such receipt or payment is necessary to equalize the exchange: Provided, That available funds previously appropriated for this project may be used for this purpose and that any money received by the Secretary shall be credited to the appropriation for Indian Health Facilities and be used to offset the costs of constructing or lease-purchase of the hospital facilities in Alaska described in this section: Provided further, That the IHS prepare and submit a report prior to June 1988, which sets forth the legal authority necessary to enter into a lease-purchase contract, identifies the extent of tribal interest in the construction of health facilities for lease-purchase to the IHS, compares the advantages versus the disdvantages to the Government of lease-purchase to direct Federal construction of the Anchorage facility, including costs of construction, and discusses the efforts expended by the IHS in protecting the Federal investment to date.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act, $66,343,000, of which $49,170,000 shall be for part A and $14,707,000 shall be for parts B and C: *Provided,* That the amounts available pursuant to section 423 of the Act shall remain available for obligation until September 30, 1989.

OTHER RELATED AGENCIES

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Navajo and Hopi Indian Relocation Commission as authorized by Public Law 93-531, $25,270,000, to remain available until expended, for operating expenses of the Commission: *Provided,* That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Commission shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed ten years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [$203,635,000] *$200,946,000,* including such funds as may be necessary to support American overseas research centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, [$7,650,000] *$8,150,000,* to remain available until expended.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, [$19,254,000] *$17,669,000,* to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses to design and construct a base camp at the Fred L. Whipple Observatory[,-$1,315,000,] *and a new replacement dormitory at the Fred L. Whipple Observatory, and a new technical instrument support shop at the Smithsonian Environmental Research Center-Edgewater, and a new docking facility on Barro Colorado Island, and a new dormitory at the Smithsonian Tropical Research Institute, $2,585,000,* to remain available until expended: *Provided,* That notwithstanding any other provision of law, the Institution is authorized to transfer to the State of Arizona, the counties of Santa Cruz and/or Pima, a sum not to exceed $150,000 for the purpose of assisting in the construction or maintenance of an access to the Whipple Observatory.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; purchase of one passenger motor vehicle for replacement only; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, [$37,401,000] *$37,547,000,* of which not to exceed $2,420,000 for the special exhibition program shall remain available until expended.

[REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $400,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.]

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C 3109, [$3,827,000] *$4,135,000.*

ENDOWMENT CHALLENGE FUND

For the purpose of an endowment challenge fund for the Woodrow Wilson International Center for Scholars, $500,000, to remain available until September 30, 1990: Provided, That such sums shall become available only to the extent matched on a three-to-one basis by private funds: Provided further, That these funds may be invested in securities approved by the Board of Trustees and the income from such investments may be used to support programs of the Center deemed appropriate by the Trustees and by the Director of the Center.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$138,111,000] *$140,056,000* shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$28,420,000] *$25,900,000,* to remain available until September 30, 1989, to the National Endowment for the Arts, of which [$20,000,000] *$16,200,000* shall be available for purposes of section 5(l): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$111,140,000] *$112,240,000* shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$28,500,000] *$27,051,000,* to remain available until September 30, 1989, of which [$16,500,000] *$15,051,000* shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, [$4,000,000] *$4,500,000.*

MARTHA GRAHAM CENTER OF CONTEMPORARY DANCE

MATCHING GRANT

There is hereby authorized a program of support for the Martha Graham Center of Contemporary Dance, Inc. ("Center"), to be administered by the National Endowment for the Arts ("Endowment") in accordance with standard Federal grant procedures.

There is hereby appropriated $4,125,000, to remain available until expended to carry out the provisions of this section. Up to $125,000 is to be provided on a non-matching basis to the Center for planning, development, and administrative expenses of the project, as well as for developing a comprehensive plan for the project, to be submitted to the Endowment by September 30, 1988, to perpetuate Martha Graham's artistic visions and standards. Such funds may be disbursed immediately upon application. Subject to receipt of the comprehensive plan, the implementation of which would assure perpetuation of Martha Graham's vision and standards, the remaining funds are to be provided on no less than a one to one matching basis by the Center and to be disbursed only after a matching amount for the following projects is raised: $1,000,000 to preserve Martha Graham's works; and $3,000,000 for expansion and renovation of studio space and creation of adequate archival space and museum space. Funds shall be disbursed on a project by project basis as soon as documents substantiating the receipt of these funds are certified by the National Endowment for the Arts.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, [$22,000,000] *$21,948,000,* including $100,000 as authorized by 20 U.S.C. 965(b): *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions: *Provided further,* That the Museum Services Board shall not meet more than three times during fiscal year 1988.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $446,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, $1,719,000: *Provided,* That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, [$2,967,000] *$3,013,000.*

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), $28,000 to remain available until September 30, 1989.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, $2,531,000, for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, $3,000,000, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, [$2,145,000] *$2,183,000: Provided,* That hereafter persons other than members of the United States Holocaust Memorial Council may be designated as members of committees associated with the United States Holocaust Memorial Council subject to appointment by the Chairman of the Council: *Provided further,* That any persons so designated shall serve without cost to the Federal Government: *Provided further,* That none of these funds shall be available for the compensation of Executive Level V or higher positions: *Provided further,* That hereafter the Chairman of the Council may waive any Council bylaw when the Chairman determines such waiver will be in the best interest of the Council: *Provided further,* That immediately after taking such action the Chairman shall send written notice to every voting member of the Council and such waiver shall become final if 30 days after the Chairman has sent such notice, a majority of Council members do not disagree in writing with the action taken.

TITLE III—GENERAL PROVISIONS

SEC. 301. 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. 302. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States

which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided,* That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided,* That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 304. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 305. 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. 306. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 307. Except for lands described by sections 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 5(d)(1) of Public Law 96-312, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statement or other Act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, and except to carry out the obligations and responsibilities of the Secretary of the Interior under section 17(k)(1)(A) and (B) of the Mineral Leasing Act of 1920 (30 U.S.C. 226), none of the funds provided in this Act shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning in Executive Communication 1504, Ninety-sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas or within Bureau of Land Management wilderness study areas: *Provided,* That nothing in this section shall prohibit the expenditure of funds for any aspect of the processing or issuance of permits pertaining to exploration for or development of the mineral resources described in this section, within any component of the National Wilderness Preservation System now in effect or hereinafter enacted, any Forest Service RARE II areas recommended for wilderness designation or allocated to further planning, within any lands designated by Congress as wilderness study areas, or Bureau of Land Management wilderness study areas, under valid existing rights, or leases validly issued in accordance with all applicable Federal, State, and local laws or valid mineral rights in existence prior to October 1, 1982: *Provided further,* That funds provided in this Act may be used by the Secretary of Agriculture in any area of National Forest lands or the Secretary of the Interior to issue under their existing authority in any area of National Forest or public lands withdrawn pursuant to this Act such permits as may be necessary to conduct prospecting, seismic surveys, and core sampling conducted by helicopter or other means not requiring construction of roads or improvement of existing roads or ways, for the purpose of gathering information about and inventorying energy, mineral, and other resource values of such area, if such activity is carried out in a manner compatible with the preservation of the wilderness environment: *Provided further,* That seismic activities involving the use of explosives shall not be permitted in designated wilderness areas: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to augment recurring surveys of the mineral values of wilderness areas pursuant to section 4(d)(2) of the Wilderness Act and acquire information on other national forest and public land areas withdrawn pursuant to this Act, by conducting in conjunction with the Secretary of Energy, the National Laboratories, or other Federal agencies, as appropriate, such mineral inventories of areas withdrawn pursuant to this Act as he deems appropriate. These inventories shall be conducted in a manner compatible with the preservation of the wilderness environment through the use of methods including core sampling conducted by helicopter; geophysical techniques such as induced polarization, synthetic aperture radar, magnetic and gravity surveys; geochemical techniques including stream sediment reconnaissance and x-ray diffraction analysis; land satellites; or any other methods he deems appropriate. The Secretary of the Interior is hereby authorized to conduct inventories or segments of inventories, such as data analysis activities, by contract with private entities deemed by him to be qualified to engage in such activities whenever he has determined that such contracts would decrease Federal expenditures and would produce comparable or superior results: *Provided further,* That in carrying out any such inventory or surveys, where National Forest System lands are involved, the Secretary of the Interior shall consult with the Secretary of Agriculture concerning any activities affecting surface resources: *Provided further,* That funds provided in this Act may be used by the Secretary of the Interior to issue oil and gas leases for the subsurface of any lands designated by Congress as wilderness study areas, that are immediately adjacent to producing oil and gas fields or areas that are prospectively valuable. Such leases shall allow no surface occupancy and may be entered only by directional drilling from outside the wilderness study area or other nonsurface disturbing methods.

SEC. 308. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 309. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 310. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 311. Notwithstanding any other provisions of law, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the presuppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 312. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 313. None of the funds made available to the Department of the Interior or the Forest Service during fiscal year 1988 by this or any other Act may be used to implement the proposed jurisdictional interchange program until enactment of legislation which authorizes the jurisdictional interchange.

SEC. 314. The Forest Service and Bureau of Land Management are to continue to complete as expeditiously as possible development of their respective Forest Land and Resource Management Plans to meet all applicable statutory requirements. Notwithstanding the date in section 6(c) of the NFMA (16 U.S.C. 1600), the Forest Service, and the Bureau of Land Management under separate authority, may continue the management of lands within their jurisdiction under existing timber management plans pending the completion of new plans. Nothing shall limit judicial review of particular activities on these lands: Provided, however, That there shall be no challenges to any existing plan on the sole basis that the plan in its entirety is outdated because of new information: Provided further, That any and all particular activities to be carried out under existing plans may nevertheless be challenged.

Mr. BYRD. Mr. President, any rollcall votes that may be ordered on this will be attached to the end of the stack of votes that has already been established with respect to the DOD bill and would not occur until after those votes have been taken. They will begin at 8 o'clock this evening, as Senators know.

The PRESIDING OFFICER. Is the majority leader making that request? There is no order to that effect.

Mr. BYRD. Mr. President, I did not order that earlier?

I ask unanimous consent, Mr. President, that any rollcall votes that may be ordered in relation to the Interior appropriations bill appear in sequence at the end of the rollcall votes that will occur on amendments that have

been stacked or will have been stacked to the DOD bill.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be able to engage in a colloquy with the Senator from Michigan, Senator LEVIN, regarding an item in the DOD bill.

Mr. BYRD. Mr. President, I have not yielded the floor yet.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BYRD. I do not lose the floor upon making a unanimous-consent request. Was the request granted?

The PRESIDING OFFICER. The request was granted.

Mr. BYRD. So what is the pending business before the Senate, Mr. President?

The PRESIDING OFFICER. The pending business before the Senate is the Interior appropriations bill.

Mr. BYRD. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the chairman of the full committee, the distinguished Senator from Mississippi, Mr. STENNIS, is here.

Mr. WARNER. Mr. President, if the Senator would allow me, for the purpose of a question?

Mr. JOHNSTON. Yes.

Mr. WARNER. Would it be agreeable that the distinguished senior Senator from Mississippi make some opening comments, but that further consideration of the pending matter be deferred until such time as a Member from this side of the aisle on the committee is present?

Mr. JOHNSTON. Yes, of course. I think there was a colloquy that my colleagues wanted to put into the RECORD from the distinguished Senator from Alabama on the defense bill after Senator STENNIS finishes his comments.

Mr. WARNER. Of course.

Mr. JOHNSTON. But, yes; we will wait for someone from your side.

So, Mr. President, I would welcome and invite the advice and comments from the distinguished chairman of the full Appropriations Committee, the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator from Louisiana. I will be quite brief, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, we are here today to present to the Senate the Department of the Interior and related agencies bill for fiscal year 1988, which reflects the recommendations of the Senate Appropriations Committee's work.

Mr. President, I am doing this now to, frankly, point out a course of conduct here that our committee has been concentrating on to get these appropriations bills ready for an actual consideration by the Senate itself with a proper report accompanying the bill.

This is in the nature of an explanation by the committee, Appropriations Committee, of a concentrated effort—it has been successful so far—to get these appropriations bills on in here with the reports and get them actually before the membership of this body so that they may better know what they are involved in and what they are doing and what the possible solution is.

I make no criticism of any person who worked on this last year, but last year, in the rush of things, the appropriations bills were put into a barrel, you might say, and passed on or sent to the White House or sent somewhere for the attention of the President on the condition if they were not favorable to give him a chance on those assessments, as I saw it.

I think we ought to, the way we handle these matters, make it possible for every Member, every Member to have the benefit of the counsel and advice and conclusions of the membership of the committee.

I have said for a long while that the Senate makes it real contributions, really things that count, they make them in the committee room and through their reports and through the bills that they approve. I find that to be necessary and truer every day.

This bill, which provides a total of approximately $9.9 billion in new budget authority for fiscal year 1988, reflects the careful thought and hard work of our entire committee. In particular, however, it is evidence of the able leadership and excellent work of subcommittee Chairman BYRD with the able assistance of Senator JOHNSTON and the ranking minority member, Senator MCCLURE, I also wish to compliment the highly skilled work of the staff of their subcommittee: Mr. Charlie Estes, Mr. Don Knowles, Mr. Terry Sauvain, Mr. Jeff Cilek, and Ms. Jill Gallie.

Before I turn to Senator JOHNSTON to give a brief description of the bill, I wish to highlight a few important items regarding this matter.

First and foremost, I am pleased to report that this bill is below the 302(b) allocation for budget authority and outlays. This is essential, in my opinion, for all appropriation bills which are to be taken up for consideration on the Senate floor.

That has proven to be quite a chore, as most of you know. It takes time. But it brings results. It brings results. It is a workable and new phase of the law here for 2 or 3 years, and I think it is making its way toward a contribution along that line. I would like to emphasize its importance as well as emphasize the effectiveness of the work of the members of the committee to really try to make it work.

Second, the committee's $9.9 billion in budget authority recommendations regarding H.R. 2712, are only slightly above the President's requested funding level of approximately $8.6 billion. It is also only slightly above the House-passed level of $9.4 billion.

Finally, I would ask my colleagues to resist any further amendments to the committee-reported bill. Any amendment adding additional funds would violate the bill's spending ceiling set by the subcommittee's 302(b) allocation. Let me also mention that any amendment must be germane in keeping with the Senate rules and as with all general appropriation bills, Senate rule 16 requires that no legislative amendments be added.

In conclusion, I firmly support this bill and ask that it be adopted so that we can proceed to conference with our House counterparts in a timely manner.

Mr. President, I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate continued the consideration of the bill (S. 1174).

AMENDMENT NO. 794

Mr. WARNER. 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 Virginia [Mr. WARNER] proposes an amendment numbered 794.

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:

At an appropriate place in the bill, insert the following new section:

SEC. . MORALE, WELFARE AND RECREATION ACTIVITIES.

Notwithstanding section 9110 of the Department of Defense Appropriations Act, 1987 (as contained in section 101(c) of Public Law 99-500, 100 Stat. 1783-118, and section 101(c) of Public Law 99-591, 100 Stat. 3341-118), appropriated funds may be used after September 30, 1987, to support revenue generating Morale, Welfare and Recreation activities in any location designated by the Secretary of Defense.

Mr. WARNER. Mr. President, this amendment authorizes the use of appropriated funds to support certain nonappropriated fund activities which serve the men and women of our Armed Forces and their families in metropolitan areas.

Legislation included last year in the continuing resolution precluded revenue generating nonappropriated fund activities located in metropolitan areas

from receiving appropriated fund support. Such nonappropriated fund activities include such things as craft shops, auto hobby shops, enlisted, noncommissioned officer and officer clubs and bowling alleys.

While I support the intent of the existing law that there be better management of these revenue-generating activities and that appropriated funds not be used to support luxurious recreational activities, such as marinas or activities which may benefit only a few personnel, I believe that some flexibility must be added to the law. For example, I believe that different rules might well be justified for installations located in metropolitan areas based upon the fact that a substantial portion of a base population are junior enlisted personnel, such as occurs, on basic and technical training bases.

Additionally, at some locations, the existing law has had the effect of totally wiping out "profit" at some activities. Formerly, these "profits" were available to support nonrevenue generating activities, such as child care centers. If these "profits" are no longer available for support of these types of essential facilities, I suggest that we in Congress will be asked, and rightly so, to begin to provide additional appropriated funds to operate these activities, which are really essential for the morale and welfare of our military personnel and their families.

In short, while the existing law appears as though it could result in a small short-term savings to the taxpayers, I fear that the long-term effect will either be an offsetting increase in need for appropriated funds to support morale and welfare activities previously provided by revenues generated by nonappropriated fund activities, or there will be a substantial degradation in the quality of life of our volunteer military personnel. This second alternative is not acceptable and the first is of little value to the taxpayer.

Therefore, I offer this amendment, which will permit appropriated funds to be used to support revenue generating nonappropriated fund activities in locations designated by the Secretary of Defense.

Mr. President, I would expect that the Secretary of Defense would consult with both the Armed Services Committees and the Appropriations Committees in establishing the criteria to be used in making such designations. I would also expect that the Secretary would use this flexibility to provide only such appropriated fund support as may be required to maintain and operate essential morale and welfare activities.

Mr. President, I believe this amendment strikes a proper balance between the concerns identified and addressed in the appropriations process last year and the concerns that have arisen and been brought to the Armed Services Committee's attention since last year's legislation went into effect.

Mr. President, at this time I ask the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. May I hear what the amendment is?

Mr. WARNER. The amendment dealt with an appropriation matter, and I think it is important that although it is within the jurisdiction of the authorization committee, it be deferred for review by the appropriators. The amendment deals with the use of appropriated and nonappropriated funds for the recreational purposes on military bases in the United States and abroad.

Mr. METZENBAUM. I thank my colleague.

The PRESIDING OFFICER. Hearing no objection, the amendment is withdrawn.

Mr. SHELBY. Mr. President, I would like to have the attention of the chairman of the Subcommittee on Conventional Forces and Alliance Defense so that I might engage in a colloquy on the subject of the Army's plans to procure tank track for the M1 tank.

Mr. President, the M1 tank is the world's most capable tank, but it has had a weak spot and that is in its tank track. The durability of the current track has been disappointing.

While required to last 2,000 miles in peacetime operation, the current track achieves an average of between 700 and 800 miles. The operating costs have been unacceptably high and, worst of all, when the track fails it brings the entire tank to a stop. The M-1 is unable to complete its mission once the track fails, as we know.

Concerned for these shortcomings, the Army has been working for some time to develop a more capable track to replace the existing baseline track. At the same time, a track developed in Europe was offered as an alternative. An extensive test and evaluation of alternative tracks has taken place during the past 2 years. It is my understanding that both tracks achieve substantially greater mileage than the baseline M-1 track and comply with the prescribed 2,000-mile replacement requirement.

Mr. President, I fully support the idea of competition, and I believe that this competition has brought out the best in both designs. But I think it is important to note that there are many things the Army should consider when it evaluates these proposals. While the primary emphasis should be on technical merit and life-cycle cost, I believe the Army must consider the health of domestic U.S. manufacturing base. There is already excess capacity in the United States and that means that it is imperative that whichever system is ultimately selected be produced in the United States, and that it be available for competition among all competent manufacturers.

I would like to ask Senator LEVIN three questions: What is his understanding of the current status of the competition; second, what is the position of the committee on that competiton; and third, has the committee established a position on the relative importance of these various goals in the competition?

Mr. LEVIN. If the distinguished Senator from Alabama would yield, it is my understanding that the Army has issued a request for proposal from both manufacturing teams and that final responses are due to be submitted by October 5. The Conventional Forces Subcommittee, and indeed the full committee, fully supports the Competition in Contracting Act as it is applied to this program. Further, it is my understanding that both manufacturing teams are competing on a fair and equal basis.

I do not know weighing of the various criteria that will be considered by the Army in evaluating these two systems, but it is my understanding that the emphasis will be placed on total life-cycle costs as well as technical merit, which I believe is appropriate. Further, while interoperability with other NATO countries is a valid goal, just as important, if not more important, is the need to maintain a vibrant manufacturing base for armor vehicle tracks in the continental United States.

Mr. SHELBY. Is it the understanding of the distinguished chairman that we do have the manufacturing capability here in the domestic United States?

Mr. LEVIN. The answer is "Yes."

Mr. SHELBY. And the competition is here, too?

Mr. LEVIN. The answer is "Yes."

Mr. SHELBY. I appreciate the chairman yielding, and now I yield the floor.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, if I may have the attention of the distinguished acting Republican leader, I would like to ask if the following nominations on the executive calendar have been cleared on his side of the aisle: all nominations under Air Force on page 2; under Army on page 3; on page 4, Calendar Order 300; on page 4, Calendar No. 302; on page 5, Calendar No. 333; on page 6, all nominations under Army; on page 7, all nominations under Marine Corps; on page 8, all nominations under Marine Corps; on page 9, all nominations under Navy; on page 10, all nominations under Navy; on pages 11, 12, and 13, all nominations placed on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps, Navy.

Mr. WARNER. Mr. President, I first wish to thank the distinguished majority leader and the chairman of the Armed Services Committee for their assistance in expediting this matter.

I say to the distinguished leader, he is correct in his representation. All are cleared. Might I inquire of just one nomination, and that is on page 4, Calendar No. 301. It is our understanding that this nomination is to be held in abeyance.

Mr. BYRD. We cannot go with that one.

Mr. WARNER. That is correct. So all of the nominations which total around 6,500 officers are embraced as stated correctly by the majority leader.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations which have been enumerated; that they be considered en bloc, confirmed en bloc, agreed to en bloc, that a motion to reconsider en bloc be laid on the table.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 594, 8218, 8373, and 8374, title 10, United States Code:

To be major general

Brig. Gen. Wayne B. Adams, Jr., xxx-xx-x... FG, Air National Guard of the United States.

Brig. Gen. Jacob J. Braig, xxx-xx-xxxx FG, Air National Guard of the United States.

Brig. Gen. Drennan A. Clark, xxx-xx-xxxx FG, Air National Guard of the United States.

Brig. Gen. Robert E. Harris, xxx-xx-xxxx FG, Air National Guard of the United States.

Brig. Gen. Ernest C. Park, xxx-xx-xxxx FG, Air National Guard of the United States.

Brig. Gen. Thomas P. Webb, III, xxx-xx-x... FG, Air National Guard of the United States.

To be brigadier general

Col. Donald E. Barnhart, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Donald F. Ferrell, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. John R. Haack, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. John M. Hafen, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Francis D. Rogers, Jr., xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Kenneth G. Stasiewicz, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Wilbert T. Stewart, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Theodore R. Verdi, xxx-xx-xxxx FG, Air National Guard of the United States.

Col. Raymond D. Weber, xxx-xx-xxxx FG, Air National Guard of the United States.

IN THE ARMY

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with his assignment to a position of importance and responsibility, designated as such by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Charles W. Brown, xxx-xx-xxxx, U.S. Army.

The U.S. Army National Guard officer named herein for appointment as Deputy Director, Army National Guard Army, under the provision of title 10, United States Code, sections 593(a), and 3371:

To be brigadier general

Col. William A. Navas, Jr., xxx-xx-xxxx

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with his assignment to a position of importance and responsibility, designated as such by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Harold M. Davis, Jr., xxx-xx-xxxx U.S. Army.

The U.S. Army Reserve officer named herein for promotion as Reserve Commissioned officer of the Army, under the provisions of title 10, United States Code, sections 3371 and 3380:

To be brigadier general

Col. John Ronald Carey, xxx-xx-xxxx

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. James E. Thompson, xxx-xx-xxxx xxx-... U.S. Army.

IN THE NAVY

The following named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. John A. Baldwin, Jr., xxx-xx-xx... xxx-.../1110, U.S. Navy.

IN THE ARMY

The following-named officer for appointment to the grade indicated, under the provisions of title 10, United States Code, section 601(a), in conjunction with assignment to a position of importance and responsibility designated by the President under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Fred Hissong, Jr., xxx-xx-xxxx, U.S. Army.

The U.S. Army National Guard officers named herein for appointment in the grades indicated below, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. Richard L. Chastain, xxx-xx-x... xxx-...

Brig. Gen. Paul G. Collins, xxx-xx-xxxx

Brig. Gen. Don O. Daniel, xxx-xx-xxxx

Brig. Gen. Arthur V. Episcopo, xxx-xx-xxxx

Brig. Gen. Chester E. Gorski, xxx-xx-xxxx

Brig. Gen. Gerald T. Sajer, xxx-xx-xxxx

Brig. Gen. Ivan F. Smith, xxx-xx-xxxx

To be brigadier general

Col. Bela J. Chain, Jr., xxx-xx-xxxx

Col. John R. D'Araujo, xxx-xx-xxxx

Col. Robert C. Watling, xxx-xx-xxxx

Col. Eugene M. Bass, xxx-xx-xxxx

Col. Edward L. Gill, xxx-xx-xxxx

Col. Daniel J. Hernandez, xxx-xx-xxxx

Col. David A. Heuer, xxx-xx-xxxx

Col. Francis A. Hughes, xxx-xx-xxxx

Col. William D. Jones, xxx-xx-xxxx

Col. John H. McDonald, xxx-xx-xxxx

Col. Daniel J. O'Neill, xxx-xx-xxxx

Col. Charles H. Perenick, xxx-xx-xxxx

Col. Reynaldo Sanchez, xxx-xx-xxxx

Col. Clarence R. Secrist, xxx-xx-xxxx

Col. James R. Williams, xxx-xx-xxxx

Col. Daniel L. Brennan, xxx-xx-xxxx

Col. James G. Martin, xxx-xx-xxxx

Col. Billy L. Smout, xxx-xx-xxxx

Col. Ned L. Turnispeed, xxx-xx-xxxx

Col. Robert W. Wilson, xxx-xx-xxxx

Col. James C. Boll, xxx-xx-xxxx

Col. Jose A. Buitrago, xxx-xx-xxxx

Col. Jack C. Clark, xxx-xx-xxxx

Col. Echol E. Cook, xxx-xx-xxxx

Col. Donald E. Howard, xxx-xx-xxxx

Col. Peter D. Tosi, Jr., xxx-xx-xxxx

IN THE MARINE CORPS

The following named officer to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 6322:

Lt. Gen. Clyde D. Dean, xxx-xx-xxxx U.S. Marine Corps.

The following named officer to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 1370:

Lt. Gen. D'Wayne Gray, xxx-xx-xxxx U.S. Marine Corps.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Louis H. Buehl, III xxx-xx-xxxx U.S. Marine Corps.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

William G. Carson, Jr., xxx-xx-xxxx U.S. Marine Corps.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

Ernest T. Cook, Jr. xxx-xx-xxxx U.S. Marine Corps.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

Edwin J. Godfrey, xxx-xx-xxxx U.S. Marine Corps.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

John I. Hudson, xxx-xx-xxxx U.S. Marine Corps.

The following named officer to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Ernest C. Cheatham, Jr. xxx-xx-xxxx, U.S. Marine Corps.

The following named officer to be placed on the retired list in the grade of lieutenant general under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

John Phillips, xxx-xx-xxxx U.S. Marine Corps.

IN THE NAVY

The following named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Albert J. Herberger, xxx-xx-xxxx xxx-.../1110, U.S. Navy.

The following named officer, to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be admiral

Adm. James A. Lyons, Jr., xxx-xx-xxxx/1110, U.S. Navy.

The following named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Vice Adm. David E. Jeremiah, xxx-xx-xxxx xxx-.../1110, U.S. Navy.

The following named officer, under the provisions of title 10, United States Code, section 5141, to be Chief of Naval Personnel, and to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Leon A. Edney, xxx-xx-xxxx/1310, U.S. Navy.

The following named officer, to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Dudley L. Carlson, xxx-xx-xxxx xxx-.../1110, U.S. Navy.

The following named officer, under the provisions of title 10, United States Code, section 5021, to be Chief of Naval Research for a term of 3 years:

To be chief of naval research

Rear Adm. John R. Wilson, Jr., 570-34-5927/1230, U.S. Navy.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, FOREIGN SERVICE, MARINE CORPS, NAVY

Air Force nominations beginning Brent J. Adams, and ending H. Zuverink, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 26, 1987.

Air Force nominations beginning Major Jerome T. Bellen, xxx-xx-xxxx and ending Major Donald G. Smith, Jr. xxx-xx-xxxx, which nominations were received by the Senate on July 13, 1987, and appeared in the CONGRESSIONAL RECORD of July 14, 1987.

Air Force nominations beginning Henry P. Fowler, Jr., and ending David R. Francis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1987.

Air Force nominations beginning Major Gerard A. Brangenberg, xxx-xx-xxxx and ending Major Arnold E. Sirk, xxx-xx-xxxx, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1987.

Air Force nomination of David R. Francis, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1987.

Air Force nominations beginning Joseph A. Abbott, and ending Lianne M. Wulff, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1987.

Air Force nominations beginning Charles H. Miller, and ending Hans J. Mueh, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 9, 1987.

Air Force nominations beginning Helen L. Capron, and ending Gary J. Turner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 9, 1987.

Air Force nomination of Robert W. Ritter, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of September 9, 1987.

Air Force nominations beginning Ronald V. Dorst, and ending Glen M. Byers, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 9, 1987.

Air Force nominations beginning Maj. Lyle E. Allen, xxx-xx-xxxx and ending Maj. David G. Schall, xxx-xx-xxxx which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 9, 1987.

Air Force nominations beginning Bobby J. Abernathy, and ending Larry A. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 9, 1987.

Air Force nominations beginning Richard J. Acosta, and ending Brian P. Zurovetz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 9, 1987.

Air Force nominations beginning James G. Grizzard, and ending Anthony O. Patino, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 11, 1987.

Army nomination of Shirley O. Ford, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 23, 1987.

Army nominations beginning Peter R. Levine, and ending Robert D. Weir, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 23, 1987.

Army nomination of Gary D. Barnes, which nominations was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 23, 1987.

Army nominations beginning John J. Bombard, and ending David E. Retherford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 23, 1987.

Army nominations of Charles J. Lockwood, Jr., which was received by the Senate on July 6, 1987, and appeared in the CONGRESSIONAL RECORD of July 7, 1987.

Army nominations beginning William D. Anderson, and ending Lloyd A. Walwyn, which nominations were received by the Senate on July 13, 1987, and appeared in the Congressional Record of July 14, 1987.

Army nominations beginning Colonel Dennis R. Hunt, and ending Colonel James H. Ramsden, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1987.

Army nominations beginning John T. Barber, and ending Richard A. Reid, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1987.

Army nominations beginning Alfred E. Childres, and ending Robert E. Good, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1987.

Army nominations beginning James R. Baker, and ending Charles R. Thompson, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1987.

Foreign Service nominations beginning Richard Benson, and ending Robert J. Wicks, which nominations were received by the Senate on July 27, 1987, and appeared in the Congressional Record of July 28, 1987.

Marine Corps nomination of Paul E. Backs, which was received by the Senate and appeared in the Congressional Record of July 15, 1987.

Marine Corps nominations beginning Curtis R. Adair, and ending Richard G. Yakubowski, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 1987.

Navy nominations beginning German S. Arcibal, and ending Marcia L. Young, which nominations were received by the Senate and appeared in the Congressional Record of June 26, 1987.

Navy nomination of William Brown Deal, which was received by the Senate on July 13, 1987, and appeared in the Congressional Record of July 14, 1987.

Navy nomination of Donald Patrick Greene, which was received by the Senate on July 13, 1987, and appeared in the Congressional Record of July 14, 1987.

Navy nominations beginning Ronald Lee Aasland, and ending William John Zuchero, Jr., which nominations were received by the Senate on July 13, 1987, and appeared in the Congressional Record of July 14, 1987.

Navy nominations beginning Brian K. Britton, and ending David B. Weiding, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 1987.

Navy nominations beginning Robert Harold Abrams, and ending Ernesto Felix Panado, which nominations were received by the Senate and appeared in the Congressional Record of July 31, 1987.

Navy nominations beginning James Lloyd Abbot III, and ending Paul D. Williamson, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 1987.

Navy nominations beginning Gerald R. Chandler, and ending Robert H. Mcarthur, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1987.

Navy nominations beginning Edward C. Ebersole, and ending Kenneth L. Sisco, which nominations were received by the Senate and appeared in the Congressional Record of September 9, 1987.

NOMINATION OF WILBERT T. STEWART TO BE BRIGADIER GENERAL

Mr. BYRD. Mr. President, I am pleased that the President has nominated Col. Wilbert T. Stewart for the

rank of brigadier general. Colonel Stewart is a native of Dunbar, WV, and a graduate of Marshall University in Huntington.

Colonel Stewart has held a number of responsible positions in the West Virginia Air National Guard since he completed training in March 1957. His hard work and dedication to duty over the years, is reflected by the fact that during his service with the West Virginia National Guard, his unit won the coveted Spaatz trophy four times and the Distinguished Flying Unit Plaque three times. Most recently, he has been assigned as the assistant adjutant general for air.

Prior to that assignment, he served in a number of active duty positions, including chief, Office of Training, air directorate, National Guard Bureau; chief, Office of Safety, Security, and Inspections at the Air National Guard Support Center; and chief, directorate staff, air directorate, National Guard Bureau.

Colonel Stewart holds many honors, including the Legion of Merit and the Meritorious Service Medal with one Bronze Oak Leaf Cluster. His State awards include the West Virginia Service Medal—over 30 years service—and the West Virginia Distinguished Unit Award with three Bronze Oak Leaf Clusters. He holds the aeronautical rating of command pilot and has accumulated over 6,250 flying hours. He is also past president and member of the National Guard Association of West Virginia.

Mr. President, it has been my experience that all members of the reserve components of the armed services, and especially those reaching the high rank of brigadier general, must spend considerable time away from their families in the pursuit of their military duties. This requires no small sacrifice on the part of those family members, and in this regard, Colonel Stewart's wife, Patricia, and their daughter, Michele, are to be commended also.

Mr. President, I am pleased to cast my vote for the confirmation of Col. Wilbert T. Stewart as brigadier general, and I urge my colleagues to support this nomination.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominees.

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.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION, 1988

The Senate continued with the consideration of the bill.

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

The PRESIDING OFFICER. The Department of the Interior and related agencies appropriation, 1988.

The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, the fiscal year 1988 Department of Interior and related agencies appropriation bill, as reported out of full committee on Tuesday, September 22, totals approximately $9,985,486,000 in budget authority. This recommendation is some $4,514,000 below the subcommittee's 302(b) allocation of $9,990,000,000 in budget authority. In outlays, as scored by the Congressional Budget Office, the committee recommended bill totals $9,877,764,000, which is $2,236,000 below the subcommittee's 302(b) allocation of $9,880,000,000. Let me repeat—this bill is $4,514,000 below our budget authority allocation and $2,236,000 below our budget outlay allocation.

The committee bill is some $1,543,988,000 higher in budget authority than the fiscal year 1987 bill. This increase can be explained and justified very simply. First, there were no funds appropriated for oil acquisition for the strategic petroleum reserve in fiscal year 1987 since there were adequate carryover funds from prior year appropriations. So, the strategic petroleum reserve, a very necessary item, accounts for $807,000,000 of the increase. The President's New Clean Coal Technology Program represents an increase of $350,000,000 in fiscal year 1988 compared to the current year. Pay and Federal Employee's Retirement System costs are up $200,000,000. In addition $125,000,000 more was available in fiscal year 1987 oil overcharge escrow funds to offset the bill's funding level. These four items alone account for $1,482,000,000. Of the increase, which is about $61,000,000, represents the real amount of the Senate increase over the fiscal 1987 level. This is less than a 1-percent increase in nominal dollars over the fiscal 1987 level. This minor increase is needed for rent and utilities, for equipment replacement and the like.

So, Mr. President, the funding for the basic program operations in the Interior bill is actually down compared to last year.

In addition, this Interior bill contains a number of items of great importance to the Members of the Senate. We have considered some 900 specific member requests in the formulation of the committee's recommendations here before you today. In these tight budget times, I hope that members will be understanding of those requests which we are not able to address.

Specific issues, which I would like to highlight before we begin this afternoon, are:

The committee reported bill includes an increase of $136,200,000 over the budget for the Forest Service to cover the cost of firefighting and related activities needed as a result of the recent disastrous forest fires in the West.

From the land and water conservation fund, the committee has recommended $177,164,000 for land acquisition and $35,000,000 for State assistance.

For endangered species, the committee has recommended $20,122,000, of which $4,300,000 is for grants to States.

For historic preservation, the committee has recommended $34,050,000, which includes $28,750,000 for grants to States and $5,300,000 for the national trust for historic preservation.

For timber roads, the committee has recommended $145,000,000, a decrease of $35,000,000 from the fiscal year 1987 level.

For clean coal technology, the committee has recommended that the full $850,000,000 requested by the President over the next 2 years. This program is intended to support the President's commitment to the Canadians. Consideration of the request for advance appropriations of $500,000,000 each year for fiscal year 1990, fiscal year 1991, and fiscal year 1992, have been deferred but will be considered at a later date.

For low-income weatherization and other State energy conservation grant assistance, the committee has recommended $200,000,000, the same as last year.

For the strategic petroleum reserve, the committee has recommended a total of $806,932,000 for petroleum acquisition which will permit a fill rate of 75,000 barrels per day through February 1, 1988, with an increase of 100,000 barrels per day thereafter.

Mr. President, I could go on about this bill, but I will yield to the distinguished ranking member at this time. I should add before doing so, that Senator MCCLURE has served the Interior subcommittee tirelessly as our ranking member this year, and previously as the chairman. His experience and detailed knowledge of the bill are truly laudable, and I want all Members to know how much I appreciate his help.

I might say, Mr. President, that the Director of OMB paid our committee the highest compliment possible, and that is that the original letter threatening a veto of this bill was withdrawn and the letter only criticizes, and mildly at that, our bill.

So, in effect, Mr. President, we are below the allocation and we have

every hope that this bill be signed. We hope that Members of the Senate, exercising their usual restraints will help us keep from piercing the gossamer web of the 302(b) allocation.

Let me say, Mr. President, we have a number of colloquies. We urge Senators quickly to get those colloquies to us so we can put them into the RECORD.

We have a few amendments which we also hope to deal with expeditiously, except where we cannot, opposing vigorously only where necessary. We hope to finish this bill in quick order.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. JOHNSTON. Mr. President, I move that the committee amendments be considered and agreed to en bloc. I ask unanimous consent that that be done.

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

The committee amendments were considered and agreed to en bloc.

Mr. JOHNSTON. Mr. President, I had one other unanimous consent on original text.

Mr. President, I further ask unanimous consent that the bill as thus amended be regarded as original text for the purpose of amendment and providing that no points of order shall be considered to have been waived by the agreement to this request.

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

Mr. McCLURE. Mr. President, I would like to again congratulate the acting chairman for his fine efforts in putting together this bill. It should be noted that in subcommittee there were no amendments that added money and a very limited number in full committee. I would hope we can continue that trend today.

As the chairman indicated, he offered an amendment to the Interior bill to bring it into compliance with it's 302(b) allocation. One of the primary reasons the subcommittee was above it's allocation was a budget amendment recently sent by the administration to increase the SPRO fill rate from 75,000 barrels a day to 100,000 barrels. This increased cost was not assumed in the budget resolution or in the subcommittee's allocation.

In order to bring the bill into compliance with it's 302(b) allocation, a reduction was made in the fill rate for the strategic petroleum reserve. At that time, both the acting chairman and myself were reluctant to use that method. I know I remain very concerned about the use of the strategic petroleum reserve as a method to fund other programs or projects and will resist efforts to reduce the fill rate further.

Mr. President, I yield to the Senator from Louisiana.

Mr. FOWLER. Mr. President, I rise in order to comment on the appropriations bill now before the Chamber. This bill is the result of many hours of hard work and discussion on the part of many of my distinguished colleagues, and I commend them for their dedication in the task of protecting our national treasures with efficient and effective appropriation of Federal funds.

Three parts of this bill are deserving of comment today, Mr. Chairman. First, I want to join with the friends of historic preservation in the Senate who so wisely have supported an increase in funding for historic preservation grants and for the National Trust for Historic Preservation. Funding for these programs has been static since 1980, allowing inflation to erode their effectiveness while many worthwhile projects have gone unfunded. If this program did nothing but preserve our national heritage, it would be worthwhile. But it does more by developing tourism and catalyzing the revitalization of cities, towns, and rural areas throughout the country. In my home State of Georgia, private investment in rehabilitation projects has exceeded $100 for every $1 appropriated at the Federal level. This is truly a success story worthy of—and in need of—increased funding.

Second, by rejecting the administration's proposed 50-percent cut in energy conservation research and their proposed elimination of State conservation grants, my colleagues on the Appropriations Committee have recognized the importance of energy conservation for our national security. I have stood here before, reminding my friends in this Chamber of the need for a national energy policy, a plan for our future independence from the whims and surprises of foreign oil barons, and I am pleased that this bill continues our commitment to energy conservation at every level of government.

Third, while I am quite pleased with most of the provisions of the bill, I am only just satisfied with the committee's compromise on timber road construction. These roads are the most environmentally damaging aspect of the Forest Service timber program. Reducing appropriations in this area offers a rare opportunity to diminish the budget deficit and further protect the environment, and I had hoped that a greater reduction in this area could have been achieved. I am, however, pleased with certain provisions of the compromise, including an exemption from cuts for recreation and general purpose roads. I commend my colleagues for their perseverance in the long and intense negotiations on this issue, and I will support this compromise.

Finally, I want to restate my support for two less controversial but important measures funded by the bill—the forest products marketing initiative and increased funding for State and private forestry programs. These will continue to strengthen the proper and environmentally conscious use of our public and private forests.

In sum, I support this bill, even with its uneasy compromises, and I urge my colleagues to do likewise. Thank you, Mr. Chairman.

AMENDMENT NO. 795

Mr. HOLLINGS. Mr. President, on behalf of myself and the distinguished senior Senator from Georgia, Mr. NUNN, and the distinguished Presiding Officer, Mr. FOWLER, I send an amendment to the desk and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS), for himself, Mr. NUNN, and Mr. FOWLER proposes an amendment numbered 795.

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 12 delete line 18 and all that follows on line 19 through "451)" and insert in lieu thereof the following: $734,406,000, without regard to the Act of August 24, 1912, as amended (16 U.S. 451), of which $2,351,000 to remain available until expended shall be made available to the Martin Luther King, Jr., Center for the Study of Nonviolent Social Change.

Mr. HOLLINGS. Mr. President, the amendment adds $2,351,000 to the fiscal year 1988 Interior appropriations bill for the Martin Luther King, Jr., Center, for the Study of Non-Violent Social Change. As a member of the King Holiday Commission, I am acutely aware of how popular the King Center has become and of the demands placed on its resources. This amendment will provide $1.9 million to be used for the completion of the Freedom Walk Way Mural Project, $100,000 for incriptions to be placed on the two main buildings at the Center, and $351,000 for the increased maintenance and security made necessary by the flood of visitors. This funding for maintenance and security is in addition to the $195,000 provided under the current cooperative agreement between the Martin Luther King, Jr., National Historic Site and the Center.

This is a minimal amount to put it in shape for those visitors who are coming from all over the world to pay homage to Dr. King.

As a final comment, Mr. President, I would be remiss if I did not mention

the tireless work that Mrs. Coretta Scott King performs on behalf of the center. I commend her and I look forward to continuing to work with her. I thank the Senator from Louisiana, Senator JOHNSTON, and the distinguished ranking member Senator MCCLURE, for their help and their courtesy on this amendment.

Mr. JOHNSTON. Mr. President, to say this is a worthy goal is an understatement. I am very pleased that the discussions we have had since we were in the committee have enabled us to save a considerable amount of money, because the first estimate was that it would take $6 million for this construction and reconstruction, and the center has gotten this down to $2.351 million, which is a considerable savings.

We had indicated at committee we would endorse this once we got that figure worked out. The figure has been worked out. I congratulate the distinguished author and the present occupant of the Chair, the junior Senator from Georgia, for their leadership in working out this worthy amendment.

Mr. FOWLER. Mr. President, I rise in support of the amendment offered by my distinguished colleague from South Carolina. I am proud to join Senator HOLLINGS in continuing my support for the Martin Luther King, Jr., National Historic Site and Preservation District.

This site, authorized by Congress in 1980, is a fitting tribute to Martin Luther King, Jr. For years, it has protected and enlarged our memory of the life of Dr. King—for the inspiration and education of hundreds of thousands of American and foreign visitors to the site. Together, the preservation district and the national historic site tell much of the history of black urban culture in the South and provide the background for the story of the civil rights movement.

In the past few years, this site has expanded its attractions through the combined efforts of the Martin Luther King, Jr., Center for Nonviolent Social Change and the National Park Service. The building of Freedom Hall and the King Memorial have brought even more visitors to the area, increasing costs and staffing needs. This amendment to the Interior appropriations bill would directly benefit visitors to the site by allowing for additional parking and the necessary increase in maintenance and security services.

Without a doubt, the proper maintenance and operation of this site is in the national interest. As a tribute to a leader of unquestionable and international stature, as an inspiration to future generations, and as a historic site of great significance in understanding our heritage as a people always striving for a more perfect justice. The King site is among the most important of our national treasures. I urge my colleagues to support this necessary and beneficial amendment.

Mr. MCCLURE. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. The question occurs on the amendment offered by the Senator from South Carolina [Mr. HOLLINGS].

The amendment (No. 795) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 796

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID].

Mr. REID. The manager of the bill is now accepting amendments, is that true?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself, Mr. FORD, Mr. DECONCINI, Mr. BYRD, and Mr. ROCKEFELLER, proposes an amendment numbered 796:

SEC. . Section 14(d) of the Securities Exchange Act of 1934 (15 U.S.C. § 78n(d)) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9) of such subsection, and by inserting the following new paragraph:

"(2) Any person making a tender offer for or a request or invitation for tender offers or amending or extending a tender offer for, or a request or invitation for tenders of shares of any class of any such equity security shall hold such offer, request, invitation, amendment or extension open for a period of at least 35 business days from the date on which such offer, request, invitation or amendment is first published, sent or given to security holders, or such longer period as the Commission may, by rule or regulation prescribe."

(2) This amendment shall apply to tender offers or amendments or extensions of tender offers made on or after September 30, 1987 and before March 31, 1988.

Mr. REID. Mr. President, I also ask that the senior Senator from West Virginia [Mr. BYRD] be added as a cosponsor of this amendment.

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

The Senator from Nevada is recognized.

Mr. REID. Mr. President, there has been much talk over the past several months about an urgent need for reform of corporate takeovers. The rash of raids on healthy corporations has harmful implications for the economy, for employment levels, corporate efficiency, and competitiveness. Those raids have created hundreds of billions of dollars in debt and cost at least 80,000 jobs. I repeat, Mr. President, 80,000 jobs. In 1986, more money was spent on hostile raids than on new plant and equipment.

Congress has closely investigated these rampant takeovers. Several reform bills have been introduced, hearings held, and markups scheduled. Unfortunately, while that legislation is pending, corporate raids have intensified to take advantage of the existing rules.

Mr. President, every Member of this body with rare exception could tell their own horror stories of what corporate takeovers have done to companies in their own States. Let me tell you of just two examples in the small State of Nevada. For example, Caesar's Palace was the target of a hostile takeover. It cost that small corporation tens of millions of dollars to defend itself. These were wasted moneys, not creating a single job—in fact, taking jobs away from people in my State. Money was spent on attorney's fees and other such things that could have been used for expansion of their facilities and creating jobs.

Now, Mr. President, another Nevada business is a target, this one not costing tens of millions of dollars but hundreds of millions of dollars to defend themselves against this takeover. The target is a company called Newmont Mining Corp. It is the target of a hostile takeover by Ivanhoe Partners, a partnership controlled by T. Boone Pickens. Why, Mr. President, is Newmont a target? Because it is a healthy corporation. Today, that is an ultimate liability, to be a healthy corporation, because corporate raiders prey on just such targets. They prey on healthy corporations. There is in effect a risk, a substantial risk, in being an efficient, well-run and viable corporation.

The amendment that I offer today is a first step in addressing the inadequacies of the SEC Act of 1934. This amendment is simple.

It would extend the time period for which a tender offer must remain open from 20 business days to 35 business days. It would affect tender offers or amendments to tender offers after today and would expire in 6 months so as not to detract from pending tender reform legislation.

Mr. President, this provision reflects a consensus position that shareholders and corporations need more time to study the merits of tender offers. Such an extension is contained in House legislation; which would extend the period for 60 calendar days, and in Senate legislation which would extend it to anywhere from 35 to 45 business days.

Unfortunately, while the legislation amending current law has been pend-

ing, the raiders' activity has increased. Passage of this amendment would remedy the time lag inherent in considering legislation of this sort. It is not unlike closing a tax loophole effective on the date of introduction to avoid the last minute rush to profit before its closure.

Mr. President, this amendment would not insulate any corporation from a takeover or attempted takeover, nor would it change the substance or economics of any tender offer. Indeed, it would be economically neutral in any takeover attempt. It merely provides more time to a corporation and its shareholders to evaluate a tender offer. That, I believe, is simple fairness to which we can all agree.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Nevada?

Mr. BYRD. Mr. President, I support the amendment offered by the Senator from Nevada.

The record of corporate takeovers has not been good. They have not brought new prosperity. They have not created new jobs or enhanced productivity or competitiveness. Indeed, they appear only to benefit a few large shareholders, investment bankers, and the lawyers, leaving the target companies saddled with debt and unable to generate the necessary capital for investment in new plants, new equipment, and new jobs.

Mr. President, I think many of my colleagues recognize the need to amend our securities laws to restrict some of the abuses of corporate takeovers. Indeed, the distinguished chairman of the Committee on Banking, Housing, and Urban Affairs, has introduced a comprehensive measure to deal effectively with the corporate takeover issue. His bill has gained the support of a number of Senators on that committee, and I understand committee expects to act on that legislation expeditiously.

Yet, in spite of the attention and diligence of the chairman and members of the Banking Committee, I urge the Senate to proceed now with one provision which was in fact part of the chairman's bill.

As my colleague from Nevada has indicated, the extension of the tender offer period from 20 days to 35 days is a relatively noncontroversial provision. It is economically neutral. It does not change the substance of any tender offer. It merely gives the shareholders more time to consider pending offers and the consequences of such offers on the future of the takeover target corporation. The current 20-day period requires judgments before all the facts are available. Shareholders should not be stampeded into quick judgments by corporate raiders offering inflated stock prices in order to run up the value of their own earlier stock purchases.

I am persuaded that this one provision is of such urgency that we should act now, even as the Banking Committee proposes to deal with the issue more comprehensively. There currently appears to be a rash of these takeovers, generated perhaps by the desire to take advantage of current rules one last time before they are changed. As we do with tax legislation, we must act quickly before we inadvertently generate ever more of these unproductive, nonjob producing takeover ventures.

I urge my colleagues to support his amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. DECONCINI. Mr. President, I rise in support of the Reid amendment. While I appreciate the fact that this is not the appropriate vehicle for a securities amendment, I hope that the Senate will appreciate the time constraints we are under which force us to move quickly on the first available vehicle.

I am a cosponsor and supporter of this amendment to expand the tender offer period from 20 days to 35 days for two reasons. First, I am very concerned about the status of Newmont Mining. As we all know Newmont is in a fight for its life with T. Boone Pickens. Newmont is a major owner of Peabody mining. The health of Peabody is important to me because it is critical to the economic health of the Navajo Nation. While I hate to assume anyone's motives in a takeover fight, I am very concerned about the status of Peabody should T. Boone Pickens be successful.

However, more important than these strictly parochial concerns, is my philosophical reaction to the trend in hostile takeovers. That trend is not good for the economic health of this Nation. Too many of these hostile takeovers result in nothing but increased lawyers fees, added wealth for raiders who add nothing to the economy and lost jobs for the average American citizen.

Corporate raiders virtually have an unlimited amount of time to prepare their takeover strategy. Targets such as Newmont Mining have only 20 business days in which to prepare and carry out a defense. Because of these short time periods, target companies often result in costly poison pills, and greenmail. Inevitably this leaves the target company with fewer employees, fewer assets, and heavily burdened with debt. The result Mr. President is wasted corporate resources and lost jobs.

For these and other reasons I am a cosponsor of Senator PROXMIRE's comprehensive corporate takeover legislation. I understand that markup begins tomorrow in the Senate Banking Committee on this bill. I applaud those efforts. However, in this instance we are under a time crunch. We must act now, and Interior appropriations appears to be the only vehicle.

I urge my colleagues to join me in supporting this simple amendment to extend the tender offer period from 20 business days to 35 business days.

THE REID/BYRD/FORD AMENDMENT

Mr. D'AMATO. Mr. President, I rise in opposition to this amendment. Frankly, I do not disagree that the matter of corporate takeovers, and nature of any Federal role in regulating them, is of the utmost importance and immediacy. That is why the Senate Banking Committee has been for some time working on a bill to address this matter—a bill which is to be marked up and voted on in the Banking Committee tomorrow morning.

That is why I must oppose attempting to deal with the problem in this extraordinary fashion here tonight. The distinguished floor manager, my good friend from Louisiana, noted himself just a short time ago that it is extraordinary to attempt to legislate on a substantive matter via an amendment on the floor to an appropriations bill. I agree. I would add that, even recognizing the importance of this issue it is in this situation totally unwarranted.

The Banking Committee has significant expertise in securities matters. It is in the process of applying this expertise on this very important issue. It has put its corporate takeover legislation on a "fast track" in order to address the issue as quickly as possible while still doing so in a responsible, careful, and thoroughly debated and considered manner. That is the manner in which a subject of this far reaching importance and vital effect on our Nation's financial structure and commercial life requires and deserves to be considered.

I repeat, Mr. President; we are marking up a bill tomorrow. To act in this matter here tonight would, in my view, undermine the difficult and delicate process in which at this moment the Banking Committee is engaging. Although the amendment's 6-month impact would be temporary, it would have the effect of preempting the committee's role in attempting to enact a carefully crafted bill addressing this far-reaching and highly controversial problem.

Mr. President, unlike the bill which the Banking Committee is considering, there have been no hearings on this amendment permitting consideration of the various opposing points of view. There has been no study of its impact. This is no way to make law in this area.

I urge my colleagues to let the Banking Committee do its job.

Mr. JOHNSTON. Mr. President, I understand the distinguished senior

Senator from Texas [Mr. BENTSEN], asked for general notice on amendments of this kind. Someone from the staff has gone to call him. I wonder if we can temporarily lay this aside unless someone wants to speak on the amendment, and bring it up very quickly. Mr. President, did the Senator from Kentucky or the Senator from Rhode Island wish to speak?

Mr. FORD. Mr. President, I wish to support the amendment of the distinguished Senator from Nevada.

Mr. JOHNSTON. Mr. President, I wonder if the distinguished Senator from Nevada would object to temporarily laying this aside?

Mr. REID. I have no objection.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

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

AMENDMENT NO. 797

(Purpose: To make Rhode Island a contract health service delivery area of the Indian Health Service)

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. 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 Rhode Island [Mr. PELL], for himself and Mr. CHAFEE, proposes an amendment numbered 797.

Mr. PELL. 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 end of the bill, add the following:

SEC. . The Secretary of Health and Human Services shall designate the entire State of Rhode Island as a contract health service delivery area of the Indian Health Service for the purpose of providing health services to Indians in the State of Rhode Island under contracts entered into by the Indian Health Service.

Mr. PELL. This amendment, which I introduced with my colleague the junior Senator from Rhode Island [Mr. CHAFEE], and myself would correct an injustice which was brought to our attention by the Narragansett Indian Tribe.

The Indian Health Program service area currently is restricted to only one of Rhode Island's five counties, although the Narragansett Indian Tribe is scattered throughout the State.

Our amendment would simply designate the entire State of Rhode Island, which encompasses about 677,120 acres of land, as a contract health service delivery area of the Indian Health Service.

I understand from the manager of the bill that this will be acceptable.

Mr. JOHNSTON. Mr. President, the Senator from Rhode Island has correctly described the amendment. It is acceptable. We urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Rhode Island [Mr. PELL].

The amendment (No. 797) was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

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

Mr. FORD. Mr. President, the amendment that was temporarily set aside by the distinguished Senator from Nevada is coming back for consideration. Is that correct?

The PRESIDING OFFICER. Does the Senator from South Dakota yield?

Mr. DASCHLE. I am happy to yield.

Mr. FORD. Does that amendment automatically come back that was temporarily set aside?

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. May I respond to the Senator from Kentucky? The amendment was not set aside for a specified period of time. So the author would have to call for its return.

Mr. FORD. Mr. President, may I call for that amendment, then? I would like to make a statement on it in support of Senator REID's position.

The PRESIDING OFFICER. The Senator may do so.

Mr. FORD. The pending business before the Senate, then, is the amendment by the Senator from Nevada?

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator is correct.

Mr. FORD. I thank the Chair very much.

AMENDMENT NO. 796

Madam President, I rise today in support of the amendment offered by Senator REID to extend the tender offer waiting period from the current 20 business days to 35 business days. The unprecedented wave of speculation and manipulation of our capital markets is a situation deserving our immediate attention, for it threatens the stability and efficiency of corporate America. In this year where the leading buzzword in Congress seems to be "competitiveness," it seems to me that the current activities of many of today's leading corporate raiders—with their accompanying armies of lawyers, investment bankers, public relations firms, accountants, and other professionals—are potentially as damaging to a competitive America as any other factor. The enormous amount of talent and resources devoted to today's "takeover industry" often yields no tangible benefit for the American economy. Many times it appears that the only real results are massive transfers of wealth and highly leveraged corporations.

Madam President, do not get me wrong. I am not here advocating that all takeovers are harmful or designed to manipulate our capital markets. Obviously, the corporate restructuring that can result from successful takeovers often is highly beneficial to the economy, and in certain cases takeovers may be the only way in which such helpful restructuring can occur. This activity is essential to the operation of a free market economy, and the competition fostered by corporate tender offer activities can bring about positive economic results.

However, Madam President, an important distinction often must be made between the financial markets and the product markets. It is quite clear that competition in the former does not necessarily result in competition in the latter. And it is competition in the product markets that ought to receive our greatest attention.

A thoughtful article in Sunday's New York Times by Donald G. Margotta, who is researching takeovers at Northeastern University, underscores this difference between the financial markets and what Mr. Margotta calls the "real product market." He argues that the present threat of takeover makes today's corporate executives so preoccupied with the operating strategies that are acceptable to the financial markets, that there is a lack of divergent strategies and, in effect, a lack of adequate competition in the real product market. According to Mr. Margotta, the current wave of takeovers "forces long-term corporate strategies to be dictated by signals from today's prices, and the role of corporate managers is being reduced to that of Wall Street interpreter." Madam President, I ask unanimous consent that the full text of this article be reproduced in the RECORD at this point.

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

DISTORTING CORPORATE INVESTMENT

(By Donald G. Margotta)

One of the most frequently heard arguments supporting hostile takeovers is that they promote competitiveness among corporate managers. Competition occurs on many levels, however, and takeovers can hurt competition on what may be the most important level in the long run, the real product market.

Real product competition is what Adam Smith had in mind when he stated that competition among producers would lead to the best products at the best prices for the entire economy. But proponents of hostile takeovers have extended this idea to include

competition in financial markets, where managers compete for the right to control corporate assets; they win if their company achieves a high stock price, and lose if stock prices drop and they become takeover targets. But real product competition and competition in financial markets are quite different and that difference is the key to understanding how real product competition can be hurt by takeovers.

In its 1985 report to shareholders, Mesa Petroleum announced that it saw fewer profitable opportunities in oil exploration and was reducing exploration expenditures. In contrast, executives of Unocal were more optimistic and elected to pursue oil exploration and research programs. The stage was set for competition in the real product market. Which strategy would produce the best products? The best prices? And which would lead to the greatest shareholder benefits?

We will never know. All we know is that price setters in financial markets agreed with Mesa's strategy and disagreed with Unocal's. Unocal lost in the financial market competition, and became a takeover target.

To avoid a takeover Unocal was forced to adopt operating strategies that more closely fit those approved by financial markets. To be sure, it competed on a financial level; it raised debt to restructure its balance sheet, and fought the takeover in the courts and in the press. In the process it paid large fees to investment bankers, lawyers, academic consultants, expert witnesses, proxy solicitors and public relations firms.

The result of competition in the real product market was that Mesa did not have to compete with Unocal's research efforts or exploration activities. The financial market's judgment of Unocal's strategy prevented competition in a free, competitive product market where success depends on the consumer's choice of products.

If the financial markets are right, the oil industry will be more efficient if mavericks are forced to conform to its view of appropriate operating strategies. And, if it is correct that the financial markets are always "right," the hostile takeovers will be beneficial because they will stop operating managers from making what the markets perceive to be unprofitable research or exploration expenditures. But what is the consequence of this imposed uniformity of operating philosophies?

The consequences for the oil industry may be that another oil crisis will leave the country without the reserves and research projects that the efforts of Unocal (or Phillips, or Gulf) might have provided. Such a crisis would of course cause higher oil prices and stimulate exploration and research, but by then it may be too late to avoid a national emergency. Real capital investment in oil equipment and exploration cannot change as rapidly as highly liquid financial markets, a point made years ago by John Maynard Keynes, who warned that during national emergencies, there are restraints upon the market's ability to direct investment.

History has shown that the judgment of financial markets and corporate managers can be wrong. But when many companies pursue divergent strategies, some will prosper no matter what economic scenario evolves. This sort of diversification is beneficial to the entire economy. But today companies are forced into more uniform strategies since price setters in the market are increasingly large investors with similar investment guidelines.

This is not a phenomenon unique to the oil industry. Such uniformity may eventually force all publicly held corporations within each industry to hold similar operating philosophies, lest they be out of tune with current market sentiment and therefore subject to a takeover. This may lead to less product competition, less diverse corporate strategies, and less research, since projects deemed too risky by Wall Street will not be undertaken.

A hostile takeover environment demands that operating strategies be responsive to stock market signals. But a market response strategy may be ineffective for the oil industry for the reason given by Keynes, and may be ineffective in other industries because it allows foreign producers time to develop patents, establish markets, etc. Many innovative projects, almost by definition, will run against current market sentiment because they will be developed by people with knowledge outside of the arena of the financial markets.

The threat of takeovers clearly increases competitiveness in financial markets, but just as clearly hurts competition in real product markets. It forces long-term corporate strategies to be dictated by signals from today's prices, and the role of corporate managers is being reduced to that of Wall Street interpreter. Small wonder that product market competitiveness in publicly owned corporations seems to be decreasing, and that the "long term" is measured in days instead of years.

Mr. FORD. As the recent number of insider trading scandals have brought to our attention, the basic rules of the takeover game are in need of congressional reconsideration. I commend Chairman PROXMIRE and the other members of the Senate Banking Committee for the initiatives they have made in examining this area. Although the final legislative product is still being fashioned by the committee, I am hopeful that they will agree on legislation in the near future and strongly support their efforts.

In the meantime, Madam President, I favor the amendment offered by Senator REID, which I believe provides short-term protection for the average shareholder affected by a takeover attempt. While there may be many controversial provisions of a more comprehensive bill that have yet to be debated, the extension of the waiting period is clearly not one of them. In order to allow shareholders to obtain adequate and reliable information on the benefits and detriments of a tender offer, the current 20 business day period during which an offer must remain open should be extended. The Proxmire-Riegle Tender Offer Disclosure and Fairness Act introduced earlier this year would extend this period to 35 business days. Others have suggested a much longer time period. I believe the Reid amendment, which provides for a 35 business day waiting period, is a reasonable length of time.

Madam President, I urge my colleagues to support this simple adjustment to current law affecting takeovers in the interest of providing basic relief to shareholders now while the Banking Committee designs more comprehensive legislation in this area. I compliment Senator REID for his efforts on this amendment.

I urge my colleagues again to give him their support.

Madam President, I yield the floor.

Mr. JOHNSTON. Madam President, it requires unusual circumstances to justify placing substantive legislative provisions on an appropriations bill. This amendment by the Senators from West Virginia and Nevada is in response to just such a set of circumstances and it is for that reason that I support it.

The circumstances which make this amendment necessary are the rising tide of hostile takeovers. These takeovers are occurring in the context of the pending changes to the tender offer rules.

A consensus has emerged that tender offer reform is necessary and long overdue. Virtually no State has been unscathed by the merger mania of the past 5 years. Hence, both Houses of Congress are committed to reform. Unfortunately, the changes to the rules are actually encouraging tender offers as raiders are attempting to get in under the wire.

I have agreed to support this amendment to extend the time tender offers must remain open from 20 business days to 35 business days, effective today, because we cannot let the current situation continue for 1 more day. Raiders should not be encouraged to begin their takeovers during the pendency of the new legislation. Shareholders and management should not be stampeded into hasty, ill-conceived actions.

Madam President, I strongly support the effort of the Senators from Nevada and West Virginia. The vital importance of this amendment, as well as the critical requirement that it be enacted as quickly as possible, give us no alternative but to adopt it as an amendment to this appropriations bill.

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

Mr. JOHNSTON. I understand that there is a request on the minority side.

Mr. McCLURE. Madam President, I understand that there is a Senator on this side who wants to come to the floor to be heard on this amendment. I understand that he is on his way to the floor, and I ask unanimous consent that it may be set aside temporarily.

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

Mr. DASCHLE. Madam President, does the Senator from Hawaii seek recognition? I would be happy to defer to him.

Mr. INOUYE. I think my matter can be cleared in 2 minutes.

Mr. DASCHLE. I will defer to the Senator from Hawaii.

Mr. INOUYE. I thank the Senator.

AMENDMENT NO. 798

(Purpose: To provide additional funding for contract support associated with the operation of contracts under the authority of Public Law 93-638, and to provide for reductions in funding for certain Bureau of Indian Affairs program accounts, and to delay implementation of a final rule on eligibility for Indian Health Service services)

Mr. INOUYE. Madam President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 798.

Mr. INOUYE. Madam 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 33, line 24, insert after "of which" the following: "not less than 48,662,000 shall be available for contract support for contracts entered into Public Law 93-638; and of which".

On page 34, line 24, insert after "expanded:" the following: *"Provided further,* That no more than $141,070,000 of the amount appropriated under this paragraph shall be available for the Natural Resources Development Account: *Provided further,* That no more than $92,524,000 of the amount appropriated under this paragraph shall be available for the General Administration Account: *Provided further,* That no more than $56,703,000 of the amount appropriated under this paragraph shall be available for the Trust Responsibilities Account:".

At the end of the bill, add the following:

SEC. . The final rule published in the Federal Register on September 16, 1987, by the Health Resources and Service Administration of the Public Health Service of the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service, shall not take effect before September 16, 1988, and no action may be taken before such day to implement or administer such rule or to prescribe any other rule or regulation that has a similar effect. The grace period provided in section 36.33 of such published rule shall not terminate before March 16, 1989, and any other rule or regulation that has a similar effect shall provide for such a grace period which shall not expire before March 16, 1989.

Mr. INOUYE. Madam President, I offer an amendment to H.R. 2712 that would increase the funding for the contract support costs associated with the operation of Indian self-determination contracts by $3,875,000, and would take offsetting reductions in three Bureau of Indian Affairs program accounts in the equal amount of $3,875,000. My amendment thus does not propose to increase the amounts reported by the full Appropriations Committee for the Interior appropriations bill for fiscal year 1988.

The proposed reductions in the natural resources development account eliminate $700,000 from the amounts available to fund a new agricultural technical centers program; and $900,000 from amounts available for wildlife and parks. The proposed reductions in the trust responsibilities account eliminate $865,000 from amounts available for real estate and financial trust services and $122,000 from amounts available to fund a new trust resources general allocation effectiveness study. The proposed reductions in the general administration account would reduce by $750,000, amounts available to fund additional contracting and personnel positions; and would reduce by $538,000, amounts available to fund automated data processing services. The proposed reductions are taken in new administrative initiatives, which the committee believes should not be afforded as high a priority for funding as the operation of existing tribal program contracts.

My amendment also proposes to impose a 6-month delay in the implementation of a final rule recently published by the Health Resources and Services Administration of the Public Health Service which limits eligibility to members of federally recognized tribes only, with no exception for the continued provision of services to elderly Indians who very likely have no other source of health care nor the financial means to access other health care providers. And because the federally recognized status of many tribes in California were terminated during the termination era, the rule will have the effect of eliminating health care services for a substantial number of California Indians now receiving services from the Indian Health Service. Further, the rule fails to address the eligibility of mentally or physically handicapped Indian children who are currently under the care of the Indian Health Service [IHS] but who may not be members of federally recognized tribes, or whether the adopted children of Indian parents would be eligible for health care services. Another important group of Indian patients, those currently receiving care from IHS urban Indian health care programs, is also not addressed in the final rule. The proposed delay in the implementation of the final rule will enable the committees of the Congress and the Indian people to seek a clarification from the Department of the eligibility status of those groups of Indian patients now under the care of the Indian Health Service that the final rule fails to address.

Madam President, this amendment seeks to assure that those most in need of health care and least likely to have alternative health care options available to them, will not be cut off from services while the final rule is being implemented.

Authorizing legislation, S. 129, a bill to amend and reauthorize the Indian Health Care Improvement Act, now pending in the Senate, specifically addresses the eligibility of California Indians for Indian Health Service services. The committee believes that the definition of eligibility for Federal services is more appropriately addressed in the legislative process, and following clarification from the Department of the scope of the final rule with regard to the groups of patients I have described, the committee would propose to address in authorizing legislation, the eligibility of Indian patients currently receiving his services that the final rule fails to address.

Due to a scheduling conflict, there was not sufficient time to have the full committee's consideration of these proposals, but I want to commend the committee for its responsible approach to addressing what is widely acknowledged to be the dire need for funding of the programs that provide support to Indian people. In my judgment, these amendments will make the Interior bill one that will serve the Indian people of this Nation well in the upcoming fiscal year. Mindful that competing priorities never allow us to achieve our objectives in full, these amendments should at the very least maintain the fiscal year 1987 level of program effort for the programs operated by the Bureau of Indian Affairs.

Madam President, this matter has been cleared by the vice chairman of my committee. It has been discussed with the Bureau of Indian Affairs, and it has been cleared by the managers of this bill.

Mr. JOHNSTON. Madam President, I thank the distinguished Senator from Hawaii for working with us and for his careful counsel and advice. I think he improved this bill significantly. I might say that he did so at no additional cost, because all the money is simply moved around and the total amount is not exceeded. That is the kind of advice, counsel, and help that the committee treasures most in these evening hours, when spending can sometimes get out of hand.

Madam President, we accept the amendment.

Mr. McCLURE. Madam President, we have no objection to the amendment on this side.

Mr. INOUYE. Madam President, this amendment to H.R. 2712 would increase the funding for the contract support costs associated with the operation of Indian self-determination contracts by $3,875,000, and would take offsetting reductions in three Bureau of Indian Affairs Program accounts in the equal amount of $3,875,000. My amendment thus does not propose to increase the amounts reported by the full Appropriations Committee for the Interior appropriations bill for fiscal

year 1988. My amendment also proposes to delay the implementation, by 6 months, of a final rule on the eligibility of Indian patients for the services provided by the Indian Health Service. This delay in implementation of the rule will prevent the health of those most in need of health care services from being jeopardized during the transition to the newly proposed program. Due to a scheduling conflict, there was not sufficient time to have the full committee's consideration of these proposals, but I want to commend the committee for its responsible approach to addressing what is widely acknowledged to be the dire need for funding of the programs that provide support to Indian people. In my judgment, these amendments will make the Interior bill one that will serve the Indian people of this Nation well in the upcoming fiscal year.

Mr. JOHNSTON. I thank my colleague, the chairman of the Indian Affairs Committee, for the concern he has shown for the funding appropriated for Indian programs. The Senator raised this matter in committee and had a series of 15 amendments that would have affected approximately $13 million in the bill. The Senator from Hawaii has reduced the number of amendments he is proposing to one amendment that would affect approximately only $4 million of the bill. The Senator's request seems reasonable—it is a significant reduction from what he was proposing earlier, and I am inclined to accept the amendment, take it to conference with the House, and to see whether our House counterparts will accept it.

Mr. INOUYE. I thank the Senator from Louisiana for accommodating the priorities of Indian tribal governments as they are expressed in this amendment. Mindful that competing priorities never allow us to achieve our objectives in full, these amendments should at the very least maintain the fiscal year 1987 level of program effort for the programs operated by the Bureau of Indian Affairs.

Madam President, there are a number of points I would like to clarify with the manager of this bill, my distinguished colleague Mr. JOHNSTON, regarding appropriations for the Bureau of Indian Affairs.

At the outset, I would like to respond to comments that I have frequently heard regarding the amount of Federal dollars that are appropriated for support of Indian programs. It has been estimated that total Federal funds allocated for support of Indian programs in all Federal agencies exceeds $2.5 billion and that if the total Federal funds for support of Indian programs were divided per capita the sum would be in excess of $12,000 per person. Mr. President, analyses have been conducted in the past that indicate that the per capita expenditure of Federal funds for Indian programs are proportionate to the per capita expenditure for similar programs benefiting non-Indians. If State and local expenditures are added to these sums, I have no doubt that the total governmental expenditures for the benefit of non-Indians would substantially exceed the support provided our Indian population.

Madam President, the request for budget authority for the Bureau of Indian Affairs for fiscal year 1988 totaled nearly $1.5 billion. I would note that nearly one-third of this sum, approximately $400 million, are the Indians' own trust funds that cannot be expended without congressional authorization. The actual outlay of Federal funds for the BIA for fiscal year 1988 was less than $1 billion. This is approximately equal to the BIA budget in fiscal year 1979. The shrinkage in Federal support through failure to match the inflationary spiral is obvious, and when coupled with the elimination of programs such as the Comprehensive Employment Training Act [CETA] from which the Indians derived $60 million, and shrinkage of effort in programs such as the Economic Development Administration [EDA], the budgetary impact on Indian programs since 1979 has been dramatic.

Madam President, it is also frequently contended that Indians do not pay taxes, and the Federal expenditure is all too often viewed as some sort of Federal largess toward which the Indians do not contribute. It is true that Indians do not pay income taxes to States in cases where their income is derived from employment or other economic activity within their respective reservations. Nor do they pay property taxes on trust lands or other trust assets. However, in all other respects the Indian people of this Nation share the same tax burden as all other citizens.

Individual Indians are liable for payment of all Federal income taxes levied except for income derived from a trust asset. They are liable for payment of all State income taxes from any work or economic activity in which they engage outside the reservation boundaries. And they are liable for payment of sales and use taxes in the same manner as any other State citizen for purchases. I have already noted the dedication of $400 million in Indian owned trust funds encompassed in the bill before us. In addition, tribes devote significant sums to the support of tribal programs and tribal government from funds derived from leasing of agricultural and grazing lands, mineral leases, timbering, sale of hunting and fishing licenses, and other business activities. When all this is considered together, I think it is clear that the Indian people contribute not only substantially but heavily toward the maintenance and support of their own people and their own governmental institutions. Mr. President, I believe that the amounts provided for the support of Indian lands and resources are a small price to pay in return for the 500 million acres we took from the tribes.

Madam President, I would like now to direct my comments specifically to the budget of the Bureau of Indian Affairs. That budget is less than $1 billion in Federal expenditures. Bureau programs serve an estimated 765,000 Indians, Eskimos, and Aleuts. It maintains relations with some 309 Indian tribes in the lower 48 States and 197 Alaskan Native organizations, in all covering some 30 States of the Union. Approximately one-third of the Bureau expenditures are for education programs or for social services including payment of general assistance for those whose income levels are below State poverty levels. Education alone accounts for nearly 24 percent of the BIA budget, and this does not include school construction or maintenance. These are programs traditionally funded by State or local governments for their citizenry and if the Federal Government did not provide these services to the Indian reservations the burden would fall on the State or local governments.

In addition to these programs the Bureau is responsible for management and protection of more than 50 million acres of land with attendant natural resources, provision of law enforcement services and support of tribal courts, management of Indian trust funds, provision of technical assistance and core support to tribes to enable the tribes to contract for and administer Federal programs, and provision of funds either through loans or grants to stimulate economic development on the reservations. The Bureau is responsible for management of nearly 46 million acres of agricultural lands, including farm lands and range lands. It manages nearly 6 million acres of commercial forest land and is responsible for leasing of lands for mineral development, including coal, uranium, oil and gas, and other minerals. Substantial sums are expended for protection and enhancement of fisheries, particularly in the Pacific Northwest, Alaska, and the Great Lakes States. It maintains over 21,000 miles of paved and graded roads within the reservations, and it is responsible for construction and maintenance of the physical plant of such facilities as schools, administration buildings, jails, irrigation projects, and dam safety.

Not only do the Federal programs of assistance to American Indians, Eskimos, and Aleuts relieve the States of substantial expense, the States also enjoy a financial contribution from the Indians through payment of taxes, dedication of income from Indian trust

resources, and application of nontrust income to provide local government services. In my opinion the Federal Government's expenditures probably constitute a lesser per capita governmental expense to the support of our Indian population than that received by the non-Indian population when the expenditures of States and local governments are included. Finally, the social services and land management functions provided by these funds are vitally necessary to fulfill the trust obligations we assumed in acquiring this country from the Indians.

Madam President, with these remarks, I would now like to turn to the specific bill before the Senate today.

Indian self-determination has been the Federal policy toward Indian tribes since 1975. The Federal Government has encouraged Indian tribes to control their own affairs by contracting with the Secretary of Interior and the Secretary of Health and Human Services to operate programs otherwise operated by the Bureau of Indian Affairs and the Indian Health Service.

Unfortunately, the Federal Government expects Indian tribes to operate these programs with fewer dollars than are available to Federal agencies. The Federal Government requires Indian tribes to pay for independent audits. These audits cost money. The Federal Government requires Indian tribes to carry liability insurance. Insurance premiums have skyrocketed for tribes, just as they have for other units of government. The Federal Government requires Indian tribes to submit quarterly and annual program and financial reports. These administrative demands require sophisticated and costly management systems.

Tribal governments, like State, county, and local governments, use indirect cost rates to pay for these administrative overhead costs. The indirect cost method is a widely accepted management tool for allocating costs common to many different programs and functions within a government entity. The rules for using indirect cost rates are contained in Office of Management and Budget circular A-87, "Cost Principles for State and Local Governments."

Unfortunately, for the past 7 years, the Bureau of Indian Affairs has requested less than the amount of appropriations needed to fully fund indirect cost associated with Indian self-determination contracts. When the Congress asked why there was a shortfall every year of contract support funds, the BIA responded that tribes were abusing the system. This year the Committee on Indian Affairs challenged the BIA to produce evidence of such abuse. The BIA was unable to substantiate their charges.

The Department of Interior Office of Inspector General conducted a study of tribal indirect cost rates in 1983. The Inspector General found that tribal indirect cost rates increased between 1979 and 1983 as a direct result of increased contracting activity combined with increased Federal accountability requirements. Tribal indirect cost rates are reviewed and approved by the Inspector General.

The Committee on Indian Affairs is considering amendments to the Indian Self-Determination Act of 1975. The single most serious problem tribes have faced during the past 12 years has been the failure of the Bureau of Indian Affairs to pay its fair share of indirect costs.

Time and time again, tribal witnesses have described the horrendous administrative nightmares caused by indirect cost shortfalls. Tribes are held liable by the Office of Inspector General for the full amount of their indirect costs, even if the Bureau of Indian Affairs fails to reimburse tribes for those costs. Tribes then operate at a deficit and carry forward an underrecovery, which affects their rates in subsequent years. Some tribes have found themselves owing the Federal Government several hundred thousand dollars because of theoretical underrecoveries which result from indirect cost shortfalls.

Many tribes are forced to use trust fund revenues to subsidize indirect costs. One tribe in Nevada was forced to budget over $90,000 to cover shortfalls in Federal indirect costs for just 1 year. That tribe was unable to use its trust fund revenues to leverage private funds for economic development.

In our report to the Committee on the Budget, and in our letter to the Committee on Appropriations, the Committee on Indian Affairs emphasized the need for full funding in fiscal year 1988 for contract support funds at the level of $48,662,000. Strengthening the implementation of the Indian Self-Determination Act is one of the highest priorities of the Committee on Indian Affairs.

It disturbs me that the Federal Government would not dream of short-changing contracts with private suppliers of goods and services. And yet, when we contract with Indian tribes, we routinely fail to reimbuse tribes for legitimate administrative costs associated with carrying out Federal responsibilities.

Unless we are willing to fully fund tribal indirect costs for self-determination contracts, then we are just paying lip service to the policy of Indian self-determination. The amendment I am offering includes an offset of $3.875 million and is, therefore, budget neutral. It is time we lived up to the Federal policy of self-determination and started paying our fair share of tribal indirect costs. I urge my colleagues to support this amendment.

Mr. CRANSTON. Madam President, I rise in strong support of the amendment offered by the distinguished Senator from Hawaii [Mr. INOUYE], the chairman of the Select Committee on Indian Affairs. The amendment would, among other things, impose a moratorium on implementation of the final rule promulgated on September 16, 1987, regarding Indians' eligibility criteria for Indian Health Service [IHS] health care that was issued on September 16, 1987. Specifically, as I proposed to the Senator from Hawaii, it would delay the effective implementation date from March 16, 1987, to September 16, 1987, and would provide that the grace period extend for 6 months following the implementation date, until March 16, 1989.

This amendment is very important to tens of thousands of Indians who live in California. The new rule requires that in order to be eligible for IHS services an Indian be a member of a federally recognized tribe. For historical reasons, however, a majority of California Indians—more than 50,000—who are now eligible and receive IHS care are not members of such tribes, and, therefore, would be terminated from eligibility.

Madam President, the Select Committee on Indian Affairs has already addressed this issue. On March 19, 1987, by a unanimous vote, the committee agreed to an amendment I helped develop to codify current practice and policy regarding the eligibility of California Indians. Specifically, Indians who fall into one of the following four categories would be eligible for IHS services: (1) Members of federally-recognized tribes; (2) descendants of Indians who lived in California on June 1, 1852, who are members of the Indian community now served by the IHS and who are regarded as Indians by their communities; (3) Indians holding certain trust interests; and (4) Indians listed on certain plans for distribution of California rancherias and reservations, and their dependents.

The committee-approved provision explicitly states that eligibility of California Indians for health services would not be expanded beyond the scope of eligibility for such services that applied on May 1, 1986. The committee bill also provides for a study to be conducted to determine the number of California Indians who are not members of federally recognized tribes, those Indians' geographic location, and an assessment of their health status.

Madam President, the final rule would undermine the committee's efforts completely. Because I was so concerned about the devastating impact this new rule would have on my State, on September 4 I contacted Dr. Otis Bowen, Secretary of Health and Human Services, to urge that the rule not be published. I ask unanimous consent that my letter to Secretary

Bowen be included in the RECORD at the conclusion of my remarks.

Madam President, in order to prevent a great deal of confusion and misunderstanding that will inevitably result if the HHS-promulgated rule goes into effect and then is later reversed by the enactment of S. 129, I believe that this amendment to delay implementation of the rule is fully warranted. It would ensure that no action would be taken that would result in the California Indians being denied IHS-provided care, until Congress has a full opportunity to deal with the matter.

I would like to express my deepest appreciation to the Senator from Hawaii [Mr. INOUYE] for offering this amendment tonight and for all his assistance throughout the year with regard to the California Indian issue.

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

U.S. SENATE,
Washington, DC, September 4, 1987.

Dr. OTIS BOWEN,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR OTIS. I am writing concerning the proposed final rule establishing new eligibility criteria for health services through the Indian Health Service [IHS], which I understand the Department may soon publish.

I realize that this rule follows by nearly a year the issuance of the proposed rule and that much public comment and discussion has ensued. Many of the changes, such as the deletion of the blood quantum requirement, are improvements over the proposed rule. However, Congress will be considering legislation very shortly which would also affect the eligibility criteria. Thus, I would urge you to delay publication of the final rule until Congress has had an opportunity to act on this issue.

The proposed eligibility criterion—that an eligible person be a member of a Federally recognized tribe—would have a grave impact on California Indians—denying IHS eligibility to 53,000 of them, more than 70 percent of all California Indians currently eligible for IHS care.

As you may know, S. 129, the proposed "Indian Health Care Improvement Act Amendments", as introduced contained provisions to codify current practice and policy concerning the eligibility of California Indians for IHS services. Those provisions would allow California Indians who are currently receiving care by the IHS to continue to do so. Senator McCain, who is a member of the Select Committee on Indian Affairs, expressed concerns that they would expand current eligibility of California Indians and that they constituted "special" treatment for California Indians.

However, I worked out an agreement with Senator McCain and the Chairman of the Select Committee on Indian Affairs, Senator Inouye, the result of which was offered as an amendment by Senator McCain to S. 129, when the Committee considered that legislation on March 19. I believe that the amendment met the concerns of all members involved.

The amendment, which was accepted unanimously by the Committee, would codify current practice and policy regarding eligibility of California Indians for IHS services. Specifically, Indians who fall into one of the following four categories would be eligible for IHS services: (1) Members of federally-recognized tribes; (2) descendants of Indians who lived in California on June 1, 1852, who are members of the Indian community now served by the IHS and who are regarded as Indians by their communities; (3) Indians holding certain trust interests; and (4) Indians listed on certain plans for distribution of California rancherias and reservations, and their dependents. The Committee-approved provision explicitly states that eligibility of California Indians for health services would not be expanded beyond the scope of eligibility for such services that applied on May 1, 1986. The amendment also provided for a study to be conducted to determine the number of California Indians who are not members of federally-recognized tribes, those Indians' geographic location, and an assessment of their health status.

I well appreciate the concerns of many individuals about the precedent and implication of establishing separate eligibility requirements for California. However, because of the unusual circumstances surrounding federal recognition of California tribes, that is, the non-recognition of many such tribes, fairness requires the retention of the existing policies for the determination of California Indians' eligibility. In historical context, these policies do not constitute "special" or "favored" treatment. Rather, if California Indians were made subject to the proposed IHS general eligibility standards, they would be disproportionately adversely affected.

In addition, according to the Office of Technology Assessment's April 1986 report entitled "Indian Health Care", California currently receives the lowest per capita share of IHS funds of any service area. The fiscal year 1985 per capita allocation to the California service area was $424—$368 below the national average. Moreover, OTA found that information about the health of Indians in California is practically nonexistent, primarily because of the loss of reservation lands as a consequence of the changing and diverse Federal policies applied to California Indians and the difficulty in identifying Indians in California.

In light of the fact that the Senate Select Committee on Indian Affairs unanimously accepted the amendment codifying current practice and policy with regard to eligibility of California Indians, and given the current lack of information about the health of California Indians, now is clearly not the time to make major changes in California Indians' eligibility for IHS care.

Thus, in order to prevent a great deal of confusion and misunderstanding that will inevitably result if this rule goes into effect and then is later reversed by the enactment of the pending legislation, I would urge that you delay the publication of the rule until Congress has had an opportunity to act on S. 129.

I would very much appreciate any assistance you could provide on this issue. Thank you for your attention and consideration to this very important matter.

Wish warm regards,
Cordially,

ALAN CRANSTON.

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

The amendment (No. 798) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 799

(Purpose: To prohibit the Secretary of Agriculture from transferring certain National Forest System lands in South Dakota)

Mr. DASCHLE. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 799.

Mr. DASCHLE. Madam 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 appropriate place, insert the following new section:

SEC. . (a) Except as provided in subsection (b), the Secretary of Agriculture shall not transfer certain National Forest System land in the Black Hills National Forest, South Dakota, described as follows:

TRACT 0043 (Hine)—

Beginning at the north quarter corner section 16, township 1, north, range 6 east; Black Hills Meridian;

thence westerly along the north line of the northwest quarter, section 16, to the east east west ¹⁄₂₅₆ corner;

thence southerly along the west line of the east half east half northeast quarter northwest quarter 393.00 feet;

thence due west to a point that is due south of the intersection of the north line of the northwest quarter, section 16, and line 20-21 of the Big Bend Placer (MS 1442);

thence north to the intersection of the north line of the northwest quarter 16, and line 20-21 of the Big Bend Placer;

thence northeasterly along line 20-21 to corner 20;

thence northwesterly along line 19-20 to a point due north of the intersection of north line of the northwest quarter, section 16, and line 20-21, MS 1442;

thence north to a point which is due west of a point that is 850.00 feet northerly along the west line of the southeast quarter, section 9;

thence east to the west line of the southeast quarter;

thence southerly along the west line of the southeast quarter 850.00 feet to the north quarter corner section 16, point of beginning.

(b) The Secretary may transfer such portion of the Hine Tract described in subsection (a) necessary to remove the encroachment of the Hine cabin which is located on the boundary of the Hine Tract.

Mr. DASCHLE. Madam President, the amendment I am offering would prohibit the Secretary of Agriculture from transferring a specific parcel of land in the Black Hills National Forest to private interests. The sale has been proposed under Public Law 97-465, commonly known as the Small Tracts Act.

The land in question is an area of exceptional scenic beauty and recreational value in South Dakota's legendary Black Hills. The land is adjacent to a blue ribbon trout fishing stream, and has been enjoyed as a public area since before the U.S. Forest Service assumed the responsibility for managing this special land.

Hundreds of area residents and organizations representing thousands more have voiced their opposition to this exchange. Heeding the public outcry against this transfer, the Forest Service withdrew their original proposal on this matter. Unfortunately, pressure from the private interests involved has caused the Forest Service to renege on their previous decision to allow this land to remain open to the public.

The Forest Service cites provisions of the Small Tracts Act designed to help resolve minor encroachment problems as a reason for this land exchange. The encroachment, in this case, involves only a few square feet. This transfer will eliminate 9 acres of land from public access. While the amendment I am offering will allow for the absolute minimum amount of land to be transferred necessary to resolve this encroachment, it will protect nearly the entire 9 acres for public use.

This land exchange represents an attempt by private interests to remove a parcel of land of unsurpassed beauty from public access. Land now enjoyed by all will be set aside for the pleasure of only a select few.

I firmly believe this amendment should have the broad support of the Members of this body, and I urge its adoption.

Mr. McCLURE. Madam President, will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Idaho.

Mr. McCLURE. Madam President, am I correct in reading the language that it is intended by the distinguished Senator that this be a 1-year limitation authority of the Forest Service?

Mr. DASCHLE. I want to clarify that, and I am glad the Senator from Idaho has asked the question.

This does not address the 1-year stipulation; but it is my hope that before we come up with the next appropriation bill, we can resolve this concern as a result of this legislation.

Mr. McCLURE. The language of the amendment is a restriction. It is language which is binding during the term of the fiscal year for which the appropriation is made, and it is not permanent language?

Mr. DASCHLE. That is correct.

Mr. McCLURE. Madam President, this is a matter of first impression, so far as I am aware, to this subcommittee. Not being familiar with the issues, I certainly would like to defer to the Senator in whose State this land is located. If we run into problems with respect to the limitations, there is no provision like this in the House bill, and it would be before the conference, and it would give us an opportunity to take another look at it between now and the conference.

I think the Senator should understand that if we run into that difficulty, it is something we might have to adjust in conference.

Mr. DASCHLE. If I can respond, I would say that I would hope that we can resolve this matter to the complete satisfaction of the Senator from Idaho, and that is certainly my intent.

Mr. McCLURE. Madam President, we understand there is a limitation on the language as expressed. My understanding of what that limitation is, is that it is being for the fiscal year 1988 only, and, with the understanding that we will look at it further between now and the conference, I have no objection to the amendment.

The PRESIDING OFFICER. Is there any other Senator who wishes to be heard on the amendment?

Mr. JOHNSTON. Madam President, we have spoken with the Senator from South Dakota about this matter and he feels that it should be delayed and it is in his State. We, therefore, will in the spirit of taking this to conference we will accept the amendment.

Mr. DASCHLE. I thank the Senator.

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

Observing none, the question on agreeing to the amendment of the Senator from South Dakota.

The amendment (No. 799) was agreed to.

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

Mr. JOHNSTON. I move to lay that on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Dakota.

Mr. DASCHLE. Madam President, I have a very short colloquy that will take no more than 30 seconds, I believe. If I could engage the manager of the bill in the colloquy, I will relinquish the floor.

I wish to address a question to the distinguished floor manager of the Interior and Related Agencies Appropriation bill. In reading the report, I have not been able to find any reference to my recommendation that the surgical suite at the Rosebud Replacement Hospital project should be completed and equipped with previously apportioned funds. Does the committee intend for this work to go forward?

Mr. JOHNSTON. The Senator is correct. It is the intent of the committee that this work be done within available funds and that these remarks will serve as guidance to the Indian Health Service in this matter.

Mr. DASCHLE. I thank the Senator for his clarification and his kind assistance.

Mr. WALLOP. Madam President, is the parliamentary situation that the amendment under consideration is temporarily set aside?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 800

(Purpose: To allow the State of Wyoming to use $2 million of its FY 87 Abandoned Mine Land Funds for direct assistance to the residents of the Rawhide and Horizon subdivisions in Campbell, Co. Wyoming)

Mr. WALLOP. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the Senator's amendment.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. WALLOP) for himself and Mr. SIMPSON proposes an amendment numbered 800.

Mr. WALLOP. Madam 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 33, line 5, insert the following: "Provided further, notwithstanding any other provision of law, the State of Wyoming may, subject to a plan approved by the Governor, expend not more than $2 million from its allocation of Fiscal Year 1987 appropriated funds under Section 402 (g) of Public Law 95-87 for direct assistance to citizens evacuated from their homes in the Rawhide and Horizon Subdivisions in Campbell County, Wyoming, due to hazards from methane and hydrogen sulfide gases."

Mr. WALLOP. Madam President, I propose this amendment on behalf of Senator Simpson and myself and state that it is a unified expression upon the part of the Government of Wyoming. I have a letter in support of it from Governor Mike Sullivan which I ask unanimous consent to be printed in the RECORD.

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

STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
Cheyenne, September 29, 1987.

Hon. MALCOLM WALLOP,
U.S. Senate, Washington, DC.

DEAR MALCOLM: I understand that you intend to advance an amendment to the FY 1988 Interior Appropriation Bill, which would make available $2 million from Wyoming's allocation of the Abandoned Mine Land funds for assistance to the residents of the Rawhide/Horizon Subdivision.

The purpose for this letter is to indicate my firm support for this initiative, and to provide you with some indication as to how this money would be used.

For background purposes, as you may know all the technical experts who have reviewed the gas seepage phenomenon in the

subdivision have firmly concluded that the gas is generated by the underlying coal seam(s). In addition, no expert has advanced a method for remediating the problem while the subdivision is still occupied. Finally, the President has recognized the threat to the health and safety of the residents, by his emergency designation for the area and the temporary assistance payments for rental as permanent residency is concluded.

Unfortunately, while we appreciate the President's action, it fails to provide the assistance to the residents which would have been available through a major disaster declaration. In addition, the residents cannot turn to the Superfund law for assistance. However, some source of funding is desperately needed to provide meaningful relief to the residents. These families should be allowed to put their lives back together, without large debts and the loss of equity in their properties.

We are hoping to use the $2 million AML allocation to provide for direct assistance to the residents of Rawhide/Horizon Subdivision who have evacuated their homes due to the hazardous gases. I anticipate that a small direct cash payment will be made to each eligible applicant, and a formula will be used to divide the remainder in a manner which reflects the varying conditions facing each family.

As you may know, some residents have been allowed a direct trade and are in permanent housing. On the other end of the spectrum, others may lose their equity and face a default situation with their lending institution. Finally, one resident has paid for his home and stands to lose his entire investment.

While we may not satisfy every resident with any formula, we hope to use the $2 million through a fair process which reflects these varying situations. The formula will be the subject of public hearings, and an AML program amendment will be submitted to the Office of Surface Mining for approval.

I hope this letter is helpful to you in explaining our intentions at this early stage to use the $2 million allocation, if it is made available to the State. We believe this is a justifiable use of the AML funds, which are paid by our coal industry, for a problem created by the presence of unleased federal coal underlying the subdivision. I hope you are successful in convincing your colleagues on this point.

Thank you again for your efforts. With best regards, I am

Yours sincerely,

MIKE SULLIVAN,
Governor.

Mr. WALLOP. Madam President, let me just take one paragraph from the letter, just so the managers of the bill can hear it.

The purpose for this letter is to indicate my firm support for this initiative, and to provide you with some indication as to how this money would be used.

While we may not satisfy every resident with any formula, we hope to use the $2 million through a fair process which reflects these varying situations. The formula will be the subject of public hearings, and an AML program amendment will be submitted to the Office of Surface Mining for approval.

I ask also, Madam President, that a letter from the Wyoming State Department of Environmental Quality to Congressman CHENEY be printed in the RECORD in support of this amendment.

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

DEPARTMENT OF ENVIRONMENTAL QUALITY,
August 6, 1987.

Congressman DICK CHENEY,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN CHENEY: Over the last year I have been invited to speak before several Congressional Committees on Abandoned Mine Land funding and policy issues. Except for brief testimony on the subject of extending the fee collection period all of my testimony has been on behalf of the Association of Program States. Functioning as the chairperson of the Association I have represented common interests and concerns of the program states. In my testimony I have discouraged attempts to divert AML funds for what I called non-reclamation purposes. Examples include additional government costs such as retirement fees and pay increases and use of the monies for expanded research and development projects. It is the interest of the Association membership to maximize the benefits from this finite fund by eliminating as many abandoned mine land problems as possible.

I am aware that you have introduced legislation into the budget bill which would allow the State of Wyoming to utilize up to $2 million from its FY87 Abandoned Mine Land allocation to provide direct assistance to citizens evacuated from their homes in the Rawhide and Horizon Subdivisions of Campbell County, Wyoming. As you know, the citizens that reside in these subdivisions are at threat from explosives and toxic concentrations of methane, hydrogen sulfide and hydrogen selenide gasses which underlie their homes at near surface locations. These gasses are being released from shallow Wyodak coal deposits. To date, reasonable and economical alternatives have not been developed which might mitigate the problems. The only reasonable solution seems to be evacuation of the residents for their health and safety.

I believe use of AML monies is justifiable. The conditions at Rawhide Village constitute an extreme danger to health and safety of the residents. This subdivision is a result of coal development which blossomed in the mid 1970's in the Gillette area. These types of housing developments satisfied the early impact needs of Gillette and continue to support the coal mining industries that predominates Gillette's economy. All available evidence continues to support the fact that there is no responsible party under Federal and State law. I, therefore, support your action to gain legislative authorization to utilize AML monies to assist the victims of this situation. Wyoming currently has a balance in excess of $2 million in its FY87 allocation that would be available for this purpose.

Sincerely,

GARY BEACH,
Mine Reclamation Program Manager.

Mr. WALLOP. Madam President, I will try to be brief on this, but let me just say that the purpose of my amendment is to give the Governor of Wyoming the flexibility to use up to $2 million of the State's allocation of Federal abandoned mine land funds for fiscal year 1987 to extend appropriate assistance if he deems it advisable to the victims of this natural disaster affecting the Rawhide and Horizon Housing Subdivision in Campbell County, WY.

Madam President, this assistance would most likely be in the form of low-interest loans to help more than 200 families relocate their lives and their families. I would like to stress that the amendment does not, I repeat, does not affect the Secretary's discretionary fund of the abandoned mine land allocations of any other State. It merely gives the Governor of Wyoming authority to use a portion of Wyoming's appropriated allocation for 1 year, fiscal year 1987, to deal with a crisis that has seriously victimized more than 200 families.

It seems fitting that this flexibility be provided to the Governor, since the problem is coal-related, and Campbell County, which lies in the heart of the Powder River coal basin, probably contributes more to the abandoned mine land fund than any other county in the country. And, the State of Wyoming has, for the time being, completed most of the abandoned coal mine reclamation work that is amenable to existing technology, so the coal reclamation program in the State will not suffer as a result of this assistance.

Madam President, Rawhide is a housing development in Campbell County, WY, developed in 1976. Approximately 270 families bought homes there and in the smaller, adjacent Horizons subdivision. Both subdivisions are underlain by coal which is on the fringe of a larger nearby seam that is currently being mined under a Federal permit.

Testing was done by the State and the presence of methane gas in high concentrations was confirmed as was hydrogen sulfide gas which was found in the basements of several homes. Because of the high concentrations of both gases and accompanying threat of fire or explosion, the subdivision was ordered evacuated in June, and the Governor of Wyoming applied to the Federal Emergency Management Agency [FEMA] for a Federal disaster declaration, which would have entitled Rawhide and Horizon residents to various kinds of assistance.

In June, FEMA officials rejected the State's first application as a disaster area, but on September 5, they agreed to declare the area as an emergency area, which will allow the displaced, Rawhide and Horizon residents to be eligible for temporary rent assistance, special housing loans and grants for various disaster needs. The amendment we are offering will provide the Governor of Wyoming with additional flexibility to deal with this problem, and it will cost absolutely no money to

the Treasury or threaten any other State's AML funds.

Further, in my opinion, the Senate has already expressed a willingness to rechannel abandoned mine land moneys by allowing the State of Pennsylvania to acquire private homes, businesses, and nonprofit buildings in the Borough of Centralia, and to relocate those families affected by underground mine fires by earmarking $42 million of the State of Pennsylvania's abandoned mine land funds. This was done through the fiscal year 1984 supplemental appropriations bill, which is now Public Law 98-181. All the State of Wyoming asks is to have the authority to use $2 million in its AML moneys for relocation and low-interest loan assistance for the victims of Wyoming's natural disaster.

Let me remind the Senate that any plan the State submits must be approved by the Governor and I have his letter here and his full suppport of this initiative on behalf of our delegation.

Mr. JOHNSTON. Madam President, as I understand the proposition of the Senator from Wyoming it would be to take this money out of Wyoming's share of AML funds. To do so would not satisfy the Department which opposes this.

So it is with some degree of hesitation that we say we will accept the amendment and take it to conference. But between here and conference I hope the distinguished Senator from Wyoming can make a better case to the Department and can show that what might be a bad precedent being contrary to the law at least as the Department sees it that that can be cleared up.

But we do recognize the Senator from Wyoming has a serious problem in his State and so for that reason we will take it to conference.

Mr. WALLOP. Madam President, I thank the Senator, and we will endeavor to make that case. I do not think it is a precedent being established but one being followed and I think that case can be made. But, nevertheless, the alternative remains that we do something to help the people from these two areas of Wyoming who are seriously in trouble. It would seem to me that Wyoming can make the case to use the money from funds that are already allocated to the State. That way the Treasury will not lose anything and both the country and the State will be a little better off.

So I thank the Senator for the understanding, and we will try very hard to make that case as it has already been made to the House which has accepted this amendment as well.

Mr. McCLURE. Madam President, I note the case that has been made by the distinguished Senator from Wyoming and the fact that both Senators from Wyoming approved this approach to that problem. I also note the support for this approach that has been expressed by the Governor of Wyoming, and I am struck by the fact that indeed the Senator is correct. This is out of moneys that are made available to the State of Wyoming for matters that are related to this either directly or indirectly and, therefore, we have no objection to the amendment.

Mr. WALLOP. I thank the Senators, and, Madam President, I ask for the question.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is now on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 800) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 801

(Purpose: To make technical and clerical amendments to H.R. 2712)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 801.

Mr. JOHNSTON. Madam 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 11, line 11, line type the number "$350,000" and insert immediately following the number "$400,000".

On page 16, line 4, delete the word "or" and insert in lieu thereof the word "of".

On page 17, line 13, delete the word "between" and insert in lieu thereof the word "among".

On page 18, line 13, insert the word "AND" between the words "PARK" and "RECREATION".

On page 33, line 25, remove the number "$53,557,000" and insert the number "$53,057,000".

On page 37, line 13, insert a period between the parenthesis and the close quote.

On page 43, line 14, delete the first comma.

On page 43, line 23, after the word "Foundation" insert a colon; and before the number "$500,000", insert "*Provided further,* That of the total appropriation".

On page 44, line 16, line type starting with the colon and continue line type through the close quotation mark on line 19, saving the semicolon on line 19.

On page 55, line 19, delete the first comma.

On page 67, line 25, delete the period.

On page 69, line 17, delete the number "$335,824,000" and insert in lieu thereof the number "$373,957,000".

On page 69, line 23, the word "That" should be set in bill type italic.

On page 70, line 6, the word "Further," should be inserted immediately preceding the word "That".

Mr. JOHNSTON. Madam President, this amendment is required to make technical and clerical amendments to the committee reported bill.

I ask unanimous consent that these amendments be considered en bloc and that they be considered as original text for the purpose of further amendment.

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

Mr. JOHNSTON. Madam President, all of these amendments have been cleared by the other side. None of them change the substance or intent of the committee reported bill but are needed to bring the bill into compliance with normal bill drafting standards.

Let me mention one of these amendments. On page 69, line 17, the amendment would delete the number $335,824,000 and insert in lieu thereof the number $373,957,000. This change does not affect the CBO scoring of our bill. If you will consult the table inserted into the RECORD, which shows the amounts provided by the committee, the table will show the larger number with a series of offsetting reductions. Unfortunately, when we printed the bill, the smaller number was included in the bill inadvertently.

Madam President, I move the adoption of the amendment.

Mr. McCLURE. Madam President, we have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing on the amendment of the Senator from Louisiana [Mr. JOHNSTON].

The amendment (No. 801) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 802

(Purpose: To provide $250,000 for the first year of a 5-year project in Arkansas to improve vegetative cover on reclaimed mine land through research and technical assistance)

Mr. BUMPERS. Madam President, I 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 Arkansas.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 802.

Mr. BUMPERS. Madam 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 31, line 10, after the colon insert *"Provided,* That $250,000 of such funds available to the Rural Abandoned Mine Program, over and above the amount received by Arkansas in 1986, shall be available for the first year of a five year project in Arkansas to improve vegetative cover on reclaimed land through research and technical assistance."

Mr. BUMPERS. Madam President, I have talked to both of the managers of the bill about this. Frankly, I have changed it somewhat since I talked with the distinguished Senator from Louisiana.

Here is what the amendment now does: This year, 1987, there was $8 million in the RAMP fund. In 1988, there will be $14 million. So, naturally, Arkansas, which receives about $250,000 or $275,000 this year, will receive some considerable amount more next year.

What this amendment says is that the amount in excess of what they got this year shall be $250,000. That means we may get a little bit more than we would normally get, but not much.

Now, this amendment is not as well crafted, because I want to try to get this bill passed before 8 o'clock if we can. It would take me a while to redraft it, and we will take good care of that in the conference if this amendment is accepted.

But I want to make the record clear that it is my intention that this additional money will be used by the Soil Conservation Service for a study of vegetative covers of reclaimed lands. Normally, I would be reluctant to ask for these funds, except our reclamation program is simply not working in Arkansas because we do not have one site that we can boast about where the vegetative cover has worked as we would like.

Several years ago, I got a small agricultural center in Booneville, AR. They have now established a small plant materials center there. So it will not take any new manpower. It will not take anything very much in the way of additional expense for us to study new vegetative covers.

What they want to do is go out and plant a whole host of different kinds of vegetation on these sites and try to figure out which one is most appropriate for these reclamation projects. It is just that simple.

I do not mind telling you that I have an additional parochial interest. Most of the abandoned land like that is in my county and two adjoining counties. I see this every time I go back home. We are just not having any luck with this and until we get a program like this we are not going to.

I discussed this with the Senator from Idaho, who has agreed to it, and I think the Senator from Louisiana will also agree to it.

Mr. JOHNSTON. Madam President, the Senator from Arkansas has delineated a special problem with respect to his State and we think this is an appropriate response to it. We will, therefore, accept the amendment.

Mr. McCLURE. Madam President, I appreciate the statement the Senator has made with respect to the purpose of this amendment. I am very sympathetic to the need to do what he is setting out to do. It makes sense to me. You ought to be able to find out how to do it so that you can, with the expenditure of a minimal amount of funds, set your course for some meaningful and successful reclamation of these lands. The Senator's agreement to change the proposed amendment to guarantee that you have an increase in 1988 of at least $250,000 over 1987 seems to be a very limited response to a very real problem.

I commend the Senator for addressing it. I appreciate his willingness to cooperate in the way he has in modifying the amendment.

We have no objection to the amendment, as modified.

Mr. BUMPERS. I thank both Senators, Madam President.

Just for the record, I would like to make two additional points. We are losing between 10 and 50 tons of topsoil per acre over reclaimed land. That will give you some idea of the magnitude of our problem.

Second, it is really hardly worth our time to do any more reclamation projects unless we come up with some kind of vegetation cover that will work on these reclaimed lands.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Arkansas [Mr. BUMPERS].

The amendment (No. 802) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 803

(Purpose: To make clear the intent of $1.2 million designated to the Bureau of Mines for the establishment of a Marine Minerals Technology Center)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] (for himself, Mr. STENNIS, and Mr. INOUYE) proposes an amendment numbered 803.

Mr. JOHNSTON. Madam 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 in the bill, add the following: ": *Provided further,* That of the sums provided under this head, $1.2 million shall be available to the Mississippi Mineral Resources Institute of the University of Mississippi and the Center of Ocean Resources Technology of the University of Hawaii for a Marine Minerals Technology Center, equaly divided".

Mr. JOHNSTON. Madam President, this amendment which has been cleared on both sides, is presented on behalf of the distinguished Senator from Mississippi [Mr. STENNIS], and the distinguished Senator from Hawaii [Mr. INOUYE]. It would make clear the intent of the $1.2 million designated in the bill to the Bureau of Mines for the establishment of a marine minerals technology center that has been established.

I ask for the approval of the amendment.

Mr. McCLURE. Madam President, the committee has provided $1,200,000 to establish a marine minerals technology center. Since the committee has only provided funds and not specified where the center should be located, the Bureau of Mines would hold an open competition for the center between all generic centers.

The amendment before us would eliminate that opportunity and establish the center at the University of Mississippi and the University of Hawaii. In reviewing the list of generic centers, I am not convinced that, if an open competition were held, that these universities would win. If being a generic center is not a criteria, then why shouldn't the University of California at Berkeley, or the University of Texas at Austin, or the University of Washington be allowed to compete.

The Bureau of Mines was approached over a year ago by the University of Mississippi and the University of Hawaii with a proposal to establish a marine mineral center. Their proposal was rejected for a variety of reasons. Not the least of which was a lack of funds and the administration's lack of overall support for the Mineral Institute Program.

If it is the decision of the Congress to add an additional generic center, how do we know that a marine minerals center is the center we should be adding? What was the criteria used to reject a generic center for precious metals or a generic center for explosives?

Madam President, I am not opposed to this generic center specifically, but I do feel that we have put the cart in front of the horse by first not making a rational determination that this is

the next generic center which should be added to the system and, second, that these two universities should be the universities to receive the designation and the funds.

Madam President, I might say to the distinguished Senator from Louisiana that I have no objection to the adoption of the amendment at this time. It will give us the opportunity to go to conference and, perhaps, in dialog between the various interested parties between now and the conference, we will accept this wholeheartedly or modify it, if necessary.

But I have no objection to its adoption at this time. We are prepared to accept the amendment.

Mr. JOHNSTON. Madam President, I might add that that is, of course, true with all amendments, maybe some to a lesser degree than others, that we always have to look at these in conference. And we have very difficult conferees—very pleasant personally but very difficult to negotiate with in conference.

That caveat belongs to all of these amendments.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment.

The amendment (No. 803) was agreed to.

Mr. JOHNSTON. Madam President, the matter previously brought up on the Newmont Mining tender offer; I wonder if we are ready?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. I have had two requests from Members on this side. One Member, I understand, wishes to make the point of order against the amendment—upon what grounds I do not know. It may be the horrendous thought that it is legislation on appropriations. There is another who has indicated a desire to speak with respect to it. So I am in no position at this time to accept the amendment.

Mr. JOHNSTON. Madam President, I would observe that we are getting down to the end of the bill. As I look through my list here there is an amendment by the distinguished majority leader, Senator BYRD, which has yet to be dealt with.

I wonder if the distinguished occupant of the chair has an amendment to deal with on Park Police pay? So that amendment will not be brought up.

I do not know whether the distinguished Senator from New Mexico [Mr. DOMENICI] proposes an amendment or not.

There is an amendment which we are prepared to agree to, I believe, by the Senator from California, Senator CRANSTON, on the Torre Canyon, which should be a very short, quick matter.

Other than that, I believe we are ready to go to final passage, so I would urge all Senators to come to the floor immediately if they do have amendments, or if they do have motions to make, because I believe we are ready to put this bill to bed.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Will the distinguished Senator from Idaho yield for a question?

Mr. McCLURE. Madam President, I would be happy to yield.

Mr. FORD. I say to my good friend, is there an opportunity that those who may want to make a motion against the agreed amendment, or those who wish to speak, is there any reason why they cannot be here tonight so we could stack the vote and vote on the rest of them so this bill could be expedited?

Mr. McCLURE. Would the Senator yield? I will try to respond, because I have not talked to the Senators personally. I have only been the recipient of messages from them, so I cannot tell you with any degree of precision what it is they have in their minds except they have requested the opportunity to be here. I am somewhat embarrassed by the request in one respect, and that is that I am as anxious as is the manager of the bill to get this bill passed.

The other, however, is that I do not think very many Members were on notice earlier today or yesterday that this bill would be up today, in order that they know what the amendments would be. Therefore, it is not an unreasonable request that they have the opportunity to come.

Mr. FORD. I understand and I appreciate the position in which the distinguished Senator has been placed. I am just anxious to see if there could be some agreement that we could move on with this amendment and get it behind us. It is important. I think it is timely, something that should be put on; and I understand holds.

I have been waiting for weeks to get a piece of legislation up and I cannot do that so I understand holds. I am going to start speaking on it in the morning and maybe we will be able to get a little heat generated on airport improvement.

We talk about aircraft safety, you know, and cannot even get the bill up.

But, nevertheless, I understand and I was just hopeful we might be able to do something in this direction.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Is the pending business the Reid amendment?

The PRESIDING OFFICER. If the Senator calls for regular order with this bill, that would be so.

Mr. PROXMIRE. Madam President, I would like to speak very briefly on it. If it is not up now, it will be, I understand, within a few minutes.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 796

Mr. PROXMIRE. Let me say this amendment deals with a provision which is in a bill before the Banking Committee that we are going to mark up tomorrow. There is no question about the jurisdiction our committee has. But I favor the amendment. I know it has a really serious effect on States like Kentucky, West Virginia, and Nevada. It is very important to them and the timing is important.

While the language we have in our bill is almost exactly the same as in the amendment, that language will not become law for at least 6 months, if then.

This is a very urgent matter. As I understand it, the Reid amendment has a sunset of 6 months and for that reason it seems to me, Madam President, that although we have jurisdiction it is an amendment that should pass and I will enthusiastically support it.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, at the opening of this bill I advised that the committee was paid a very high compliment in that the Director of the Office of Management and Budget had withdrawn the veto threat to this bill. I have been advised since that time that is not correct; that the veto threat still stands. But I must say, Madam President, having looked at this bill and its scoring by the Budget Committee and by CBO, being under our allocation, I am in good hopes that the OMB will rethink their displeasure with this bill, realize that it is below our 302(b) allocation, and that they will sign the bill.

This is, of course, veto season and certainly veto-threat season. I would tell OMB that we will do the best we can in conference to keep it the reasonable bill that it is.

Madam 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. McCLURE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. McCLURE. Madam President, I take this time only to inform Members that while two or three have indicated to me a desire to offer amendments, they are not here on the floor. If, indeed, they wish to offer those amendments, they should be here.

I have also been informed by the Cloakroom that one Member wishes to speak with relation to the Reid amendment and another Member may wish to make a point of order against

the Reid amendment. I would say to those Members that we are approaching the time when we will have to make some decisions with respect to the process.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, I call for regular order.

The PRESIDING OFFICER. Regular order having been called for, the Reid amendment is pending.

Mr. REID. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? The Senator from Nevada has called for regular order. That means that the Reid amendment is pending before the Senate. The Senator from Nevada has asked for the yeas and nays. Is there a sufficient second?

There is not a sufficient second.

Mr. METZENBAUM. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Now there is a sufficient second.

The yeas and the nays were ordered.

Mr. McCLURE. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Madam President, as I said before, I have been told that a Member may wish to make a point of order against the amendment. The right of that Member has not been forfeited by any action taken to this point. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. I thank the Chair.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, I ask unanimous consent that the yeas and nays that I called for be vitiated.

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

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

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

AMENDMENT NO. 800

Mr. SIMPSON. Madam President, I want to comment on the amendment offered by my good friend and colleague, MALCOLM WALLOP, with regard to the Rawhide Subdivision in Campbell County, WY.

I fully support the amendment offered by MALCOLM WALLOP. Rawhide Subdivision in Campbell County, WY and the 270 families which make up that subdivision are in some dire circumstances as a result of the seepage of hydrogen sulfide and methane gases. Residents complained of gas related illinesses which were subsequently confirmed by local health officials.

As a result of the continuing seepage of gases and the inability to determine the exact cause or a short-term solution, the Campbell County authorities declared all residences in Rawhide Subdivision and the adjacent Horizons Subdivisions to be uninhabitable. The evacuation of these subdivisions was then ordered by the county commissioners.

The Governor of Wyoming has been working directly with the Federal Emergency Management Agency. Scientific data was gathered and submitted to FEMA for analysis. As a result of these efforts, the President issued an emergency declaration providing interim, short term housing assistance for the residents.

The purpose of this amendment, which has been adopted by the House of Representatives as part of the Interior appropriations bill, is to provide the Governor of Wyoming with flexibility to use up to $2 million of the State's allocation of Federal Abandoned Mine Land Funds for fiscal year 1987. This money will be used specifically and immediately to aid the victims of this continuing and vexing natural phenomenon.

It is important to note that this provision will not affect the Secretary's discretionary fund or allocations to any other State. It does, however, that the State of Wyoming shall have flexibility regarding allocation of the AML funds for one fiscal year.

Madam President, this type of governmental response to a devastating natural phenomenon is an example of government at its best. The unique geologic formations which have caused this critical problem could not have been anticipated in advance of any legislation dealing with the Abandoned Mine Land Fund. Consequently, we have requested an adaptation of the legislation tailored to fit the disaster. I commend the efforts of my colleague DICK CHENEY in the House and MALCOLM WALLOP here in the Senate in providing for this very important aid to these unfortunate citizens. I strongly urge the adoption of the amendment.

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEARS 1988 AND 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate will come to order. Under the previous order, the hour of 8 p.m. having arrived, all debate time on the amendments listed to the DOD bill has expired. The question recurs on the McCain amendment No. 716. If a rollcall is requested, the time for that vote will be 20 minutes. Any back-to-back votes will be for no more than 10 minutes each.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Madam President, I ask unanimous consent that I may suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Madam President, I ask unanimous consent that further proceedings under the quorum call be suspended.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION, 1988

The Senate continued with the consideration of the bill.

Mr. JOHNSTON. Do I understand that the distinguished Senator from New Mexico would object to the unanimous consent limiting amendments on this bill?

The PRESIDING OFFICER (Mr. CONRAD). If the Senator will suspend, the Chair is unable to hear the Senator. If we could have quiet in the Chamber so that we could hear the Senators as they make their statements.

Mr. BYRD. Mr. President, I ask unanimous consent the Senator from Louisiana may proceed for not to exceed 2 minutes.

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

Mr. JOHNSTON. Mr. President, we are getting down to the very end of this bill. The indication I have now is that there are five Senators who have possible amendments: Senator BYRD, Senator REID, Senator DOMENICI, Senator CRANSTON, and Senator METZENBAUM. We have gotten no indication of any other interest and if we could limit amendments to those Senators, it might expedite passage of the bill.

Mr. McCLURE. Will the Senator yield?

Mr. JOHNSTON. Yes.

The PRESIDING OFFICER. Please, can we have order in the Chamber so the Senator can be heard?

Mr. McCLURE. If the Senator will yield, do I understand that the Senator from Nevada [Mr. REID] has an amendment or is the Senator referring to the amendment that has already been offered?

Mr. JOHNSTON. Yes, the pending amendment, the Newmont mining amendment.

Mr. McCLURE. It is not an additional amendment?

Mr. JOHNSTON. That is correct.

Mr. DOMENICI. Mr. President, reserving the right to object, and I hope I do not have to object, I say to the distinguished majority leader, I have been working with his staff. I believe I have worked something out. If the Senator will agree to just add mine as the Domenici amendment—is the Senator limiting them to some category?

Mr. BYRD. No, the Senator included that amendment. I am not sure we will take it, but he included it. It is on the list.

Mr. DOMENICI. I understand, but I do not want to be precluded so long as everyone understands what it is with reference to basic research in coal. Is that it?

Mr. JOHNSTON. That is correct.

Mr. DOMENICI. And what is the request?

Mr. JOHNSTON. Mr. President, I ask unanimous consent that when we return to the Interior and related agencies appropriations bill, the only amendments that will be in order will be by Senator BYRD, extending the exclusive right of a drug from 3 to 10 years; Senator REID with respect to the Newmont Mining tender offer, which is the pending amendment; Senator DOMENICI, which relates to clean coal research in National Labs; Senator CRANSTON, which relates to acquisition of Torre Canyon and the Los Padres National Forest; Senator METZENBAUM, which relates to national forest lands in the State of Ohio. I believe that is an exclusive list. I ask unanimous consent.

Mr. DOMENICI. There are no time limits on those amendments?

Mr. JOHNSTON. We are not requesting a time limit on those amendments.

Mr. BYRD. Mr. President, I ask for an amendment on clean coal in National Labs.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I did not hear what the distinguished majority leader said.

Mr. BYRD. I also want one on clean coal related to National Labs.

Mr. DOMENICI. I do not think that I am going to agree to the list then.

Mr. BYRD. That is all right. I wanted to try to help work something out with the Senator. This gives him an opportunity to do so.

Mr. DOMENICI. I take the Senator at his word. If that is the reason, I have no objection.

The PRESIDING OFFICER. Is there objection? The minority leader.

Mr. DOLE. Reserving the right to object, and I have no problem but I want to make certain, the distinguished Senator from Vermont [Mr. STAFFORD] had raised a question earlier on some jurisdictional problem. It is not an add-on, but would this preclude striking something out of the appropriation bill?

Mr. McCLURE. Let us just add an amendment by the Senator from Vermont.

Mr. JOHNSTON. We could, certainly. This would have precluded a strike amendment. So, Mr. President, I ask for an amendment by the distinguished——

Mr. PRYOR. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. We need order in the Chamber in order to transact business. We have to be able to hear what the Senators are saying. Please, let us maintain a modicum of order.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that we add to the list an amendment by the Senator from Vermont [Mr. STAFFORD] relating to some language with respect to the National Environmental Policy Act.

Mr. DOLE. Is that satisfactory?

Mr. STAFFORD. That would be satisfactory to the Senator from Vermont.

Mr. DOLE. I withdraw my reservation.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, the McCain amendment which is the first amendment to be voted on may be resolved in a way that would avoid the necessity for a rollcall vote. I do not believe the yeas and nays have been ordered, though.

The PRESIDING OFFICER. The Senator is correct.

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the amendment by Mr. HELMS on which the yeas and nays have been ordered, and I ask unanimous consent that it be in order to order the yeas and nays on the third amendment.

What was the third amendment, may I ask the Chair?

The PRESIDING OFFICER. The Wilson amendment is the third amendment.

Mr. BYRD. I ask unanimous consent that it may be in order to order the yeas and nays on the Wilson amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment. This does not preclude a tabling motion.

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

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 784

The PRESIDING OFFICER. Please, again. We really do need to maintain order so that we can transact business here, and so we know what is happening.

The question is on agreeing to the amendment of the Senator from North Carolina [Mr. HELMS]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. BYRD. Mr. President, this is correct; it is a 20-minute rollcall vote.

The PRESIDING OFFICER. The leader is correct; it is a 20-minute rollcall vote.

Mr. BYRD. The next vote is a 10-minute rollcall vote.

The PRESIDING OFFICER. The leader is correct.

Mr. BYRD. Mr. President, I will state that immediately regular order will be demanded upon the expiration of the time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DIXON. Regular order, Mr. President.

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

The result was announced—yeas 90, nays 7, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—90

Adams	Burdick	Dodd
Armstrong	Byrd	Dole
Baucus	Chafee	Domenici
Bentsen	Chiles	Durenberger
Biden	Cochran	Evans
Bingaman	Cohen	Exon
Bond	Conrad	Ford
Boren	D'Amato	Fowler
Boschwitz	Danforth	Garn
Bradley	Daschle	Glenn
Breaux	DeConcini	Graham
Bumpers	Dixon	Gramm

Grassley	McClure	Rudman
Hatch	McConnell	Sanford
Hecht	Melcher	Sarbanes
Heflin	Mikulski	Sasser
Heinz	Mitchell	Shelby
Helms	Moynihan	Simpson
Humphrey	Murkowski	Specter
Inouye	Nickles	Stafford
Karnes	Nunn	Stennis
Kassebaum	Packwood	Stevens
Kasten	Pell	Symms
Kerry	Pressler	Thurmond
Lautenberg	Proxmire	Trible
Leahy	Pryor	Wallop
Levin	Quayle	Warner
Lugar	Riegle	Weicker
Matsunaga	Rockefeller	Wilson
McCain	Roth	Wirth

NAYS—7

Cranston	Johnston	Reid
Hatfield	Kennedy	
Hollings	Metzenbaum	

NOT VOTING—3

Gore	Harkin	Simon

So the amendment (No. 784) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 786

The PRESIDING OFFICER. The question now occurs on amendment number 786 offered by the Senator from California [Mr. WILSON].

Under the previous order the rollcall vote will be concluded after 10 minutes.

Mr. DIXON. Mr. President, I move to table the Wilson amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there 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 to lay on the table the amendment of the Senator from California.

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

The bill clerk called the roll.

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

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

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

The result was announced—yeas 23, nays 75, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—23

Baucus	Dixon	Johnston
Bentsen	Exon	Levin
Breaux	Ford	Nunn
Bumpers	Fowler	Pell
Burdick	Glenn	Pryor
Chiles	Graham	Sasser
Conrad	Harkin	Shelby
Daschle	Hollings	

NAYS—75

Adams	Hatfield	Nickles
Armstrong	Hecht	Packwood
Biden	Heflin	Pressler
Bingaman	Heinz	Proxmire
Bond	Helms	Quayle
Boren	Humphrey	Reid
Boschwitz	Inouye	Riegle
Bradley	Karnes	Rockefeller
Byrd	Kassebaum	Roth
Chafee	Kasten	Rudman
Cochran	Kennedy	Sanford
Cohen	Kerry	Sarbanes
Cranston	Lautenberg	Simpson
D'Amato	Leahy	Specter
Danforth	Lugar	Stafford
DeConcini	Matsunaga	Stennis
Dodd	McCain	Stevens
Dole	McClure	Symms
Domenici	McConnell	Thurmond
Durenberger	Melcher	Trible
Evans	Metzenbaum	Wallop
Garn	Mikulski	Warner
Gramm	Mitchell	Weicker
Grassley	Moynihan	Wilson
Hatch	Murkowski	Wirth

NOT VOTING—2

Gore	Simon

So the motion to lay on the table was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment.

Mr. WARNER. Mr. President, a parliamentary inquiry. What is the present matter before the Senate now?

The PRESIDING OFFICER. The motion to table having been agreed to, we are back to the Wilson amendment. The yeas and nays have been ordered.

Mr. NUNN. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment [No. 786] was agreed to.

Mr. WILSON. Mr. President, I 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.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, am I correct that the pending matter before the Senate is the amendment of the Senator from Arizona?

The PRESIDING OFFICER. The Senator is correct. The question now is on agreeing to the amendment No. 716, offered by the Senator from Arizona [Mr. MCCAIN].

Mr. WARNER. Mr. President, it is my understanding that the Senator desires to address the Chair with respect to his amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment. This modification has been agreed to by both sides and will preclude the requirement, I believe, for a rollcall vote.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 35, line 23, strike out "$7,000,000" and insert "$7,500,000".

(b) On page 35, line 24, strike out "$7,000,000" and insert "$7,500,000".

(c) On page 36, after line 9, insert the following new subsection:

"(c)(1) Of the amounts appropriated pursuant to subsection (a) for fiscal years 1988 and 1989, $500,000 shall be available each year only for procurement technical assistance cooperative agreement outreach programs targeted to the problems caused by the unique geographical circumstances facing Indian-owned enterprises located on or near Indian reservations. Such programs shall concentrate on the formation of new businesses as well as furthering procurement opportunities for existing businesses.

"(2) Notwithstanding section 2413(b) of title 10, United States Code, the Secretary of Defense shall defray the full cost of a procurement technical assistance cooperative agreement outreach program when the cooperative agreement is made under this section with a federally-recognized tribe or Indian organization.".

Mr. NUNN. Mr. President, I urge the amendment, as modified, be accepted. I think the Senator has worked very carefully on this. His purpose is a worthy purpose, and I think we have crafted the amendment now in a way that is acceptable to both sides of the aisle.

Mr. WARNER. Mr. President, I, likewise, urge the adoption of the amendment. The Senator discussed it in detail earlier today. He has now modified it to meet the concerns of several Senators, and I urge its adoption.

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

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator CONRAD be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. MCCAIN. I would like to thank my colleagues, both the chairman and ranking member of the Armed Services Committee, for their cooperation in this effort, particularly to Senator INOUYE who has worked with me very hard in trying to obtain some kind of equal opportunity for Native Americans which they are very lacking at this time.

I would also like to tell my colleagues: we will be back on this issue again next year until such time as we have provided some opportunity for Native Americans to compete in the defense procurement process. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. I wonder if the distinguished offeror of the modification would be willing to tell us very briefly what it is so we will know what we are voting on.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, in response to my colleague, this modification would provide an additional $500,000 per year for fiscal year 1988 and 1989 under the procurement technical assistance cooperative agreement program which is already in the program, which will have funds set, earmarked specifically for Native Americans in order for them to receive this kind of assistance.

Mr. STAFFORD. I thank the Senator.

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

The amendment [No. 716] as modified was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, if I could have the attention of the majority leader and the other Senators in the Chamber, we now have disposed of all the amendments that have been called up that I know anything about. We do have an amendment of the Senator from Pennsylvania that I believe he is working with the Senator from Maine on now, which is on the list and is eligible to be called up.

As I understand the unanimous consent, the majority leader will correct me if I am wrong on this interpretation, any Senator who has an amendment on this list is now entitled to call up the amendment. There would be no further debate, and we would go to an immediate vote on the amendment.

There are, without getting into every one of them, I would say there are 12 or 15 amendments left. I do not know whether they are going to be called up or not. We have heard from different Senators that they probably would not call up the amendment but I wanted to let everyone know they have a right to call up an amendment and in a few minutes I would think it would be appropriate that we ask all remaining amendments that no one is going to be calling up be stricken from the list. That means we would have completed action on this bill except for the SALT II amendment and except for the war powers amendment and amendments that relate thereto.

This is the situation as we now see it. I do not pose a unanimous-consent request at this time but I wanted everyone to realize if they have amendments on the list that would be my intent in a few minutes, unless amendments are called up by Senators who have that right.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Under the agreement, all debate was to cease and the Senate was to vote on those amendments that were stacked. There is no debate left under the order. If Senators want to call up any one of those amendments that are listed they have a right to do so. Otherwise, they waive that right.

Now would be the time for a Senator to indicate he wishes to call up his amendment. Otherwise it is my understanding of the agreement, the intent of it, the Senate would be back on the Byrd-Weicker amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I think the record should reflect the managers of the bill through their staffs contacted Senators on both sides and, therefore, an effort was made to alert Senators before this colloquy. The only response that we received on this side to my knowledge was from the Senator from Pennsylvania [Mr. HEINZ], who wishes to preserve the rights that he has under the unanimous-consent agreement.

I see him present on the floor.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, is my understanding of the order correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. Mr. President, if any Senator wishes to call up an amendment which he has listed, he is expected to do so now and without debate thereon, except by unanimous consent.

Mr. WARNER. Recognizing there will be no further debate, the amendment of the Senator from Pennsylvania has been addressed to Senators on this side having jurisdiction over the substance of the amendment and there is a request that we be given just a few minutes to consider it. I think that is within the spirit.

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished managers may have 5 minutes within which time to discuss with Senators on both sides whether or not they are going to call up the amendment because no debate is in order otherwise. The only thing we can go to, if the Senator is not seeking recognition to call up his amendment, the Chair is to proclaim that we are back on the Byrd-Weicker amendment.

The PRESIDING OFFICER. Is there objection?

Mr. ADAMS. I would like to object.

Mr. BYRD. There is no objection to be made. The Chair has already answered my parliamentary inquiry. Let me put a request before the Senate: Mr. President, I ask unanimous consent that the Senate return to the consideration of the Byrd-Weicker amendment but that any Senator immediately forthwith who wishes to call up an amendment on this list stand and get recognition and offer his amendment.

If he wants 1 minute or 2 of debate, or 5, whatever, he can ask consent. If nobody objects to that, he can have 1 minute or 2 or 5 minutes. Otherwise, amendments are to be called up now without further debate. Everybody knew this. The order has been printed in this RECORD here, now, since last Friday when we entered this agreement. It has been entered in the RECORD. Debate will cease at 8 o'clock.

It seems to me we have a full compliment of Senators here, 98 voted, so we should not spend too much time now.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I do not think I will object, which does not deprive any Senator from suggesting the absence of a quorum.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

There will be order in the Chamber. Does any Senator seek recognition?

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1988

The Senate continued with consideration of the bill.

Mr. BYRD. Mr. President, I ask unanimous consent that while the managers are discussing the Heinz amendment, that the distinguished Senator from Louisiana [Mr. JOHNSTON] may proceed for not to exceed 3 minutes on the Interior appropriations bills.

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

Mr. JOHNSTON. Mr. President, earlier we had a unanimous consent request which was agreed to, which designated the amendments which are eligible for further action on the Interior appropriations bill. Since that time, Senator KERRY has indicated to me that he had sent word that he wanted to put in an amendment relating to a $4 million grant for Brandeis University, which I did not have on my list but which had been discussed.

At this time, I ask unanimous consent that the list of possible amendments be expanded by adding one for Senator KERRY with respect to Brandeis University.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object, might I inquire? Is the subject matter of this amendment germane to this bill?

Mr. JOHNSTON. First of all, let me say at this point I oculd not agree to

the amendment. It relates to artificial intelligence. Well, perhaps we need some of that. [Laughter.]

The Senator from Massachusetts argues that it is within the jurisdiction of our subcommittee. Others argue that it is not.

Mr. McCLURE. Further reserving the right to object, I would remind all Members that interior does not refer to the interior of the body, it refers to other matters within the jurisdiction of the country, but not necessarily in a biological sense.

Might I ask the Senator of Lousiana whether or not if we adopt other amendments which are on the list, if we will have then reached the 302(b) allocation ceiling.

Mr. JOHNSTON. The 302(b) allocation according to CBO I think we have reached. According to the Budget Committee, we are just barely under it by a whisker.

Mr. McCLURE. If I would understand correctly, the Senator from New Mexico has an amendment to be offered which would add $10 million in budget authority and $5 million in outlays. The outlays are tighter in terms of our allocation.

All I am trying to get is some idea of whether or not if we add the amendment of the Senator from Massachusetts we do violence to the others that are already on the list.

Mr. JOHNSTON. I might say to the Senator from Idaho that we are trying to verify these figures. As the Senator knows, in dealing with budget figures it is quite an arcane science. It changes daily and sometimes by the hour, we are trying to check on where we are at the present time.

Mr. McCLURE. I wonder if we might withhold the request to add to that amendment until we can determine whether or not it will have an effect on the other amendments that are already on the list.

I would say the term the Senator uses, an arcane science, dignifies it beyond reason. It is not a science. There are those who claim it is an art. There are those who claim it is neither. But science it is not.

But I am concerned, and honestly concerned, that those who have their amendments on the list not be disadvantaged by the change in the unanimous consent agreement.

Mr. KERRY. Will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. KERRY. I think that is a very fair request. If I might say, this amendment is not something that appeared out of whole cloth in an effort to slide it in at the last minute. We dealt with staff a number of months ago with respect to the energy and water bill. At that time it was agreed that this was the place where it ought to go. A number of weeks ago it was submitted appropriately and we were discussing it.

I have no intention of requesting a vote on this matter if it cannot be accepted. What we are trying to do is to permit it to be part of the list so it can be considered, if it turns out that in subsequent deliberations it will not have an effect on anything else.

I think there has been some question among staff whether the rescoring or some of the current efforts to determine the current level will permit it to be included or not.

If it cannot be, I would say to the Senator from Idaho that I will withdraw it. I am not seeking a vote on this matter. It is merely a matter of allowing us to continue to deliberate between staff.

Mr. McCLURE. With the assurance of the Senator from Massachusetts that he would withdraw it if it causes a problem with those allocations and ceilings, I would have no objections to the request of the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I again put the request.

The PRESIDING OFFICER (Mr. GRAHAM). Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. I am also advised that the amendment of the Senator from Vermont [Mr. STAFFORD] may be eliminated from the list. Am I correct?

Mr. STAFFORD. The distinguished manager is correct.

Mr. JOHNSTON. I so request.

The PRESIDING OFFICER. Is there objection? 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. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 804

(Purpose: To prevent the New Threat Upgrade Program of the Navy from being performed on a cost plus basis during fiscal year 1988 pending certain determination(s) by SecNav)

Mr. HEINZ. 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 Pennsylvania [Mr. HEINZ] proposes an amendment numbered 804.

Mr. HEINZ. 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 38 between lines 17 and 18, insert the following new section:

SEC. 324. NEW THREAT UPGRADE (NTU) PROGRAM.

No funds appropriated pursuant to this title or otherwise made available for operations and maintenance for the Navy for FY 1988 and used for the New Threat Upgrade (NTU) overhaul program may be used for work performed on a cost plus contract basis unless the Secretary of the Navy certifies in writing to the Committees on Armed Services of the Senate and the House of Representatives that such NTU overhaul work to be performed at either a public or private shipyard can be performed at a lower cost to the government on the basis of a cost plus contract, or that there exist overriding national security considerations.

In the event of any such certification, no action pursuant thereto may be taken for a 30 day period following notification.

Mr. HEINZ. Mr. President, I ask unanimous consent that I may explain the amendment for 30 seconds.

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

Mr. HEINZ. Mr. President, I have cleared this amendment with Senator WARNER and Senator NUNN, and I believe there is no objection to it in terms of the managers of the bill.

Mr. President, the Navy's New Threat Upgrade [NTU] Program is a relatively new program designed to make existing guided missile cruisers and destroyers comparable in survivability to the new ABGIS cruisers and destroyers which the Navy has been building.

Because it is such a new and highly complex program, the Navy did what it always does in such situations—it assigned the work to a Navy shipyard where it has maximum control over the cost and quality of the work. This is especially important in the first few ships to receive NTU because it is the very best way for the Navy to get a firm fix on how to perform the program in the most cost-effective way. Accordingly, the Navy assigned the first ship in this program, the U.S.S. *Biddle*, to the Philadelphia Naval Shipyard [PNSY]. The complexity of this work was borne out by the fact that the NTU on the first ship, the *Biddle*, ran into some substantial problems which the Philadelphia Naval Shipyard solved with the result that the first NTU ship to be completed, the *Biddle*, was finished in July of this year. The *Biddle* has now returned to the fleet and is performing well. The Philadelphia Naval Shipyard is also presently working on two other NTU ships, the *Dale* and *Scott*. As a result, the Philadelphia Naval Shipyard today has more NTU experience than any shipyard in the Nation.

For the same reason that the first east coast ships were assigned to the Philadelphia Naval Shipyard, I understand that the Navy had decided to assign the next two ships to receive the New Threat Upgrade during fiscal year 1988, the U.S.S. *Turner* and U.S.S. *Kidd*, also to Philadelphia Naval Shipyard. It was the Navy's view

that once these five ships were completed, the NTU work package would be sufficiently defined so that it could go out for public-private competition starting with the NTU overhauls scheduled for fiscal year 1989. That seems to me to have been a very sound and cost-effective and efficient way to proceed and was the approach that was urged by the uniformed Navy. However, for reasons that have not been explained to me to my satisfaction the Navy suddenly changed its mind and decided to open the *Turner* and the *Kidd* to limited private yard competition on the basis of a cost-plus contract. The fact that the work package definition on these NTU ships was not of a quality to warrant fixed-price contract competition at this still very early stage of the NTU Program, did not seem to make a difference for reasons that again, have never been satisfactorily explained to me.

The ultimate proof of the fact that the work package was not sufficiently defined to allow fixed-price competition was the fact that the solicitation for this work on the *Turner* to the private shipyards was put out, as I said a minute ago, on a cost-plus incentive-fee basis.

The use of such a contract is highly unusual and, to my knowledge, contrary to what the Navy has done over the past several years on major procurements such as this and also contrary to the entire direction of Government contract reform which clearly favors the use of fixed-price-type contracts. In fact, this may be the first time during the Reagan administration that a solicitation for a major ship construction, repair, or overhaul program has been solicited other than on a fixed-price basis.

The amendment I am proposing simply makes it clear that we believe it is inefficient and uneconomic to permit the NTU Program at this very early stage to be performed on a cost-plus basis. My amendment prohibits the use of a cost-plus contract unless the Secretary of the Navy determines that doing the NTU work on a cost-plus basis is the least-cost alternative, or that the national security requires it.

I fully appreciate any concerns that the Navy may have about the desirability of bringing shipyards into this program as soon as possible and am only asking that that step not be taken prematurely. I understand that there are about 20 or so ships which are planned for NTU overhauls, so there will be plenty of work left for fixed-price competition by both public and private yards. However, in my judgment, it is extremely premature and wasteful of our tax dollars to allow the use of a cost-plus contract, particularly at this early stage.

Mr. WARNER. Mr. President, I will defer to the distinguished Senator from Maine.

Mr. COHEN. Mr. President, I have had only a few moments to look at the amendment but I am satisfied that it is designed to place an overhaul project in either a public or private yard at the lowest possible cost to the taxpayer. I therefore recommend it be accepted.

Mr. NUNN. Mr. President, I recommend the amendment be agreed to.

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

The amendment (No. 804) was agreed to.

Mr. HEINZ. 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 ask unanimous consent to proceed for 2 minutes.

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

Mr. BYRD. Mr. President, keeping in mind that no debate is in order, I ask the Chair to rule out of order any of the remaining amendments on the list if no Senator seeks recognition now for the purpose of calling up his amendment, keeping in mind the two exceptions will remain.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Now, Mr. President, the pending amendment is what?

The PRESIDING OFFICER. The pending amendment is the Byrd amendment to the Weicker amendment.

Mr. BYRD. Now debate is in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Mr. President, I rise to call the attention of Senators to a national defense issue that is very important in my State of Rhode Island. It is my understanding that the distinguished senior Senators from Georgia and Virginia, the chairman and ranking Republican member of the Armed Services Committee, are aware of this problem.

Mr. NUNN. Mr. President, my friend and distinguished Senator from Rhode Island is correct. He has brought to my attention a situation relating to the Rhode Island Air National Guard. In my view, his concerns are quite valid.

Mr. WARNER. Mr. President, I am also aware of the situation facing the Rhode Island Air National Guard, and I share the concern of my good friend from Rhode Island. I believe this is an issue of aircraft modernization, is it not?

Mr. CHAFEE. The Senator from Virginia is correct. The Air National Guard of my State is entirely dependent for airlift capability upon 9 C-130A aircraft, which are over 30 years old.

In fact, Rhode Island's Air National Guard has the oldest aircraft of any State Air National Guard. The Adjutant General, John Kiely, is extremely concerned about continued future use of these aged, deteriorated planes, and is anxious for the Air National Guard Bureau to do something about it.

Mr. NUNN. Did the Senator from Rhode Island state that Rhode Island has the oldest aircraft in the Air National Guard inventory?

Mr. CHAFEE. Mr. Chairman, that is entirely correct. Do you agree with me that there is cause for concern on this score?

Mr. NUNN. I do.

Mr. WARNER. This is a problem that I hope would be addressed. Does the Senator from Rhode Island foresee a resolution of it at any time soon?

Mr. CHAFEE. It is my understanding that this bill authorizes the purchase of eight C-130H aircraft—that's a new model—for the Air National Guard, and it would be my hope that these planes would be allocated to the Rhode Island Air National Guard. There has been some talk of using these planes to replace aircraft that are newer than the C-130A's in Rhode Island. Such a policy would be troubling to me.

Mr. NUNN. As the Senator from Rhode Island knows, the authorization legislation does not assign these planes to any particular State.

Mr. CHAFEE. Yes, I am aware of that arrangement, and I agree with it. This is not an area in which we want legislative micromanagement. The Air National Guard Bureau should base its decision on the needs that are out there in the States. Of course, modernization should occur in States where the need is greatest.

Mr. WARNER. I wholeheartedly concur with that assessment. The real needs of the Air National Guard units of the States must be examined and these planes should be sent where the need is greatest.

Mr. CHAFEE. And would my good friend from Virginia agree that the age and physical condition of these essential aircraft should be primary consideration in determining need?

Mr. WARNER. That is certain.

Mr. CHAFEE. Since Rhode Island has the oldest aircraft in the entire Air National Guard inventory, aircraft that I can verify are very much in need of replacement, would the distinguished Senators agree that the need in Rhode Island merits the attention of the Air National Guard Bureau with regard to these newly authorized aircraft?

Mr. NUNN. I would agree that modernization should occur where the need is greatest.

Mr. WARNER. I concur with the chairman of the Armed Services Committee and with my colleague from Rhode Island. I urge the Bureau to address the Rhode Island situation.

Mr. CHAFEE. I thank the distinguished Senators for their interest in and attention to this issue.

DEPARTMENT OF ENERGY SAFETY OVERSIGHT AMENDMENT

Mr. WARNER. Mr. President, the Senate, in a very decisive vote on nuclear weapons testing, has endorsed the underlying premise that so long as we rely on nuclear weapons for deterrence, we shall require nuclear testing. The same is also true of the requirement for nuclear materials.

In the aftermath of Chernobyl, the ability of the United States to provide an assured supply of nuclear materials has become a cause of considerable concern. The increased and proper emphasis on safety following that disaster has resulted in a number of Department of Energy and independent studies of defense programs reactor safety. The recommendations of these studies have already resulted in the shutdown of the Hanford reactor for safety-related modifications, and a 50-percent reduction in the power levels of the three operating Savannah River reactors due to concerns about the emergency cooling system. The cumulative effect of these developments is to threaten seriously the ability to support the special nuclear material needs of the weapons stockpile, especially the need for tritium which must be replaced to maintain the effectiveness of the existing stockpile.

At the same time, Mr. President, there is a significant body of pending and planned legislation on Department of Energy matters, principally in the area of safety and the environment, that could bear directly on the ability of the nuclear weapons production complex to support our nuclear deterrence strategy. This legislation is originating in committees that have neither jurisdiction nor expertise in the national security issues that must be considered when addressing the Department of Energy defense programs area.

I believe I speak for the chairman of the committee, Senator NUNN, and the chairman and ranking member of the Strategic Subcommittee in saying that the Armed Services Committee will seek sequential referral of any legislation that impacts directly on the budget, operations, and oversight of the national security related nuclear facilities of the Department of Energy.

One such piece of legislation, S. 1085, the Nuclear Safety and Protections Act of 1987, was filed on Septatember 24, and Senator GLENN and Senator ROTH, the chairman and ranking member of the Committee on Governmental Affairs, have agreed to the request of the Armed Services Committee for sequential referral.

On the basis of this agreement, and on a gentleman's agreement that S. 1085 will not be placed on any other legislation pending the report of the Armed Services Committee, I will not offer my amendment. My amendment would have provided for the institution of an independent outside safety oversight board specifically for the weapon's reactors and related facilities.

Mr. President, the Department of Energy is officially on record as welcoming independent outside safety oversight. This is not surprising, in view of the significant actions that the Department has taken, both before and after the Chernobyl disaster, to enhance the overall safety of the weapons production complex. It is also not surprising in view of the Department's record of safety performance since the beginning of operations, which compare most favorably with commercial reactor operations, and with industrial safety performance generally.

Mr. President, the safety of our people and the maintenance of our nuclear deterrent are two issues on which we cannot, and will not permit compromises. I look forward to working with my colleagues to ensure that these two interests are protected in any legislation falling under the jurisdiction of the Armed Services Committee.

Mr. WARNER. Mr. President, an important element in the bill that is before us is funding for civil defense in the Federal Emergency Management Agency.

The Armed Services Committee recommended full funding of the original request of $134.8 million, but due to budgetary constraints was not able to accommodate in additional $20 million that was identified in an amendment to the fiscal year 1988 budget request.

The additional requirement arises out of the findings in a study that was requested by the Senate and House Armed Services Committees. This study called for a major review of the Nation's civil defense objectives, policies, and programs.

Mr. President, I was hopeful that we could see our way clear to providing funds for the supplemental request, and I was prepared to offer an amendment to that end. However, it now appears that budget constraints impacting on this bill make that course impractical, and I therefore reluctantly withhold my amendment.

Mr. BYRD. Mr. President, I wonder if we might agree to set aside this bill now for the rest of this day and go back to the Interior bill. We have a list of the remaining amendments thereof and perhaps we can finish those amendments, hopefully finish the bill, but hopefully finish the amendments, and if someone is disposed to speak at length on the bill, they may do so, and then return tomorrow morning to the DOD bill. Overnight perhaps we could work out some modus operandi with respect to the pending amendment, the war powers amendment, and/or the SALT II amendment. Perhaps we cannot. But in order to save the time of all Senators, we could have a few hours overnight to think about that and come back in the morning, returning to the DOD authorization bill. Meanwhile, we hope to finish the Interior bill tonight.

I wonder if the distinguished Republican leader would like to respond and then the managers of the bill.

Mr. DOLE. I do not know how many amendments may be pending—four Interior amendments? Whatever. I do not know how long it would take.

Mr. BYRD. On the Interior bill.

Mr. JOHNSTON. Mr. President, if the Senator will yield.

Mr. BYRD. I yield.

Mr. JOHNSTON. We have one amendment that is likely to provoke extended debate. That is the Newmont Mining amendment. I understand a point of order will be made. The other amendments hopefully can be dealt with reasonably quickly. So that I believe we could have the whole bill ready save that one amendment.

Mr. BYRD. Very well. If the leader has no objection and the managers——

Mr. DOLE. I would just indicate to the majority leader, I know it happens every year, but we had a discussion today on the quality of life, or the lack of it, in our conference on the theory that we have been in here at 8 o'clock in the morning until 11, 12 o'clock at night, so I just raise that. That is why I say if it can be completed fairly quickly. We would have time to try to work out amendments.

Mr. ARMSTRONG. If the Republican leader will yield to me.

Mr. BYRD. Mr. President, I yield for that purpose.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BYRD. I yield for that purpose.

Mr. ARMSTRONG. I thank the majority and minority leaders.

I was wondering if it was the plan of the distinguished leader to stack the votes to the morning as he has done on a number of occasions. It seems to me that would be helpful and, as the Senator from Kansas has suggested, would improve the quality of life.

Mr. BYRD. Yes. I will be glad to respond to that.

I have an indication from both managers of the Interior bill that they would be agreeable to that approach. That being the case, I ask the Republican leader if he would agree and if the managers of the Interior bill and the

managers of the DOD authorization bill would agree, we will set the DOD authorization bill aside until tomorrow morning. We will proceed with the Interior appropriation bill. If any rollcall votes are ordered in relation to that bill, they will be stacked to tomorrow morning.

ORDERS FOR WEDNESDAY

RECESS UNTIL 8 A.M.

Mr. BYRD. Mr. President, before Senators start to leave the Chamber, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECOGNITION OF SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. LEAHY, following the prayer tomorrow morning, be recognized for not to exceed 30 minutes.

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

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. CRANSTON, following Mr. LEAHY, be recognized for not to exceed 15 minutes.

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

Mr. CRANSTON. Will the majority leader yield?

Senator LEAHY and I reversed that. So I will go first and he second. I will proceed for 15 minutes.

Mr. BYRD. Fine. I would reverse the order: Mr. CRANSTON first for 15 minutes and Mr. LEAHY for 30 minutes.

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

RECOGNITION OF THE MAJORITY AND MINORITY LEADERS

Mr. BYRD. I ask unanimous consent then, Mr. President, that upon the completion of those two orders, the two leaders may be recognized under the standing order for not to exceed 5 minutes each.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the time between that point and 9 o'clock be consumed with morning business and Senators may speak therein for not to exceed 1 minute each.

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

RESUMPTION OF CONSIDERATION OF THE DEPARTMENT OF DEFENSE AUTHORIZATION BILL

Mr. BYRD. Mr. President, I ask unanimous consent that at 9 o'clock tomorrow morning the Senate resume consideration of the DOD authorization bill.

Mr. DOLE. Will we do the rollcalls first on this one?

Mr. BYRD. Mr. President, any rollcall votes which are ordered will begin at 9 o'clock, and if no rollcall votes are ordered for 9 o'clock, there will be a rollcall vote beginning at 9 o'clock.

Mr. JOHNSTON. Will the Senator yield?

Mr. BYRD. Yes.

Mr. JOHNSTON. Mr. President, on the amendments pending on the Interior bill, all I think can be dealt with without rollcall votes save one and that is on the Newmont Mining amendment. I understand that after only 3 or 4 minutes of debate, a point of order can be made tonight and we can vote on that. That may be all the rollcall votes we would need on the entire Interior appropriation bill.

Mr. DOLE. And final passage.

Mr. BYRD. There would be a vote on final passage.

Mr. JOHNSTON. We could put that off until tomorrow, if that will help the majority leader.

Mr. BYRD. If that is the only vote, that would begin at 9 o'clock. Any rollcall votes tomorrow will begin at 9 o'clock. There will be one rollcall vote in any event to begin at 9 o'clock tomorrow morning. That will be 30-minute rollcall vote with a call for the regular order at the end of the 30 minutes.

I yield to the Republican leader.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. That was the question I was going to ask.

The PRESIDING OFFICER. With objection, it is so ordered.

NOMINATION OF WILLIAM VERITY

Mr. DANFORTH. Mr. President, I wonder if the majority leader would yield for one inquiry.

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

Mr. BYRD. There will be no more rollcall votes today, Mr. President.

Yes, I yield to the distinguished Senator.

Mr. DANFORTH. I thank the majority leader.

I wonder if we could have 2 hours sometime for the nomination of William Verity to be Secretary of Commerce. I think this is a relatively noncontroversial nomination. He is sort of on hold now.

Furthermore, because of the trade bill and the role the Secretary of Commerce has in any negotiations on the trade bill, it would be helpful if we could find a couple of hours sometime to handle that nomination.

Mr. BYRD. Mr. President, while the distinguished leader is here, as in executive session, I ask there be a 2-hour time limitation on the nomination of Mr. Verity and that that be equally divided and under the control of the two leaders of their designees.

Mr. HELMS. Mr. President, reserving the right to object, I hope that the majority leader will propound this unanimous consent request tomorrow morning.

Mr. BYRD. Sure.

Mr. HELMS. If the Senator does not mind.

Mr. BYRD. Yes. I will be happy to.

Mr. President, I withdraw that request.

Mr. President, in further response to the distinguished Senator from Missouri, it will certainly be my desire to proceed to that nomination at some time on tomorrow or before the week is out.

Mr. DANFORTH. I thank the Senator very much.

Mr. CRANSTON. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. The majority leader has retained the floor. The pending business before the Senate is the second-degree amendment of the majority leader to the first-degree amendment offered by the Senator from Kentucky.

Mr. BYRD. Mr. President, I will yield the floor.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS

Mr. BYRD. I ask unanimous consent that there may be a period for morning business, that Senators may speak therein for not to exceed 5 minutes each.

Mr. STEVENS. Reserving the right to object, Mr. President, will the Senator yield to me for a moment?

Mr. BYRD. Yes.

Mr. STEVENS. I have been discussing with my friend from Idaho the unanimous-consent agreement that was just entered on the Interior bill. I wonder, is there an opportunity for a dialog between the vote on the stacked amendments and final passage on the Interior bill? Was it the majority leader's desire that we go right from the amendments that were stacked to the final passage?

Will there be time for a dialog in between the amendments and the time we go to third reading? We would like to have a short dialog about one subject for not to exceed 10 minutes before the final vote once we reach third reading on the Interior bill.

Mr. JOHNSTON. Will the Senator yield?

Mr. BYRD. Yes, I yield.

The PRESIDING OFFICER. The Senate is not in order. Will those who are without business before the Senate please adjourn to the Cloakroom?

Mr. JOHNSTON. If the Senator will yield, there will be almost of necessity that opportunity because the only vote we would have at 9 o'clock we understand to be on point of order. Of course, if that is disposed of, then the unanimous-consent request does not cover beyond that.

Mr. STEVENS. I merely raise the question, Mr. President, because if there is no point of order vote, the implication was we might go immediately to final passage on the Interior bill. Is that the majority leader's desire? Or will there be some time for a short dialog in the third reading period.

Mr. BYRD. Yes. My request does not go beyond the amendments. It does not terminate debate on the amendments.

Mr. STEVENS. I thank the leader.

The PRESIDING OFFICER. Does the Senator from West Virginia yield the floor.

Mr. BYRD. Yes, I do. Before I do, I want to reiterate to everyone within my hearing that there will be a rollcall vote tomorrow morning at 9 o'clock. It will be either on the amendment to the Interior bill, or it will be on a motion to have the Sergeant at Arms request the attendance of absent Senators.

Senators should when they go home understand there will be a rollcall vote. It will be a 30-minute rollcall vote. Call for regular order will occur at the end of 30 minutes.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, a parliamentary inquiry: Pending business?

The PRESIDING OFFICER. The pending business is the Byrd second-degree amendment to the Weicker first-degree amendment.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the bill be set aside for the remainder of the evening, that the Senate proceed to the consideration of morning business, and that Senators may speak therein for 5 minutes each.

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

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, partiliamentary inquiry.

The PRESIDING OFFICER. The Senate is not in order. Those Senators engaging in conversations please retire to the Cloakroom.

The Senator from Utah.

Mr. BYRD. Mr. President, I know what the Senator from Utah is going to say. He is correct. I indicated earlier that the business of the Senate would be the Interior appropriations bill and that amendments thereto could be discussed, voted on by voice, and that any rollcall votes ordered thereon would go over until tomorrow.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION, 1988

Mr. BYRD. Mr. President, I ask unanimous consent that my earlier order in respect to morning business be vitiated, and that the Senate return to the consideration of the Interior appropriations bill.

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

The Senate resumed consideration of the bill.

Mr. ARMSTRONG and Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I intended to speak on this amendment briefly. But the Senator from California indicated that he has a 30-second amendment. I would be glad to give up the floor for that purpose, and I ask unanimous consent that after that is disposed of I be recognized.

The PRESIDING OFFICER. Is the Senator asking consent to set aside the Reid amendment?

Mr. GARN. I am asking consent to set aside the Reid amendment so the Senator from California can present his amendment and return to the Reid amendment, and that I be recognized to speak on the Reid amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the Reid amendment is set aside for the purposes of the amendment of the Senator from California.

The Senator from California is recognized.

AMENDMENT NO. 805

(Purpose: To direct the Secretary of Agriculture to purchase the Torro Canyon Ranch, CA)

Mr. CRANSTON. Mr. President, I send an unprinted 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 California [Mr. CRANSTON] for himself and Mr. WILSON, proposes an amendment numbered 805.

Mr. CRANSTON. 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 in the bill, add the following new section:

SEC. . The Secretary of Agriculture is directed to use funds in the inholding and composite land acquisition account to purchase the Torre Canyon Ranch, in the Los Padres National Forest, California, at a cost not to exceed fair market value.

Mr. CRANSTON. Mr. President, this amendment directs the Secretary of Agriculture to purchase the Torre Canyon Ranch in the Los Padres National Forest in California using moneys available in the inholding and composition land acquisition account.

Mr. President, let me describe the basis of the problem this amendment addresses. Last year the House report on the fiscal year 1987 Interior appropriations bill identified $1 million under Forest Service land acquisition for Big Sur/Los Padres National Forest. The Senate report did not provide funding for Big Sur, and the conference report was silent on the matter. Congressman PANETTA nonetheless thought there was funding available for the Torre Canyon Ranch property at Big Sur in fiscal year 1987 and urged the Forest Service to proceed with the acquisition. When the Department of Agriculture notified him there were no funds identified for the property, the Congressman then sought funding in the fiscal year 1987 supplemental appropriations bill.

Both the House and Senate Appropriations Committees indicated that there were fiscal year 1987 moneys inholdings and land acquisition account available for this acquisition. The property has now been appraised at $2.3 million. During the debate on the fiscal year 1987 supplemental, Congressman PANETTA engaged in a colloquy with the chairman of the House Interior Appropriations Subcommittee in which the chairman stated the committee's intent that the Forest Service acquire the Torre Canyon Ranch property using fiscal year 1987 moneys. The acting chairman of the Senate Interior Appropriations Subcommittee likewise stated the Senate committee's intent that the Forest Service purchase the Torre Canyon property at Big Sur using fiscal year 1987 funds. But despite the strong congressional interest in Torre Canyon and the clear statement of congressional intent, the Forest Service has not moved ahead with the acquisition.

I regret that it is necessary to mandate the purchase in the statute, but we can not affort to delay any further. The current property owners must sell the Torres Canyon Ranch by December in order to raise sufficient cash to pay estate taxes. Big Sur is one of the most spectacular areas in the Nation and acquisition of the Torres Canyon Ranch would open an additional mile of Big Sur coastline and over 1,000 acres of canyonlands with old growth redwoods for public use and enjoyment. Torre Canyon fully deserves preservation in Federal ownership.

The amendment is not adding any new money to the bill. The amendment has been discussed with the managers of the bill, and I believe it is acceptable to them.

Mr. President, I ask unanimous consent that Senator WILSON be added as a cosponsor.

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

Mr. JOHNSTON. Mr. President, the amendment has been cleared. It has been properly described by the Senator from California. We accept it.

Mr. McCLURE. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California [Mr. CRANSTON].

The amendment (No. 805) was agreed to.

Mr. JOHNSTON. Mr. President, I wonder if the Senator from Utah will allow us to attend to one other amendment which we have cleared on both sides.

Mr. GARN. Mr. President, I would be happy to yield once more on the same basis for that purpose.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Does the Senator from Utah yield?

The Senator from Ohio is recognized.

AMENDMENT NO. 806

Mr. METZENBAUM. 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 Ohio [Mr. METZENBAUM] proposes an amendment numbered 806.

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

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

The amendment is as follows:

On page 56, line 15, strike "$49,313,000" and insert in lieu thereof "$51,313,000".

Mr. METZENBAUM. Mr. President, this is an amendment having to do with Wayne National Forest. It was in the House bill. Due to I think an oversight it was taken out. This is just the restoration of the same amount that was in the House bill. I think it has been agreed to by the managers on both sides.

While I understand that budget constraints prevent us from funding every proposal, I am very concerned that land acquisition funds for the Wayne National Forest have been deleted from this bill. The Wayne National Forest faces increasing pressures due to the large amount of authorized but unacquired land within its boundaries. It is composed of hundreds of scattered blocks of land, and comprises only 21 percent of the area within its purchase boundary, the smallest proportion of any national forest. Further acquisition is necessary to consolidate these isolated tracts into a unified forest which can be feasibly managed. The House bill contained $2 million for land acquisition in the Wayne Forest, which would purchase approximately 6,600 acres. I propose an amendment to restore these funds to the Senate bill, for the beautiful Wayne National Forest in southeast Ohio.

Mr. ARMSTRONG. Mr. President, reserving the right to object, will the Senator tell us the amount?

Mr. METZENBAUM. $2 million.

Mr. ARMSTRONG. I thank the Senator.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I misspoke myself by inviting the amendment at this point. I am advised that there is a Senator on this side who wishes to further study this matter overnight. So if we may temporarily lay this amendment aside, I think, and I hope it can be accepted tomorrow.

Mr. METZENBAUM. I have no objection to temporarily laying it aside with the understanding that it will retain its place on the calendar.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

The Senator from Utah is recognized.

AMENDMENT NO. 796

Mr. GARN. Mr. President, I thank the Chair. I will be brief. It is late.

I rise in opposition to the Reid amendment and I do not do so necessarily opposed to the substance of the amendment. I understand the problem that the Senator from Nevada is trying to address in his State. The problem of hostile takeovers is real. The Senate Banking Committee has been studying it for months and, interestingly enough, the bill proposed by Chairman PROXMIRE will be the subject of a markup at 10 a.m. tomorrow.

So to come out on the floor this late in the evening just a few hours before a markup on the entire problem and single out one part of that problem of hostile takeovers I do not really think is proper. Procedurally, if there was ever legislation on an appropriations bill to have an amendment on tender offers on an Interior appropriations bill, this is it. I realize that is done on the floor often, but that does not make it correct. I, first of all, wish the Senator from Nevada, who is from my neighboring State and a good friend, would withdraw and express his opinions to members of the Banking Committee in our markup. I am sure he could have some influence. But if he does not wish to withdraw it and consider it in the normal process of the Banking Committee, then we would feel constrained on this side to make a point of order.

Mr. REID. Mr. President, will the Senator yield?

Mr. GARN. I am happy to yield to my friend from Nevada.

Mr. REID. Mr. President, I respond to the Senator from Utah that it is precisely the same language included in his bill which is pending in the Banking Committee. I also state that it is temporary. The duration of this amendment would cover only 6 months. It is emergency language to help companies that are now under attack by corporate raiders, until the banking bill can be processed and enacted.

I appreciate the Senator yielding.

Mr. GARN. I understand that position of the Senator, but I can tell him that there are many other Senators who can pick out pieces of the bill and feel strongly and say this is exactly the same language and would like us to do the same thing in addressing the overall problem.

My objection is jurisdictional. The fact is that the Senate Banking Committee is proceeding tomorrow morning on this particular piece of legislation.

I yield the floor.

Mr. ARMSTRONG. Mr. President, I also would like to express my concern about the way in which this amendment comes before us.

I do not know exactly how many hours the Banking Committee has been considering the matter of corporate takeovers, but I assure the Senator from Nevada that it has been a matter of great concern and interest for some time.

As the Senator from Utah points out, we are on the verge of marking up a bill tomorrow. I expect that we will do it tomorrow, but I cannot guarantee it. I do not know whether or not the provision of particular interest to the Senator from Nevada will be in the bill.

In any event, it appears to me that while this matter may be timely, it certainly could wait for a day or two. It would not prejudice the rights of the Senator from Nevada if he were to take this amendment down and give the Banking Committee a chance to do its job. He could offer this amendment on any bill. It is not related to the Interior bill. In fact, it seems quite strikingly out of place on this legislation.

It occurs to me to ask if the Senator would have any disposition whatsoever to perhaps withhold his amendment at least for a few days, until we see what the action of the Banking Committee might be, since the committee has invested several thousand hours of member and staff time, has sat through innumerable hearings, and has painstakingly developed a fair amount of expertise on this subject.

So, both for practical reasons and for reasons that relate to the business of the Senate itself, I would appeal to the Senator to consider that. I wonder if the Senator from Nevada would be interested in that kind of operation.

Mr. REID. I appreciate very much the concern of the Senator from Colorado as to the time the committee has spent on this bill. However, I respectfully submit to my friend from Colorado, as I did to my friend from Utah, that this is emergency legislation; that it is because Congress is in the process of marking up legislation, recognizing that there is a problem, that the corporate raiders are now on the move, raiding companies like the one in Nevada; and because of this emergency nature and because it is precisely the same language that is included in the bill that will be marked up tomorrow, and that it is only for 6 months' duration, I will stand on the amendment.

Mr. ARMSTRONG. I thank the Senator from Nevada for his observations. I am disappointed that he feels as he does, but I respect his opinion.

Under the circumstances, I am going to ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. Now I would like to make the point to the Senator from Nevada, and anyone else who is interested, that if this amendment is not striken from the bill on a point of order—as it richly deserves to be stricken, because it clearly violates the rules of the Senate to be presented on this bill—if it is not stricken, I expect that it will be the subject of extensive debate and further amendment.

I am not thoroughly familiar with the facts the Senator has alluded to, although I will expect to be familiar with them before this matter comes to a vote. It may be that after all Senators know exactly what the facts are, they will feel that this is a classic case of a raider, a predator, a marauder coming in to deal brutally, savagely, with some innocent company which is at the mercy of these persons who are described as corporate raiders.

I say to the Senator that I have seen that term applied to a lot of companies in a lot of circumstances, and for the most part, it is pure baloney. In fact, the opportunity to deal fairly with legislation, I think, is greatly compromised when we start out by describing people who seek to acquire the shares of a company in a willing transaction—not a forced transaction, not a transaction involving coerced buyers or sellers, but an open transaction among people who have the legal right to buy or sell whenever they wish to do so—when we attach words like "raiders" to such people, it seems to me that it does not indicate that cast of mind for dispassionate, thoughtful consideration of legislation.

In fact, I say to the Senator that I do not know the facts in the particular case he has in mind, but I must say that I start out predisposed to be very skeptical of legislation which is aimed specifically at a particular transaction.

This is a great Nation, and this is a legislative body which is intended to consider and pass legislation of general application, legislation which meets certain criteria and standards of applicability. We are not supposed to be a special-interest outfit. We are not supposed to follow the example of some State legislatures which have disgraced themselves, in my opinion, by passing that kind of ill-considered special legislation, which has jeopardized the rights of shareholders and companies and which, if the trend continues, threatens to balkanize the capital markets of this country.

So, if this is the opening gun in the discussion, the Senator from Colorado—and I do not think I will be the only one—is probably going to speak at some length in support of shareholders, because I, for one, am sick and tired of corporate managers coming in here and asking for protection.

My concern is that we do not know the facts, and as time goes on, I suppose we will find them out.

I ask the Senator to consider withdrawing the amendment and let it take its place in legislation which will be on the floor shortly, I guess, which would be the appropriate place.

Absent that, I would encourage Senators to buckle down to the task of understanding the legislation. If we are going to vote on it, if we are going to have serious consideration of it, it deserves serious and thoughtful consideration and not be adopted by a voice vote and not be adopted on an appeal from the ruling of the Chair.

I see that the Senator from Texas has arisen with a thoughtful yet resolute glint in his eye. He seems to be revving up to say something profound and worthy, and I suspect it is something which begins "I make a point of order that." If he does not do that, I am going to, because this clearly violates not only the better traditions of the Senate, but the rules of the Senate as well.

I heard a hint discussed earlier that somebody is going to appeal that ruling of the Chair, because we have it on somebody's advice that the Parliamentarian will likely advise the Presiding Officer, and the Presiding Officer will rule that this does violate the rules of the Senate, being legislation on an appropriation bill.

Now, that does not mean that somebody cannot stand up and move to appeal the ruling of the Chair.

We have seen that done now and again, but I just would ask Senators to think carefully about whether that is the way they really want to do business around here. If the rules have any meaning and purpose, it is to prevent the presentation and adoption of amendments of this kind and character. Clearly this is legislation on an appropriation bill.

I am going to yield the floor and I am going to go to my office and pack up my briefcase and I am going to go home and get a good night's sleep, secure in the knowledge that the Senator from Texas is going to do the right thing, the Parliamentarian is going to do the right thing, the Presiding Officer is going to do the right thing, and, gosh, I hope after they thought it over, whoever had it in mind to appeal the ruling of the Chair, will do the right thing, too. We will not have to reach that issue in the morning.

I thank all Senators and the Chair.

Ladies and gentlemen, good night.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from Texas.

Mr. GRAMM. Mr. President, after that statement, I am not going to give a long speech. I want to make this point. I feel absolutely adamant about this amendment. If we are going to stand here on the floor of the U.S. Senate every time that some private company offers to go out and buy shares in another company at a premium, putting money into the pockets of the stockholders, if we are going to do this on a piecemeal basis, we are going to destroy the American free enterprise system.

It is one thing to have a bill such as the one that we are going to mark up tommorrow in the Banking Committee. Quite frankly, I am adamantly opposed to that bill. It is a dagger aimed at the heart of American capitalism and the functioning of the free enterprise system. But at least, in my mind, that is the right procedure offer a bill, hold hearings, give everybody an opportunity to look at the facts, deal with it on a broad basis so that it affects everybody.

I think it is a very, very dangerous precedent to have a situation where we are offering an amendment, based on one company in one State, to meet the desire of the management of the company to protect itself from market forces that clearly are present, market forces that have been important to the development of America. So I am going to raise a point of order, and if the Chair is challenged on the point of order and overruled, I am willing to stand on this floor and read all 1,200 pages of an inquiry into the Nature and Causes of the Wealth of Nations, by Adam Smith and continue this debate until at least we have had an

opportunity to deal with this problem in committee where it should be dealt with.

Mr. ARMSTRONG. I am looking forward to hearing it.

Mr. GRAMM. So I urge my colleagues to support the ruling of the Chair, but no matter, and I thank the distinguished Senator from Colorado who was looking forward to hearing the words of Adam Smith. As old great truths can never be repeated too often, I think quite frankly it would be therapeutic for the Senate.

So I feel adamant on this subject and, Mr. President, I raise a point of order under rule XVI of the Senate that the pending amendment is legislation on an appropriations bill.

The PRESIDING OFFICER. The amendment of the Senator from Nevada does amend the existing law. Therefore, it constitutes legislation on an appropriations bill. The point of order is sustained.

Mr. REID. Mr. President, I appeal the ruling of the Chair and move for the yeas and nays.

The PRESIDING OFFICER. The Senator from Nevada has appealed and asked for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSTON. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSTON. If the defense of germaneness were brought to the Senate, would that bring the vote to the Senate in the same way as an appeal of the ruling of the Chair?

The PRESIDING OFFICER. It is no longer timely to offer the defense of germaneness.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, you know I was halfway home and I got to thinking about this thing and returned to the Chamber to point out one additional fact that had not previously come up.

Before I do so, I would like to seek the attention of the Senator from Louisiana because I would like to answer his question in somewhat greater detail than the Chair. I believe the Chair is correct in its ruling. I would like to point out to the Senator from Louisiana and other Senators that had the question of germaneness been raised, it would have still not solved the problem of this amendment because under the precedents of the Senate, the Chair may not submit the question of germaneness unless there is some language in the bill to which it could conceivably be germane.

I happen to know that precedent very well because it was rather forcibly brought to my attention by the majority leader 8 or 9 years ago when I was trying to offer an amendment, and it is very clear that you cannot get around the point of order which has been sustained by the Chair through submitting it as a germaneness question.

I only point this out to emphasize that it would be a very serious mistake for Senators to vote to overrule the Chair, and I congratulate the Chair on its ruling.

The reason I came back, however, was to inquire whether or not an order had been entered for tomorrow permitting committees to meet after the first 2 hours of the session. Has such an order been entered?

The PRESIDING OFFICER. After reviewing the Journal, no such orders have been entered.

Mr. ARMSTRONG. Thank you, Mr. President.

The reason I raise that question is that in view of the possibility that the Senate might be treated to the Senator from Texas reading the Wealth of Nations by Adam Smith, I think it would be untimely for committees of the Senate to be meeting at the same time that he might be doing this. It would be particularly untimely for the Senate Banking Committee to be meeting to mark up this corporate takeover legislation which we are scheduled to do at 10 o'clock tomorrow in view of the fact that the Senator from Texas is a member of the Senate Banking Committee, indeed is a thoughtful and active participant in the life of the Senate Banking Committee.

I do not see how we could go forward with the markup which is otherwise scheduled and which will occur and which will be completed tomorrow as far as I can tell without the actual presence of the Senator from Texas.

If such a request were to be made to permit the Banking Committee to meet and if the amendment of the Senator from Nevada is still on the floor which it would be if the Chair were overruled on its point of order, a matter about which we will vote at 9 o'clock, then I would be constrained to object to any such request to permit the Banking Committee to meet. So we have a heads up, straight up or down question—do you want to sit around listening to a long debate on a highly specialized special interest amendment that takes care of one company for 6 months in one State or do we want to work and actually consider the legislation which is coming up in the Banking Committee tomorrow?

I do not see how we can do both because the very people who are needed on the floor to argue the amendment of the Senator from Nevada are the ones who otherwise would be occupied by the Banking Committee.

I will ask my cloakroom to protect me on this so in the event such a unanimous request were propounded, I could be summoned to the floor to object or to ask someone to object on my behalf.

Mr. GRAMM. Mr. President, will the distinguished Senator yield?

Mr. ARMSTRONG. I am delighted to yield to the Senator from Texas provided he does not intend to read the Wealth of Nations into the RECORD at this time.

Mr. GRAMM. I would just like to ask if the distinguished Senator would be inclined to join me in saying that if the Senate were so foolhardy as to overrule the Chair on so obvious a point of order, where the Chair was correct, where there was really no debate concerning its correctness, that if in fact we find ourselves on this amendment, if in fact an objection is made to the committee meeting, I was wondering if the Senator would join me if we find ourselves in that unhappy position in objecting to going off this amendment to do any other business of the Senate until this amendment is fully disposed of and until we have heard what is available in terms of the collective learning of mankind on this important issue beginning with the Wealth of Nations, but going through a long list of relevant topics that are important to the functioning of capitalism, the foundation of the great fortune that we celebrate in this Chamber every day.

Mr. ARMSTRONG. Mr. President, that Senator from Texas really has a way with words, does he not? It is not surprising to me that he so often gets his way not only because of the sweetness of his disposition and personality but also of the keeness of his intellect. Of course, I should agree to virtually any request along those lines he would suggest.

But let me point out before we cross that bridge that the immediate pending question when we come back tomorrow would be the question of whether or not to appeal the ruling of the Chair.

I do not want to speculate too much because I do not want to tempt fate here. I do not think Senators will want to do that in this particular fact situation. It would be a big mistake.

I would seek recognition at 9 o'clock in the morning to debate this issue because it is a debatable issue.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. ARMSTRONG. I am ready to yield the floor.

I want to sum up by saying the motion to appeal the ruling of the Chair, as I understand it, is a debatable motion. I expect to be here at 9 o'clock in the morning on my feet seeking recognition to debate that issue. Of course, the leader or someone

else could move to table and that would foreclose the debate on it. But unless the motion to appeal the ruling of the Chair is tabled, I would assume that that motion itself was debatable and before we get to the substance of the amendment I think Senators would want to consider at least for a time the wisdom of appealing the ruling.

Mr. McCLURE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. ARMSTRONG. Of course.

The PRESIDING OFFICER. The Senator yields to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

There is a unanimous-consent agreement under which we are operating that deals with the ordering of and timing of votes. Under the unanimous-consent agreement that was heretofore entered into is further debate in order at 9 o'clock tomorrow morning, or would we proceed to a rollcall vote which has now been ordered?

The PRESIDING OFFICER. Further debate is in order at 9 o'clock.

Mr. McCLURE. Did not the majority leader, in his unanimous-consent agreement, notify Members that there would be a rollcall vote and if we are not on this matter, it would be on some other matter, such as instructing the Sergeant at Arms to request the attendance of absent Members?

I ask that question because it appears to this Senator that the Senator from Colorado is developing a scenario somewhat different than may have been understood under the unanimous-consent agreement.

The PRESIDING OFFICER. Prior to the resumption of the bill, a quorum call may be instituted and result in a rollcall vote on a procedural matter.

Mr. McCLURE. I thank the Chair.

So if the Senator from Colorado seeks to debate this matter at 9 o'clock tomorrow morning, he might well find himself supplanted by such a motion under the unanimous-consent agreement?

The PRESIDING OFFICER. He would not be supplanted by such a motion. He might be delayed, deferred, retarded by such a motion.

Mr. McCLURE. Set back.

I thank the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield the floor?

Mr. ARMSTRONG. Yes, Mr. President. I think the Chair has made it clear that the issue is debatable and it might either be a quorum, it might be a motion to instruct the Sergeant at Arms, it might be a move for a 5-minute adjournment, it might be any number of different motions, but sooner or later Senators will either vote to table this proposal of the appeal of the ruling of the Chair or Senators who wish to do so will have an opportunity to speak to it. That is the way I see it.

By the way, I am not threatening in the slightest a filibuster on the motion to appeal the ruling. That is not my purpose. I do think it would be worthwhile for whoever wishes to do so to discuss the merits of it because I think it is a serious matter and at least Senators ought to consider the wisdom of appealing the ruling of the Chair on this particular fact situation. After that, if it is not tabled, we will take it from there.

The PRESIDING OFFICER. The Senator from Colorado yields the floor.

Mr. JOHNSTON. Mr. President, we have two amendments that I hope we can deal with tonight if the minibuster is concluded.

AMENDMENT NO. 807

(Purpose: To provide funding for national laboratory coal science initiatives)

Mr. DOMENICI. Mr. President, I ask unanimous consent that the pending matter under discussion by the Senate be temporarily set aside for the purpose of sending an unprinted amendment to the desk, which I will understand will be accepted. It will take the Senator from New Mexico no more than 1 minute to explain it.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Reserving the right to object, and I shall not object, I just wanted to establish on the record that this is one of the amendments that was placed in order earlier under the unanimous-consent agreement; am I correct on that?

The PRESIDING OFFICER. The Senator is authorized to offer an amendment.

Is there objection? Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. McCLURE, and Mr. BINGAMAN, proposes an amendment numbered 807.

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:

On page 66, line 26, strike "$281,390,000," and insert in lieu thereof "$291,390,000,".

Mr. DOMENICI. Mr. President, I wish to thank Senators, STENNIS, BYRD, McCLURE, and CRANSTON for their help in this amendment and for their support.

Essentially, this amendment adds $10 million in budget authority and $3.8 million in outlays for a national laboratory coal science initiative. Essentially, it is not in competition with other coal provisions of this bill, but rather it fulfills the recommendations of the major scientific groups in this country who suggest that it is time we look at the basic science and the essence of coal in an orderly manner. The recommendation is that some of the national laboratories of the United States, working with universities, should begin that initiative so that we will acquire the basic knowledge of coal before the energy crisis hits us again.

In the fossil energy advanced research and technology development activity, the committee has added $10 million for a new subactivity entitled, "National Laboratory Coal Science." This coal science initiative is designed to provide balance to the clean coal technology demonstration program by expanding on the examination of fundamental questions underlying coal utilization and conversion. The effort will bring together the multidisciplinary scientific and engineering talents and the latest analytical and computational tools available at the national laboratories to address the age-old problems of coal structure, chemistry, and reactivity. Current research in the United States is largely concerned with marginal improvements of known systems; this new activity would be directed toward revolutionary understandings through the use of scientific capabilities that have not yet been adequately applied to the study of coal. The proposal envisions university and industry participation in both the conduct and application of this new research be an intrinsic part of this activity.

The research program for this new subactivity will be planned in coordination with the National Laboratory Coal Science Consortium, a group of national laboratories composed of the Idaho National Engineering Laboratory, the Lawrence Berkeley Laboratory, the Lawrence Livermore National Laboratory, the Los Alamos National Laboratory, Sandia National Laboratories Albuquerque, and Sandia National Laboratories Livermore. The consortium will be chaired and coordinated by Sandia National Laboratories Albuquerque. Within 6 months of enactment of this legislation, the Department of Energy will provide a comprehensive 10-year research plan to the appropriate committees of Congress for their approval within 30 days. This plan should address research programs, operating and capital funding requirements, and participation by universities and industries. The funds in fiscal year 1988 are available for both operating and capital equipment needs as recommended by the consortium.

I urge my colleagues to adopt this amendment, and I thank my distin-

guished colleagues, Senators BYRD, STENNIS, MCCLURE, and CRANSTON for their support.

Mr. BURDICK. Mr. President, I take this opportunity to comment on the appropriations contained in this measure for the clean coal technology program provided for in this measure. It may be appropriate as well to advise the Senate of the progress the Environment and Public Works Committee is making with respect to Clean Air Act amendments and the link between the two activities.

As chairman of the Environment and Public Works Committee, I am pleased to report that substantial progress is being made on Clean Air Act amendments. I anticipate reporting a bill from committee within the next few weeks. A major component of that bill will be a program to reduce emissions that contribute to the acid rain problem. In addition, I expect that there will be a significant commitment to clean coal technology.

It is important to support ongoing research and technology efforts to find more efficient and clean methods to utilize the Nation's coal supplies. However, because this program is a creation of the appropriations process and has not been authorized by the Environment and Public Works Committee, I have some reservations about its objectives. In the past I have stated, and continue to believe, that further technology development can not be a complete substitute for actions that are available to us now to control air pollutants.

The clean coal technology program therefore must be viewed in the context of a total strategy to protect air quality.

The PRESIDING OFFICER. Is there further debate?

Mr. JOHNSTON. Mr. President, do I understand that this amendment simply changes the figure in the bill?

Mr. DOMENICI. The Senator is correct.

Mr. JOHNSTON. And that the actual outlay number for the next fiscal year is $3.8 million?

Mr. DOMENICI. Mr. President. Now that we look at the fact that the program will not come into being for a period of time, it seems to the Senator from New Mexico that $3.8 million is an accurate outlay estimate.

Mr. JOHNSTON. Mr. President, in view of what the distinguished Senator from Mew Mexico has said, we are certainly willing to take this amendment to conference and so we accept the amendment.

Mr. McCLURE. Mr. President, we have no objection the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 807) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. I thank the distinguished managers for their assistance.

Mr. JOHNSTON. Mr. President, am I correct that, upon the disposition of the Kerry amendment, the only amendments left in order on this bill are the Byrd amendment with respect to clean coal at National Labs, a Byrd amendment extending the exclusive period for drugs, the pending Reid amendment, and a Metzenbaum amendment with respect to the National Forest lands in Ohio?

The PRESIDING OFFICER. That is correct.

Mr. JOHNSTON. And did I understand the Chair to say that at 9 o'clock a vote will occur on the motion to overrule the Chair?

The PRESIDING OFFICER. The appeal of the ruling of the Chair is debatable.

Mr. JOHNSTON. I was under the understanding that we did have a vote set for 9 o'clock for 30 minutes.

The PRESIDING OFFICER. My understanding is that there would be a vote at 9 o'clock to take the form of a quorum and a motion to instruct the Sergeant at Arms, but the specific challenge of the ruling of the Chair is debatable.

Mr. JOHNSTON. I thank the Chair.

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

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Nevada, which would have to be set aside in order for the Senator to call up another amendment.

Mr. KERRY. Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

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

AMENDMENT NO. 808

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for himself and Mr. KENNEDY proposes an amendment numbered 808.

Mr. KERRY. 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 70, line 12, immediately before the colon insert ": *Provided further*, That of the amount provided under this head $3,000,000 shall be available for a grant for an energy and natural resources technology development center at Brandeis University in Waltham, Massachusetts".

And on page 69, line 17, strike "$373,957,000" and insert in lieu thereof: "376,957,000".

Mr. KERRY. Mr. President, this is the amendment we discussed earlier. It has been a homeless amendment for a period of time. I want to thank my colleagues for helping to find it a home.

This is an amendment to provide a grant to Brandeis University which will aid in the development of energy and natural resources technology development center. It deals with artificial intelligence, as we heard earlier, but will have an enormous impact on resource management and other energy-related matters.

I am very much appreciative to the chairman and ranking member for their assistance. My hope is that, as we proceed through the conference period, the wisdom of this will become clear and we can go on from there.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, our initial reaction over some period of time to this amendment was to oppose it for a number of reasons: Because it did not fit within our allocation; because the matter did not appear to be within the jurisdiction of the committee. However, the Senator from Massachusetts has been unusual in his assiduousness and his persuasiveness and, accordingly, we have agreed to give him the rest of our available funds, which is $3 million. It was his request initially for $4.2 million. We have agreed to do so. Senator MCCLURE and I—of course, he will speak for himself—but we have agreed to do so based upon the fact that we will take it to conference where, of course, there is no guarantee that it can survive. But the fact that it is brought into the Senate bill is the first big step toward that.

Second, we make no commitment for future funding for future years. Every year is a new year and we want to make clear on the record that this is no necessary first step toward the whole piece of pie, because the pie in this case could be rather large.

With those understandings, Mr. President, we gladly accept the amendment of the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Louisiana yields the floor. The Senator from Idaho.

Mr. McCLURE. I agree with the statement the Senator from Louisiana has made with respect to this amendment. I will just add one further understanding and that is with respect to the jurisdiction of the subcommittee and whether or not this program is appropriately a part of this appropriation bill. I would want the opportunity

in the future to be able to determine whether or not this is the appropriate appropriations bill to carry this item. If it is determined that, indeed, it is more appropriate within the confines of another appropriations bill, even if the Senate should decide to go forward with this program, that it might be allocated to a different subcommittee for consideration in its appropriation bill in the near future.

With that understanding I have no objection to the adoption of the amendment at this time.

The PRESIDING OFFICER. The Senator from Idaho has yielded the floor. The Senator from Massachusetts.

Mr. KERRY. Mr. President, if I might just add, and I do not want to take long, I thank both the chairman and the distinguished ranking member for their comments and their willingness to proceed forward. I acknowledge both to their comments. I understand the terms on which we are moving forward.

It is my hope that I will be able to persuade both of them that this is worth proceeding forward on this year, even if we find jurisdictionally it ought to shift somewhere else in the next. I think because it represents a new field and a new area there is reason to be broad and expansive in that effort. But I would look forward to working with the distinguished Senator from Idaho and the chairman in an effort to try to make sure that we can do what is appropriate as we move along.

The PRESIDING OFFICER. Is there further debate on this amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 808) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, I have a parliamentry inquiry. I was sitting in my office when I heard the Kerry amendment was being taken up, to which I had no objection, but I understood the amendment of the Senator from Ohio was pending and had been temporarily laid aside. I did not hear unanimous consent to that fact.

Am I correct?

The PRESIDING OFFICER. The Kerry amendment was taken up by unanimous consent.

Mr. METZENBAUM. I understood the unanimous consent was to lay aside the Reid amendment and I was wondering how we could take it up. I have no objection to the Senate's taking it up. I certainly would have agreed to it, but am I not correct that my amendment is the pending amendment?

The PRESIDING OFFICER. The Metzenbaum amendment was set aside pending the disposition of the Reid amendment. Therefore, a unanimous consent to set aside the Reid amendment carried with it the Metzenbaum amendment.

Mr. METZENBAUM. I must say that the Senator from Ohio takes issue with the parliamentary ruling, but would not make a point of it.

I do not believe that because you step aside for one amendment to come up that when his amendment is set aside that it carries mine with it. I do not really think I agree to that parliamentary procedure. I am not going to make an issue of it. I am able to protect my position fully well, but I would raise the question with the parliamentarian whether, indeed, that does occur when we discuss it before the next amendment comes up.

Mr. BYRD. 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. Without objection, it is so ordered.

Mr. BYRD. Mr. President, on behalf of Mr. JOHNSTON, I ask unanimous consent—and I have discussed this matter with Mr. REID and Mr. MCCLURE and other Senators, and I feel that we are all in agreement—that the amendment by Mr. REID, myself, and others be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. It is the appeal.

Mr. BYRD. If I withdraw the amendment, that carries the appeal and everything with it.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment by Mr. METZENBAUM be agreed to. It is my understanding there is no objection.

Mr. McCLURE. Mr. President, we have no objection to the adoption of the amendment.

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

Mr. BYRD. Now, Mr. President, as I understand it, there are no further amendments pending to the measure and that takes care of all amendments which are listed that are going to be called up.

Mr. McCLURE. Will the Senator yield?

Mr. BYRD. Yes.

Mr. McCLURE. Under the list the distinguished Senator from West Virginia does have two amendments which could be offered.

Mr. BYRD. I do have two amendments. I will not call either amendment up.

Mr. McCLURE. I thank the Senator.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, there are no further amendments, are there?

The PRESIDING OFFICER. There are no further amendments.

SEWANEE SILVICULTURE UNIT

Mr. SASSER. Mr. President, I rise today to join in a colloquy with my good friend from Louisiana, Senator JOHNSTON, regarding funding for the Sewanee Silviculture Lab in Tennessee. There have been some questions as to Tennessee's commitment to maintaining this research unit. I would like to clarify the situation, and I would like to determine that the Forest Service is still committed to maintaining the unit.

Mr. JOHNSTON. I know of the unit the Senator from Tennessee speaks of, and I understand his concern. The Interior Appropriations Subcommittee did not add funding for the Sewanee Lab because we were unaware of the degree of commitment that Tennessee had agreed to provide.

Mr. SASSER. I have a letter of commitment from the Tennessee Department of Conservation which notes Tennessee's recent contribution of the initial $20,000 called for and a pledge to provide an additional $100,000 in July 1988. Senator JOHNSTON will recall that these were the sums agreed to in discussions between the Forest Service and the Division of Forestry in Tennessee. I believe that the Forest Service has an additional $238,000 available in their budget for fiscal year 1988.

Mr. JOHNSTON. I understand that the Forest Service has said that it will provide $238,000 to maintain the Sewanee Lab if the State provides the $120,000 it has made a commitment to provide.

Mr. SASSER. I thank the Senator from Louisiana. I trust you will ensure that the $238,000 for Sewanee Lab is included in the Forest Service allocations for fiscal year 1988, by this agreement.

Mr. JOHNSTON. I will make every effort to see that the Senate position is maintained in conference.

Mr. SASSER. Thank you. Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, I appreciate this opportunity to thank the chairman and ranking members of the Interior Appropriations Committee for including funding for the construction and maintenance of the world famous buck and rail fence that threads through the scenic vistas in Grand Teton National Park.

I visited Teton National Park earlier this year and was quite disheartened to view a new type of fence the Park

Service was constructing in place of the traditional buck and rail fence that has become a landmark in the Yellowstone-Grand Teton area. While the Park Service has a mandate to "preserve and protect," in this case the mandate was ignored and an effort to tear down sections of the old buck and rail fence began and a new type of wood and wire fence was constructed. This new type of fence is an abominable eyesore and it is indeed unfortunate that any of it was ever constructed. I feel Park Service should have continued to maintain the old scenic buck and rail fence instead of embarking on a new effort that does not have the full support of the public. I trust that no more of the new type of fence will be constructed in the future.

The Interior Appropriations Committee has provided the small sum of $60,000 for the maintenence of the existing buck and rail fence and for the replacement of the newer wire fence. I am informed that this sum is adequate for necessary activities this year, but that we may need to request a similar level of funding next year in order to complete the needed work in Teton National Park.

I would add that there has been a thoughtful and pleasing response from citizens in Wyoming and from other parts of the country who are sending in donations in order to preserve the old style buck and rail fence and I will be making a personal donation for this purpose as well. Would that every Federal program had such support! I do thank my colleagues.

HOME OF FRANKLIN DELANO ROOSEVELT HISTORIC SITE

Mr. HARKIN. Mr. President, I want to take this opportunity to thank Senators BYRD and JOHNSTON as well as the Appropriations Subcommittee on the Interior for including land acquisition funds for a small addition to the home of Franklin Delano Roosevelt historic site. The Trust for Public Lands, an organization which purchases environmentally and historically significant lands for sale to the Government, recently purchased a 2.5-acre strip of land known as the Kessler property adjacent to the historic site in order to prevent its unsightly commercial development. This appropriation provides that the Department of the Interior purchase the Kessler property for addition to the FDR historic site.

Mr. JOHNSTON. I appreciate the Senator from Iowa's interest in preserving the quality of this important historic site. He is correct in regard to the committee's intent. As we all know, Franklin Delano Roosevelt was one of the most popular and influential Presidents in this history of our Nation, and it is fitting that we take this measure to protect this historic site.

Mr. INOUYE. Mr. President, there are a number of points I would like to raise with the manager of this bill, my distinguished colleague Mr. JOHNSTON, regarding appropriations for the Bureau of Indian Affairs.

The first involves the provision of funds for the BIA law and order program. In late March of this year, long after the administration submitted its fiscal year 1988 budget request to the Congress and subsequent to the oversight hearings held by the Select Committee on Indian Affairs on the administration's budget submission, the Department of the Interior published a proposed rule to provide that the Bureau of Indian Affairs law enforcement funds may not be expended to provide law enforcement services in those areas of Indian country where, pursuant to Federal law, States have jurisdiction over offenses committed by or against Indians. An example of such tribes are those affected by Public Law 83-280 which authorized States to extend their criminal laws over Indians within Indian country.

In construing these Federal laws, the courts have long established that tribes continue to have concurrent jurisdiction with the States and, in fact, most tribal ordinances cannot be enforced by the States but only by the tribes. In the past the Bureau of Indian Affairs has funded law and order programs of tribes within such States on the basis of demonstrated need.

It is my understanding that the funds provided in this bill for BIA law enforcement programs include funds for existing law and order programs of tribes within Public Law 83-280 States, or States with similar laws. Are such funds included within the funds appropriated under this bill and is it the intent of this legislation that the Bureau of Indian Affairs should continue to fund these existing programs?

Mr. JOHNSTON. My colleague's understanding is correct. The funds provided for BIA law enforcement programs do include funds for all of the existing BIA or tribal law enforcement programs and it is the intent of this legislation that all such programs should continue to be funded throughout fiscal year 1988.

Mr. INOUYE. In December 1985 Congress enacted legislation providing an emergency appropriation of $6 million for the purchase by the BIA of hay to feed Indian owned cattle in the States of Montana, North Dakota, and South Dakota which were faced with serious drought conditions. As a part of that legislation we directed the Bureau to conduct a general survey of agricultural conditions in Indian country throughout the Nation and to file an appropriate report with the Congress. That report was filed, in September of last year and, among other things, called for establishment of an intertribal agriculture council to review and recommend changes in Bureau and tribal programs and policies for agricultural and range programs—policies which had not been reviewed for nearly 40 years.

Following the submission of that report, the BIA and the tribes established a National Indian Agricultural Working Group which has made great strides in this area. At the present time the formation of the intertribal agricultural council is planned for November. Over the course of the next year it is anticipated that this council can bring to fruition the efforts that have thus far been expended, but this will require funding during this fiscal year, fiscal year 1988, of about $250,000.

I have not offered any amendment to the pending bill to increase funding for the BIA agricultural programs. However, I strongly support the efforts of the Bureau and the tribes to revise the agricultural programs of the Bureau, the tribes, and other Federal agencies. I would ask my colleague whether the funds provided in this bill are sufficient and are available to support this endeavor?

Mr. JOHNSTON. Mr. President, I share entirely my colleague, Senator INOUYE's, concern for this program. I believe the funds provided for the BIA agricultural program are adequate to underwrite this effort and I would strongly urge the Department of the Interior to fully support this effort out of the funds available through this bill.

Mr. INOUYE. I would also like to express my grave concern with regard to the funding level provided in this bill for the BIA Housing Improvement Program. For fiscal year 1988 the Department of the Interior requested only $17,217,000—a reduction of over $5 million from the amount appropriated in fiscal year 1987. The House added back $5,514,000 to restore funding the fiscal year 1987 level, but the bill before us would reduce the funding level to $10 million.

Mr. President, the Bureau of Indian Affairs identifies some 92,580 families as being in need of housing and there are some 39,880 houses identified as suitable for renovation. The Bureau also states that 52,700 new homes are required. The primary housing program for Indians is operated by the Department of Housing and Urban Development. However, the HUD Indian housing program does not provide funds for rehabilitation of housing. Under the BIA program, a limited amount of funds may be used for construction of housing, but only under emergency circumstances. In addition to providing improved housing, the BIA Housing Improvement Program [HIP] provides a major source of employment on reservations.

Mr. President, I am not offering any amendment to the bill with respect to the HIP program, but I cannot stress enough my concern with regard to this funding level. I strongly urge that the Senate recede to the House when this bill goes to conference.

MHD FUNDING

Mr. BAUCUS. Mr. President, I am pleased that the Interior appropriations bill for fiscal year 1988 provides $35 million to continue the development of magnetohydrodynamic [MHD] power generation as part of our country's overall effort to meet our future energy needs.

MHD technology is at an important crossroads. The funding provided in the Interior appropriations bill will support a critical testing stage so that very soon existing powerplants can be retrofitted to take advantage of this high-temperature, coal-fired energy production method.

Further, the $8.5 million increase in MHD funding over last year's level will help the United States to remain competitive with other countries that are aggressively developing new technologies to meet their own future energy needs.

I deeply appreciate the support that the distinguished chairman of the subcommittee, Senator BYRD, and the acting chairman, Senator JOHNSTON, have provided throughout the committee's consideration of this matter.

I recognize the difficulty of the job that they faced in determining the funding needs of the hundreds of programs covered by this appropriations bill. And I know that this has been a particularly tough year given the constraints that they have worked under. I sincerely commend them for their efforts.

I remain optimistic that funding for MHD technology is a sound investment in America's future. And I am proud that Montanans working at Butte's component development integration facility are in the forefront of this planning effort to find new ways to meet the energy demands of the Nation.

Mr. President. I believe that the funding provided in this bill for MHD reaffirms our commitment to a technology with great potential and will help to maintain the public and private partnership that is now on the verge of demonstrating tangible results.

Mr. SPECTER. Mr. President, Senator HEINZ and I would like to engage in a colloquy with the distinguished managers of the bill.

Mr. JOHNSTON. Please proceed.

Mr. HEINZ. Mr. President, all of us share a deep concern for acid rain. The Department of Energy has the capability to implement a new, comprehensive acid rain control retrofit program. This program involves new coal preparation and flue gas cleanup techniques capable of retrofitting existing coal-fired facilities to reduce acid rain precursors. The House version of H.R. 2712 provides $2 million in control technology and coal preparation and $1,800,000 in flue gas cleanup to develop such technologies by the early 1990's. The House bill specifically cites this proposal as a high priority.

If we are going to have technology-based methods of controlling sulfur emissions—this work is essential. I am very sorry that the committee was not able to fund this proposal, particularly given the strong House support. We badly need the assistance of the chairman and the ranking member to help keep this valuable new initiative in conference.

Mr. SPECTER. This new initiative includes the development of advanced physical coal cleaning and duct injection technologies that promise to reduce extensively emissions at costs well below flue gas scrubbers. Unlike other methods of sulfur dioxide control, these retrofit technologies involve low capital costs and can be applied to utility boilers of various ages and sizes. I hope my colleagues will accept the House proposal in conference. We need to pursue low-cost approaches to reduce emissions.

Mr. JOHNSTON. I thank my colleagues for bringing this matter up. I recognize the importance of a comprehensive approach to retrofit technology development. The outlay ceiling for this measure prevents us from approving all the proposals one might like, but were there an adjustment in the outlay ceiling, I would like to assist this particular program.

Mr. McCLURE. We all appreciate the contribution that retrofit technologies can make to the ultimate control of sulfur emissions. In conference we will try to assist the Senator. I would note, however, that the House allocation is lower than the Senate's, and this may make it more difficult to do as the Senator asks.

Mr. SPECTER. I thank my colleagues for their assistance. Senator HEINZ and I wish to raise some additional matters at this time. The House approved $1,700,000 for continued development of industrial combuster technologies. We urge our colleagues to accept the House proposal for this research.

Mr. HEINZ. The House-approved funding will provide for the development of revolutionary glass and iron/steel combustion; research which could save basic industries $300 million in costs compared to current technology. I hope my colleagues can accept the House figure for this urgent technology development.

In addition, the House approved $17 million to continue phosphoric acid fuel cell development. This figure would support a heavily cost-shared 7.5 MW Air Cooled Phosphoric Acid Fuel Cell Development Program. The private sector bears more than 50 percent of the program development costs. The 32 kW cell stacks have successfully been fabricated, tested, and integrated into the fundamental system building block, the 100 kW fuel cell stack containing over 450 individual cells. Preparation is under way for a 1.5 MW pilot powerplant. I hope the chairman and the ranking member will work toward the House numbers in conference.

The House also passed $8.5 million for advanced concepts fuels cells work. This research would support tubular solid oxide fuel cell development. The House level allows the Department of Energy to fulfill its contractural obligations. This is a highly efficient technology which can be applied to utility, industrial and commercial markets. It creates no toxic byproducts. I urge my colleagues support for the House work on tubular solid oxide fuel cells.

A matter of great concern to me is the $5 million above the administration request which the House approved for the completion of the Hot Gas Cleanup Program. This surface coal gasification project is the most successful coal gasification program. The increased funding will allow this project to be completed. I would add that the Morgantown Energy Technology Center has ranked hot gas cleanup as its priority program. Major achievements have been accomplished in removing sulfur from the coal derived gas. I strongly support the House-approved level of funding, and hope that the distinguished chairman and ranking member will also.

Mr. SPECTER. I join with my colleague from Pennsylvania in urging Senator JOHNSTON and Senator MCCLURE to recede to the House position for these valuable energy programs.

The last matter we wish to address is the technology and consumer products program, which is a cost-effective energy conservation effort. The House approved $650,000 for oil heating equipment research. This research could save millions of dollars in unnecessary oil consumption, reducing our dependence on foreign oil.

Mr. HEINZ. I agree with my colleague. Oil heat conservation is an intelligent investment in our energy future, and I hope the House level can be provided.

Mr. JOHNSTON. My colleagues have discussed several important energy research efforts. In conference, we will try to assist them. I know they recognize the constraints we face, and appreciate the outlay ceilings under which we must operate. If that ceiling should be adjusted, I would be happy to help them with these matters.

Mr. McCLURE. Effective coal utilization and energy conservation are

very important endeavors. If possible, we will try to help the Senators.

Mr. SPECTER. I appreciate my colleagues' remarks, and look forward to working with them for an aggressive research and development effort.

Mr. HEINZ. Senator JOHNSTON and Senator MCCLURE have been very helpful, and I certainly appreciate their assistance.

MINNESOTA VALLEY VISITOR CENTER

Mr. DURENBERGER. I want to bring to your attention a very important project, important to the country and the State of Minnesota: the Minnesota Valley National Wildlife Refuge Visitor Center. This center will be the crown jewel in one of the loviest spots in the country. The House recognized this and appropriated $2.68 million for construction of the center.

This money is needed to complete the project that has been years in the making and serve as the second and final phase of a long-term project. In fact the project has been prolonged to the extent that even this generous sum will not meet the project's full needs. This shortfall will come from the generous pockets of those in the Twin Cities of Minneapolis and St. Paul and surrounding suburbs like Bloomington, who live so near and enjoy the refuge. Thus, completion of the visitor center will be a symbol of uncommon local and Federal fiscal cooperation.

This you all know, gentlemen. And what I am sure you also know is that due to these fiscally austere times and not in any way reflecting on the merits of the visitor center, the center was not funded by the Senate Committee on Appropriations.

I regret, I am sure you gentlemen do too, both the needed fiscal austerity and subsequent failure of the committee to fund the visitor center. Nevertheless, I ask you as leaders of the Senate to follow the House's lead and fund the visitor center when this issue is discussed in conference.

Mr. MCCLURE. Thank you for bringing this important issue to my attention. I am aware of the extensive work you, Senator DURENBERGER, have done in trying to get funding for the center. I would note that the Senate's allocation is not the same as the House's and it is unclear if new allocations will be made.

Mr. JOHNSTON. I also want to thank you, Senator DURENBERGER, for bringing this issue to my attention. It is indeed important and I, like Senator MCCLURE, will give this project every consideration when we get to conference.

DULUTH FOREST STATION

Mr. DURENBERGER. On another topic, the Duluth office of the North Central Forest Experiment Station, I am happy to bring to your attention a solution to a problem that has troubled me and my constituents. Both the House and Senate Appropriation Committees failed to fund the Duluth office meaning it would be closed. Such a closure would have dramatic detrimental consequences to the timber industry in the upper Midwest. It is this office that has provided the now booming Minnesota timber industry the raw data enabling the industry to expand its plants and production through the northern portion of Minnesota.

Mr. President, during the last 24 hours, I have become aware of an effort by the State of Minnesota, in cooperation with the Forest Service to provide funding for the Duluth station. Under the proposed agreement, funding of the station would come from a State-Federal matching program, with the State providing $90,000 and the remainder coming from a reallocation of resources among Minnesota's three stations. This appears to be a promising alternative to closing the Duluth station. Although I am not happy that some of the money may have to come from the Minnesota offices, I am aware, and grudgingly, see the necessity of this and believe it is for the overall good of the State and forest industry.

In the interest of expediting this measure, I will not offer specific language to this bill on this matter, nor do I wish to delay consideration while the specifics are worked out. What I would ask of the managers is a willingness to consider language in the conference report to accompany his measure which will provide the authority for the Forest Service to proceed with funding of the Duluth station according to the final arrangement that can be worked out among the parties.

Would the managers be willing to give me such an assurance?

Mr. MCCLURE. This does sound like a promising agreement. Since I am from a State with extensive natural resources, particularly timber, I recognize the value of forest economic research. This kind of research is important so that the resources can be put to their best and most productive use. I also recognize the value that the Duluth office has played in the resurgence of the timber industry throughout the Upper Midwest. In addition, I recognize the value of joint State and Federal ventures to fund needed projects. The proposed arrangement is a very good way of alleviating all too common budget constraints and will be happy to work with the Senator on conference report language outlining this agreement.

Mr. JOHNSTON. I, too, recognize the promise of this agreement worked out between the Forest Service and the State of Minnesota and believe it serves all party's best interest. Accordingly, I will work to incorporate conference report language solidifying this agreement.

HAVASUPAI RANGE REHABILITATION

Mr. MCCLURE. Mr. President, the committee has recommended $900,000 "to develop a range rehabilitation plan for the Havasupai Tribe." Since the tribe, in cooperation with the Soil Conservation Service and the Bureau of Indian Affairs, prepared a range rehabilitation plan in March 1986, I would hope that the language would not prevent the tribe from using these funds to proceed with implementation of that plan, which would include various natural resource development activities.

Mr. JOHNSTON. I understand the Senator from Idaho's concern, and it is the intent of the committee for the funds to be utilized for implementation of the plan.

Mr. CHILES. Mr. President, as chairman of the Senate Committee on the Budget, I would like to inform the Senate that H.R. 2712, the Interior appropriations bill, is within the spending limits set forth pursuant to section 302(b) of the Budget Act. The bill, as reported, is under the budget authority ceiling by $19 million and under the outlay ceiling by $10 million. I would like to commend the distinguished chairman of the subcommittee, Senator BYRD. the ranking member of the subcommittee, Senator MCCLURE, and Senator JOHNSTON for their success in crafting this measure.

Mr. President, I have a table that sets forth the official scoring of the Interior appropriations bill, and I ask unanimous consent that it be inserted in the RECORD at the appropriate place.

SENATE BUDGET COMMITTEE SCORING OF H.R. 2712—INTERIOR BILL—SPENDING TOTALS

[Senate reported, dollars in billions]

	Fiscal year 1988	
	Budget authority	Outlays
Bill Scoring		
H.R. 2712, Senate reported (new Budget authority and outlays)	10.0	6.8
Outlays from prior-year Budget authority and permanent appropriations	+(1)	3.1
Bills enacted this session: 1987 Supplemental Public Law 100–71		+(1)
Adjustment to conform mandatory programs to resolution assumptions	−(1)	−(1)
Bill total	10.0	9.9
Subcommittee 302(b) allocation	10.0	9.9
Difference	−(1)	−(1)
Comparisons		
Bill total above (+) or below (−):		
President's request	+1.9	+0.9
House-passed bill	+0.6	+0.2

(1) Less than $50 million.

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

THE CANARSIE PIER

Mr. MOYNIHAN. Mr. President, I rise to call the attention of the Senate to what has been an ongoing problem concerning the Canarsie Pier in New York's Gateway National Park. For

some 60 years the pier has served as a major recreational area for many New Yorkers, including fishermen and all those who love to be in the open air.

Originally built in 1926, the pier is now suffering from long-term structural problems, identified as long ago as 1979 in a study by the National Park Service, and once again in 1980 in a study by the Federal Highway Administration. I succeeded last year in getting some moneys for a detailed analysis of the problem, and now funds are needed for engineers and planners to draw the blueprints and the like so the work can be done.

Does the distinguished chairman agree that if the Director of the National Park Service determines that such work is necessary, the work may be undertaken from project savings?

Mr. JOHNSTON. I do, and hope the Director would be able to make such a determination as soon as is possible.

Mr. MOYNIHAN. I thank the chairman for his consideration and for his efforts to assure that the public is not put at risk by the presently somewhat dilapidated condition of the pier. I thank the Chair.

OGALLALA AQUIFER FUNDING

Mr. DOMENICI. Mr. President, I wish to bring to the attention of the distinguished floor managers a provision in this bill that affects water levels in the Ogallala Aquifer.

As my colleagues know, the farmers and cities in eight High Plains States are dependent upon the Ogallala Aquifer for water. Those eight States are Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

Last year, the Congress passed Public Law 99-662, the Water Resources Development Act. In section 1121 of that act, the Congress created a new title in the Water Resources Research Act, a title that creates a cooperative Federal/State program to halt, then reverse, the decline in the water levels of the Ogallala.

This appropriations bill includes $600,000 to go to the U.S. Geological Survey to monitor water levels in the Ogallala.

But there is more that must be done.

The $600,000 appropriated in this bill goes to finance work under section 306. That is very important and necessary work. I praise the committee for its action.

But I must note that this is but a small aspect of the entire Ogallala restoration program. The real heart of the full Ogallala title is the cooperative Federal/State program. This cooperative effort is to be established and run through a High Plains Study Council, authorized by section 301 of the Water Resources Research Act.

The council is to be composed of the eight Governors, or their designees, plus representatives of the Departments of Interior and Agriculture. The council has not yet been organized.

I would like to inquire of the two managers, if it is the intent of the committee that the Governors and the agencies move forward soon in organizing the study council, and if, once that occurs, the committee will give most careful attention to the funding of other aspects of title 3, such as the section 302 technical advisory committees, the section 303 and section 304 research program, and the section 305 demonstration program?

Mr. JOHNSTON. The Senator is correct. The State/Federal aspect of title 3 is the key to developing new and effective ways to reverse the decline in the Ogallala Aquifer. It is my hope that that aspect of this important initiative can move forward as soon as possible.

I also note that the Federal/State component of the Ogallala title involves a 25 percent non-Federal contribution. That means that anything we may appropriate next year will be extended through additional non-Federal funds. That will strengthen this program in my view.

Mr. McCLURE. Mr. President, I share the enthusiasm expressed by my good friend from New Mexico [Mr. DOMENICI] and the distinguished majority floor manager [Mr. JOHNSTON]. I will make every effort to examine the needs of the eight Ogallala States in great detail next year, and give this program my most careful review.

As the distinguished floor manager pointed out, the cost sharing in the Ogallala title makes this program particularly attractive.

Mr. DOMENICI. I thank my colleagues for their consideration of this issue. I urge the USGS and the eight Governors to move forward as soon as possible to make this Ogallala restoration program a reality.

Mr. LAUTENBERG. Mr. President, I rise to day to support the Senate's passage of H.R. 2712, the Department of Interior and related agencies appropriations bill for fiscal year 1988.

This bill provides funding to maintain some of our Nation's most important national treasures and natural resources. As a member of the Appropriations Committee, I was also pleased to work for the inclusion of funds to maintain programs important to New Jersey. As the most densely populated State in the Nation, New Jersey benefits greatly from the programs of the National Park Service and other agencies of the Department of the Interior. The value that recreation and natural areas in my State provide to New Jersey residents is immeasurable.

The bill provides funds to continue the land and water conservaton fund, which helps acquire land for recreation all over the country. The bill includes over $31 million for the State grants program. I would urge my colleagues who will serve on the conference committee to work to maintain this level of funding.

Mr. President, this bill also contains funds for land acquisiton to expand New Jersey's only two national wildlife refuges; the Great Swamp and the Edwin B. Forsythe National Wildlife Refuge. The bill also provides additional land acquisition to maintain the Appalachian Trail, which runs through the northern part of my State.

The bill also contains funds to maintain the historic preservation fund, and it also establishes a new program to maintain historic lighthouses across the country. With the oldest standing lighthouse located in New Jersey, at Sandy Hook, and many or important historic lighthouses, I am particularly pleased to see the establishment of a Bicentennial Lighthouse Fund.

For the Department of Energy, I am pleased that the bill contains funds to support the research efforts of the Englehard Corp. in New Jersey, in the area of phosphoric acid fuel cells. The bill also contains funds for the important work of the Clean Coal Program, and the least-cost utility planning initiative of the Department of Energy.

I would like to congratulate the distinguished subcommittee chairman Senator BYRD and the ranking minority member Senator McCLURE for their efforts. I would particularly like to congratualte Senator JOHNSTON for his hard work on this bill.

Mr. CONRAD. I would like to engage the manager, Senator JOHNSTON, in a colloquy concerning Fort Lincoln State Park, in Mandan, ND.

Substantial interest has been expressed in appropriating funds for the restoration and reconstruction of Fort Abraham Lincoln and related structures located at Fort Lincoln State Park in Mandan, ND.

A bill authorizing funds pursuant to the Historic Sites Act of 1935 has been introduced and will likely be considered before the Appropriations Committee considers the fiscal year 1989 Interior appropriation bill. I would like to get the concurrence of the bill manager to have the Park Service carefully evaluate this site and to identify and explore funding options for restoration and reconstruction as well as technical assistance and cooperative agreements in preparation for consideration of the authorization measure. Should the authorization proposal be enacted before fiscal year 1989, I would hope that the committee will carefully consider and evaluate this project for funding in next year's bill.

Mr. JOHNSTON. I agree fully with the intent of of this language. The Senator has done his homework well and the committee should be in an ex-

cellent position to review this project for next year.

LAND ACQUISITION IN RHODE ISLAND

Mr. CHAFEE. Mr. President, I am pleased to see that the committee has recommended an appropriation for almost $73 million from the Land and Water Conservation Fund and an additional $3.5 million from the Migratory Bird Conservation Account for land acquisition by the Fish and Wildlife Service. These recommendations implement the provisions of legislation that I authorized during the last Congress, the Emergency Wetlands Resources Act of 1986.

The rapid loss of open space is one of the most serious environmental problems facing this Nation. In my own State of Rhode Island, the director of the Department of Environmental Management has estimated that we have only 5 years left to save an important but rapidly disappearing resource—open space.

One area of my State that has received Federal attention is the Trustom Pond National Wildlife Refuge. This refuge was established through the donation of 365 acres of migratory bird habitat and protects a tidal pond complex that, in the words of the Fish and Wildlife Service, is "unmatched along the southern coast of New England." In fiscal years 1982 and 1985, we appropriated $423,000 and $637,000, respectively, for acquisition of additional acreage in this refuge. According to the Fish and Wildlife Service, approximately $1 million remains to be appropriated to complete acquisition of this refuge.

The managers of this bill are familiar with the land acquisition needs in Rhode Island and I thank them for their support in this area. My question for my colleagues on the Appropriations Committee is this: although the Trustom Pond Refuge is not specifically mentioned in this bill or the accompanying report, is continued acquisition of this tidal pond complex possible in fiscal year 1988?

Mr. JOHNSTON. I am pleased to report to the Senator from Rhode Island that acquisition of land for the Trustom Pond Refuge can proceed during fiscal year 1988. First, funds previously appropriated but not yet expended are available for this purpose. Second, a portion of the $3 million we have included from the land and water conservation fund for wetland areas along the Atlantic Coastal Plain and the funds for the Migratory Bird Conservation Account, appropriations that are based on the Senator's legislation to preserve and protect wetland areas, may be available for this purpose.

Mr. McCLURE. The Senator from Louisiana has correctly summarized the situation.

Mr. CHAFEE. I thank the distinguished managers of the bill for their assistance.

Mr. BYRD. I call for third reading.

The PRESIDING OFFICER. 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.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the bill before us.

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

Mr. BYRD. 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.

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow morning at 9 o'clock, the vote occur on the passage of the Interior appropriations bill and that paragraph 4 of rule XII be waived.

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

TRADE BILL CONFERENCE

Mr. BENTSEN. Mr. President, today the chairmen and ranking members of the 23 committees conferring on the trade bill, H.R. 3, met and established a conference structure designed to finish this massive conference this year. We established 17 subconferences and a procedure for coordinating the activities of the subconferences. We also established a tentative target for completing our deliberations of November 1, 1987.

This is an ambitious project, over 2,000 pages of legislative text. But it took a high degree of coordination and cooperation to arrive at this structure, and I believe that bodes well for the conference.

I ask unanimous consent that a copy of a document setting forth the complete subconference structure be printed in the RECORD.

TRADE CONFERENCE

Mr. BYRD. Mr. President, I congratulate the distinguished chairman of the Finance Committee, Mr. BENTSEN, and his staff for their success in putting together this highly complex trade conference structure, and for working with the other committee chairman in both Chambers. This agreement, on how to proceed with the omnibus trade bill is an achievement which now clears the way for the 17 subconferences to begin resolving the differences between the two Chambers. It is an historic piece of legislation, and the Senate bill was endorsed by a wide majority of this body. It is a bipartisan measure which the Senate can take pride in.

Our goal of putting an omnibus bill on the President's desk this year is in reach. It addresses the full range of trade and competitiveness issues facing this Nation. It is the first such bill in this decade, and the first bill ever crafted which addresses so many difficult, but interrelated matters. I have discussed the timing of the trade bill with Mr. BENTSEN, and with the House leadership, and we are agreed to set an ambitious goal—a conclusion of the conference by October 30, in time for both Chambers to consider the conference report and put this major legislation on the President's desk before the adjournment of this session. Our goal is a bill that the President will sign, and we are prepared to extend our hand in cooperation with the President to achieve just that result.

I congratulate Mr. BENTSEN and all other committee chairmen who worked so well together to bring us to this new milestone on the road to a more competitive America.

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

H.R. 3 TRADE SUBCONFERENCES

SUBCONFERENCE NO. 1—TRADE AND TARIFF LAWS; TRADE AGREEMENTS

House Conferees

Lead House Committee: Committee on Ways and Means

House bill:

Title I (Secs. 101-199)—Trade Law Amendments, *except:* Sec. 186
Title II (Secs. 201-212)—International Trade in Telecommunications Products and Services
Title VI, Subtitle G (Secs. 691, 692)—Trade Policy Formulation and Implementation

Senate Conferees

Committee on Finance

House bill:

Title I (Secs. 101-199)—Trade Law Amendments, *except:* Sec. 186
Title II (Secs. 201-212)—International Trade in Telecommunications products and Services
Title VI, Subtitle G (Secs. 691, 692)—Trade Policy Formulation and Implementation

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H.R. 3 TRADE SUBCONFERENCES—Continued

House Conferees	Senate Conferees
Sec. 704—Entry processing for textiles and apparel	Sec. 704—Entry processing for textiles and apparel
Title VIII (Secs. 800-894)—Tariff and Customs Provisions	Title VIII (Secs. 800-894)—Tariff and Customs Provisons
Sec. 906—Unreasonable practices	Sec. 906—Unreasonable practices
Sec. 908—Investigations of certain barriers pertaining to trade and services	Sec. 908—Investigations of certain barriers pertaining to trade and services
Sec. 909—Effect of imports on crude oil production and refining capacity in the United States	Sec. 909—Effect of imports on crude oil production and refining capacity in the United States
Title XV (Sec. 1501)—Most-Favored-Nation Treatment to Products of Romania	Title XV (Sec. 1501)—Most-Favored-Nation Treatment to Products of Romania
Senate amendment:	Senate amendment:
Title I (Secs. 101-111)—Authority to Negotiate Trade Agreements	Title I (Secs. 101-111)—Authority to Negotiate Trade Agreements
Title II (Secs. 201-221)—Enhancing Competitiveness	Title II (Secs. 201-221)—Enhancing Competitiveness
Title III (Secs. 301-341)—Unfair International Trade Practices	Title III (Secs. 301-341)—Unfair International Trade Practices
Sec. 401—Remedies under the Tariff Act of 1930	Title IV, Subtitle A (Sec. 401)—Remedies under the Tariff Act of 1930
Title V (Sec. 501)—National Security	Title V (Sec. 501)—National Security
Title VI (Secs. 601-605)—Agreements on Agricultural Trade; Miscellaneous Agricultural Trade Provisions	Title VI (Secs. 601-605)—Agreements on Agricultural Trade; Miscellaneous Agricultural Trade Provisions, *except:* Sec. 603
Title VII (Secs. 701-703)—Authorization of Appropriations for Trade Agencies	Title VII (Secs. 701-703)—Authorization of Appropriations for Trade Agencies
Title VIII (Secs. 801-899D)—Tariff Provisions	Title VIII (Secs. 801-899D)—Tariff Provisions
Title IX (Secs. 901-981)—Miscellaneous Trade Provisions, *except:* Secs. 963-967; 968-972; 974; 975; 977	Title IX (Secs. 901-981)—Miscellaneous Trade Provisions, *except:* Secs. 963-967; 968-972; 974; 975; 977
	Committee on Finance and Committee on Agriculture
	Senate amendment:
	Sec. 602—Representation at negotiations relating to agricultural trade ageements
Joint Conferees on specific provisions:	
Committee on Energy and Commerce	
House bill:	
Title II (Secs. 201-212)—International Trade in Telecommunications Products and Services	
Sec. 908—Investigations of certain barriers pertaining to trade and services	
Sec. 909—Effect of imports on crude oil production and refining capacity in the United States	
Senate amendment:	
Sec. 310—Investigation of barriers in Japan to certain U.S. services	
Title IX, Subtitle A (Secs. 901-913)—Telecommunications trade	
Committee on Agriculture	
House bill:	
Title VI, Subtitle G (Secs. 691, 692)—Trade Policy Formulation and Implementation	
Additional Conferees on specific provisions:	
Committee on Foreign Affairs	
Senate amendment:	
Sec. 308—Use of export enhancement program in cases of alleged unfair agricultural trade	
Sec. 311—Trade and economic relations with Japan	
Sec. 958—Trade with Afghanistan	
Committee on Banking, Finance, and Urban Affairs	
House bill:	
Sec. 126 (insofar as it would add new sections 311(g)(1) and (2) to the Trade Act of 1974)—Currency manipulation	
Senate amendment:	
Sec. 108—Negotiations on currency exchange rates	
Sec. 959—Annual trade report	
Committee on Agriculture	
Senate amendment:	
Sec. 308—Use of export enhancement program in cases of alleged unfair agricultural trade	
Title VI (Secs. 601-605)—Agreements on Agricultural Trade; Miscellaneous Agricultural Trade Provisions, *except:* Sec. 603	
Committee on Energy and Commerce	
House bill:	
Sec. 104—Congressional liaison regarding trade policy and agreements	

H.R. 3 TRADE SUBCONFERENCES—Continued

House Conferees

Sec. 121*—Action required in response to determinations
Sec. 124*—Action decisions by Trade Representative
Sec. 181—Functions (USTR)
Sec. 183—Report by U.S. Trade Representative under sec. 181
Sec. 198—Purchases of U.S.-made automotive parts by Japan
Sec. 906—Unreasonable practices

Senate amendment:

Sec. 201 (insofar as it would add new sections 204(d)(1)(B)(ii) and (204(d)(2)(B) through (E) to the Trade Act of 1974)—Investigations under section 201 of the Trade Act of 1974
Sec. 306*—Actions in response to investigations under Title II of the Trade Act of 1974
Sec. 307*—Miscellaneous amendments to section 301 of the Trade Act of 1974

Committee on the Judiciary

House bill:
Sec. 166—Civil actions for recovery of damages
Title I, Subtitle E (secs. 171-173)—Intellectual property rights
Sec. 872—Scofflaw penalties for multiple customs law offenders
Sec. 873—Import marking provisions

Senate amendment:

Sec. 201 (insofar as it would add new section 203(f) to the Trade Act of 1974)—Investigations under section 201 of the Trade Act of 1974
Sec. 401—Remedies under the Tariff Act of 1930

Committee on Rules

House bill:
Sec. 114(d), (e)—Implementation of trade agreements

Senate amendment:

Sec. 104—Implementation of trade agreements
Sec. 107—Accession of State trading regimes to existing multilateral trade agreements
Sec. 110—Implementation of trade agreements

Senate Conferees

* Except for those matters relating to suspension, withdrawal, or prevention of trade agreement concessions or to imposition of duties or other import restrictions on goods.

SUBCONFERENCE NO. 2—TRADE AND FOREIGN POLICY

House Conferees

Lead House Committee: Committee on Foreign Affairs

House bill:

Sec. 321—Findings and sense of Congress with respect to the European Community
Sec. 363—Relations with Mexico
Sec. 907—Bilateral trade between the U.S. and Mexico

Senate amendment:
Sec. 413—Monitoring foreign intellectual property systems
Sec. 414—Foreign assistance for development of programs to protect intellectual property rights
Sec. 415—U.S. intellectual property training institute
Sec. 963—Findings

Sec. 967—Relations with nations providing offensive weaponry to belligerent states in the Persian Gulf region
Secs. 968-972—"Fair Trade in Auto Parts Act of 1987"
Sec. 977—Commercial relations with Mexico

Primary House Committee on specific provisions: Committee on Ways and Means

Senate amendment:

Sec. 411—Findings
Sec. 412—Monitoring of technology transfers
Sec. 416—Unfair competitive practice involving intellectual property
Sec. 964—Policy in the event of certain actions by Iran
Sec. 965—Policy toward purposeful attack from other states in the Persian Gulf region
Sec. 966—Definitions

Joint Conferees on specific provisions:

Senate Conferees

Committee on Finance

House bill:

Sec. 321—Findings and sense of Congress with respect to the European Community
Sec. 363—Relations with Mexico
Sec. 907—Bilateral trade between the U.S. and Mexico

Senate amendment:
Title IV, Subtitle B (Secs. 411-416)—Access to Technology
Sec. 963—Findings

Sec. 964—Policy in the event of certain actions by Iran
Sec. 965—Policy toward purposeful attack from other states in the Persian Gulf region
Sec. 966—Definitions
Sec. 967—Relations with nations providing offensive weaponry to belligerent states in the Persian Gulf region
Secs. 968-972—"Fair Trade in Auto Parts Act of 1987"
Sec. 977—Commercial relations with Mexico

SUBCONFERENCE NO. 2—TRADE AND FOREIGN POLICY—Continued

House Conferees

Committee on Ways and Means

House bill:

Sec. 321—Findings and sense of Congress with respect to the European Community
Sec. 363—Relations with Mexico
Sec. 907—Bilateral trade between the U.S. and Mexico

Senate amendment:

Sec. 977—Commercial relations with Mexico

Committee on Banking, Finance and Urban Affairs

House bill:

Sec. 907—Bilateral trade between the U.S. and Mexico

Committee on Agriculture

House bill:

Sec. 321—Findings and sense of Congress with respect to the European Community

Committee on the Judiciary

Senate amendment:

Sec. 415—U.S. intellectual property training institute

Additional Conferees on specific provisions:

Committee on Ways and Means

Senate amendment:

Secs. 968-972—"Fair Trade in Automotive Parts Act of 1987"

Committee on Foreign Affairs

Senate amendment:

Sec. 412—Monitoring of technology transfers
Sec. 964—Policy in the event of certain actions by Iran
Sec. 965—Policy toward purposeful attack from other states in the Persian Gulf region
Sec. 966—Definitions

Committee on Energy and Commerce

House bill:

Sec. 907—Bilateral trade between the U.S. and Mexico

Senate amendment:

Secs. 968-972—"Fair Trade in Auto Parts Act of 1987"

Committee on Science, Space, and Technology

Senate amendment:

Sec. 412—Monitoring of technology transfers

Committee on the Judiciary

Senate amendment:

Sec. 416—Unfair competitive practice involving intellectual property

Senate Conferees

SUBCONFERENCE NO. 3—EXPORT CONTROLS: EXPORT PROMOTION

House Conferees

Lead House Committee: Committee on Foreign Affairs

House bill:

Sec. 301—Short title
Sec. 302—Findings and purposes
Sec. 311—U.S. and foreign commercial service
Sec. 312—Diplomatic missions
Sec. 313—Commercial service officers and development banks
Sec. 314—Market development cooperator program and trade shows
Sec. 315—Establishment of U.S. and foreign commercial service Pacific Rim initiative
Sec. 317—Printing at overseas locations
Sec. 324—Export promotion data system
Sec. 325—Preshipment inspection regulation program
Sec. 326—Report on export trading companies
Title III, Subtitle B (Secs. 331-340)—Export Controls
Sec. 341—International negotiations
Sec. 361—Trading with the Enemy Act
Sec. 362—Limitation on exercise of emergency authorities

Senate Conferees

Committee on Banking, Housing, and Urban Affairs

House bill:

Sec. 301—Short title
Sec. 302—Findings and purposes
Sec. 311—U.S. and foreign commercial service, *except:* Sec. 311(d)(2)
Sec. 312—Diplomatic missions
Sec. 314—Market development cooperator program and trade shows
Sec. 315—Establishment of U.S. and foreign commercial service Pacific Rim initiative
Sec. 317—Printing at overseas locations
Sec. 325—Preshipment inspection regulation program
Sec. 326—Report on export trading companies
Title III, Subtitle B (Secs. 331-340)—Export Controls
Sec. 341—International negotiations
Sec. 362—Limitation on exercise or emergency authorities
Sec. 364—Budget Act

SUBCONFERENCE NO. 3—EXPORT CONTROLS: EXPORT PROMOTION—Continued

House Conferees

Sec. 364—Budget Act

Senate amendment:

Title X (Secs. 1001-1036)—Export Administration Act Amendments
Sec. 1104—Office of Export Trade
Sec. 1105—Report on export promotion intermediaries

Title XII (Secs. 1201-1207)—Export Promotion

Joint Conferees on specific provisions:

Committee on Ways and Means

Senate amendment:

Sec. 1030—Findings
Sec. 1031—Mandatory sanctions against Toshiba and Kongsberg
Sec. 1032—Mandatory sanctions
Sec. 1033—Discretionary sanctions authority

Committee on Banking, Finance and Urban Affairs

House bill:

Sec. 326—Report on export trading companies
Sec. 341—International negotiations

Senate amendment:

Sec. 1026—Responsibilities of the Under Secretary of Commerce for Export Administration
Sec. 1027—Authorization of appropriations
Sec. 1105—Report on export promotion intermediaries

Committee on Energy and Commerce

House bill:

Sec. 324—Export promotion data system

Committee on the Judiciary

House bill:

Sec. 326—Report on export trading companies

Senate amendment:

Sec. 1105—Report on export promotion intermediaries

Committee on Government Operations

Senate amendment:

Sec. 1030—Findings
Sec. 1031—Mandatory sanctions against Toshiba and Kongsberg
Sec. 1032—Mandatory sanctions
Sec. 1033—Discretionary sanctions authority

Committee on Armed Services

Senate amendment:

Sec. 1030—Findings
Sec. 1031—Mandatory sanctions against Toshiba and Kongsberg
Sec. 1032—Mandatory sanctions
Sec. 1033—Discretionary sanctions authority
Sec. 1034—Annual report of defense impact

Additional Conferees on specific provisions:
Committee on Banking, Finance and Urban Affairs

House bill:

Sec. 313—Commercial service officers and development banks

Senate amendment:

Sec. 1201—Export promotion activities of foreign commercial service officers
Sec. 1203—Multilateral development bank liaison

Senate Conferees

Senate amendment:

Title X (Secs. 1001-1036)—Export Administration Act Amendments
Sec. 1104—Office of Export Trade
Sec. 1105—Report on export promotion intermediaries
Title XII (Secs. 1201-1207)—Export Promotion

Committee on Banking, Housing, and Urban Affairs and Committee on Foreign Relations

House bill:

Sec. 311(d)(2)—U.S. and foreign commercial service
Sec. 313—Commercial service officers and development banks

Committee on Banking, Housing, and Urban Affairs and Committee on Governmental Affairs

House bill:

Sec. 324—Export promotion data system

Committee on the Judiciary

House bill:

Sec. 361—Trading with the Enemy Act

SUBCONFERENCE NO. 3—EXPORT CONTROLS: EXPORT PROMOTION—Continued

House Conferees

Committee on Energy and Commerce

House bill:

Sec. 311—U.S. and foreign commercial service
Sec. 312—Diplomatic missions
Sec. 313—Commercial service officers and development banks
Sec. 314—Market development cooperator program and trade shows
Sec. 315—Establishment of U.S. and foreign commercial service Pacific Rim initiative
Sec. 331—Oil exports

Senate amendment:

Title XII (Secs. 1201-1207)—Export Promotion, *except:* Sec. 1207

Committee on Small Business

House bill:

Sec. 314 (insofar as it would add new section 203(c) to the Export Administration Amendments Act of 1985)—Market development cooperator program and trade shows

Committee on Armed Services

Senate amendment:

Sec. 1021—National security review

Senate Conferees

SUBCONFERENCE NO. 4—EXPORT ENHANCEMENT

House Conferees

Lead House Committee: Committee on Foreign Affairs

House bill:

Sec. 316—Commerical personnel at the American Institute of Taiwan
Sec. 323—Country reports on economic policy and trade practices
Title III, Subtitle C (Secs. 341-346)—Debt, Development; and World Growth, *except:* Sec. 341
Title III, Subtitle D (Sec. 351)—Protection of U.S. intellectual property
Sec. 912—Reports on countertrade and offsets

Senate amendment:

Title XVIII (Secs. 1801-1809—Trade Enhancement
Title XX (Secs. 2001-2012)—International Financial Affairs: Miscellaneous Provisions, *except:* Secs. 2001; 2008
Sec. 4501—Office of Barter and Countertrade

Title XLVII (Secs. 4701-4711)—Assistance to Poland

Sec. 4901—Sense of the Senate regarding Japanese purchase of new fighter aircraft

Joint Conferees on specific provisions:

Committee on Ways and Means

House bill:

Sec. 323—Country reports on economic policy and trade practices
Sec. 351—Protection of U.S. intellectual property

Senate Conferees

Committee on Foreign Relations

House bill:

Sec. 316—Commerical personnel at the American Institute of Taiwan
Sec. 323—Country reports on economic policy and trade practices
Sec. 342—Trade liberalization in developing countries

Sec. 343—Overseas Private Investment Corporation

Sec. 344—Trade and Development Program
Sec. 346—Limitation on procurement in foreign assistance programs
Title III, Subtitle D (Sec. 351)—Protection of U.S. intellectual property

Senate amendment:

Title XVIII—(Secs. 1801-1809—Trade Enhancement
Title XX (Secs. 2001-2012)—International Financial Affairs: Miscellaneous Provisions, *except:* Secs. 2001; 2008
Title XLVII (Secs. 4701-4711)—Assistance to Poland, *except:* Secs. 4705-4709
Sec. 4901—Sense of the Senate regarding Japanese purchase of new fighter aircraft

Committee on Foreign Regulations and Committee on Agriculture

Senate Amendment:

Sec. 4705—Agricultural assistance for Poland
Sec. 4706—Donation of surplus agricultural commodities
Sec. 4707—Use of Polish currencies
Sec. 4708—Eligible products
Sec. 4709—Joint commission

Committee on Commerce, Science, and Transportation

House bill:

Sec. 345—Countertrade
Sec. 912—Reports on countertrade and offsets

Senate amendment:

Sec. 4501—Office of Barter and Countertrade

SUBCONFERENCE NO. 4—EXPORT ENHANCEMENT—Continued

House Conferees	Senate Conferees
Senate amendment:	
Sec. 2002—Report	
Committee on Banking, Finance and Urban affairs	
House bill:	
Sec. 344—Trade and development program	
Senate amendment:	
Sec. 1801—Multilateral development bank procurement Sec. 1805—Tied aid credits and Trade and Development Program Sec. 2012—Effective date	
Committee on Agriculture	
Senate amendment:	
Sec. 4706—Donation of surplus agricultural commodities	
Committee on Energy and Commerce	
Senate amendment:	
Sec. 1801—Multilateral development bank procurement	
Committee on the Judiciary	
House bill:	
Sec. 351—Protection of U.S. intellectual property	
Senate amendment:	
Sec. 1806—Protection of U.S. intellectual property	
Committee on Merchant Marine and Fisheries	
Senate amendment:	
Sec. 2011—Reflagging Kuwaiti vessels	
Additional Conferees on specific provisions:	
Committee on Banking, Finance, and Urban Affairs	
House bill:	
Sec. 345—Countertrade Sec. 912—Reports on countertrade and offsets	
Senate amendment:	
Sec. 4501—Office of Barter and Countertrade	
Committee on Energy and Commerce	
House bill:	
Sec. 316—Commercial personnel at the American Institute of Taiwan Sec. 345—Countertrade Sec. 912—Reports on countertrade and offsets	
Senate amendment:	
Sec. 1802—Commercial personnel at the American Institute of Taiwan Sec. 4501—Office of Barter and Countertrade	
Committee on the Judiciary	
House bill:	
Sec. 912—Report on countertrade and offsets	
Committee on Small Business	
Senate amendment:	
Sec. 1804 (insofar as it would add new section 661(d)(2)(B) to the Foreign Assistance Act of 1961)—Trade and Development Program	
Committee on Armed Services	
Senate amendment:	
Sec. 4901—Sense of the Senate regarding Japanese purchase of new fighter aircraft	

SUBCONFERENCE NO. 5—INTERNATIONAL FINANCIAL POLICY

House Conferees	Senate Conferees
Lead House Committee: Committee on Banking, Finance and Urban Affairs	*Committee on Banking, Housing, and Urban Affairs*
House bill:	House bill:
Sec. 322—Export-Import Bank	Sec. 322—Export-Import Bank

SUBCONFERENCE NO. 5—INTERNATIONAL FINANCIAL POLICY—Continued

House Conferees

Title IV—International Financial and Trade Policy (Secs. 401-477), *except:* Subtitle D (Secs. 461-471)
Sec. 702—Financial services study

Senate amendment:

Sec. 1101—Definition of export trading company
Sec. 1102—Leverage
Sec. 1103—Inventory
Sec. 1106—Amendments to section 2(e) of the Export-Import Bank Act of 1945
Title XIII (Secs. 1301-1305)—Exchange Rates and International Economic Policy Coordination
Title XV (Secs. 1501-1506)—National Treatment of Financial Institutions
Title XVII (Secs. 1701-1724)—International Debt
Title XIX (Secs. 1901-1911)—Multilateral Investment Guaranty Agency
Sec. 2001—Budget offset for MIGA authorization of appropriations
Sec. 2008—Limited purposes special drawing rights for the poorest heavily indebted countries
Secs. 2178-2180A—"Foreign Agricultural Investment Reform (FAIR) Act" (except sec. 2180B)

Primary House Committee on specific provisions: Committee on the Judiciary

Senate amendment:

Sec. 1107—Amendments to the Export Trading Company Act

House bill:

Joint Conferees on specific provisions:

Committee on Foreign Affairs

House bill:

Sec. 451—Amendments to Trade and Development Enhancement Act of 1983
Sec. 702—Financial services study

Senate amendment:

Sec. 1304—International negotiations on exchange rates and economic policy coordination

Senate Conferees

Title IV, Subtitle A (Secs. 401-408)—Competitive Exchange Rate Act of 1987, *except*: Sec. 407
Title IV, Subtitle B, Chapter 1 (Secs. 411-414)—Short Title; Findings; Purposes; and Definitions
Sec. 422—Provisions relating to the regulation of depository institutions
Sec. 427—Structural adjustment lending
Sec. 428—Equal access to government debt instruments required
Sec. 432—Mobilization of private capital
Sec. 433—More flexible procedures for rescheduling of debt service payments for less developed countries
Sec. 452—Provisions relating to Export-Import Bank

Title IV, Subtitle E (Secs. 476, 477)—Export Trading Company Amendments
Sec. 702—Financial services study
Senate amendment:

Sec. 1101—Definition of export trading company
Sec. 1102—Leverage

Sec. 1103—Inventory

Sec. 1106—Amendments to section 2(e) of the Export-Import Bank Act of 1945
Sec. 1107—Amendments to the Export Trading Company Act
Title XIII (Sec. 1301-1305)—Exchange Rates and International Economic Policy Coordination

Title XV (Secs. 1501-1506)—National Treatment of Financial Institutions

Committee on Banking, Housing, and Urban Affairs and Committee on Foreign Relations

Sec. 407—Congressional recognition of the recommendations of the International Monetary Fund
Sec. 421—Limited purpose Special Drawing Rights for the poorest heavily indebted countries
Sec. 423—Negotiations to establish an international debt management authority to address sovereign debt
Sec. 424—Action by multilateral institutions
Sec. 425—Reducing capital flight
Sec. 426—Study and report on certain International Monetary Fund activities
Sec. 431—Private capital sources for developing nations
Sec. 451—Amendments to Trade and Development Enhancement Act of 1983

Senate amendment:

Title XVII (Sec. 1701-1724)—International Debt

Committee on Foreign Relations

House bill:

Title IV, Subtitle B, Chapter 4 (Secs. 436-445)—Multilateral Investment Guarantee Agency
Title IV. Substitle B, Chapter 5 (Secs.446-447)—Inter-American Development Bank

Senate amendment:

Title XIX (Secs. 1901-1911)—Multilateral Investment Guaranty Agency
Sec. 2001—Budget offset for MIGA authorization of appropriations
Sec. 2008—Limited purpose special drawing rights for the poorest heavily indebted countries
Secs. 2178-2180A—"Foreign Agricultural Investment Reform (FAIR) Act" (except sec. 2180B)

SUBCONFERENCE NO. 5—INTERNATIONAL FINANCIAL POLICY—Continued

House Conferees

Sec. 1504—Biennial reports on foreign treatment of U.S. financial institutions
Sec. 1505—Fair trade in financial services

Committee on Energy and Commerce

House bill:

Sec. 702—Financial services study

Senate amendment:

Sec. 1503—Effectuating the principle of national treatment for brokers and dealers
Sec. 1505—Fair trade in financial services

Committee on the Judiciary

Senate amendment:

Sec. 1908—Jurisdiction of U.S. courts and enforcement of arbitral awards
Sec. 1910—Arbitral awards

Additional Conferees on specific provisions:

Committee on Foreign Affairs

House bill:

Sec. 322—Export-Import Bank

Senate Conferees

SUBCONFERENCE NO. 6—AGRICULTURAL TRADE

House Conferees

Lead House Committee:
Committee on Agriculture

House bill:

Sec. 318—Agricultural trade policy
Sec. 319—Joint development assistance agreements with certain trading partners
Sec. 320—Food aid and market development
Title VI (Secs. 601-692)—Agricultural Trade, *except*: Subtitle G (Secs. 691, 692)

Senate amendment:

Sec. 974—U.S. access to the Korean beef market
Sec. 975—U.S. access to the Japanese beef market
Title XXI (Secs. 2101-2199)—Agriculture, *except*: Secs. 2178-2180A; 2185-2188

Joint Conferees on specific provisions:

Committee on Ways and Means

House bill:

Sec. 613—Study of Canadian wheat import licensing requirements

Sec. 626—Sense of Congress-Japanese beef market
Sec. 627—Sense of Congress-Korea's beef market
Title VI, Subtitle F (Secs. 671-682)—Domestic markets for Agricultural Commodities and Products, *except*: Sec. 676

Senate amendment:

Sec. 974—U.S. access to the Korean beef market
Sec. 975—U.S. access to the Japanese beef market
Sec. 2112—Agricultural trade with countries with large trade surpluses
Sec. 2128—Assistance for victims of unfair agricultural trade practices and policies
Sec. 2171—Application of marketing orders to imports
Sec. 2173—Reciprocal meat inspection requirement
Sec. 2174—Agricultural import data
Sec. 2175—Monitoring egg imports
Sec. 2191—Study of dairy import quotas
Sec. 2193—Study of honey imports
Sec. 2194—Study of circumvention of agricultural quotas

Committee on Foreign Affairs

House bill:

Sec. 318—Agricultural trade policy
Sec. 319—Joint development assistance agreements with certain trading partners
Sec. 320—Food aid and market development

Senate Conferees

Committee on Agriculture

House bill:

Sec. 318—Agricultural trade policy
Sec. 319—Joint development assistance agreements with certain trading partners
Sec. 320—Food aid and market development
Title VI (Secs. 601-692)—Agricultural Trade, *except*: Subtitle G (Secs. 691, 692)—Trade Policy Formulation and Implementation

Senate amendment:

Sec. 974—U.S. access to the Korean beef market
Sec. 975—U.S. access to the Japanese beef market
Title XXI (Secs. 2101-2199)—Agriculture, *except*: Secs. 2178-2180A; 2185-2188

SUBCONFERENCE NO. 6—AGRICULTURAL TRADE—Continued

House Conferees

Title VI, Subtitle A (Secs. 601-613)—Improvement of Agricultural Trade Policy and Market Development Activities, *except:* Sec. 613
Sec. 621—Sense of Congress—Export assistance programs
Sec. 622—Export Enhancement Program under section 1127 of the Food Security Act of 1985
Sec. 623—Sense of Congress—Implementation of sections 1129 and 1167 of the Food Security Act of 1985
Sec. 625—Export sales of government stocks at subsidized prices
Sec. Title VI, Subtitle C (Secs. 631-649)—Agricultural Aid and Trade, EXCEPT; SEC. 638—
Sec. 651—Developing markets for wood and wood products under the short-term and intermediate-term export credit programs
Sec. 653—Use of Department of Agriculture programs
Sec. 663—International efforts to reduce grain production

Senate amendment:

Title XXI, Subtitle A (Secs. 2111-2114)—Findings, Policies, and Objectives, *except:* Sec. 2112
Title XXI, Subtitle B (Secs. 2121-2129)—Agricultural Trade Initiatives, *except:* Sec. 2128
Title XXI, Subtitle C (Secs. 2131-2139B)—Existing Agricultural Trade Programs, *except:* Secs. 2131; 2137; 2139
Title XXI, Subtitle D (Secs. 2121-2147)—Agricultural Aid and Trade Missions
Title XXI, Subtitle E (Secs. 2151-2159)—Public Law 480
Title XXI, Subtitle F (Secs. 2161-2166)—Section 416
Sec. 2180B—Use of commodities in lieu of cash
Sec. 2181—Developing markets for wood and wood products under Public Law 480
Sec. 2182—Developing markets for wood and products under the short-term and intermediate-term export credit programs
Sec. 2184—Use of Department of Agricultural programs
Sec. 2192—Report on intermediate export credit

Additional Conferees on specific provisions:

Committee on Ways and Means

House bill:

Sec. 605—Establishment of an Office to monitor trade practices
Sec. 606—Establishment of an Office to provide assistance to victims of unfair trade practices
Sec. 607—Long-term agricultural trade strategy
Sec. 611—Technical assistance in trade negotiations
Sec. 663—International efforts to reduce grain production

Senate amendment:

Sec. 2113—Elimination of barriers to agricultural trade
Sec. 2114—Japanese barriers and tariffs on U.S. agricultural products
Sec. 2136—Agricultural attache reports

Committee on Foreign Affairs

House bill:

Sec. 664—Sense of Congress—Minimum level of food assistance

Committee on Rules

Senate amendment:

Sec. 2131—Triggered marketing loan program

Senate Conferees

SUBCONFERENCE NO. 7—INVESTMENT; COMPETITIVENESS; FOREIGN CORRUPT PRACTICES ACT

House Conferees

Lead House Committee:
Committee on Energy and Commerce

House bill:

Sec. 701—Foreign Corrupt Practices Act amendments
Sec. 703—Registration of foreign-held interests in U.S. property
Sec. 903—Competitiveness development program
Sec. 904—Related initiatives to support the program of enhanced competitiveness
Sec. 905—National security and essential commerce
Sec. 910—Impact of national defense expenditures on international competitiveness

Senate Conferees

Committee on Banking, Housing, and Urban Affairs

House bill:

Sec. 701—Foreign Corrupt Practices Act amendments

Sec. 903—Competitiveness development program
Sec. 904—Related initiatives to support the program of enhanced competitiveness
Sec. 905—National security and essential commerce
Sec. 910—Impact of national defense expenditures on international competitiveness

SUBCONFERENCE NO. 7—INVESTMENT; COMPETITIVENESS; FOREIGN CORRUPT PRACTICES ACT—Continued

House Conferees

Senate amendment:

Title XIV (Sec. 1401)—Authority to review certain mergers, acquisitions, and takeovers
Title XVI (Secs. 1601-1605)—Foreign Corrupt Practices

Joint Conferees on specific provisions:

Committee on Foreign Affairs

House bill:

Sec. 701—Foreign Corrupt Practics Act amendments
Sec. 903—Competitiveness development program
Sec. 905—National security and essential commerce

Senate amendment:

Title XIV (Sec. 1401)—Authority to review certain mergers, acquisitions, and takeovers
Title XVI (Secs. 1601-1605)—Foreign Corrupt Practices

Committee on Banking, Finance, and Urban Affairs

House bill:

Sec. 905—National security and essential commerce

Senate amendment:

Title XIV (Sec. 1401)—Authority to review certain mergers, acquisitions, and takeovers

Committee on the Judiciary

House bill:

Sec. 905—National security and essential commerce

Senate amendment:

Title XIV (Sec. 1401)—Authority to review certain mergers, acquisitions, and takeovers

Additional Conferees on specific provisions:

Committee on Foreign Affairs

House bill:

Sec. 703—Registration of foreign-held interests in U.S. property

Committee on Education and Labor

House bill:

Sec. 904—Related initiatives to support the program of enhanced competitiveness

Committee on Science, Space, and Technology

House bill:

Sec. 904—Related initiatives to support the program of enhanced competitiveness

Committee on the Judiciary

House bill:

Sec. 701—Foreign Corrupt Practices Act amendments
Sec. 703(h)—Registration of foreign-held interests in U.S. property

Senate amendment:

Title XVI (Secs. 1601-1605)—Foreign Corrupt Practices, *except:* Secs. 1601; 1602

Senate Conferees

Senate amendment:

Title XIV (Sec. 1401)—Authority to review certain mergers, acquisitions, and takeovers
Title XVI (Secs. 1601-1605)—Foreign Corrupt Practices

Committee on Commerce, Science, and Transportation

House bill:

Sec. 703—Registration of foreign-held interests in U.S. property

SUBCONFERENCE NO. 8—EDUCATION AND LABOR

House Conferees

Lead House Committee:
Committee on Education and Labor

House bill:

Title V—Education and Training for American Competitiveness

Senate amendment:

Title XXII—Employment and Training for Dislocated Workers
Title XXIII—Education for Economic Security
Title XXIV—Foreign Language Assistance

Senate Conferees

Committee on Labor and Human Resources

House bill:

Title V—Education and Training for American Competitiveness

Senate amendment:

Title XXII—Employment and Training for Dislocated Workers
Title XXIII—Education for Economic Security
Title XXIV—Foreign Language Assistance

SUBCONFERENCE NO. 8—EDUCATION AND LABOR—Continued

House Conferees	Senate Conferees
Title XXV—Education for Disadvantaged Children	Title XXV—Education for Disadvantaged Children
Title XXVI—Educational Partnerships	Title XXVI—Educational Partnerships
Title XXVII—Training Technology Transfer	Title XXVII—Training Technology Transfer
Title XXVIII—Higher Education	Title XXVIII—Higher Education
Title XXIX—Vocational Education	Title XXIX—Vocational Education
Title XXX—National Center for Research and Development in the Education of Gifted and Talented Children and Youth	Title XXX—National Center for Research and Development in the Education of Gifted and Talented Children and Youth
Title XXXI—Assistance to Address School Dropout Problems	Title XXXI—Assistance to Address School Dropout Problems
Title XXXII—Literacy Assistance	Title XXXII—Literacy Assistance
Additional Conferees on specific provisions:	
Committee on Science, Space, and Technology	
Senate amendment:	
Sec. 2305—Program for the coordination and joint support of mathematics, science, and engineering instruction authorized	

H.R. 3 TRADE SUBCONFERENCES

SUBCONFERENCE NO. 9—TECHNOLOGY

House Conferees	Senate Conferees
Lead House Committee:	
Committee on Science, Space and Technology	*Committee on Commerce, Science, and Transportation*
Senate amendment:	Senate amendment:
Title XXXVIII, Subtitle E (Sec. 3871)—Committee on Symmetrical Access to Technological Research	Title XL—National Institute of Technology
Title XXXVIII, Subtitle F (Secs. 3881-3884)—National Critical Materials Council	Title XLI—Technology Extension Activities
Title XL—National Institute of Technology	Title XLII—Advanced Technology Program
Title XLI—Technology Extension Activities	Title XLIII—Reports on Semiconductors, Superconductors, and Advanced Manufacturing Technology
Title XLII—Advanced Technology Program	Title XLIV—Authorization of Appropriations for Technology Activities
Title XLIII—Reports on Semiconductors, Superconductors, and Advanced Manufacturing Technology	Title XLV (Sec. 4501-4505)—Miscellaneous Technology and Commerce Provisions, *except:* Secs. 4501; 4502
Title XLIV—Authorization of Appropriations for Technology Activities	Sec. 4902—Metric System
Title XLV (Secs. 4501-4505)—Miscellaneous Technology and Commerce Provisions, *except:* Secs. 4501; 4502	
Sec. 4902—Metric System	
	Committee on Governmental Affairs
	Senate amendment:
	Title XXXVIII, Subtitle E (Sec. 3871)—Committee on Symmetrical Access to Technological Research
	Title XXXVIII, Subtitle F (Secs. 3881-3884)—National Critical Materials Council
Joint Conferees on specific provisions:	
Committee on Ways and Means	
Senate amendment:	
Sec. 3871—Establishment of Committee	
Committee on Foreign Affairs	
Senate amendment:	
Sec. 3881—New national Federal program plan for advanced materials research and development	

SUBCONFERENCE NO. 10—GOVERNMENT PROCUREMENT

House Conferees	Senate Conferees
Lead House Committee:	
Committee on Government Operations	*Committee on Government Affairs*
House bill:	House bill:
Title X (Secs. 1001-1004—Buy American Act of 1987	Title X (Secs. 1001-1004)—Buy American Act of 1987

SUBCONFERENCE NO. 10—GOVERNMENT PROCUREMENT—Continued

House Conferees

Joint Conferees on specific provisions:

Committee on Ways and Means

House bill:

Title X (Secs. 1001-1004)—Buy American Act of 1987

Senate Conferees

SUBCONFERENCE NO. 11—PATENT LAW

House Conferees

Lead House Committee:
Committee on the Judiciary

House bill:

Title XIV—Patented Processes

Senate amendment:

Title XXXIII—Process Patent Amendments Act of 1987
Title XXXIV—Patent Misuse Doctrine Reform
Title XXXV—Licensee Challenges to Patent Validity
Title XXXVI—Pharmaceutical Patent Term Restoration Act Amendments

Senate Conferees

Committee on the Judiciary

House bill:

Title XIV—Patented Processes

Sente amendment:

Title XXXIII—Process Patent Amendments Act of 1987
Title XXXIV—Patent Misuse Doctrine Reform
Title XXXV—Licensee Challenges to Patent Validity
Title XXXVI—Pharmaceutical Patent Term Restoration Act Amendments

SUBCONFERENCE NO. 12—SMALL BUSINESS

House Conferees

Lead House Committee:
Committee on Small Business

House bill:

Title XIII (Secs. 1301-1312)—Small Business
Senate amendment:
Title XXXIX (Secs. 3901-3912)—Small Business

Primary House Committee on specific provisions:

Committee on Ways and Means

House bill:

Sec. 186—Trade remedy assistance office

Senate amendment:

Title XXXVII (Sec. 3701)—Office of Small Business Trade Remedy Assistance

Additional Conferees on specific provisions:

Committee on Ways and Means

Senate amendment:

Sec. 3911—Trade negotiations

Committee on Small Business

House bill:

Sec. 186—Trade remedy assistance office

Senate amendment:

Title XXXVII (Sec. 3701)—Office of Small Business Trade Remedy Assistance

Committee on Foreign Affairs

House bill:

Sec. 1303—Changes in existing Small Business Administration
Sec. 1[illegible] Specific reports required
Sec. 1305—Expo[illegible] financing provided by the Administration
Sec. 1306—Small bu[illegible]ness development centers
Sec. 1310—National Conference on Small Business Exports

Senate amendment:

Sec. 3902—Declaration of policy
Sec. 3903—Changes in existing Small Business Administration International Trade Office
Sec. 3904—Authorization of appropriations: Office of International Trade
Sec. 3905—Specific reports required
Sec. 3906—Export financing provided by the Administration
Sec. 3907—Small Business Export Assistance Centers
Sec. 3910—National Conference on Small Business Exports
Sec. 3912—Promulgation of regulations

Senate Conferees

Committee on Small Business

House bill:

Title XIII (Secs. 1301-1312)—Small Business
Senate amendment:
Title XXXIX (Secs. 3901-3912)—Small Business

Committee on Governmental Affairs

House bill:

Sec. 186—Trade remedy assistance office

Senate amendment:

Title XXXVII (Sec. 3701)—Office of Small Business Trade Remedy Assistance

SUBCONFERENCE NO. 12—SMALL BUSINESS—Continued

House Conferees

Committee on Banking, Finance, and Urban Affairs

House bill:

Sec. 1303—Changes in existing Small Business Administration

Senate amendment:

Sec. 3903—Changes in existing Small Business Administration International Trade Office

Sec. 3906—Export financing provided by the Administration

Committee on Science, Space, and Technology

Senate amendment:

Sec. 3909—Small business innovation research

Senate Conferees

SUBCONFERENCE NO. 13—COUNCIL ON COMPETITIVENESS

House Conferees

Lead House Committee:
Committee on Banking, Finance, and Urban Affairs

House Bill:

Title IV, Subtitle D (Secs. 461-471)—Council on Industrial Competitivenes Act

Senate amendment:

Title XXXVIII, Subtitle A (Secs. 3801-3809)—Council on Economic Competitiveness

Additional Conferees on specific provisions:

Committee on Foreign Affairs

House bill:

Title IV, Subtitle D (secs. 461-471)—Council on Industrial Competitiveness Act

Senate amendment:

Title XXXVIII, Subtitle A (Secs. 3801-3809)—Council on Economic Competitiveness

Committee on Energy and Commerce

House bill:

Title IV, Subtitle D (secs. 461-471)—Council on Industrial Competitiveness Act

Senate amendment:

Title XXXVIII, Subtitle A (Secs. 3801-3809)—Council on Economic Competitiveness

Committee on Science, Space, and Technology

House bill:

Title IV, Subtitle D (secs. 461-471)—Council on Industrial Competitiveness Act

Senate amendment:

Title XXXVIII, Subtitle A (Secs. 3801-3809)—Council on Economic Competitiveness

Committee on Government Operations

House bill:

Title IV, Subtitle D (secs. 461-471)—Council on Industrial Competitiveness Act

Senate amendment:

Title XXXVIII, Subtitle A (Secs. 3801-3809)—Council on Economic Competitiveness

Senate Conferees

Committee on Governmental Affairs

House bill:

Title IV, Subtitle D (Secs. 461-471)—Council on Industrial Competitiveness Act

Senate amendment:

Title XXXVIII, Subtitle A (Secs. 3801-3809)—Council on Economic Competitiveness

SUBCONFERENCE NO. 14—OCEAN AND AIR TRANSPORTATION

House Conferees

Lead House Committee: Committee on Merchant Marine and Fisheries

House bill:

Title XI (Secs. 1101-1110)—Ocean Transportation

Senate Conferees

Committee on Commerce, Science, and Transportation

House bill:

Title XI (Secs. 1101-1110)—Ocean Transportation

Title XII (Secs. 1201-1203)—International Air Transportation Fair Competitive Practices

SUBCONFERENCE NO. 14—OCEAN AND AIR TRANSPORTATION—Continued

House Conferees

Senate amendment:

Title XLVI (Secs. 4601, 4602)—Foreign Shipping Practices

Lead House Committee: Committee on Public Works and Transportation

House bill:

Title XII (Secs. 1201-1203)—International Air Transportation Fair Competitive Practices

Senate amendment:

Sec. 4502—Amendments to International Air Transportation Fair Competitive Practices Act of 1974

Senate Conferees

Senate amendment:

Sec. 4502—Amendments to International Air Transportation Fair Competitive Practices Act of 1974

Title LXVI (Secs. 4601, 4602)—Foreign Shipping Practices

SUBCONFERENCE NO. 15—SAFE FOOD IMPORTS

House Conferees

Lead House Committee: Committee on Energy and Commerce

Senate amendment:

Secs. 2185-2188—Safe Food Imports

Joint Conferees on specific provisions:

Committee on Agriculture

Senate amendment:

Sec. 2188—Report

Senate Conferees

Committee on Agriculture

Senate amendment:

Secs. 2185-2188—Safe Food Imports

SUBCONFERENCE NO. 16—FEDERAL BUDGET DEFICIT

House Conferees

Lead House Committee: Committee on Government Operations

House bill:

Title XVI (Secs. 1601-1603)—Federal Budget Competitiveness Impact Statement

Senate amendment:

Title XLVIII (Secs. 4801-4803)—Reducing the Trade Deficit by Eliminating the Federal Budget Deficit

Joint Conferees on specific provisions:

Committee on Rules

House bill:

Title XVI (Secs. 1601-1603)—Federal Budget Competitiveness Impact Statement

Additional Conferees on specific provisions:

Committee on the Judiciary

Senate amendment:

Title XLVIII (Secs. 4801-4803)—Reducing the Trade Deficit by Eliminating the Federal Budget Deficit

Senate Conferees

Committee on Finance

Senate amendment:

Title XLVIII (Secs. 4801-4803)—Reducing the Trade Deficit by Eliminating the Federal Budget Deficit

Committee on Governmental Affairs

House bill:

Title XVI (Secs. 1601-1603)—Federal Budget Competitiveness Impact Statement

SUBCONFERENCE NO. 17—TRADE DATA AND STUDIES; SEMATECH

House Conferees

Lead House Committee: Committee on Energy and Commerce

House bill:

Sec. 901—Competitiveness impact statements

Sec. 902—National trade data bank

Sec. 911—Development of semiconductor manufacturing technology

Senate amendment:

Title XXXVIII, Subtitle B (Secs. 3811-3824)—National Trade Data Bank

Title XXXVIII, Subtitle C (Secs. 3851-3854)—Studies

Senate Conferees

Committee on Governmental Affairs

House bill:

Sec. 901—Competitiveness impact statements

Sec. 911—Development of semiconductor manufacturing technology

Senate amendment:

Title XXXVIII, Subtitle B (Secs. 3811-3824)—National Trade Data Bank

Title XXXVIII, Subtitle C (Secs. 3851-3854)—Studies

SUBCONFERENCE NO. 17—TRADE DATA AND STUDIES; SEMATECH—Continued

House Conferees	Senate Conferees
Title XXXVIII, Subtitle D (Secs. 3861-3867)—Interagency Coordinating Committee on Federal Participation in Sematech	Title XXXVIII, Subtitle D (Secs. 3861-3867)—Interagency Coordinating Committee on Federal Participation in Sematech
Joint Conferees on specific provisions:	*Committee on Governmental Affairs and Committee on Banking, Housing, and Urban Affairs*
Committee on Ways and Means	*House bill:*
House bill:	Sec. 902—National trade data bank
Sec. 901—Competitiveness impact statements	
Sec. 902—National trade data bank	
Senate amendment:	
Title XXXVIII, Subtitle B (Secs. 3811-3824)—National Trade Data Bank	
Committee on Foreign Affairs	
House bill:	
Sec. 901—Competitiveness impact statements	
Sec. 902—National trade data bank	
Senate amendment:	
Title XXXVIII, Subtitle B (Secs. 3811-3824)—National Trade Data Bank	
Sec. 3851—Study of U.S. barriers to U.S. exports	
Sec. 3854—Impact of foreign financial and regulatory systems	
Committee on Banking, Finance, and Urban Affairs	
House bill:	
Sec. 902—National trade data bank	
Sec. 911—Development of semiconductor manufacturing technology	
Senate amendment:	
Title XXXVIII, Subtitle B (Secs. 3811-3824)—National Trade Data Bank	
Sec. 3854—Impact of foreign financial and regulatory systems	
Title XXXVIII, Subtitle D (Secs. 3861-3867)—Interagency Coordinating Committee on Federal Participation in Sematech	
Committee on Science, Space, and Technology	
House bill:	
Sec. 911—Development of semiconductor manufacturing technology	
Senate amendment:	
Sec. 3852—Resource needs	
Sec. 3853—Manufacturing base	
Title XXXVIII, Subtitle D (Secs. 3861-3867)—Interagency Coordinating Committee on Federal Participation in Sematech	
Committee on the Judiciary	
Senate amendment:	
Title XXXVIII, Subtitle D (Secs. 3861-3867)—Interagency Coordinating Committee on Federal Participation in Sematech	

BICENTENNIAL MINUTE

SEPTEMBER 29, 1789 FINAL DAY OF THE SENATE'S FIRST SESSION

Mr. DOLE. Mr. President, as we work toward the adjournment of the first session of the 100th Congress, I would like to point out that today is the 198th anniversary of the final day of the 1st session of the First Congress.

Then as now, the last day's agenda was long, and crowded, with appropriations bills being the most pressing item of business. Even though we do not have a verbatim record of that session, meeting at Federal Hall in New York City, the minutes make it clear that it was a hectic time. On several occasions during the day, the Clerk of the House, John Beckley, appeared with announcements that the House has passed an appropriations bill, a pension bill, or trade legislation. Similarly, President Washington's personal secretary, Tobias Lear, was in and out of the Senate Chamber carrying messages from the President. The Committee on Enrolled Bills announced a series of "end-of-the session" bills that were ready to be sent to the President for his signature.

We read that the Clerk of the House returned to announce that the House had passed the military bill, but that it disagreed with one of the Senate's amendments. The Senate deliberated and held firm on its position. At last, word came that the House would accept the amendment. Private pensions also required attention, and the Senate appears to have spent a good deal of time debating a bill for payment of an Army captain.

At last, the agenda was completed. The Senate gave orders to its doorkeeper to take charge of the Chamber during its adjournment; "that he lay in a sufficiency of fuel, and have stoves so placed to give warmth to the room when they returned in January. Then Vice President John Adams gav-

eled the session closed. After 5 months, the first session of the Senate had finished its work.

PROGRESS TOWARD A DEMOCRATIC HAITI

Mr. KENNEDY. Mr. President, United States law requires that the Secretary of State report to Congress on human rights progress in Haiti in order to release military aid to that country. Over the August recess, the State Department sent up a report—due last June—which notes the "mixed record" of the Haitian Government in complying with human rights conditions but claims "a full assessment of these developments * * * is not possible at this time."

The report passed the buck on the human rights situation in order to trigger a release of controversial military aid to a government whose security forces have terrorized the population over the summer months. The report contains no details of the numerous killings, beatings, arrests and intimidations by the Haitian security forces that have occurred over the past months but instead emphasized the stated intention of the interim government to hold elections scheduled for November 29, 1987.

The process of building the democratic institutions in the post-Duvalier era is a long, difficult, and crucial one, but without the guarantee of the basic human rights of the Haitian people, no election can be free, fair or democratic. Looking the other way on human rights abuses serves neither the interests of the people of Haiti nor the goal this administration seeks—democratic elections.

I would like to call to the attention of my colleagues an excellent assessment of the situation in Haiti given to the Inter-American Commission on Human Rights [CIDH] of the Organization of American States by Michael S. Hooper, executive director of the National Coalition for Haitian Refugees, on September 23, 1987.

In this detailed account of the current situation in Haiti, Mr. Hooper questions how the upcoming elections can be fair "if people are being shot in the streets, if investigations of recent security force abuses are systematically refused, and if major trade unions are banned in violation of the Constitution?"

Over the summer, a series of violent attacks occurred in which the Haitian security forces were involved. During the week of June 22, over 35 people were killed and 110 wounded in attacks by the security forces. Another 24 people were killed at the end of July. The casualties included women and children; eyewitnesses have stated that uniformed army personnel, usually in civilian cars, carried out these attacks—without provocation or warning.

Gangs of thugs—including some former Tontons Macoutes and government security personnel—have been terrorizing poor neighborhoods. Over 300 members of a religious cooperative were slaughtered and troops from the 32d Tactical Battalion of the Casernes Dessalines have rounded up and beaten scores of innocent civilians; unidentified bodies riddled with bullets often appear in the morning on the streets of Haiti's slums. One gang leader was found to be the personal driver of the President of the interim government, Gen. Henri Namphy. A Presidential candidate, Louis Eugene Athis and two members of his political party were stoned and hacked to death.

The press, labor unions and the church have all been harassed by the Haitian security forces. One of the most disturbing acts of violence occurred on August 23 when five prominent Catholic priests were attacked by a paramilitary group, shortly after having passed through an army checkpoint. Two of the priests were badly beaten and intimidation of the priests continues.

This intimidation, harassment and terror perpetuated by the Haitian Government jeopardizes the upcoming elections and the process of establishing a just, free democracy in Haiti. The United States should suspend immediately all military aid to Haiti and make clear to the interim government that an election held under the current circumstances will not be viewed as legitimate by the people of the United States—or by the people of Haiti. For too long, the United States looked the other way on Duvalier-style human rights abuses. We must not make the same mistake in the post-Duvalier Haiti.

Mr. President, I urge my colleagues to read Mr. Hooper's enlightening testimony and ask unanimous consent that it be placed in the RECORD.

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

TESTIMONY OF MICHAEL S. HOOPER, ESQ., EXECUTIVE DIRECTOR, NATIONAL COALITION FOR HAITIAN REFUGEES

On behalf of the Americas Watch and the National Coalition for Haitian Refugees, I deeply appreciate the interest of the Inter-American Commission on Human Rights in the current human rights crisis in Haiti and in the ominous implications this crisis has for Haiti's first election in 30 years to be held in only 65 days. I have had the privilege to coordinate nineteen human rights missions of inquiry to Haiti since 1979 and have published sixteen detailed reports on this subject, the last five jointly with the Americas Watch. I thank you, on behalf of the six Haitian human rights organizations affiliated with the Coalition as well as our thirty-nine member-organizations, for your continuing efforts to encourage member States to develop and adopt an even-handed human rights and foreign policy toward Haiti; a policy that will facilitate the development and the institutionalization of democratic structures and a complementary respect for individual rights and the rule of law.

Your 1979 report on the situation of human rights in Haiti and your regular annual reports, are valued by the international human rights community. They have been even more important in Haiti because so little international attention has been focussed on this deteriorating situation. Your on-site missions of inquiry have provided important hope for Haitians confronted by an intransigent human rights crisis.

Today's session of the Inter-American Human Rights Commission comes at a critical juncture in the attempt to develop and root democracy in Haiti, and in the developing relations between Haiti and the nations of the hemisphere.

I. INTRODUCTION

As we speak the military-dominated National Governing Council (Conseil National de Gouvernement) continues to demonstrate its contempt for the rule of law and internationally recognized human rights practices and has plunged this impoverished country into its deepest political and human rights crisis since the bloody weeks immediately preceding the flight into exile on February 7, 1986 of the country's last President-for-Life, Jean Claude Duvalier.

A paramilitary attack on August 23 on five prominent catholic priests is only the latest episode of political violence. Two of the priests were badly beaten, but survived. Other Haitians have been less fortunate. Since late June at least 53 persons have been shot dead and hundreds have been seriously wounded in the capital, Port-au-Prince, by "hit squads" of the Haitian Army, including U.S.-trained "Leopards," in night execution raids in poor neighborhoods and attacks on peaceful demonstrators and on Haitian and foreign journalists attempting to cover these events. It is impossible to calculate the number of those killed or otherwise abused by the Army in Haiti's rural areas where 85 percent of the population reside, but the toll continues to be very high.

The climate of terror rooting itself in Haiti is inordinately affected by policies of neighboring governments and by international institutions. It must be regretted that in spite of the alarming deterioration in human rights in Haiti over the summer, on August 26 the Reagan Administration reported to the United States Congress, as required by law, that the state of human rights was improving and that Haiti's military junta was thus deserving of additional United States military assistance. The decision is bad for human rights and bad for democracy in Haiti, and throughout the hemisphere.

The United States has repeatedly emphasized how important it believes the proposed electoral calendar is both for Haiti and the future of relations between both countries. However, by not also publicly insisting that the CNG represent the fundamental human rights of individuals during this pre-electoral period, we believe the United States has undermined the very electoral process it values so highly. We join Haitian human rights organizations in asking for your as-

sistance in correcting this myopic and self-defeating policy choice.[1]

We commend international policymakers for their concern about developing institutions of democracy in Haiti, but we doubt that Haiti's military junta takes their formal intentions to heart. We ask the Inter-American Commission on Human Rights to consider whether it is really possible to talk about free and open elections if people are being shot in the streets, if investigations of recent security force abuses are systematically refused, and if major trade unions are banned in violation of the Constitution?

As United States Secretary of State George Shultz said in commenting on the 1984 elections in Nicaragua: "An election just as an election doesn't really mean anything . . . . The important thing is that if there is to be an electoral process, it be observed not only at the moment people vote, but in all the preliminary aspects that make an election really mean something."

We agree with Secretary of State Shultz that these preliminary aspects include respect for the rule of law and the basic freedom from arbitrary arrest and imprisonment, the freedom of association, expression and the press; we agree that an independent judiciary, independent trade unions, peasant and community organizations are essential in this process. Most of all we believe that without an election environment guaranteeing personal security to all Haitians, elections will come to be seen as part of the problem, not as part of the solution. Unfortunately, the CNG's own record over the last 18 months holds out little hope for Haitians, who are once again fleeing to the Bahamas, the Dominican Republic and the United States.

We sincerely hope that the Inter-American Commission on Human Rights will send a further mission of inquiry to analyze the atmosphere of terror and insecurity that dominates Haiti and that has greatly reduced the prospect for free and fair elections in the near future. We think that your member States will be shocked at what you find. However, we are just as sure that such a mission will ultimately serve to strengthen the rule of law and real democratic institutions and the respect for human rights in Haiti and derivatively throughout our hemisphere.

II. DEVELOPMENTS IN THE SUMMER OF 1987

This summer's burst of Duvalier-style terror was touched off when the clique of army officers controlling the National Governing Council (CNG) seized control of the electoral process from the Provisional Electoral Commission, and proceeded to ban outright Haiti's most active union (the Independent Union of Haitian Workers-CATH). Both actions blatantly disregarded the new Haitian Constitution of March 1987, and ended remaining hopes that the military could be expected to preside over a fair electoral process.

The Army's actions specifically violated Article 289 [guaranteeing the absolute independence of the CEP] and Article 35 [guaranteeing trade unions freedom from government interference] of the Constitution overwhelmingly adopted by the Haitian electorate on March 29, 1987. Even after these assaults against Haiti's Constitution, against its embryonic democracy and against Haitians' faith in the U.S. sponsored electoral process, the military was not finished.

The next week the same group of officers controlling the CNG attempted to terrorize the population into submission by shooting innocent civilians. During the week of June 22 alone, at least 35 persons were shot dead in random attacks and another 110, including children, were seriously wounded by gunfire. The last week in July 24 dead and scores of others seriously wounded. These figures are conservative, based on visits by our missions and representatives to the morgue and to the public hospital in Port-au-Prince and on personal interviews with families of the victims. This latest rampage by the Army was a predictable consequence of the failure of the international diplomatic community to publicly warn the Haitian military of the specific aid cutoffs and restrictions that would be imposed if they again resorted to violence.

Interviews conducted by our missions and other eyewitness accounts of these army attacks demonstrate that they were not provoked, no warnings were given, and all the killings were carried out by uniformed army personnel usually riding in civilian cars. Haitian human rights monitors believe that these trooops were always acting under orders.

Ultimately, after three weeks of national crisis, the CNG reluctantly reinstated the CATH as a legitimate organization and formally ceded control of the elections back to the CEP—at the cost of many lives—the remaining public faith in the CNG and the Army as a national arbiter had dissolved. The Army then proceeded to make matters even worse by instituting another campaign of terror throughout the slums of the capital and in many of the provinces, especially in the Northwest and Southwest regions. Unidentified bodies riddled with bullets turn up most mornings on the streets of Port-au-Prince's worst slums, further terrorizing the population and discouraging political activities.

In Jean-Rabel, approximately 320 members of the Tet Ansanm religious cooperative were slaughtered by a combined group of former Tontons Macoutes, and peasants loyal to large landowners controlling the area. An army rampage occurred in the Grande Anse region where troops from the 32nd Tactical Battalion of the Casernes Dessalines terrorized and detained scores of people, killing several accused of having sheltered or given assistance to Bernard Sansaricq, a quixotic political leader, allegedly involved in an uprising against the government. This same scenario was repeated in La Gonave, an island in the Port-au-Prince bay.

In an apparently unrelated incident, a moderate presidential candidate, Louis Eugene Athis, was stoned and hacked to death along with two other members of his party, the MODELH (Democratic Movement for the Liberation of Haiti); local officials close to the former Duvalier government are suspected. Between September 13 and the present, a similar Army persecution has decimated the Raboteau slum of Gonaives, where troops from the 32nd tactical squadron have beaten and rounded up scores of innocent persons in what has been described as an attempt to locate Jean Tatoune, an alleged opponent of the CNG, effectively terrorizing much of the population of this town that had led both the opposition to the Duvaliers and to the current military government. It will not take too many such campaigns of terror to render any electoral process meaningless.

Perhaps the most disturbing indication of the growing cooperation between the highest echelons of the Haitian military and the so-called "gangs" terrorizing the poorest neighborhoods came on Friday, September 18, 1987. A neighboring committee in Tabar, near Croix des Missions, stopped a marauding gang and found to their surprise that the leader of the "gang" driving a white Toyota Landcruiser belonging to the Haitian government was none other than Leon Gedeon, the personal driver of CNG President, General Henri Namphy. Haitian human rights groups also report that the citizens committee also found cards and telephone numbers from the Casernes Dessalines on other gang members.

Freedom of the local and foreign press, to report on these recent events has also been under increasing attacks. Early in 1986, freedom of the press and expression had been significantly liberalized so these abuses constitute a very significant regression. Crews from CNN, CBS, the Christian Science Monitor, and Agence France Presse were directly threatened and shot at on July 29, 1987. We have taken specific testimony from many photojournalists who have been intimidated and have had their cameras and other materiel confiscated or destroyed.

Haitian journalists have suffered the most in this regard. During the late night hours of July 29, 1987 all of Port-au-Prince's major radio stations, most critical of Haitian government policy, were shot up by troops in uniform firing automatic weapons in a clear effort to intimidate them into silence. Reporters from the monthly magazine Le Miroir, the weekly Haiti-Progres, and Radio Arc-En-Ciel were directly fired upon by the Army on earlier that day. Wilson Brisseau of Radio Arc-en-Ciel had to be flown to Miami, for a delicate medical operation to remove a bullet in order to save his life.

Jean Max Blanc of Radio Metropole and the Voice of America was arrested on trumped-up charges by the army in late July, was kept in detention for two days, and was beaten while being interrogated.

There has never been any significant problem regarding freedom of religion in Haiti, however recent attacks against Haiti's most respected Catholic priests who articulate the demands of the population are a particularly disturbing example of the intimidation that is practiced or condoned by the Armed Forces working closely with paramilitary gangs of former Macoutes. Well-known priests have suffered physical attacks, death threats and intimidations. On August 23, at approximately 9:30 pm, a band of 40 to 50 unidentified men, armed with Army-issue automatic weapons, handguns, machetes, clubs and stones, assaulted the Revs. Antoine Adrien, William Smarth, Jean-Marie Vincent, Jean-Bertrand Aristide and Rev. Joseph Berg (a Canadian priest). The attack occurred at a barricade approximately 75 yards from an army checkpoint at Freycineau just south of St Marc, at which the priests had been stopped by the army, ordered to identify themselves and had their vehicle thoroughly searched.

Right after the army waved them through they were again stopped, this time by a "civilian" mob. Car windows were smashed and headlights broken; two of the priests were more seriously injured before they were able to drive on, and all were of course terrorized. The occupant of a following car, seminary student Axel Martial, mistakenly identified as Rev. Aristide, was badly

[1] Please see Exhibit 1 attached: Letter from Seven Haitian Human Rights Organizations to the United States Secretary of State Shultz.

beaten; his life was spared at the last minute when army troops informed the mob that they were attacking the wrong man. Since this incident, soldiers in civilian cars shoot in front of the residences of three of these priests almost every night, further terrorizing the population and adding to suspecious of direct Army involvement.

The priests had been officiating at a mass in memory of the hundreds of peasants killed in late July in the northwestern part of Haiti, near the town of Jean-Rabel, by former Tontons Macoutes and peasants loyal to large landowners (Reverend Jean-Marie Vincent was a founder and leader of the Tet Ansanm Cooperative in Jean Rabel). When Father Aristide was introduced to the participants the religious ceremony was disrupted by gunfire and the crowd was dispersed. Just 2½ hours later, the priests were attacked.

These priests have also been among the more visible participants in the struggle against government violence and corruption and have played an essential role in monitoring human rights developments. Unfortunately, the Haitian military junta has created the climate in which attacks against them proceed by denouncing their motives and activities. The CNG has attempted to justify the compaign of intimidation against these priests by unfairly stigmatizing Father Jean-Bertrand Aristide, for example, as an "extremist" and a "communist".

In reality the priests have carried out social projects that would be praised in any democratic society. Fathers Antoine Adrien and William Smarth championed the cause of Haitian refugees in the United States, and provided essential social services to the refugees. They had fled to the United States following their forced exile by the Duvaliers. Father Jean-Marie Vincent has dedicated himself to working in the desperately poor agricultural areas of Haiti's Northwest with peasuants of the region. Still another target has been Father Jean-Bertrand Aristide who aids the homeless children of Port-au-Prince's largest slum. We specifically request that the Commission make every effort to express your concern about the attacks on these popular priests and urge that you do everything in your power to protect their lives, and the lives of others like them, who have come to embody the hopes of the most disenfranchised Haitians for the establishment of a decent democratic society.

The balance of our prepared testimony examines the details of this grab for power by the Haitian military in the context of well-documented post-February 7, 1986 human rights violations.

III. DUVALIERISM SINCE DUVALIER

Just prior to the February 7, 1986 departure of the world's only remaining President-for-Life, Jean-Claude "Baby Doc" Duvalier, the fleeing dictator personally named the junta that would succeed him. The junta is dominated by hard-line Duvalierist military officers who had loyally served both Francois "Papa Doc" and Jean-Claude "Baby Doc" Duvalier for two generations. Denominated the National Governing Council or provisional government (Conseil National de Gouvernement-CNG or KNG), this group of military officers initally contained two civilians.

However, as noted by the Commission in its 1986 annual report, "on March 20, 1986, Gerard Gourgue, the only member of the Council who had actively opposed Duvalier, resigned protesting the Council's failure to satisfy the popular demands of the Haitian people for change, and because the council had allowed Col. Albert Pierre, the head of Duvalier's secret police, and other infamous torturers and persons responsible for human rights violations to escape into exile."[2] The public clamor demanding that Gourgue resign to protest these policies was overwhelming.

In his resignation statement, Gourgue stated that the junta has been entirely unwilling to initiate even the smallest reforms and that it continued to be dominated by hard-line military and security officials who had evinced complete loyalty to Duvalierism for two generations.

There was little need to introduce the Army officers to whom Baby Doc had passed the baton of power on February 7. Knowledgeable observers agree that one leading political force within and behind the officers who now control Haiti continues to be Col. Prosper Avril. Avril was personally responsible for Jean-Claude Duvalier's education, specifically his military education, was personally responsible for naming most of the regional commanders who reported directly to the President-for-Life, and was recalled just before Duvalier's ouster to again head the elite presidential guard.

It is generally accepted as well that the other "strongman" within the regime is William Regala who promoted himself to Brigadier General in March 1987 and who possesses a long history of support for the security force institutions of Duvalierism. In particular, General Regala has been directly associated with the infamous secret police of the Duvaliers, the Investigations Commission based in the Casernes Dessalines during the 1960's and 1970's and was also a close personal associate of former police chief Luc Desyr, perhaps the most infamous human rights abuser of the early Duvalier era.

Not only has there been a continuation of the power of the highest ranking Duvalier military officials and a total lack of establishment of any new judicial system or increased respect for the rule of law, but there have also been serious severe setbacks for the cause of human rights in Haiti because of continuing security force abuses.

The depth of the Constitutional and human rights crisis in which the CNG has plunged Haiti is dramatized not just by attempts to dominate the CEP and to take control of the electoral process. But it is also evinced by the pattern of serious human rights abuses by the Haitian security forces.

There has additionally been a complete lack of any indication that the junta would carefully investigate the human rights abuses which occurred either during the Duvalier period, during the week preceding Duvalier's flight on February 7, 1986 when over 200 Haitian citizens were killed by troops and Tontons Macoutes and those security force violations continuing today.

IV. FAILURE TO INVESTIGATE PAST ABUSES

The officers who dominate the CNG have responded to public demands by promising "a clean break with the Duvalierist past." On February 10, 1986, General Henri Namphy, in a public speech, declared emphatically that the provisional government would abide by the rule of law and that it would be based on "absolute respect for human rights, press freedoms, the existence of free trade unions and the functioning of structured political parties."

Namphy has repeated these promises on a regular basis. Yet the military has done little to fulfill these promises and they have not permitted a significant investigation of past abuses as a way to discourage future violations of human rights. There has been no attempt to determine the extent of past abuses, nor the identity of those who committed them, nor the role of the security forces in these abuses. Little progress has been made in establishing a judicial system independent of the army and security force power and little indication has been given by the current junta of their intention to do so. Indeed there have been no substantive changes in the Haitian judicial system, no improvements in the administration of law, and there has been in fact a lessened respect for the rule of Law by the security forces.

Moreover, there has been no clear public order by the Army high command that security forces personnel will be prosecuted for further abuses. The exceptional cases have included the prosecution of Robes Metellus, commander of the hamlet of Fonds Verrettes, who was court-martialed for the unprovoked murder of Jules Louis in October 1986, and the trials of Macoute Colonel Samuel Jeremie, former Duvalier bodyguard and that of the former Secret Police chief, Luc Desyr, respectively in May and July 1986. Neither defendant was connected to the present regime, having been eclipsed by other Duvalierist forces long ago, but both trials were conducted in a way that mocked the rule of law and more resembled an attempt to appease the public's desire for revenge. Not one person of note has been prosecuted, since this time despite thousands of charges being filed and the undeniable human rights record of the Duvalier years.

Although specific detailed complaints of past abuses have been carefully documented by international human right groups, by Haitian legal groups, and by private complaints submitted to the Ministry of Justice, many of the worst violators of the old regime, including Me. Max Adolphe, the commander of the infamous Tontons Macoutes or National Security Volunteers and Col. Albert Pierre, Commander of the Secret Police based in the Casernes Dessalines were permitted to leave the country following the departure of Jean-Claude Duvalier.

Not only has the provisional military government steadfastly refused to investigate the involvement of current security force officials in the abuses of the recent past, but no investigations into the political killings by the security forces in Gonaives, in Martissant or at Fort Dimanche have been conducted, or even begun. General Williams Regala, Minister of the Interior and National Defense, and current strongman of the military junta, told us in May, 1986, that he categorically rejected any need for such an investigation, particularly in the case of the school children shot by the army in Gonaives. He stated that the use of deadly force was appropriate "in a country like Haiti". Finally, despite assurances given the Inter-American Commission on Human Rights and the international human rights community that the Tontons Macoutes had been disbanded, and most of their weapons retrieved, many continue with impunity to abuse civilians, often with the Army's blessing as we have seen in recent days. Well known Tontons Macoutes personally in-

[2] Haiti, Annual Report of the Inter American Commission on Human Rights 1985-1986, September 26, 1986, page 162

volved in torture and political killings have been allowed to freely circulate in the capital and the provinces, many of them continuing to carry arms. In this regard, it is important to make one correction concerning the 1986 Annual Report. You state that 5000 arms were recovered with 10,000 still unaccounted for as of the date of your report. However, our personal interviews with Justice Ministers Gourgue and Latortue indicate that a maximum of 3,500 weapons were picked up, and that the majority of the houses raided did not even belong to Tontons Macoutes. Furthermore, former United States Ambassador Clayton McNamaway estimated at the time of Duvalier's departure that there were 22,000 full-time Tontons Macoutes, many of whom were armed with pistols, rifles and uzis submachine guns leaving far more arms uncollected than your report estimates.

There can be little doubt that if any changes have occurred since the departure of President-for-Life Duvalier, they have been incremental, impermanent, and poorly communicated to the Haitian population. In the most significant areas of Haitian life, the same people who carried out the orders of the Duvaliers are the men who carry out the orders of the present military junta, and the policies they carry out have not been based on any clear break with the horrific past. While the courageous Haitian people have clearly demanded major reforms and institutional protection against further abuses, these steps have not yet been forthcoming from the National Governing Council. Similarly, the GNG possesses neither legitimacy nor the necessary consent of the governed, and thus cannot in good faith promise any real stability or legal protection to the population.

The armed forces violently suppressed several peaceful demonstrations and vigils during the spring of 1986 with considerable loss of life and extensive injuries.

On March 19, 1986, 5 civilians were killed in the Port-au-Prince suburb of Martissant following a personal dispute between a transport driver and an army captain. The regime's elite troops, the Leopards, attempted to disperse the crowd. When the crowd did not move quickly enough the troops deliberately shot at the unarmed civilians killing 5 and wounding 15 others.

Again on Saturday, April 26, 1986, army troops stationed at the infamous Fort Dimanche prison and police barracks fired unexpectedly on a crowd of civilians protesting against this symbol of the old regime where many hundreds have died during the Duvalier era. At least 8 civilians were shot and killed immediately and 48 others were wounded by bullets and ensuing panic. The next day the government announced that while they regretted the incident there was nothing that merited an investigation in these unprovoked killings. In fact, members of the junta and other high-ranking military officials justified the killings saying that the crowd had been inspired by political protestors and that people who do not behave correctly risked severe injury or death in Haiti.

On November 7, during a police riot in Port-au-Prince, troops fired wildly at Roman Catholic Church buildings and the country's largest radio station. There have been two "disappearances" in recent months—including a church lay worker, Charlot Jacquelin whose existence the CNG continues to deny, even though our missions have interviewed his wife and witnesses to his abduction.

In addition to the continued domination of the present government by hard line Duvalier loyalists and to the continued patterns of abuse exemplified by Haitian security forces against peacefully protesting unarmed civilians, there are other direct indications that the present government has no intention of dramatically altering past practices. Just over three months prior to the departure of the President-for-life, 4 students were shot dead by army officers in the provincial town of Gonaives: at least two of them on the premises of the Immaculate Conception secondary school in Gonaives.

Despite the unprovoked nature of the slaughter and despite the fact that absolutely no justification for this abuse has ever been put forward, there has been no systematic government investigation conducted to date by the new junta. This despite their pledge to move away from the abuses of the past.

Though labor unions are permitted, the Haitian government remains generally hostile to independent organizing efforts. The Ministry of Social Affairs, which oversees labor union affairs, appears to be collaborating with employers and does not protect the rights of workers to organize as required by Haitian laws. The outright banning of CATH, is only the most recent example of the military's intolerance of organized labor.

The June 22nd banning of the CATH was similarly a direct violation of the specific provisions of the Haitian Constitution protecting trade union freedom and the right to organize (Article 35). There is simply no legal basis to justify the CNG's banning of a union and imprisonment of its leaders and members without explanation. In addition to directly violating the Haitian Constitution, the CNG's attempt to crush CATH is a direct violation of the internationally mandated labor rights that all countries must respect in order to receive certain U.S. aid and to comply with the requirements for eligibility under the Generalized System of Preference (GSP) and the Caribbean basin Initiative. Instead of forthrightly informing the CNG that our aid and concessionary tariff considerations demand strict adherence to these fundamental rights, the United States has been publicly silent on these illegal attempts to intimidate organized labor in Haiti.

In addition to the series of security force shootings, the Haitian army has directly threatened human rights monitors, in addition to attacking the priests who carry out human rights activities. On February 4, 1987, at 3:30 p.m., some twelve soldiers broke into the locked home of Professor, Victor Benoit, Executive Director of the widely respected Institute for Democratic Education. The troops ransacked the house and terrorized Professor Benoit's wife, parents and small children while warning them that Benoit and his wife should cease human rights activities.

The same troops then proceeded to the offices of another active human rights organization, the League of Former Political Prisoners, and attempted to intimidate the President, Robert Duval and his employees.

V. THE ROLE OF THE UNITED STATES

Increasingly Haitians view the U.S. as the mainstay of the military junta that has committed these crimes. The presence of four U.S. military training teams in Haiti now associate the U.S. in the public mind with these killings. Prior to the hasty departure of "Baby Doc" Duvalier, the U.S. praised his referenda, and excused his human rights record on the apparent theory that "he may be a dictator, but at least he's our dictator." Similarly, since General Regala and Namphy and their colleagues assumed power, the U.S. is seen by many Haitians as allying itself with the junta at all costs, thus sustaining Duvalierism without Duvalier.

We share the view of Haitian legal and human rights organizations that the current junta will not risk the loss of United States support, but will continue to engage in official lawlessness until the United States and the international community deliver a stern warning to the CNG and send a clear message of support to Haitians struggling to implant democracy in their blighted land.

United States policy toward Haiti has long been designed to insure Haiti's short-term "stability", and since 1979, has also been aimed at obtaining the cooperation of the Haitian government in halting the flight of Haitian refugees to the U.S. To further these "interests", the United States Administration poured military and economic assistance into Haiti, and repeatedly certified to the Congress that the Duvalier dynasty's human rights practices were improving. The Reagan administration has continued on the same course since February 7, 1986.

The United States has sought to achieve its policies through a combination of military assistance; a one hundred ten million dollar program of general economic support to the governing junta; as well as through increased contact and pressure on Haitian politicians and organizations. The U.S. Embassy increasingly relies on the complementary activities of friendly international trade union organizations (A.I.F.L.D., I.C.F.T.U.), the National Endowment for Democracy, the National Democratic Institute, and such institutionally-tailored efforts as the Press Seminar for Haitian Journalists promoted by the Bustamante Institute of Jamaica.

In 1987, the U.S. has insisted on increased military aid for Haiti and has recently inflamed public opinion in Haiti by sending four teams of military advisors to "interface with their Haitian counterparts", despite the continuing security force abuses about which the U.S. Embassy has maintained silence.

The United States has not spoken out in favor of efforts to investigate past abuses, nor to punish those responsible, nor to criticize continuing abuses. Rather, the United States rushed to put a stamp of approval on the human rights practices of the Duvalier-appointed provisional government. It would be a tragic mistake for Haiti, and the Caribbean more generally, if the international community were to continue to provide unqualified support for the military-dominated provisional National Governing Council (CNG) in disregard of the poor human rights record of this small clique of Duvalier-appointed officers.

A broad spectrum of Haitian legal and religious organizations and international human rights groups have repeatedly urged the United States Congress to end all military aid to Haiti. When Congress did allow a resumption of military aid to Haiti in September, 1986, it wrote a new set of conditions into this authorization.[3] These includ-

[3] Promoting Democracy in Haiti, U.S. House of Representatives, [Section 203], September 25, 1986.

ed an end to specified abuses by the armed forces; a requirement that past abuses should be investigated; protection of the rights to speak and to assemble; and complete demobilization of the Tontons Macoutes—the infamous force of armed "volunteers" through which the Duvaliers controlled and abused the Haitian people.

For any military aid to be released, the President must repeatedly certify to Congress that human rights abuses by the Haitian security forces have ended. To the contrary, the Haitian army has continued its disregard for the rights of Haiti's citizens and its contempt for international human rights standards.

Congress has further mandated that no military aid should be released until investigations of human rights violations are conducted. Not only has the provisional military government steadfastly refused to investigate the involvement of current security force officials in the abuses of the past, but no investigations into the political killings by the security forces in Gonaives, in Martissant or at Fort Dimanche have been conducted, or even begun, as required by Congress, if U.S. Military aid is to be provided.

Haitian legal, human rights, and civic groups are increasingly concerned that the CNG and United States policy makers have no vision of democracy that goes beyond the holding of elections.

On June 30, the assistant Secretary of State for Inter-American Affairs, Mr. Elliott Abrams, referred at length to the situation in Haiti.[4] While he spoke eloquently of preserving the integrity of the electoral process in Haiti, he never mentioned or warned against the army killings, the Haitian government's terror campaign, or the banning of the CATH. We believe that as a consequence the message received by the Haitian military was the U.S. will support you, even if they have to hold their nose, as long as you ultimately deliver on the promise that some elections will occur.

Again, on July 10, after the facts of army killings and shootings were well established, the Deputy Assistant Secretary of State in charge of Caribbean Affairs, Mr. Richard Holwill, announced in Port-au-Prince that "elections not demonstrations are the way governments are changed in a democracy." While it is questionable whether Thomas Paine or Thomas Jefferson would have entirely agreed with this proclamation, it is certain that in the context of three weeks of illegal and brutal government activity, this message was not what the Haitian people had hoped for.

Elections, just for elections' sake, do not fulfill Secretary Shultz's litmus test, and they do not serve the long-term interests of either Haiti or the United States.

RECOMMENDATION

The National Coalition for Haitian Refugees and the Americas Watch respectfully recommend that the Inter-American Commission on Human Rights take four specific and immediate actions to ameliorate the human rights crisis presently threatening the future of Haiti.

(1) In the context of your continuing invitation from the Conseil National de Gouvernement (CNG) to evaluate the situation of human rights in Haiti and on the basis of facts and complaints received by the Commission, we urge you to write the Government of Haiti to formally express concern at the pattern of security force abuses with particular regard to Army and paramilitary killings and attacks on innocent bystanders and on those priests and community leaders working to construct the democratic institutions and infrastructure that, in the United States Secretary Shultz's words, is necessary to make "elections really mean something."

(2) After fully assessing complaints and other evidence submitted by Haitian and international human rights groups regarding the developing pattern of security and paramilitary force abuses apparently designed to terrorize the population and to render the upcoming elections meaningless, the Commission might immediately send a series of observer teams to Haiti to monitor both these violations and developments necessary to insure a minimum of security for candidates' safety and for the general public. These teams would profit from spending substantial time in the rural areas where 85 percent of Haiti's population resides and where the worst abuses are occurring. After speaking with members of the Provisional Electoral Council (CEP), national and local candidates, and most importantly the local officials who have always controlled Haitian elections, these teams might issue a series of memoranda analyzing the independence of this process.

We request that the Commission issue a formal report after the November 29, 1987 date when these elections are presently scheduled specifically analyzing the preparations and the atmosphere of electoral security, whether or not the elections are ultimately held at this time as promised.

(3) We recommend that the Commission assign a special priority in the longer term to the collection analysis and distribution of information regarding human rights abuses by the regular Army or by paramilitary squads in Haiti's rural areas where the peasant population is today far more intimidated and the subject of far more official abuses than during the infamous years of Haiti's last President-for-Life, Jean-Claude Duvalier.

(4) Finally, we recommend that the Inter-American Commission on Human Rights suggest to member nations genuinely interested in assisting Haiti that all economic and other aid be conditioned on compliance with internationally recognized standards of human, political and labor rights.

[4] "The Paths to Democracy", Remarks of the Honorable Elliott Abrams, Assistant Secretary of State for Inter-American Affairs, to The Washington World Affairs Council, National Press Club, Washington, D.C., June 30, 1987.

EDGAR C. FELL

Mr. FORD. Mr. President, in January I was fortunate to be able to accept the position as chairman of the Aviation Subcommittee, and during the last 6 months I have had the pleasure of having Edgar C. Fell serve as a LEGIS fellow on my staff to assist me with aviation issues.

In April Garland P. Castleberry, the Regional Director of the FAA Atlanta Office and a former fellow, contacted me, suggesting Ed for a position in my office. I am very pleased that I was able to make arrangements to have a LEGIS fellow, as it has been a rewarding experience for me and, I am sure, for Ed as well. Never to my knowledge has the Congress been more active on aviation issues, and Ed's timing was perfect. My office was so swamped by aviation matters that he briefed me the very first day on the job. Although I have traveled thousands of miles by commercial and charter aircraft, there were many aspects of the aviation industry still a mystery to me. Over the past 9 months I have had a crash course, and Ed has contributed to my learning experience.

Ed Fell is the Assistant Division Manager of the Flight Standards Division in Atlanta. His experience in the safety area has been extremely valuable in drafting the bills before the Senate concerning aviation safety. Thanks to Ed's diligence in this area, never in the process of drafting any of the aviation bills now pending did I lose sight of the safety factors. I have gained a better understanding of flight standards, and I feel certain that Ed will take back to Atlanta a sense of how the Senate works. It has definitely been a rewarding 6 months.

Ed is a pilot and earned the Distinguished Flying Cross and the Bronze Star in Vietnam. He has also received the civil service outstanding performance awards for 4 years while at the FAA.

I do not think there will ever be a better match between the needs and personality of a Senator and the experience of a LEGIS fellow. I commend the LEGIS fellow program and thank Ed for his sound advice, long hours, and friendship.

RAY J. MADDEN

Mr. LUGAR. Mr. President, Ray J. Madden, a giant in Indiana politics, died yesterday after 95 extraordinary years. For 34 of them, Ray served as a Member of Congress representing northwest Indiana, the longest tenure of any Hoosier Congressman.

I did not have the privilege of working with Ray in the Congress—his retirement from the House coincided with my election to the Senate—but his reputation as a hard-nosed, hard-working advocate for his constituency established a standard by which all office holders in Indiana are judged. He was a man for whom politics was both vocation and avocation. This total dedication to service was evident in the many important things he was able to do for his district.

There was no doubt of Ray's affection for northwest Indiana, he chose it as his home. Born in Minnesota and a graduate of the Creighton University Law School in Nebraska, Ray interrupted a promising political career in Omaha to move to Gary, IN. From 1935–42 Ray was a pivotal member of the Gary and Lake County local governments, acquiring an encyclopedic knowledge of the issues critical to Indiana's northwest corner upon which he based his first run for Congress in 1942. Once in Washington, Ray found

his true calling. His constituents clearly agreed, returning him to the House of Representatives on 16 consecutive occasions.

Ray Madden's legacy persists today, 10 years after he left Congress, and is not diminished by his death. He will long be remembered for his extraordinary contributions to the people he served and his unparalleled role in Indiana's rich political history.

THE CONFIRMATION OF JUDGE BORK: QUALIFICATIONS OR POLITICS?

Mr. PRESSLER. Mr. President, I shall vote for Judge Robert Bork to be a Justice of the U.S. Supreme Court. I have followed the hearings closely and feel he did an excellent job. Robert Bork is one of the most qualified individuals ever nominated. Barring some unforeseen and unanticipated ethical problem, he should be confirmed by the U.S. Senate. I recently met with Judge Bork to discuss his current views on the judicial system. When I attended Harvard Law School and Oxford University, I had the opportunity to hear his lectures and read some of his articles.

Politics should not dictate judicial nominations. In the past, I have supported the qualified judicial nominees of Democratic and Republican Presidents alike. For example, I supported President Carter's qualified and competent nominees even when I disagreed with some of their views.

It is the role of the President to nominate Supreme Court Justices. The Senate has the power to advise and consent on these nominations. The confirmation process is designed to ensure that nominees are highly qualified and have neither ethical nor character problems. It was not intended to be a battleground for partisan politics. Senators should be evaluating Judge Bork's qualifications and his extensive judicial record. Unfortunately, some individuals are making Judge Bork out to be an extremist. After reading many of his opinions and articles, I find this view to be unfounded. Not one of Judge Bork's majority opinions has been overturned by the Supreme Court. His is not the record of a radical.

Judge Bork believes in judicial restrain—the idea that the courts' role is to ensure that the laws are consistent with the Constitution rather than a judge's personal beliefs. He believes that it is the role of judges to interpret the Constitution, not to make laws.

The Supreme Court reconvenes on the first Monday in October, but Judge Bork's confirmation hearings were not scheduled to start until September 15—2½ months after the nomination was submitted. Why the delay? Some individuals seem to be using this time to make partisan issue of an important matter where politics has no place. It may even be that some would oppose any Reagan nominee in the hope that Court appointments could be made by the next President. This is inexcusable. Because of this delay, it is possible that there will be only eight Justices when the Supreme Court reconvenes this fall. The American people need and deserve the Supreme Court working at full strength. When Justice Powell retired from the Court, he noted that vacancies "created problems for the court and for litigants." Such problems could be prevented if we rise above politics and focus on the issues.

Recently, the American Bar Association endorsed Judge Robert Bork's Supreme Court nomination by giving him its highest rating. In 1982, Bork also received the American Bar Association's highest rating when he was nominated to serve on the U.S. Court of Appeals for the District of Columbia Circuit. Judge Bork was confirmed unanimously by the Senate. He has served in that position for the last 5 years. Judge Bork has served as a professor at Yale Law School, as Solicitor General of the U.S. Department of Justice, and in the U.S. Marine Corps. As a practitioner, he has argued and won numerous cases before the Supreme Court. Justice John Paul Stevens, who is considered to be a moderate liberal Justice, publicly stated:

> I personally regard him as a very well-qualified candidate and one who will be a very welcome addition to the court.

In addition to being highly qualified on the basis of experience, Robert Bork believes that excessively liberal interpretations of procedural rights do not serve the goal of protecting justice for all. Many of Judge Bork's opinions illustrate his strong belief that we must protect constitutional rights, but the guilty should not go free. There has been much debate regarding the exclusionary rule. To what extent do we disallow evidence, knowing that guilty person will go free. Yes, criminals have constitutional rights. But as Judge Bork has asked, "at what cost?" Many law enforcement agencies have announced their support for Judge Robert Bork, including: the Fraternal Order of Police, International Association of Chiefs of Police, National District Attorneys Association, and the National Sheriffs' Association, just to name a few. Stronger law enforcement procedures are needed and supported by the American people.

Some have clearly distorted Judge Bork's role in the Watergate Saturday Night Massacre in an attempt to make an issue where none exists. Former President Nixon ordered then-Attorney General Elliot Richardson to fire Special Prosecutor Archibald Cox. Richardson refused to carry out the President's order and resigned. Solicitor General Bork carried out Nixon's order. A point often overlooked by Bork's detractors is that Elliot Richardson urged Mr. Bork to stay at the Justice Department to maintain order in the wake of his own resignation. Soon after Cox was dismissed, Bork sought another Special Prosecutor and pressed former President Nixon into agreeing not to interfere with the investigation. Because of his actions, the Watergate investigation continued free from Presidential control.

It is time for everyone to focus on Judge Bork's qualifications and dispense with the politics. There is one goal—filling the vacancy on the Supreme Court with a worthy candidate. It is my hope that Senators will not vote for or against Judge Bork based solely on political philosophy or partisanship. The vacancy should be filled before the Supreme Court reconvenes in October. Further delays surely will make the American people wonder if Judge Bork is receiving a fair hearing.

SECOND ANNUAL ETHNIC AMERICAN DAY

Mr. PRESSLER. Mr. President, on September 20, 1987, the Mayflower Hotel here in Washington, DC, was the site of a program honoring 19 distinguished ethnic Americans and celebrating the Second Annual Ethnic American Day. As the chairman of the Honorary Committee for Ethnic American Day these past 2 years, I am proud to report that this year's program was just as successful as the one held last year in D.A.R. Constitution Hall.

During my tenure as chairman of the Honorary Committee, I have learned much about the enormous contributions to our society by Americans who are either first generation immigrants to America or whose ancestors chose to become Americans. All Americans should become more aware of their efforts to realize the promise of American democracy and their contributions to the richness of American life and culture.

Dr. Selven Feinschreiber, the founder of Americans By Choice and the father of Ethnic American Day, deserves special recognition for his unflagging efforts to make the event possible. Ethnic Americans and all who live in our great Nation owe him a deep debt of gratitude. Mr. Chuck Tower also deserves praise for his able assistance to Dr. Feinschreiber in planning this year's event. I wish to thank Americans By Choice for giving me the opportunity to serve and especially appreciate the thoughtful recognition awards presented by that organization to our distinguished House colleague, Congressman DANTE B. FASCELL, and myself.

Nineteen ethnic organizations that belong to Americans By Choice chose to honor individuals who have distinguished themselves through leadership positions in our society. This year's honored Americans are:

Gunnar Birkerts; Dr. Marianne Bouvier, Anna Chennault; Salvatore Donohue, M.D.; Governor Michael S. Dukakis; Hon. John Henning; Margaret Kent; John Yervant Kouyoumjian; His Eminence John Cardinal Krol; Brijendra Bihari Lal; Doyoung Lee; Dr. M.C. Madhavan; Dr. C.K.N. Patel; Dr. Anna Maria Perera; Edward Popil; Hon. Roman C. Pucinski; George Tabakov, M.D.; Hon. David M. Valderrama; and Houssein Youssouf.

Mr. President, I hope all Americans during this bicentennial year of the U.S. Constitution will pause to reflect on the thought that our Nation has become as great as it is because so many people have chosen to move to our shores and to become American citizens. Much of our constitutional history is marked by the concerns and efforts of these Americans. All Americans should recognize and be proud of their commitment to our Constitution and American ideals and values.

DEATH OF TED H. AGIDIUS

Mr. SYMMS. Mr. President, Idaho suffered the loss of a distinguished citizen with the death of Ted H. Agidius last month in St. Maries. His service to community and country, his tireless efforts to preserve our natural resources, his unwavering integrity, and his loyalty to family and friends make it certain that his death will not go unnoticed.

Mr. Agidius' impressive military record is evidence of his dedication to our country. While serving in the Navy during World War II, the Korean and Vietnam wars, he was decorated 39 times and received the prestigious Bronze Star.

Mr. Agidius was an energetic crusader for the soil conservation movement in the State of Idaho. As a member of the Soil Conservation Society of America, he served as president of the Benewah County Soil and Water Conservation District and conceived numerous conservation programs now in use, including the Tensed-Lolo project, the first of it kind in the Nation. Mr. Agidius was famous for his 2 mile Mutch Creek Ranch where he maintained 20,000 Christmas trees and illustrated soil conservation techniques. The highlight of Mr. Agidius' voluntary conservation career was when he received the Doyle Scott Award from the Idaho Associated Conservation District in 1985 for his significant and outstanding achievements in soil and water conservation projects.

Mr. Agidius will be remembered by family and friends as a man of correct principles and unquestionable integrity. His consistent commitment as husband, father, citizen, and conservationist and his dedication to firm values and high ideals made him an influence for good to all who associated with him.

Mr. President, Ted Agidius lived a life of selfless service, dedicated to the soil and water conservation cause. I am pleased to honor him and his exemplary life at this time of his passing.

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS IMPROVEMENT ACT (S. 1700)

Mr. KENNEDY. Mr. President, there is little doubt that education is one of America's most pressing domestic policy issues. In our struggle to improve the quality of public education, however, it has become abundantly clear that we lack reliable and accurate data on the performance of our schools. To help get better information on educational performance, I am introducing the National Assessment of Educational Progress Improvement Act of 1987.

The National Assessment of Educational Progress [NAEP] is a federally funded testing program that provides evidence about the academic performance of 9-, 13-, and 17-year-old schoolchildren. For 20 years, NAEP has provided nationally and regionally representative data on how well our students are doing in math, reading, and writing.

In recent years, many educators have proposed that the National Assessment be expanded to cover more subject fields and to provide data that would allow States to compare the performance of their schoolchildren with that of other States and national average.

The bill that I have introduced will accomplish that purpose. More specifically, my bill will require that the National Assessment measure student achievement in reading, science, and mathematics every 2 years. It will also require that writing, history, civics, and geography be tested at least once every 6 years. In addition, my bill will allow States to get the data necessary to compare themselves to other States and the Nation as a whole.

No State will be required to participate if it does not wish to do so. Indeed, States that want to participate must contribute 20 percent of the necessary resources.

Improving American education is a task that will require the involvement of Federal, State, and local governments. State and local governments have already launched ambitious programs to upgrade quality. By enacting this bill, the Federal Government will help State and local officials determine how well they are doing.

I hope my colleagues will join me in approving this measure in the 100th Congress.

The text of the bill follows:

S. 1700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Assessment of Educational Progress Improvement Act".

SEC. 2. NATIONAL ASSESSMENT AMENDMENTS.

(a)(1) GENERAL AUTHORITY; CONTENT OF ASSESSMENTS.—The matter preceding subparagraph (A) of section 405(e)(1) of the General Education Provision Act (hereafter in this title referred to as the "Act") is amended by striking out "or cooperative agreement with a nonprofit educational institution" and insert in lieu thereof a comma and the following: "contract, or cooperative agreement with a qualified organization or institution".

(2) Section 405(e)(1)(A) of the Act is amended by striking out "five years" and inserting in lieu thereof "two years on a national, regional, and State basis".

(3) Section 405(e)(1)(A) is further amended by striking out "writing and mathematics" and inserting in lieu thereof the following: "science and mathematics, and at least once every six years on a national, regional and State basis, data in each of the areas of writing, history, geography, and civics".

(4) Section 405(e)(1)(E)(i) of the Act is amended by striking out "and communication" and inserting in lieu thereof "writing, science, history, civics, and geography".

(b)(1) NATIONAL ASSESSMENT GOVERNING BOARD.—Section 405(e)(2)(A) of the Act is amended to read as follows: "The National Assessment Governing Board (hereafter in this section referred to as the 'Board') is authorized to design and supervise the conduct of the national assessment. The Board shall be composed of—

"(i) 2 members who shall be representatives of business and industry appointed in accordance with subparagraph (D);

"(ii) 3 members who shall be representatives of the general public; and

"(iii) 14 members from the categories of membership specified in subparagraph (B) appointed in accordance with subparagraph (D).".

(2) Section 405(e)(2)(C) of the Act is amended by striking out "Assessment Policy Committee" each place it appears and inserting in lieu thereof "Board".

(3) Section 405(e)(2)(D) is amended—

(A) by inserting "(i)" after the subparagraph designation;

(B) by striking out "(i) and (ii)"; and

(C) by adding at the end thereof the following new subparagraph:

"(ii) The members of the Assessment Policy Committee, serving on the date of enactment of the National Assessment of Educational Progress Improvement Act, shall become members of the Board for the remainder of the terms of the appointment to the Assessment Policy Committee. As vacancies occur, in accordance with division (i) of this subparagraph, new members of the Board shall be appointed by the Secretary from among individuals are nominated by the Board. The Board shall nominate individuals who, by reason of experience or training, are qualified in the area of education policy or in one of the subject matter areas subject to assessment. The Board

shall be considered an advisory committee for the purpose of the Federal Advisory Committee Act.".

(4) Section 405(e)(2) of the Act is further amended by adding at the end thereof the following new subparagraph:

"(E) In the exercise of its functions, powers, and duties, the Board shall be independent of the Secretary and the other offices and officers of the Department of Education.".

(5)(A) Section 405(e)(3) of the Act is amended by striking out "Assessment Policy Committee" each place it appears and inserting in lieu thereof "Board".

(B)(i) Section 405(e)(3) of the Act is amended by inserting before the last sentence the following new sentence: "The Board shall have final authority on the appropriateness of cognitive items.".

(ii) The last sentence of such section is amended by striking out "Such" and inserting in lieu thereof "Other".

(c) ASSESSMENTS FOR STATES.—Section 405(e)(5) of the Act is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) Participation in assessments made on a State basis shall be on a voluntary basis. The Secretary shall enter into an agreement with any State which desires to carry out an assessment for the State under this subsection. Each such agreement shall contain provisions designed to assure—

"(i) that the State will participate in the assessment; and

"(ii) will pay from non-Federal sources or from funds paid to the State under chapter 2 of title I of this Act the non-Federal share of participation.

"(C)(i) For each fiscal year, the Federal share for the purpose of clause (ii) of subparagraph (B) shall be 80 per centum.

"(ii) The non-Federal share of payments under this paragraph may be in cash or in kind, fairly evaluated, including planning, equipment, or services.".

(d) REPORT.—Section 405(e)(6) of the Act is amended—

(1) by inserting "(A)" after the paragraph designation; and

(2) by adding at the end thereof the following new subparagraphs:

"(B) The Secretary shall, not later than 6 months after the date of enactment of the National Assessment of Educational Progress Improvement Act, publish a report setting forth plans for the collection of State representative data for the 1990 assessment. The report shall include—

"(i) plans for expanding the subjects tested to include science, history, geography, and civics not later than the 1992 assessment;

"(ii) possible methods of using national assessment of educational progress data to make international comparisons of educational effectiveness; and

"(iii) methods by which the results of the National Assessment of Educational Progress may be reported so that the results are more easily understood by educators, policymakers, and the general public.

The report shall be developed after consultation with educators, State education officials, members of the Board appointed under paragraph (2), and the general public.

"(C) The report required by this paragraph shall be submitted to the Congress and made available to the public. The Secretary shall take such actions as may be appropriate to carry out the recommendations contained in the report.".

(e) AUTHORIZATION.—Section 405(f)(1) of the Act is amended by striking out "for four succeeding fiscal years" and inserting in lieu thereof "each of the fiscal years ending prior to October 1, 1993".

(f) RESERVATION OF FUNDS FOR ASSESSMENTS.—Section 405(g)(1)(D) of the Act is amended by striking out "$4,000,000" and inserting in lieu thereof "$10,000,000".

SEC. 3. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided by subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b)(1) SPECIAL RULES.—The amendment made by section 2(a)(2) shall take effect for assessments made after September 30, 1989, with respect to State data.

(2) The amendments made by sections 2(a), (3) and (4) shall take effect with respect to assessments made after June 30, 1991.

SENATOR BUMPERS' DEMOCRATIC RESPONSE TO PRESIDENT REAGAN

Mr. BYRD. Mr. President, last Saturday the senior Senator from Arkansas, DALE BUMPERS, delivered the Democratic response to the President's weekly radio address. He did an excellent job of pinpointing many of the problems with the administration's policy in the Persian Gulf, with particular attention to the convoying and reflagging of Kuwaiti ships.

A reading of Senator BUMPERS' remarks generates the disturbing thought that this Nation's Persian Gulf policy must appear to the rest of the world, to be ad hoc, reactive, and confused. I ask unanimous consent that the text of Senator BUMPERS' radio address be inserted in the RECORD at this time.

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

DEMOCRATIC RADIO RESPONSE—SENATOR DALE BUMPERS

This is Dale Bumpers—Senator from Arkansas. At the tail end of the Vietnam War Congress labored mightily over a major bill that became known as the War Powers Act. It became law over President Nixon's veto because Congress was determined that America would not mindlessly blunder into any more Vietnam Wars. The War Powers Act says simply, in every instance possible, the President will consult with Congress *before* introducing American forces into an area of hostilities, or an area where hostilities may be imminent. Secondly, the War Powers Act says if the President introduces troops in an area of imminent hostilities without consultation in advance, he will report such action to Congress within 48 hours, and Congress has 60 days to pass a Joint Resolution approving or disapproving of the action.

The President did not seriously consult with Congress *before* putting the American flag on Kuwaiti tankers and sending American warships to escort them through the Persian Gulf, and now steadfastly refuses to even consult with Congress, though hostilities have already occurred and will continue to occur as long as we continue our present policy.

The point is, the President may not like Congress and he may not like the War Powers Act, but it is the law of the land, and the President has no more right to violate the law than any other citizen. The War Powers Act was designed to make certain the President does not do precisely what he is now doing—conducting a foreign policy which could lead the U.S. into an accidental war without consulting with the Legislative Branch of government, which is charged in the Constitution with the responsibility of raising the money for a war. Our Founding Fathers designed it that way to keep a President from starting a war without first consulting with Congress and making sure the money would be forthcoming.

Most members of Congress feel strongly that the United States has a legitimate right to have warships in the Persian Gulf. We always have, and we always will.

But placing our flag on Kuwaiti tankers and using warships to escort those tankers is a flawed policy.

First, the President says we have to assure safe passsage of oil. Yet, not one single oil tanker has been sunk in the seven years of the Iraq-Iran War, and 99% of all oil shipments have come safely out of the Gulf. We can hardly improve on that.

The most insulting aspect of our policy is that Kuwait would not, until recently, even allow a U.S. helicopter on her soil, and still does not want our ships to berth there or our fighter planes to land.

If the President intends to stay until the end of the war, then we're at the mercy of Iran, which will end the war when they think it's to their advantage, not ours.

A Presidential spokesman said yesterday that invoking the War Powers Act would bring joy to the hearts of Iranians. The truth is there's joy in both Iran and Russia today. The Iranians can continue a war that saps our strength, and the Soviets can continue to veto sanctions against Iran, which will allow the war to continue. So we both sap our strength and lose American lives and get not one single known benefit in return.

The cost to America's taxpayers will run at least $500 million per year, and we're not being reimbursed one dime by anybody. You will recall the President first said the whole thing would only require about six warships. Now we have over 30 ships in or near the Gulf—and in putting so many ships there we leave other missions of the Navy weak or exposed.

One truly ironic aspect of this whole thing is that when the Shah ruled Iran, we sold them F-14 fighters and Phoenix missiles, our most sophisticated air-to-air missile. Then, of course, President Reagan last year sold Iran sophisticated Hawk ground-to-air missiles. Now we face the terrible possibility of American sailors and airmen losing their lives to American-made weapons, because we never seem to remember that our weapons often last longer than our friendships.

The most perverse part of the rationale for being in the Persian Gulf is that the Soviet Union is there. The Soviets only leased three of their own tankers to Kuwait, but refused to demean their flag by putting it on Kuwaiti ships. The Soviets are seen as the only neutral nation in the area, and as a result have increased their influence, while we have weakened ours.

Mr. President, I don't know of a single instance in our history where the nation's interest was not best served when Congress and the President cooperated and consulted with each other. The Vietnam War could

have been averted had Congress asserted itself more vigorously. Escalation of hostilities can be avoided in the Persian Gulf, without diminishing our stature and influence there, if we are agreed on our policy. A nation divided weakens our policy and our nation.

So, Mr. President, we're pleading with you. Obey the law. Come, let us reason together.

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:32 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1744. An act to amend the National Historic Preservation Act to extend the authorization for the Historic Preservation Fund; and

H.J. Res. 355. Joint resolution designating September 27, 1987, as "Gold Star Mothers Day."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. STENNIS).

At 4:13 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 191. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

At 4:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 191. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. STENNIS).

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 29, 1987, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 191. Joint resolution to provide for the extension of certain programs relating to housing and community development, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with amendments:

H.R. 2937: A bill to make miscellaneous technical and minor amendments to laws relating to Indians, and for other purposes (Rept. No. 100-186).

By Mr. CRANSTON, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1464: A bill to amend title 38, United States Code, to provide eligibility to certain individual for beneficiary travel payments in connection with travel to and from Veterans' Administration facilities (Rept. No. 100-187).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer for reappointment as Chairman of the Joint Chiefs of Staff under title 10, United States Code, section 152.

Adm. William J. Crowe, Jr., [redacted], U.S. Navy.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOSCHWITZ (for himself, Mr. BOREN and Mr. KARNES):

S. 1725. A bill to support and stabilize farm income and provide an orderly transition to a market-oriented agricultural economy, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 1726. A bill to amend the Public Health Service Act to promote employee health and disease prevention, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HARKIN:

S. 1727. A bill to amend the Public Health Service Act to establish within the National Institutes of Health a National Institute on Deafness and Other Communication Disorders; to the Committee on Labor and Human Resources.

By Mr. WILSON (for himself, Mr. FORD and Mrs. KASSEBAUM):

S. 1728. A bill to amend the Federal Aviation Act of 1958 to require the installation and use of collision avoidance systems in aircraft, to require the Federal Aviation Administration to complete research on and development of the TCAS-III collision avoidance system as soon as possible, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEAHY (for himself, Mr. HARKIN, Mr. FOWLER, Mr. HEFLIN, Mr. STAFFORD, Mr. PRYOR, Mr. CONRAD, Mr. DASCHLE, Mr. BURDICK, Mr. SHELBY, Mr. MATSUNAGA, Mr. ROCKEFELLER, Mr. SANFORD, Mr. EXON, and Mr. FORD):

S. 1729. A bill to promote rural development, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURDICK:

S. Res. 290. A resolution authorizing the printing of the report entitled "Highway Bridge Replacement and Rehabilitation Program, Eighth Annual Report to Congress" as a Senate document; to the Committee on Rules and Administration.

By Mr. SPECTER:

S. Res. 291. A resolution to express the sense of the Senate that the Antitrust Division of the Department of Justice should study and report to the Congress on National Football League telecasting; to the Committee on the Judiciary.

By Mr. BYRD (for himself and Mr. DOLE):

S. Res. 292. A resolution to authorize production of records by the Senate Permanent Subcommittee on Investigations; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. BOSCHWITZ (for himself, Mr. BOREN, and Mr. KARNES):

S. 1725. A bill to support and stabilize farm income and provide an orderly transition to a market-oriented agricultural economy, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FAMILY FARM PROTECTION ACT

● Mr. BOSCHWITZ. Mr. President, today Senators BOREN, KARNES and myself are introducing the Family Farm Protection Act of 1989. We believe now is the time to start debating what kind of national farm policy we want as we near the second millennium. Farmers and ranchers are enjoying a better year financially than they have for quite a long time. This uptick should not blind us to the hardship that still exists and to the fragile nature of the recovery. The signs are positive but a significant portion of farmers and farm debt is still at risk. We believe that the policies outlined in the bill we are introducing today will provide a much more firm recovery and a chance for farmers to finally make some real money from the marketplace.

Mr. President, I ask unanimous consent that a background statement on the legislation be printed in the RECORD.

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

FAMILY FARM PROTECTION ACT OF 1989

BACKGROUND

You can't fool economic realities for long. Government programs that try may succeed in the short term, but are bound to fail in the longer pull. While it's tempting to pass a patch-and-fill farm policy and get through the next election, such policies have and will continue to lead inexorably to the de-

cline of the family farm and all of rural America. For perhaps no reason other than this, we took the longer view and dealt with economic realities when we introduced the Family Farm Protection and Full Production Act of 1985. It was described as "A policy ahead of its time."

Senators David Boren, David Karnes and I have decided to reintroduce a modified version of our 1985 bill because we believe now is the time to look beyond the 1985 Food Security Act (the bill now governing agricultural programs) to the policy we want as the year 2000 approaches. Our bill would not take effect until the 1990 crop year.

At the base of our bill is the belief that American agriculture can compete, and that in combination with our highly efficient agricultural infrastructure, American agriculture in fact has a competitive advantage.

Also our bill recognizes that agriculture is the single most subsidized industry worldwide. These subsidies are based on the fact that much of the world knows hunger, and much of the developed world (particularly Europe and Japan) remembers starvation. It is not likely that such countries will easily or quickly give up their regime of subsidies; nor is it reasonable to assume that the American taxpayer (few of whom have known such hunger) will be willing to continue the degree of subsidies we have known for the past three years.

Our bill phases down our subsidies and makes those of other exporting nations potentially so expensive that they will have to consider more market oriented policies or consider shutting down their export production. Furthermore, our bill gives the United States the moral high ground in the multilateral trade negotiations to cool the heated arena of world ag subsidies. It is interesting to note that the Reagan Administration proposed "decoupling" on a global scale through the GATT process. Decoupled payment would be the only form of producer support ultimately allowed by the Reagan proposal

Farmers have always asked for a level playing field. This bill will give America the leverage to get that level playing field for farmers.

Our bill will make those who consider expanding their agriculture output to capture more of the 11 or 12 percent of world production that is internationally traded (nearly 90 percent of all that is produced is consumed in the country where it grows) think twice.

Also—most importantly perhaps—developing nations seldom have economic growth until they have a sound agricultural economy. Our market oriented bill will allow world prices to stabilize and not undermine such developing economies by the dumping into them low priced subsidized food products.

The fundamental difference between our approach and that of the last 50 years is that we remove the requirement to plant wheat, feedgrains, cotton and rice in order to get income support payments. Further, we intend to reduce the nonrecourse loan rate to a point where planting is not artificially induced by government programs and sales are not hindered by uncompetitive prices. Because we try to break the link between production decisions and government payment, our approach has been called "decoupling."

The only aspect of our bill upon which some focus is "decoupling". There's another important—even overwhelming—aspect to our bill and that is its impact on conservation and the environment. By removing incentives for production both by decoupling and reducing the loan rate to around the variable costs of production, we have removed with considerable finality artificial incentives for the extensive use of expensive inputs such as pesticides, herbicides and fertilizers in order to get more government farm program benefits.

PURPOSE AND NEED FOR NEW POLICY

Government Programs and the Structure of Agriculture

When deciding on a government program for any sector of the population we must return to some basic fundamentals. Government economic policy is concerned with maximizing benefits to society as a whole. In general, government policy is supposed to be aimed at distributing wealth and justice in a way society deems equitable. Farm programs, therefore, must be evaluated on their past and expected performance in distributing benefits in what most of us would consider to be a fair fashion.

A few brief and very general background points may be noted:

1. Over half of farm commodity sales come from 7 percent of the farms.

2. These farms get one-third of the direct government payments and earn on average around $100,000 per year after expenses.

3. In the last 35 years: (a) the average number of acres per farm has doubled; (b) the use of agricultural chemicals has increased by a factor of five; (c) the farm labor force has gone down 65 percent; and (d) the farm population went from 15 to less than 3 percent of all Americans.

4. The number of farms is decreasing today at about the same rate they have for the last 50 years.

Farm problems today are generally concentrated in mid-sized farms. Using solvency and net farm income measures, USDA estimates that family-sized commercial farms ($40,000-100,000 in sales) were more financially stressed than any other farm size in 1986. Thirteen percent of these farms were stressed compared to eleven percent for larger farms and ten percent for smaller farms and seven percent for the smallest farms. These mid-sized farms represent 35 percent of all farms, controlled 52 percent of all farm assets, but owed 64 percent of all farm debt. These farms do get government benefits, but they are roughly proportioned to their output. Larger farms get a disproportionate advantage in direct and indirect government farm program benefits, while smaller farms do not get their fair share of government benefits.

Cash grain farms, the ones for which we provide price and income supports, had the highest average debt to asset ratios. The Corn Belt region was the most indebted region having over 23 percent of all farm operator debt, almost 17 percent of which was held by technically insolvent operators.

Many economists conclude that past farm policies have probably helped raise the average level of farm income compared to nonfarm income, but have distributed benefits so that the largest farmers get the most benefits.

Other economists argue that farm income would have been greater without farm programs. All benefits are distributed without regard to need so that the poorest farm families receive no more assistance than the size and type of farm they operate. Current policy supports bushels, pounds, and bales—not farmers. Only through what farmers produce do they receive support. Further, only 25 percent of the commodities produced have income supports attached to them.

Unfortunately, almost all of the benefits farmers may have gained from farm programs or new technology have been bid into the price of land. Farmers and rural lenders have traditionally believed that land ownership was the key to wealth. However, the 1970's boom in land values simply raised the cost of production for farmers. Anyone who went through that period knows that prices paid for land would never pencil out. Only when combined with other previous low-price land purchases could farmer and lenders justify expending such sums.

Like every economic bubble before it, this one burst. What was intended to be a wise investment in a rising land value market turned sour as the farm economy reversed in the early 1980's and with it farmland values sunk as rapidly as they had risen. Farmers who incurred massive debt in anticipation that land values and commodity prices would continue to rise lost their gamble and in many cases their farms. If people ever wonder about the "costs" of inflation surely this boom and bust shows them clearly.

High tech, high input, and expansionist farming has been encouraged and rewarded by our farm and tax policies. By guaranteeing price, markets, and offering subsidies based on production, the aggressive producer could have the government underwrite the purchase of his neighbor's farm.

Typically, this new breed of farmer replaced the labor of other farmers with larger machines, more chemicals, and other labor saving, but expensive, equipment. This made some sense at the time, because farm and tax policy along with low real interest rates rewarded such activity. Money was actually "free" in some years; that is, the inflation rate exceeded the interest rate.

Our unrelenting movement toward greater efficiency through larger farm size was known to go beyond what was necessary for economic reasons. Both large and small farms can be efficient. We can logically conclude that "efficiency" was not the driving force that has pushed so many farmers from the land. Price supports and tax policy, reduced risk so that expansion could take place and incomes could rise. Those who were content simply got grabbed up. Our "decoupling" approach would allow all farm sizes to benefit more fairly from Federal farm programs.

Today we find an agricultural production system that is highly specialized. Each farmer does one or two things well, but is very dependent on those one or two activities for their income. It is not surprising that worst farm troubles are in the Corn Belt. It is an area where reliance on two price supported crops has grown and where land values increased the most during the double-digit inflation era. Corn and soybean farmers now feel the consequences of having no other alternative income sources such as livestock. Our farm programs have rewarded such activity by reducing the risk of specialized cropping.

The conventional wisdom that farm programs should reduce risk may be totally false if the goal is to keep farmers on the land.

Small diversified farmers are better able to tighten their belts—especially if they have not borrowed heavily—than large high tech farmers that rely on one crop. But our farm programs have reduced risk in the production of certain crops and therefore bor-

rowing to invest in their production has taken resources away from other farming enterprises and directed them toward those commodities that have price and income supports.

One of the anomalies of today's farm crisis is the fact that many farmers still using W.W.II era equipment are in fine financial shape. They did not pay much for land or equipment, only bought when they had the money and were generally considered poor farmers by their younger, high tech, high debt neighbors.

Some changes in the structure of agriculture would probably have taken place regardless of our agriculture and tax policies. However, we are fairly certain that the growth of farming and livestock operations would have not have taken place nearly as fast. In essence, we believe that farm programs should be neutral with respect to farm structure and farm size. It has not been. But by removing the incentive to produce inherent in our present programs, a good cause could be made that our approach will bring about a revival of the medium family farm. Diversity, low input costs, risk management, and environmental quality will be the emphasis of farm families rather than "farming the government."

This new legislation will allow farmers to regroup and do with their land, labor, and capital what makes sense for each of their individual operations. No longer will the federal government encourage or discharge the production of one commodity over another. No longer will we reward more production with more benefits and no longer will we force farmers to get permission from their local ASCS office for every production decision they want to make.

THE 1985 FOOD SECURITY ACT

All of the past farm programs were continued in the 1985 Food Security Act. However, some important changes were begun. Loan rates were reduced so that their indirect benefits are less attractive to all producers, especially large producers who do not participate in acreage control programs. Over the life of the bill, target prices will be reduced 9 percent which will, combined with changes in the base and yield calculations for direct payments purposes, reduce government incentives to increase production. In addition, a provision called "50/92" was included in the Act so that producers are required to plant on only 50 percent of their permitted acres in order to receive 92 percent of their direct payments. Therefore, the requirement to produce in order to get benefits, regardless of whether or not the production is needed, has been partially broken.

Good News

Despite its many shortcomings, the Food Security Act is working reasonably well. Although not completely attributable to the 1985 Act, net cash income for farmers and ranchers is expected to reach record levels this year. Demand for all major price supported commodities except soybeans has improved. More importantly, our share of the market against world competitors has improved for all these commodities except soybeans (however soybean meal market share has improved). Not only has the volume of commodity sales gone up, but so has the value for the first time in 5 years.

TABLE 1.—CHANGE MY85/86 TO MY86/87 (VOLUME)

[In percent]

	Domestic use	Exports
Wheat	+14.1	+9.7
Corn	+11.1	+25.8
Cotton	+15.6	+240.0
Rice	+15.6	+38.7
Soybeans	+14.1	0

Source: USDA, World Agricultural Supply and Demand Estimates, Aug. 11, 1987.

Beside the fact that commodities are selling again, there are numerous other signs that rural economic decline has leveled. Rural bank surveys indicate that they and their borrowers are in better shape. Deposits in rural banks are rising at a rate faster than in the metropolitan areas. Land values are beginning to stabilize, and even rise in some areas. The vast majority of land changing hands is among farmers indicating renewed confidence by farmers in the profit potential of the land.

We can expect these trends to continue as long as Congress and the Executive Branch allow commodities to be priced competitively and to be available in sufficient quantities to supply expanding demand and discourage production abroad. Of course, macroeconomic factors such as inflation, interest rates, the value of the dollar and other things clearly outside the scope of farm policy will have as large an influence on the future of farming as our own farm programs.

Bad News

The dark cloud on the horizon lies in the fact that we are currently laying aside incredible amounts of productive land. In crop year 1986 we idled over 45 million acres and in the 1987 crop year we will idle over 71 million acres. We can expect larger land diversions in the future that may even exceed the record land diversions of 83 million acres in the 1983 PIX program. Plantings in 1988 might be the smallest since 1972.

The U.S. is the only country that seeks to control production by setasides. In 1983 over 60 million new acres were planted elsewhere in the world, as we laid aside 83 million acres. The four secretaries of agriculture from 1960–1980 came as a group to the committee as we considered the '85 Farm Bill. They advised: do away with setasides.

So what is wrong? Don't we have billions of bushels, bales and pounds of commodities in storage? The answer is yes and no.

Demand for cotton, since we lowered our prices, has actually depleted all the government and most private stocks. Wheat and feed grain stocks, however, remain high. The problem is that these stocks are by in large isolated from the market so that current year supply and demand controls prices. Without generic payment in kind certificates to bring past crops on the market it is unlikely that we could supply wheat and corn at competitive prices even though we have hugh surpluses. So, we have surpluses from past years, but they cannot be used. This system results in an artificial commodity shortage.

Already this crop year we have seen the futures and cash markets take large rises due to weather scares. Slight changes in normal yields, especially for wheat and soybeans, could push prices to uncompetitive levels even though large surpluses exist.

SUMMARY

We certainly have a long way to go if we get back to evaluating our past and present farm policies on the basis of how well they have served rural America.

Our loan rates and target prices encourage production at home and abroad, production controls tax producers and rural areas, income support is distributed without regard to who or what kind of farmer is in need, our markets are given away to foreign producers, and our environment has suffered severely in the whole process.

No farm policy is going to be perfect, but that doesn't mean we should give up trying to improve our programs. That is why we offer the Boschwitz/Boren/Karnes approach.

MAJOR DEPARTURES FROM CURRENT POLICY

Income Supports

The Boschwitz/Boren/Karnes decoupling approach takes aim at the disease while sparing the patient. We believe that production controls are not needed if the marketplace is allowed to set the price. Farmers simply will not produce if the price is too low. Under this program, for a while, prices might be low, but not much lower than they are now according to most studies. However, as our customers return and demand expands, prices will rise. In the meantime farm income will be supported through an "equity payment." The new equity payment is similar to the present income support payments made through the complicated target price/deficiency payment scheme.

Equity payments are, however, different in three respects.

(1) They are known in advance over a six-year period and are based on historic, not current plantings. They do not depend on unpredictable market prices. Our plan gives farmers the "upside" of the market while current policy takes the "upside" away. What could be worse for farmers than to watch prices go up knowing that they probably will not get any of that extra money? For every penny the price goes up their deficiency payments are reduced a penny under current law. Our plan would let farmers keep that money generated in the marketplace.

We believe strongly that producers must have an element of financial security to plan the most efficient long-term course for their operation. Therefore, in addition to nonfluctuating payments, we provide an option for the producer to sign a multiyear participation contract so that he knows exactly how much income support can be counted on from the federal government for the full term of the contract.

(2) The government would not dictate how many acres should be planted and how many should not be planted in order to get the equity payments. Our present policy takes away much of the individual decision making rights that go along with operating a private business. Producers are told how much of each program crop they must plant and how much of each program crop "base" must be laid aside.

The current program prevents farmers from responding to market forces. If the market, through price signals, calls for more wheat, for example, a producer would be forced to give up all income support on all crops if he exceeds his previous year's wheat plantings. Not only does this effect the crops that have income support target price mechanisms, but it indirectly effects the production of nonprogram crops as well by locking in program crop acreage.

Agriculture has always had one of the fastest technology adoption rates of all industries. Many producers would like to ex-

periment with new crops and crops that are in demand locally. However, current government policy locks people into producing wheat, feed grains, cotton, and rice whether they want to or not. This seems pretty ironic considering the fact that, except for cotton, all of these crops are in tremendous surplus.

The Boschwitz/Boren/Karnes proposal unhooks the requirement that producers plant a certain amount of each crop in order to receive payments. The bill does, however, protect the interests of nonprogram crop producers so that our entire, wheat, feed grain, cotton, rice, soybean and sunflower acreage is not opened to compete with nonprogram crop producers immediately. Production of nonprogram crops would be allowed on a gradual basis in direct proportion to the phase down of income support payments.

There are many examples of successful farming operations that supply urban areas with locally grown produce. These farms are quite different than a traditional corn/soybean farm and can be many times more profitable. There is little doubt that consumer demand is present for local produce. With proper distribution and marketing systems such demand can provide benefits and employment for rural areas.

New crops that are presently available as well as those that will be coming along as a result of biotechnology breakthroughs can provide exciting opportunities for producers to break out of their present farming practices. These opportunities as well as the ones provided by local markets will be wasted if farm programs continue to inhibit and prevent changes in cropping practices.

(3) The equity payments are targeted to the small and medium size family farm with an overall payment limit that is less than current law.

Present policy is a complicated system consisting of a $50,000 payment limit for one type of payment (the regular deficiency payment); a $200,000 limit for other payments (those from marketing loan benefits); and a $250,000 overall payment limit. These payment limits have resulted in a hodgepodge of economic and political problems. Producers must carefully plan their operations in order to avoid one or both of the limits. The time, effort, and money allocated to dealing with payment limits robs resources from agricultural production and management thereby reducing efficiency.

This legislation targets payments by tiering each $50,000 of payment eligibility so that the payment is progressively less advantageous for larger farms. Total tiered payments may not exceed $200,000 in any case. It also allowed the Secretary to define a "person" for payment limit purposes in such a way as to more accurately reflect true farming operations.

Loan Rates

In an environment where producer income is no longer taxed through the unpaid acreage reduction requirement needed to offset production incentives, it is essential that price supports (loan rates) do not influence planting decisions.

Originally, nonrecourse loan rates were a temporary response to a depression era cash flow emergency. Throughout history however, nonrecourse loan rates have been used to support prices above what they would otherwise be. As mentioned earlier, production increases then must be dealt with through supply controls and the net impact on producers is very difficult to determine. Many studies indicate that farm income is lower than it would otherwise be—not to mention the impact this system has had on creating fewer and larger farms.

What makes matters worse is that these policies were enacted as if American farmers existed in a vacuum. As our price supports raise prices for a limited amount of American production, they raise prices for an unlimited amount of foreign production. Our competitors in Canada, Australia, Brazil, Argentina, the European Community and many other places have increased production and supplied the markets at a price we refused. Not only that, as our price supports increased world prices, many countries took a look and decided to start growing more of their own food.

Loan rates have a legitimate role to play in providing a safety net for producers and as a marketing and financial tool. However, it is inappropriate and counterproductive for them to be used to enhance prices. You can't fool economic realities in the long run.

Further, such loan rates should not determine the planting decision by guaranteeing that producers will recover their variable costs of production no matter what happens in the marketplace. If they do, farmers face little price risk because they know the government will guarantee them their out-of-pocket costs.

This situation, as was explained before, is one of the main reasons why there are fewer and larger farms today than ever before. Small diversified family farms can handle risk by the nature of their diversity and their ability to shift labor resources where they are needed. Large monoculture operations are subject to more risk in a market oriented environment. Our farm and tax policies have allowed these operations to reduce risk and expand.

Production Controls—Effect on Farmers

Our basic problem is that current and past policies have de facto determined how many acres are planted in this country. We require farmers to set aside so many acres and to plant on so many acres in order to get program benefits. This "control valve" on supply must be used because our loan rates and high target prices encourage too much production. Not only do the loan rates encourage production, but (absent consumption subsidies) they discourage demand. It is akin to pushing the accelerator (loan rates and target prices) and the brake (acreage controls) at the same time. In the past we have tried to keep the car moving by just letting surpluses pile up and when they got too big we slammed on the brakes with programs like the 1983 PIK program.

In the 1985 farm bill we took our foot off the accelerator marginally, stepped on the brake a little more, and oiled the linings so that surpluses wouldn't pile up. The oil we applied comes in the form of marketing loans for cotton and rice, but particularly a generic certificate program for feed grains, and export subsidies for wheat.

Things look better, but the underlying problems are the same. The 1985 farm bill made our products more competitive, but has not done much to allow or encourage our farmers to be more competitive. Until we stop encouraging production through offering producers more for their product than the market will give, production restraints will be needed.

Wheat producers in 1986 had to voluntarily idle 27.5 percent of their ground in order to be eligible for nonrecourse commodity loans and deficiency payments. Interest and principal payments plus taxes and other costs continue on those set aside acres and drive up the guaranteed price necessary to cover those costs on the 72.5 percent that is planted. So instead of getting the $4.38 per bushel target price set by law on their production, they really got about $3.40 per bushel ($3.25 per bushel considering the 4.3 percent Gramm-Rudman reductions) when the target price is applied to the entire base. Wheat farmers could take a $1.60 per bushel loan and a $1.65 equity payment with no acreage limitation and be just as well off as they are under the current program.

Program Benefits Comparison Wheat 1987

General Assumptions:	
100 acre base	
34 bu./acre program yield	
39 bu./acre actual yield	
$1.20/bu. variable cost (planted)	
$20/acre variable cost (diverted)	
1987 Wheat Program Provisions:	
27.5 percent unpaid ARP	
No paid diversion	
$4.38/bu. target price	
$2.28/bu. loan rate	
Income:	
Production: 72.5 acres × 39 bu. × $2.28	$6,447
Deficiency payments 72.5 acres × 34 bu. × $2.10	5,177
Total	11,624
Expenses:	
Planted acres: 72.5 acres × 39 bu. × $1.20	3,393
Diverted acres: 27.5 acres × $20	550
Total	3,943
Net income above variable costs	7,681

1987 Boschwitz/Boren Program (Example)

Program Provision	
No ARP	
No Paid Diversion	
$1.80/bu. equity payment	
$1.60/bu. loan rate	
Income:	
Production: 100 acres × 39 bu. × $1.60	$6,240
Equity payment: 100 acres × 34 bu. × $1.80	6,120
Total	12,360
Expenses:	
100 acres × 39 bu. × $1.20	4,680
Net income above variable costs	7,680

Our new approach of dealing with payments and production on the entire base, putting the loan at or near the variable cost of production (put it too far above that level and you're sure to get too much production) is fairer, more realistic, and production decisions will be made for economic not programmatic reasons.

One ironic thing about present policy is that our control value on production is leaky at best. Production controls in the form of land set asides act as a tax on producer income. Naturally, producers, just like other citizens and business people, try to minimize their taxes. They do this through making the land diversion tax as painless as possible. In fact, USDA data suggest that in terms of acres the 1982 through 1984 corn and wheat programs were on average only 76 and 62 percent effective in terms of harvested acres. Added to this is the fact that farmers idle their least productive land in order to comply with the program. It is estimated that for every 10 percent of the acreage base that is idled, yields increase 3 per-

cent and 2 percent for corn and wheat respectively.

The above simply describes how producers use common sense and loopholes in the farm programs to reduce the income robbing effects of production control programs. These figures do not take into account new production resulting from the ever steady march of increasing efficiency.

The point is that voluntary acreage controls that are intended to create a crop shortage and force prices up to the loan rate do not work. The result is that the government purchases from producers the excess production and isolates such production from the market with a storage program.

One of the most discouraging things about our land diversion programs is that they treat all farms and all land as if they were the same. Our best land and our best producers must lay aside the same portion of their farm as our worst land and worst farmers. In essence, we tell farmers who are able to compete with anyone in the world that they can not compete. Similarly we tell farmers who would be better off to stop producing, collect their payments, and reorganize their operation that they must go on producing. Surely our most efficient farmers should be allowed to do what they do best. To prevent the best uses of our labor, land, and capital resources is to deny the principle of comparative advantage. Then, our whole economy loses out.

During consideration of the 1985 Farm Bill Secretaries of Agriculture Freeman, Hardin, Butz and Bergland met with the Senate Agriculture Committee and said, whatever you do don't continue set-asides. They don't work. But some of those number crunchers at CBO, OMB and USDA are unconvinced. Disregarding all the historical evidence, if you put a set-aside into a program, they will score it as a money saver when it comes to projecting the cost of the program—something they have done with little accuracy, incidentally.

While we encourage production through loan rates and target prices that are too high and back price supports up with acreage controls and surplus storage programs we simultaneously discourage demand for these very products.

Working hand in hand, price supports and production controls have given our markets away to foreign competitors. Because we set our loan rates above world market levels and backed those loan rates up with production controls, foreign competitors produced more (surprise, surprise!!). Our historic customers were drawn to cheaper sources of supply which we had essentially created by our protection of world prices. As demand dropped for our agricultural goods, it grew for our competitors and they were more than happy to fill the orders.

For example, U.S. harvested acreage was about the same in 1984/85 as in 1977/78. But during that period, Argentina, Australia, Canada and the European Community increased their harvested acreage by about 24 million acres. In 1983 under PIK we laid aside 83 million acres. That year our world competitors increased production by 63 million acres, and once in the business they tend to stay there!

One of the best measures of agricultural competitiveness is our world market share. That share fell for all prices supported commodities in the early 1980's but is non starting to come back with the aid of more favorable macroeconomic conditions and lower loan rates ushered in by the 1985 farm bill.

Production Controls—Effect on Rural America

Not only do production controls tax farmers, but they also harm the rural economy. The food chain constitutes nearly 20 percent of the Gross National Product. But the value actually added on the farm is only 2.5 percent. Farm inputs and purchases are another 2.5 to 3.0 percent. The small towns in rural American live on the sale of these inputs and the very considerable value added beyond the farm gate. Limit farm production and you thereby limit activity in rural America. Cutting production by half and doubling the price as some would do might enrich some farmers (in the short run) but would certainly play havoc with all other residents of rural America who participate in the food chain. Livestock farmers would especially be hurt as high feed costs reduce production, raise prices and discourage demand for meat. Farmers also would find that the goods and services they need to produce and market their crop—not to mention care for their families would be gone. This result may be unintentional but it surely will occur. As long as we have production controls we will never have full economic recovery in our small towns and cities.

Despite all of the well intentioned efforts to spur "rural development" through government programs no feasible plan has been submitted to Congress or even talked about that is as important as farming itself.

Between 1970 and 1980, the population of farm-dependent (more than 20 percent of their income from agriculture) counties grew at about half the rate of other rural counties not dependent on farming. As farm financial conditions got worse in the 1980's over half of the farm dependent (greater than 20 percent of their income from agriculture) counties lost population. These counties will not be helped much by "rural development" schemes because only 10 percent of their income comes from manufacturing sources. The only way these primarily corn belt and upper midwest areas will be helped as if farmers start farming again.

Even in rural counties that are not dependent on farming (less than 20 percent of their income from agriculture) the employment implications are impressive. In our 2,443 non-metro counties the farm sector, agricultural input industries, agricultural processing and marketing industries, and food and fiber wholesaling and retailing together account for over one-third of the employment.

The importance of this linkage is evident when one looks at the employment figures for the Corn Belt. While U.S. employment increased 11.1 percent from late 1982 (the worst period of the recession) to October of 1985, employment in many of these agricultural states only increased at half the national rate.

Production Controls—Effect on the Environment

Production controls also provide incentives for environmental degradation. Producers must recover all of their costs on less than all of their land. That means that producers must farm more intensively and less extensively. Input use and resource allocation is not efficient when one part of the land has to pay not only for itself, but for the part that is not producing as well. Naturally, farmers will farm the producing land more intensively then they otherwise would to make up for the shortage. Fertilizer, pesticides, herbicides, fungicides, irrigation and normal cultivation must be used at high levels.

Our present programs not only force intensive production but they reward it too. Prior to the 1986 crop, the more a farmer produced the more he got paid by the government. We were able to stop this production incentive inherent in the target prices by freezing program payment yield, but farmers may still receive commodity loans on all of their productions. However, as long as the loan rates are above the variable cost of production, producers will have an incentive to squeeze more bushels, bales and pounds from every acre.

There is little room for trees, grass water ways, and terraces given these production incentives. Further, water quality problems and excessive water use are of serious concern in rural America. Farm programs, such as the present one, that encourage maximum input use are certainly no benefit to the national environment.

SUMMARY

Senators David Boren, David Karnes and I offer this bill as the next logical step in agricultural policy. Farmers need an income safety net—this bill provides it. Farmers need to farm—this bill allows it. America needs to compete—this bill will not get in the way. Rural America needs people and money—this bill will allow for higher farm incomes and the subsequent recycling of that income in our rural economy.

The world, especially the European Economic Community, is carefully watching the American agricultural policy scene. There have already been major supply and demand changes since enactment of the 1985 farm bill—most in favor of American farmers. The Europeans know they cannot continue their programs while the U.S. follows a market oriented strategy. Now is the time to show the world that we intend to continue down the road to freeing American farmers from our crippling pact policies.

Early and open debate on the consequences of "decoupling" is why we introduce a bill now. Undoubtedly the details will change as we get closer to the time for a new farm bill, but the concept will stay the same. We welcome feedback on our proposal and look forward to the debate.

Family Farm Protection Act of 1989—At a Glance

Goals:

(1) Protect farm income

(2) Give farmers the freedom to farm

(3) Enhance American comparative advantage

(4) Improve the economic and social viability of rural America

(1) Farm Income:

(a) Equity payments.

The Act sets up a system of "equity payments" for producers of wheat, feed grains, cotton, rice, sunflowers, and soybeans. These payments are made directly to farmers based on historical measures of production on their farms. Farmers may sign multiyear contracts in order to be certain of program payment levels.

Equity payment rates

	Dollars
Wheat (bu.)	1.35
Corn (bu.)	1.04
Cotton (lb.)	.20
Rice (cwt.)	4.38
Soybeans (bu.)	.80

Equity payments for other feed grains, sunflowers and ELS cotton will be set in re-

lation to corn, soybeans, and upland cotton respectively.

Payment rates will be derived by multiplying the 1989 crop acreage base by the 1989 program payment yield for each crop.

Payments will be reduced by 10 percent in each crop year so that by the end of the Act payments will be at 50 percent of their beginning level. Soybean and sunflower payments will be reduced by 20 percent in each year of the Act so that they expire with the Act.

(b) The "upside."

Payment reductions will be offset by an innovative provision of the Act whereby producers obtain the "upside" of the market price. Under current law deficiency payment are reduced as the market price rises. Under this Act farmers may keep the entire price above the loan rate.

(c) Farm income hold harmless clause.

If, in crop year 1990 and 1991, the Secretary determines that net farm income for producers of wheat, feed grain, cotton, ELS cotton, rice, soybeans and sunflowers, on a commodity by commodity basis is less than it would have been if the 1985 Food Security Act were continued and had such producers participated in the wheat, feed grain, cotton, ELS cotton, rice, soybeans and sunflower programs as determined by the Secretary shall make additional payments so that net farm income on a commodity by commodity basis meets or exceed that which the Secretary determines would have occurred under the 1985 Food Security Act.

(2) Farmer freedom:

(a) Unpaid acreage diversions.

The Act contains no authority for any unpaid acreage diversion. All land diversion is voluntary and does not qualify producers for price and income support like present law. The Act essentially does away with individual crop acreage bases by making payments on a historical rather than current production pattern.

(b) Paid acreage diversion.

As a cost reduction option, the Secretary may accept bids for acreage diversion on an annual basis. Such payments would be in addition to and not in lieu of equity payments. Depending on the size of the Conservation Reserve Program (CRP) the optional paid diversion could range from 5 to 10 million acres.

(c) The conservation reserve.

The Conservation Reserve Program (CRP) would remain in place. Therefore, land already enrolled in the program and future CRP acreage levels mandated by the Food Security Act of 1985 will not be reduced. The CRP is designed to idle 40-45 million acres by 1989.

The combination of CRP and paid acreage diversions may not exceed 50 million acres.

(d) Nonprogram crops.

Producers of wheat, feed grains, cotton, ELS cotton, rice, soybeans and sunflowers receiving transition payments would only be allowed to plant nonprogram crops on the percent of their acreage base that corresponds to a cumulative percent reduction in their payments.

The percent of the 1989 farm acreage base that may be planted to nonprogram crops follows:

	Percent
1990	0
1991	10
1992	20
1993	30
1994	40
1995	50

Nonprogram crop currently permitted for planting on "50/92" land will continue to be permitted on all acreage.

Producers may plant any combination of wheat, feed grains, cotton, rice, soybeans and sunflowers or the equivalent of their 1989 crop acreage base.

Haying and grazing will be allowed on the percent of the farm acreage base outlined above and the acreage devoted to wheat during the 1989 crop year.

(3) Comparative advantage:

America has learned that in a global market environment we lose by trying to hold prices above market clearing levels. With more competitive pricing brought on by provisions of the 1985 Food Security Act, our exports and our market shares are gaining ground.

Loan rates set at or near the variable cost of production without forced land diversions to qualify for income support payments, will allow our best farmers and our best land to do what they do best—Produce!

(a) Nonrecourse loan rates. Wheat, feed grains, cotton, rice, and soybeans will have nonrecourse loan rates set at the following levels:

Rates

	Dollars
Wheat (bu)	1.60
Corn (bu)	1.30
Cotton (lb)	.45
Rice (Cwt)	4.50
Soybeans (lb)	3.50

Loan rates for other feed grains, sunflowers, and ELS cotton will be set in relation of corn, soybeans, and upland cotton respectively.

Nonrecource commodity loan rates may be adjusted by not more than 5 percent if, in the previous two marketing years, market conditions warrant such an adjustment and such an adjustment will not jeopardize the competitive position of the United States.

(b) Marketing loans.

If world market prices are below the loan rate, the Secretary must allow repayment of nonrecourse commodity loans at the world market price.

(4) Rural development:

(a) Acreage controls.

Only about 25 percent of American counties are classified as "agriculturally dependent." These counties receive 20 percent or more of their income from agriculture. The communities in these counties will not fully participate in economic prosperity without prosperity in the farm economy. Communities in agriculturally dependent counties act as servicing agents for farmers and as a trading center for their commodities. Without production there is nothing to service and nothing to trade. Policies such as the current one where upwards of 70-80 million acres are idle certainly hurt small rural towns. Our bill will limit the total acres of idled through government program to 50 million acres.

(b) Environmental quality.

Currently policy forces farmers to squeeze every bushel, bale, or pound out of their land that they can. Loan rates prior to 1986, income payments, were linked to production so that the more you produced the more Federal benefits you received. Naturally, this led to more production and in many cases on fragile or marginal ground.

Further, because farmers are forced to idle part of their land to get Federal benefits, they have to recover all of their fixed costs on the idled ground such as mortgage payments, interest, and taxes. They do this by coaxing as much production from their "permitted" acres as they can. This system has lead to poor resource allocation and the excessive use of inputs such as pesticides, herbicides, and fertilizer.

Groundwater quality, lakes and streams, grass waterways, shelterbelts, and general environmental quality are critical to the quality of life and rural America. Our rural areas are attractive to many simply for the quality of life. Our bill will discontinue present programs that encourage and reward environmental degradation.

PROVISIONS

Farmily Farm Protection Act

6-year bill covering crop years 1990-1995.

Crops covered—wheat, feed grains, cotton, ELS cotton, rice, soybeans and sunflowers.

Loans

	Dollars
Wheat (bu.)	1.60
Corn (bu.)	1.30
Cotton (lb.)	.45
Rice (cwt.)	4.50
Soybeans (bu.)	3.50

Loan rates for other feed grains, sunflowers, and ELS cotton will be set in relation to corn, soybeans, and upland cotton respectively.

Nonrecourse commodity loan rates may be adjusted by not more than 5 percent if, in the previous two marketing years, market conditions, warrant such an adjustment and such an adjustment will not jeopardize the competitive position of the United States.

Marketing loan:

If world market prices are below the loan rate, the Secretary must follow repayment of nonrecourse commodity loans at the world market price.

Equity Payments ($)

	Dollars
Wheat (bu.)	1.35
Corn (bu.)	1.04
Cotton (lb.)	.20
Rice (cwt.)	4.38
Soybeans (bu.)	.80

Equity payments for other feed grains, sunflowers, and ELS cotton will be set in relation to corn, soybean, and upland cotton respectively.

Payment rates will be determined by multiplying the 1989 crop acreage base by the 1989 program payment yield for each crop.

Payments will be reduced by 10 percent in each crop year. Soybean and sunflower payments will be reduced by 20 percent per year.

Producers will have the option of signing multiyear contracts for the life of the bill in order to be certain of program payment levels.

The Secretary is required to protect the interests of tenants and sharecroppers in the making of such payments.

PRODUCTION CONTROL PROGRAMS

The Secretary may not require participation in any acreage limitation or land diversion program as a condition of eligibility for other program benefits.

The bill does not modify the current Conservation Reserve Program (CRP). Therefore, land already enrolled in the program and future CRP acreage levels mandated by the Food Security Act of 1985 will not be reduced. The CRP is designed to idle 40 to 45 million acres by 1989.

As a cost reduction option, the Secretary may accept bids for acreage diversion on an annual basis. Such bids would be in addition to and not in lieu of equity payments. The combination of paid diversion and CRP land diversions may not exceed 50 million acres.

CCC SALES POLICY

The Commodity Credit Corporation (CCC) may sell acquired commodities at 125 percent of the then current loan rate for each commodity. If prices fall below 125 percent of the loan rate, CCC must discontinue sales.

EXPORT PROGRAMS

Authority to export bulk commodities through the Export Enhancement Program (EEP) are discontinued. Funding for value added and processed products will continue through the life of the bill at not less than 100 million or more than 250 million.

NONPROGRAM CROPS

Producers of wheat, feed grains, cotton, ELS cotton, rice, soybeans and sunflowers receiving transition payments would only be allowed to plant nonprogram crops on the percentage of their acreage base that corresponds to a cumulative percentage reduction in their payments.

The percent of the 1989 farm acreage base that may be planted to nonprogram crops follows:

	Percent
1990	0
1991	10
1992	20
1993	30
1994	40
1995	50

Non program crops currently permitted for planting on "50/92" land will continue to be permitted on all acreage.

Haying and grazing will be allowed on the percent of the farm acreage base outlined above and the acreage devoted to wheat during the 1989 crop year.

Producers may plant any combination of wheat, feed grains, cotton, ELS cotton, rice, soybeans and sunflowers on the equivalent of their 1989 crop acreage base.

PAYMENT LIMITATION

Producers will be eligible to receive transition payments on a tiered basis that is inversely related to farm size.

All payments and marketing loan benefits will be subject to an overall cap of $200,000 (current cap is $250,000).

The first $50,000 of payment eligibility will be credited to the producer at 100 percent. Each additional $50,000 will be subject to successive 10 percent reductions in the amount credited. All payments and marketing loan benefits are subject to the limitation.

The payment limit schedule is a follows:

1st $50,000 credited at 100 percent	$50,000
2nd $50,000 credited at 90 percent	45,000
3rd $50,000 credited at 50 percent	40,000
4th $50,000 credited at 70 percent	35,000
5th $50,000 credited at 60 percent	30,000
Total	200,000

FARM INCOME HOLD HARMLESS CLAUSE

If, in crop year 1990 and 1991, the Secretary determines that net farm income for producers of wheat, feed grain, cotton, ELS cotton, rice, soybeans and sunflowers, on a commodity by commodity basis is less than it would have been if the 1985 Food Security act were continued and had such producers participated in the wheat, feed grain, cotton, ELS cotton, rice, soybeans and sunflower programs as determined by the Secretary, the Secretary shall make additional payments so that net farm income on a commodity by commodity meets or exceed that which the Secretary determines would have occurred under the 1985 Food Security Act.●

By Mr. KENNEDY (for himself and Mr. HATCH):

S. 1726. A bill to amend the Public Health Service Act to promote employee health and disease prevention, and for other purposes; to the Committee on Labor and Human Resources.

EMPLOYEE HEALTH PROMOTION AND DISEASE PREVENTION ACT

● Mr. KENNEDY. Mr. President, it is with pleasure that I introduce this reauthorization of the Federal Office of Disease Prevention and Health Promotion and the national program of academic prevention centers. These programs are contained in title XVII of the Public Health Service Act. In introducing this bill, I am pleased to be joined by my colleague, Senator HATCH, the ranking minority member of the Committee on Labor and Human Resources. A new initiative is also contained in this bill to support worksite wellness programs for small businesses and for the public sector, two sectors of the work force which have not yet benefited from them.

Mr. President, since the establishment of the Office of Disease Prevention and Health Promotion [ODPHP] 10 years ago, a great deal has been accomplished. We who have followed the activities of this office over the years, have watched a small operation with a limited budget create an impact far out of proportion to its size or funding. I am pleased to take the opportunity to reauthorize this program at an increased funding level.

When first written into statute, this office was intended to coordinate all Federal efforts aimed at disease prevention and health promotion, to coordinate such efforts with the private sector, to establish a national information clearinghouse of education materials on prevention, and to support research and information projects. Though the Office has fulfilled this mission, its real impact is far greater than this description implies.

The ODPHP has provided real leadership to the Nation in the area of health promotion and disease prevention. It has taken the fruits of academic and public health research and increased the awareness of health departments, schools, and businesses around the country of the benefits which are possible through health promotion. In many places around the country there are requests to increase the reach and the impact of this intelligent approach to Federal involvement.

It was this office which developed and published Healthy People: The Surgeon General's report on health promotion and disease prevention. The publishing of this document was an important event in the resurgence of interest that we have seen in prevention. The development of the Surgeon General's objectives for 1990 was an outgrowth of this effort. Recently, the ODPHP coordinated a midcourse review of the objectives and the Office is currently working toward new objectives for the year 2000. These objectives are national marks by which the country has set its expectations and judged its progress. Currently, the Office is coordinating the Surgeon General's report on nutrition. We look forward to this addition to our national perspective on the role of dietary status in health and disease.

A new initiative in this bill would support demonstration projects on worksite wellness for small businesses and for the public sector. A recent study conducted by the Office of Disease Prevention and Health Promotion found that 44 percent of 1,358 businesses with 50 or more employees offered wellness programs. Nationwide, it is estimated that 100,000 worksites with 50 or more employees have wellness programs. Private corporations report tremendous benefits from these programs. But while large companies and their work forces are benefiting from these programs, small businesses and the public sector have not yet had this opportunity.

The first benefit of such programs is almost always decreased absenteeism. Improved morale and a real decrease in the cost of health care and health insurance generally follow. A number of companies have clearly saved money on these programs. The health and life insurance industry supports this effort. In 1982, the Health Insurance Association of America created an organization called the Wellness Councils of America to foster support for this concept.

Mr. President, I would like to mention one outstanding example of what has been accomplished through worksite wellness programs. Johnson & Johnson, with its Live for Life Program has achieved a remarkable success. It has decreased the rate of smoking, improved a variety of health indicators, and cut the costs of providing health coverage to its employees who have participated in this program. Not only did the number of hospital admissions decrease, but the length of those admissions and the cost of those admissions decreased compared to a control group. This program is available to 32,000 of the company's employees at 64 locations. The chairman of Johnson & Johnson, Jim Burke, has written to me about this experience. I would like to insert his letter and an article from the Journal of the American Medical Association about this experience into the RECORD.

The legislation we are introducing today would establish demonstration programs to study and promote worksite wellness programs for small businesses and for the public sector. Over 70 percent of our Nation's work force is employed in these settings. In this time of fiscal restraint and budgetary pressures, keeping our work force healthy is a strategy we must not neglect to explore.

Mr. President, this legislation also reauthorizes and expands our program of academic prevention centers. There are only three such centers at this time. At the University of Texas, the Southwest Center for Disease Prevention is focusing on strategies for health promotion for school age children. At the University of Washington, the center is developing strategies for preventing health problems amongst the elderly. The University of North Carolina is concentrating on heart disease, cancer, and infant mortality. All of these centers is working to transfer the constructive results of their work to the surrounding communities as quickly as possible.

This legislation will contribute to moving the important agenda of preventing disease and promoting health a step further toward success. I look forward to a speedy passage of this legislation by the Congress. In closing, I would like to thank the many individuals in the prevention and public health communities who have worked with me and my staff over the last couple of years in exploring the many areas of preventive health on which the country will focus attention in the years to come. Thank you.

Mr. President, I ask unanimous consent that the certain attachments, and the full text of the bill, be printed in the RECORD.

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

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Health Promotion and Disease Prevention Act of 1987".

SEC. 2. FINDINGS.

Congress finds that—

(1) there is a developing body of scientific evidence that participation in organized health promotion programs administered in worksite settings improves productivity and reduces health care costs to individuals and employers;

(2) in excess of 50 percent of the work force of the United States is employed by small businesses and over 30 percent is employed in the public sector;

(3) work site health promotion programs are not generally available to public sector employees or to employees of small businesses; and

(4) employees of small businesses are less likely to have adequate employer-based health and life insurance coverage and are thus more vulnerable to hardships resulting from medical and other costs associated with "preventable" diseases and conditions.

SEC. 3. EMPLOYEE HEALTH PROMOTION AND DISEASE PREVENTION PROGRAMS.

(a) IN GENERAL.—Section 1701(a) of the Public Health Service Act (42 U.S.C. 300u(a)) is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon; and

(3) by inserting after paragraph (10) the following new paragraphs:

"(11) undertake and support research and demonstration programs designed to—

"(A) establish worksite based programs for public sector employees to promote healthy behavior and to decrease participation in unhealthy and high risk behavior; and

"(B) develop a better understanding of the special circumstances and problems encountered in providing health promotion and disease prevention programs to employees of small businesses (as defined in section 3 of the Small Business Act (15 U.S.C. 632)); and

"(12) in carrying out the programs referred to in paragraph (11)—

"(A) support at least six 3-year programs;

"(B) perform the programs under the auspices of State and local organizations capable of encouraging the participation of schools, school systems, colleges, universities, community business associations and coalitions, civic groups, insurance companies, and other appropriate organizations;

"(C) make every effort to assure that the programs reflect a variety of regions, States, and community settings (including urban, rural, and minority populations); and

"(D) evaluate the impact of the programs on—

"(i) the health status measurements;

"(ii) the use of primary and acute care health services;

"(iii) absenteeism from work; and

"(iv) reduced health and life insurance costs.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking out "and $10,000,000 for the fiscal year ending September 30, 1987" and inserting in lieu thereof ", $10,000,000 for the fiscal year ending September 30, 1987, $10,500,000 for the fiscal year ending September 30, 1988, $11,000,000 for the fiscal year ending September 30, 1989, and $11,500,000 for the fiscal year ending September 30, 1990".

SEC. 4. CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION.

Section 1706 of the Public Health Service Act (42 U.S.C. 300u-5) is amended—

(1) in subsection (c)(1) to read as follows:

"(c)(1) During fiscal year 1988, the Secretary shall make grants and enter into contracts for the establishment of five centers under this section and the maintenance and operation of three of the centers established under this section in fiscal year 1987. During fiscal year 1989, the Secretary shall make grants and enter into contracts for the establishment of three centers under this section and the maintenance and operation of the eight centers established under this section in fiscal years 1987 and 1988. During fiscal year 1990, the Secretary shall make grants and enter into contracts for the establishment of three centers under this section and the maintenance and operation of the eleven centers established in fiscal years 1987, 1988, and 1989."; and

(2) in subsection (e) to read as follows:

"(e) To carry out this section, there are authorized to be appropriated $8,000,000 for the fiscal year ending September 30, 1988, $10,000,000 for the fiscal year ending September 30, 1989, and $12,000,000 for the fiscal year ending September 30, 1990.".

JOHNSON & JOHNSON,
NEW BRUNSWICK, NJ,
July 29, 1987.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources,
Washington, DC.

DEAR MR. CHAIRMAN: I am delighted to learn that you are introducing legislation which includes a provision for examining methods of providing health promotion programs to small business and public sector employees. This is an important legislative initiative.

As you may know, Johnson & Johnson has been very active in providing a health promotion program—Live for Life—for our employees. We have been gratified by the results of this program. We are convinced that our employees are healthier, happier, and more productive. Our data (attached) indicates that Live for Life is both cost effective and quality-of-life effective.

The legislation you are introducing would go a long way toward assuring that the benefits of health promotion programs are made available to employees of small businesses and the public sector. Under existing circumstances, wellness programs, if they are made available at all, generally are limited to the larger and more progressive private sector employers. Employees of small businesses and public sector agencies are seldom able to receive the benefits of these programs.

During your career in the U.S. Senate, you have been a leader in meeting the challenge of providing equal access to high quality health care. In seeking to assure that all employees receive the benefits of health promotion programs, you are moving this thrust one step further; you are providing an equal opportunity to avoid preventable illnesses. I am confident that broad-based availability of health promotion programs will provide the same benefits to the nation it has provided to Johnson & Johnson: Healthier, more productive citizens at reduced societal cost.

Once again, I congratulate you on this important legislative initiative. Please know that we at Johnson & Johnson would be delighted to assist in moving this legislation forward.

Sincerely,

JAMES E. BURKE.

IMPACT OF WORKSITE HEALTH PROMOTION ON HEALTH CARE COSTS AND UTILIZATION: EVALUATION OF JOHNSON & JOHNSON'S LIVE FOR LIFE PROGRAM

(Janet L. Bly, MSS; Robert C. Jones, PHD; Jean E. Richardson)

(Graphs, charts, and tables mentioned in text not reproducible in the RECORD.

[This study explores the relationship between exposure to a comprehensive worksite health promotion program and health care costs and utilization. The experience of two groups of Johnson & Johnson employees (N=5192 and N=3259) exposed to Live for Life, a comprehensive program of health screens, life-style improvement programs,

and worksite changes to support healthier life-styles, was compared with that of a control group (N=2955) over a five-year period. To account for baseline differences, analyses of covariance produced adjusted means for inpatient hospital costs, admissions, hospital days, outpatient costs, and other health costs. Mean annual inpatient cost increases were $43 and $42 for two Live for Life groups vs $76 for the non-Live for Life group. Live for Life groups also had lower rates of increase in hospital days and admissions. No significant differences were found for outpatient or other health care costs.—(JAMA 1966;256;3235-3240)]

Worksite health promotion programs have achieved widespread acceptance in recent years and now are operational at numerous corporations. Corporate sponsorship of these programs has been motivated by many factors, including an interest in improving the health of employees, a desire to provide additional employee benefits, and a commitment to controlling health care, accident, and absenteeism costs. Evidence is mounting to suggest that worksite health promotion programs can yield positive changes in employee health behavior and health status. Increases in physical activity and fitness levels, reductions in smoking and total serum cholesterol levels, and weight loss have been achieved through worksite programs.[1-7] Other important benefits also have been reported, including reductions in absenteesim and turnover and improvements in employee morale and job satisfaction.*[5-9]

Limited data currently are available on the medical cost benefits of health promotion programs. Shephard et al.[10] compared health care costs and utilization at two financial services companies one year before and after introduction of a fitness program in one of the companies. Results in this time series analysis included projected medical cost savings of $84.50 per employee associated with introduction of the fitness program. Costs stabilized at the test company, while costs increased significantly at the control company. Savings associated with the fitness program were seen in both participants and nonparticipants at the test site. Shephard et al.[11] did not observe a strong relationship between improvement in fitness levels or life-style changes and cost savings. In another study. Bowne et al.[1] reported a reduction of $262 in medical costs per fitness program participant one year after program initiation.

An integral problem in assessing medical cost benefits relates to the question of what is reasonable to expect in a given time period. Medical costs may require a long time horizon for effects to be seen. Many illness areas addressed by health promotion programs (such as cancer and heart disease) develop over a long peiod of time and generally are not evidenced until middle age or later, and, in many cases, the pathways of diseases are not fully understood. Thus, a reduction in a population's risk may not be mirrored immediately in medical costs. For these reasons, evaluation should be continued for an extended time to capture long-term effects, even though health promotion enthusiasts hypothesize that reducing medical risks through healthier life-styles can yield more immediate economic benefits.

Previous research on Johnson & Johnson's LFL Program, a health promotion effort, indicated effectiveness in reducing health risks of employees. Compared with non-LFL sites, LFL sites had significant reductions in smoking, weight, and stress levels and improvement in fitness and exercise levels.[2,3] This article presents results of a longitudinal study of the impact of LFL on employee health care costs and utilization.

THE LFL PROGRAM

The principal goals of the LFL program are to provide the means for Johnson & Johnson employees "to become the healthiest in the world" and to control the increasing illness and accident costs of the corporation.[12] The LFL Program is a comprehensive health promotion effort aimed at helping individuals develop and maintain healthy life-styles. Highly standardized components are a health screen, a life-style seminar that introduces employees of LFL, and several life-style improvement programs (smoking cessation, weight control, stress management, nutrition education, fitness, and blood pressure intervention). Programs are offered to employees free of charge and generally are conducted on site. Employee participation is voluntary. Alteration of the work environment is considered an essential aspect of LFL; this includes efforts such as establishing a company smoking policy, improving the nutritional value of food offered in the company cafeteria, and providing exercise facilities. An important characteristic of LFL is that, from its inception, it has received strong and visible support from corporate as well as individual company management.

Live for Life programs were initiated in 1979 and gradually phased in at member Johnson & Johnson companies. As of 1986, LFL was operational at 50 Johnson & Johnson companies employing a total of 28,000 individuals. Corporate LFL staff provide consultation and assistance to member companies in developing and maintaining LFL programs. Each company, however, is responsible for developing local leadership and for the selection, promotion, recruitment, and scheduling of employees in life-style improvement programs. With this decentralized approach, some variations exist among LFL sites in program content and facilities. For example, with respect to fitness facilities, some sites have developed elaborate fitness facilities, while others offer exercise classes. Despite these differences, the basic strategy remains the same at all sites: to offer a combination of life-style improvement programs that achieve high participation and help to restructure fundamentally the social environment of the workplace.

METHODS

Design

Three groups were identified for analysis based on the length of time that LFL had been in operation: Group 1—sites with LFL programs operational for more than 30 months as of the end of 1983; LFL start dates, January 1979 to March 1981. Group 2—sites with LFL programs operational for 18 to 30 months as of the end of 1983; LFL start dates, June 1981 to June 1982. Group 3—sites with no LFL programs as of December 1983.

Site selection for LFL was a LFL staff decision, with the principal criterion for initial sites being proximity to corporate headquarters to facilitate communication and oversight in the early stages of program development. Subsequent sites incorporated a broader geographic range. Assignment to study groups, thus, was not randomized, but followed the pattern of LFL implementation.

Two considerations guided evaluation design. First was the desire to have measurable periods of exposure to LFL. This dictated a cohort approach in which only individuals employed for the full study period (1979 to 1983) were selected for analysis. While this introduces a potential source of bias in that these individuals may differ in health habits and medical costs from those terminating employment, the advantages are that complete data are available and exposure to LFL is similar. Second, a basic LFL premise is that the environmental changes and peer influence of those participating in LFL combine to affect all individuals at a site. Thus, analyses focused on all individuals employed for the study period, regardless of their participation in LFL programs.

The resulting study group sizes were as follows: group 1, 5192; group 2, 3259; group 3, 2955. As of June 1979, individuals averaged 36 years of age in each group and had been employed by Johnson & Johnson for an average of approximately seven years. Slightly more than half of each group's employees were men, but the differences among groups were significant ($P<.001$) Significant differences were observed among the three groups for the distribution of wage and salaried employees ($P<.001$). Group 1 had the largest percentage of salaried employees (61%), followed by group 2 (56%), with group 3 having the lowest percentage (48%). Baseline differences between groups were controlled for in covariance analysis.

Health screen data for all employees receiving health screens at group 1 and group 2 sites during the first year of LFL operation suggested that baseline health habits were relatively similar. (Seventy percent of employees at group 1 sites and 81% of employees at group 2 sites received initial health screens. Data include individuals who may not have met subsequent criteria for study group selection, i.e., employed 1979 to 1983). For example, 25% of those screened were smokers in group 1 sites compared with 27% in group 2 sites; 13% in group 1 sites had at least mild hypertension

* Previous research compared Live for Life (LFL) employees at four sites (N=1272) with employees at four non-LFL sites (N=751) who completed health screens in 1979 and 1981. A description of study design and detailed findings are presented in *Proceedings of the Peer Review Meeting on the Epidemiological and Economic Impact of the Live for Life Program* (New Brunswick, NJ, Johnson & Johnson, 1983). A summary of findings is as follows. Live for Life employees had significantly higher smoking cessation rates than non-LFL employees (23% compared with 17%); those at high risk for coronary heart disease had significantly higher cessation rates at LFL sites than non-LFL sites (32% vs 13%). Individuals at LFL sites lost significantly more weight or gained less than employees in non-LFL sites; in particular, overweight employees in LFL sites had significantly better weight experience (0.49-kg ([1.1-lb] reduction) than overweight employees in non-LFL sites (0.22-kg [0.5-lb] increase). Significantly more LFL employees began vigorous exercise during the study period: for those initially inactive, 20% of LFL women compared with 7% of non-LFL women began exercise; 29% of LFL men began exercise compared with 19% of non-LFL men. Fitness (based on oxygen uptake) increased significantly among LFL employees compared with non-LFL employees. Those with the greatest increase in fitness had the greatest reductions in coronary heart disease risk factors. Salaried LFL employees significantly reduced stress levels compared with non-LFL salaried employees. Live for Life employees registered significantly higher levels of satisfaction with supervision and organization commitment compared with non-LFL employees. Higher levels of health knowledge were associated with higher levels of outpatient and other health care costs. See also Blair et al.[3]

(>140/90 mm Hg) compared with 14% in group 2 sites; 56% in group 1 sites were within 10% of ideal weight compared with 51% in group 2 sites; and 38% in group 1 sites were physically active compared with 44% in group 2 sites. These data suggest that the manner of site selection for LFL did not introduce bias with respect to these factors. No comparable health screen data were available for group 3, since it was felt that health screening would sensitize employees to health issues and, potentially, affect employee health behavior. However, as LFL has been expanded since 1983 to include some group 3 sites, LFL staff reported that no substantial differences between the health habits or health status of these and earlier LFL sites have been encountered.

None of the companies experienced significant work disruptions, such as strikes, major layoffs, or personnel problems, during the study period.

Two events occurred during the study period that differentially affected groups. First, during this time many sites adopted employee assistance programs (EAPs), which provide assistance to individuals experiencing drug, alcohol, or psychiatric problems. Most sites in group 1 began an EAP in 1980, and all group 1 sites had an EAP by early 1983. For group 2, an EAP predated LFL in some cases and 90% of employees were covered by an EAP by late 1982. In group 3, EAP initiation ranged from late 1981 to late 1983, with most beginning in late 1982; 77% of group 3 employees were covered by an EAP by early 1983. Employee assistance programs, through case finding and referral efforts, may have a short-term influence of increasing health care utilization and corresponding costs, which runs counter to LFL economic aims to controlling health care expenditures. Claims related to EAPs (drug, alcohol, and psychiatric), available for some sites within each group, were used to estimate this effect.

Second, diagnosis related group (DRG) reimbursement for all third-party payers was initiated on a pilot basis in New Jersey in 1979, and all hospitals received DRG reimbursement by 1982. Under a DRG approach, where hospitals are paid a set rate for inpatient stays based on diagnosis, it might be expected that costs would be depressed.[13] Differing proportions of each study group were located in New Jersey: group 1, 67%; group 2, 83%; and group 3, 12%. Excluding LFL programs in New Jersey would have resulted in the loss of a large number of observations. An alternate approach, adopted here, was to control for New Jersey location in analyses.

Data

Data for medical cost and utilization analyses consisted of employee medical claims paid by Johnson & Johnson during the period 1979 to 1983. Johnson & Johnson has a self-insured medical plan that typically pays, without a deductible, 100% of all reasonable and customary inpatient hospital costs. The plan includes treatment for drug and alcohol care and home health care. Johnson & Johnson is also self-insured for physician and other nonhospital services. Coverage ranges from 70% to 100% of reasonable and customary charges and frequently is subject to a calendar year $50 deductible. Health plan benefits were identical for wage and salaried personnel for all sites, and no changes in the plan occurred during the study period. In this article, "inpatient costs" refers to costs paid for room and board and other services (exclusive of physician services) to employees as inpatients, "hospital outpatient" includes costs paid for hospital outpatient services (exclusive of physician services), and "other costs" includes costs to physicians for inpatient and outpatient services, major medical, home health, and diagnostic, ancillary, and therapeutic services not covered under previous categories.

The insurance carriers forwarded data tapes directly to the Research Triangle Institute (Research Triangle Park, NC), where the data were checked, verified, and processed. To protect confidentiality, encrypted identification numbers were assigned and names on the data tapes were eliminated.

Adjustments

Initial analyses revealed that primary independent variables affecting medical costs and utilization by Johnson & Johnson employees were sex, age, and job class (wage or salaried employee). Education and income were found to be highly correlated with job class and did not increase predictive value. Accordingly, analyses of covariance were conducted, controlling for age, sex, job class, New Jersey location, and baseline (1979) differences. Adjusted means were obtained for inpatient dollars per employee, hospital admissions per 1000 employees, and hospital days per 1000 employees. Differences between adjusted annual means were compared; significance was determined if the P value was .05 or less.

To reduce the effects of random fluctuations in year-to-year values, trend lines were fitted to the medical claims using least-squares regression analysis and analyzed for significance in the difference of the slopes. While linear trends appeared appropriate for most series, quadratic and cubic trends were also explored. As the study included the same individuals over the full period, the data were treated as repeated measurements.

The study groups included companies located in 18 states. Average hospital costs among the states varied from $180 to $376 in 1979.[14] Rates of increase among the states ranged from 29% to 60% between 1979 and 1983. To address these differences, hospital cost data for the study groups were indexed to 1979 dollars and weighted by the proportion of employees in each state and individual state cost indexes. Indexes were developed based on published data on average annual cost to hospitals per patient day for each state.[14,15]

RESULTS

Comparison of Means

Analysis of covariance was employed to adjust raw means for differences among groups with respect to gender, age, job class, 1979 levels of utilization and costs, and location. Women incurred higher utilization and costs than men. Increasing age was associated with increased costs and utilization. Salaried employees had lower costs and utilization than wage employees. With two exceptions, the coefficients showed no significant difference between New Jersey sites and non-New Jersey sites.

For inpatient costs (Table 2), the adjusted means showed significantly higher costs for group 2 compared with group 3 in 1980 (P=.05). No significant differences were found between the groups in 1981 and 1982, although group 3 had higher costs than the LFL groups in 1982. In 1983, group 3 had significantly higher inpatient costs than group 1 and group 2 (P=.002 and P=.004, respectively).

Groups 1 and 2 had higher rates of hospital admissions than group 3 in 1980 and 1981; these differences were not significant. In 1982, however, group 3's admission rate exceeded that of either LFL group. This pattern continued in 1983 and differences between both LFL groups and the non-LFL group widened; the difference was significant only between group 3 and group 2 (P=.04).

For hospital days, group 2 had a significantly higher rate than group 3 in 1980 (P=.03). In 1981, the groups showed no significant differences, with groups 1 and 2 continuing to exceed group 3 in days. In 1982, group 3 incurred higher days than either LFL group. The difference increased in 1983, when group 3 incurred more hospital days than group 2 or group 1; the difference was significant for group 2 only (P=.04).

In summary, while all groups experienced increases over time, groups 3's costs and utilization began to exceed those of the LFL groups in 1982, with this difference being enhanced in 1983. Group 2 showed the strongest effect, with significantly lower costs, admissions, and days compared with group 3 in 1983. Costs differences between groups 1 and 3 were significant, but utilization differences were not. No significant differences were found for the categories for outpatient or other costs.

Due to the aging of the population during the study period, increases in utilization were expected. And, while fluctuations are not uncommon, groups 1 and 2 incurred unexpectedly large increases in hospital days in 1981 and 1983 and group 3 incurred a large increase in 1983. Employee assistance program activity was investigated for its possible influence in this area. Drug, alcohol, and psychiatric claims were identifiable for New Jersey sites within each group. For group 1, where 67% of individuals were located in New Jersey, 13%, 14% and 15% of days were attributable to drug, alcohol, or psychiatric claims from 1981 to 1983. For group 2, where 83% of individuals were located in New Jersey, 15%, 9%, and 19% of days from 1981 to 1983 were attributable to such claims. Group 1, with EAPs starting at earlier dates, had a steady pattern of EAP-related days. Group 2 showed more fluctuations, with surges roughly approximating EAP initiation. Group 3, where 12% of individuals were located in New Jersey, had few drug, alcohol, or psychiatric claims prior to 1983; in 1983, such claims accounted for 10% of days. Based on these data, EAP activity partially accounted for utilization fluctuations for group 2, but not for group 1. For group 3, the increase in days in 1983 can be attributed partially to EAP activity.

Trends in medical claims

The fluctuations observed in costs and utilization, particularly for group 3 in 1983, highlighted the importance of trend analyses. The trend analyses serve to reduce the impact of possible erratic fluctuations in the data, provide further bases for tests of significance, and provide estimates of differences in annual changes in the variables.[16] For inpatient costs, LFL groups experienced significantly lower rates of change over time compared with group 3, with mean annual per capita increments of $43, $42, and $76 for groups 1, 2, and 3, respectively (P<.001). Mean annual increments in hospital days per 1000 employees for groups 1 (109) and 2 (67.5) were lower than that for group 3 (171.9) (P<.001). For admissions per 1000, there was little difference in average annual

increases between groups 1 and 3 (17 admissions per 1000 vs 17.9), while for group 2, the rate of increase was 8.6 per 1000; the differences between both LFL groups and the non-LFL group, however, were significant ($P=.001$). No significant differences in trend lines were found for the cost categories for outpatient or other costs.

Inpatient costs indexed to 1979 dollars

The indexes constructed to control for the effects of inflation and differential cost experience in the states in which study sites were located were calculated in constant 1979 dollars. After adjustments, groups were similar from 1979 to 1981, but in 1982, cost increases for group 2 moderated and for group 1 costs declined slightly. In 1983, differences between LFL and non-LFL groups widened, with groups 1 and 2 incurring average per capita inpatient costs of $151 and $149, respectively, while group 3 incurred average per capita costs of $288. Fitted trend lines based on these 1979 constant dollar figures indicated significant differences. Average annual per capita increases were $18, $17, and $46 for groups 1, 2, and 3, respectively ($P<.001$).

COMMENT

The analyses of medical claims indicate that the LFL groups experienced lesser rates of increase in medical costs and utilization compared with a non-LFL group. Expressed in 1979 dollars, hospital costs for the LFL groups doubled over a five-year period, while costs in the non-LFL group increased four-fold. The largest LFL increases occured prior to program initiation or in early program years. Slight reductions or moderated increases are noted for postprogram years. Non-LFL companies experienced annual cost increases for the full period.

A means of quantifying the economic differences between LFL and non-LFL groups is obtained by using the difference between rates of inpatient costs increases for LFL and non-LFL groups, based on trend lines for hospital costs in 1979 constant dollars. Taking into account this difference (29) and the number of employees in the LFL groups studied here, an average savings of $245 079 per year is obtained, or a total of $980 316 for the study period. Since the rate of increase on which this figure is based is averaged over the full study period, including preprogram years for LFL groups, the projected savings are a conservative estimate of inpatient cost benefits.

The data reported here are based on all individuals employed at sites for the full study period. Live for Life is premised on full-scale environmental changes in addition to specific life-style improvement programs. The hypothesis of this "total immersion" approach is that individuals with constant reinforcing messages will alter behavior to adopt healthier life-styles. While to some this may mean participation in organized programs, to others, the environment provides impetus to make changes independent of formal program participation. Reported group differences in costs and utilization may understate the effects for active participants who may have even greater differentials when compared with controls.

Activity related to EAPs does not appear to account for the differences between groups noted in 1983. For 1983, for the LFL groups, an estimated 13% of inpatient costs were attributable to drug, alcohol, or psychiatric claims compared with an estimated 7% for group 3. On the contrary, LFL groups, with more estimated EAP days and costs, were at a disadvantage because of such claims. It might be argued that the incomplete data for group 3 provide an unreliable basis for such estimates. However, even if group 3's actual 1983 rates for drug, alcohol, and psychiatric claims matched those for group 2 (where data were most complete), significant differences between groups still would be maintained. An EAP also was established at LFL sites earlier than at non-LFL sites. This may have served to mask potentially stronger differences between LFL and non-LFL groups in earlier years.

It might be expected that group 1, with programs in existence longer, would exceed group 2 in performance, if exposure to LFL is considered the major explanatory variable. The results observed are explained partially by the fact that the group 2 (second-generation) LFL programs included substantial refinements based on experience with group 1 (first-generation) programs. Live for Life management believes that the group 2 sites contain some of the best organized and most effective LFL programs. In contrast to group 1, group 2 programs were fully operational faster, trained personnel more effectively, and achieved higher initial health screen rates (81% of all employees compared with 70%).

Differences between LFL and non-LFL groups for outpatient and other costs had been anticipated. One possible explanation for the lack of impact is drawn from previous LFL research, which indicated that those with greater health knowledge tended to have higher levels of nonhospital claims. This finding may suggest either the existence of a "worried well" phenomenon or a tendency on the part of those with higher health knowledge to seek medical care regularly as a preventive or early intervention measure. A second possible explanation is that the health screen may have prompted referrals for follow-up medical care.

Group 3's experience began to exceed that of either LFL group on costs and utilization in 1982—and continued this trend into 1983, where significance emerges. Neither the dramatic increase in 1983 nor the absolute levels of utilization for this year can be fully explained by available data. Employee assistance program activity accounts for only a portion of the 1982-1983 increase. As a comparison for utilization levels, data for a Philadelphia-area group of 100,000 employees who averaged 39 years of age had a rate of 878 hospital days per 1000 employees in 1983,[17] almost 20% lower than group 3's experience in this year. Questions arise, thus, as to future trends for group 3. Clearly, it is unreasonable to project continued escalation of the same magnitude in future years.

Can the experience of the non-LFL group be fully attributed to the lack of an LFL program? Sufficient explanatory data are not available at this time to provide a conclusive documentation. Many aspects of the environment of LFL and non-LFL groups were similar (corporate ownership, benefit plans, personnel policies, and working conditions), and other important factors were controlled for in analysis. It is possible that other forces operated to influence group 3's experience independently of the LFL groups. Longer-term data would assist in determining the stability of trends observed here.

Diagnostic data, not available for this study, would help to determine where changes occurred. For example, are changes due to differential rates of upper respiratory tract infections or other illnesses related to smoking? Or, have reductions in smoking and improvements in nutrition, exercise, and blood pressure management reduced risk levels and illness incidence related to circulatory disorders? [18] It also is possible that the strong environmental emphasis on health and wellness has helped to increase safety awareness (eg, seat belt usage) and has created more educated consumers of hospital care, which has led to lower rates of increase in medical costs.

This article presents the results of the first longitudinal study of a comprehensive worksite health promotion effort. The results are positive regarding the gross impact of the LFL program and represent significant contributions to existing knowledge in this area. Additional research on the nature of the changes that affect costs and additional data to document trends are essential to gain a more complete understanding of health promotion benefits.

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(We wish to acknowledge Curtis S. Wilbur, PhD, and Philip W. Poe, Live for Life, Johnson & Johnson, for their many efforts on behalf of this study. We express their appreciation to William Pierskalla, PhD, Paul Stolley, MD, and Marvin Kristein, PhD, members of the Live for Life peer review panel. We also wish to acknowledge the helpful comments of Johnathan E. Fielding, MD, MBA.)

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Mr. HATCH. Mr. President, I am pleased to join the Senator from Massachusetts [Senator KENNEDY] in introducing today the Employee Health Promotion and Disease Prevention Act of 1987. This legislation will allow us to continue our efforts to prevent disease before it occurs.

Two of every three deaths in this country are premature and most of these deaths could be prevented through appropriate use of preventive services and behavior changes. Heart disease, cancer, and stroke—our number 1, 2, and 3 causes of death—still take an incredible toll in our society, annually costing an estimated 1.6 million lives and more than $130 billion in medical care and lost productivity. Alcohol abuse cost approximately $140 billion, cigarette use approximately $65 billion, and other substance abuses approximately $40 billion per year. And in 1983, the approximately 1 million teenage pregnancies cost society more than $16.5 billion.

For those who have been keeping count, each year these few preventable diseases I have mentioned cost more than $350 billion. And there are others. This legislation will help us continue existing prevention efforts and will increase Federal efforts to assist employers in setting up health promotion and disease prevention activities for their employees.

I urge my colleagues to join with the Senator from Massachusetts and myself in supporting this legislation. I look forward to its rapid passage.

By Mr. HARKIN:

S. 1727. A bill to amend the Public Health Service Act to establish within the National Institutes of Health a National Institute on Deafness and Other Communication Disorders; to the Committee on Labor and Human Resources.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS ACT

● Mr. HARKIN. Mr. President, I rise to introduce a bill to create The National Institute on Deafness and Other Communication Disorders. A companion bill is being introduced on the House side by CLAUDE PEPPER, the foremost advocate for elderly persons in America.

The need for a new Institute, focusing on the needs of people with hearing and speech impairments, is great. There are approximately 22 million Americans who experience partial or total loss of hearing. Of that number, 2 million are totally deaf; the other 20 million have disabling hearing conditions.

In addition, over 2.3 million Americans experience speech and other communication disorders, ranging from mild to severe in the degree of disability.

Those who are most likely to have hearing and speech problems are the elderly and very young. Approximately 50 percent of all people with hearing and speech disorders are over 65 years in age. As Americans live longer, the number of people having hearing and speech impairments will increase. It is not an exaggeration to say that the number of elderly who will have these disabilities will reach 12 million in a mere 13 years.

There also are large numbers of infants and young children who have hearing and speech disabilities. Approximately 1 out of every 22 babies has, or soon after birth develops, these disabilities. Ear infections are the most usual disease of children between birth and age 7. There also are approximately 1 million children with severe speech and hearing disabilities—people whose language is seriously impaired.

The Federal response, unfortunately, has not been sufficient. Biomedical research support in deafness and other communication disabilities amounts to only two-tenths of 1 percent of the costs of communication disorders. Within the National Institute of Neurological and Communicative Disorders and Stroke, the amount of funds targeted on research in deafness and speech disorders is inadequate to the needs. The Institute has a very full agenda, one that I support—research in multiple sclerosis, Alzheimer's disease, epilepsy, Parkinson's disease, stroke, and cerebral palsy.

I believe, however, that the creation of a separate institute—focused solely on the needs of a large and increasing population in America—is warranted, in part because not enough has been done, and in part because not enough likely will be done in the future by a research Institute that has such a broad mission.

To create a new institute would bring together a wide range of professionals, galvanize their abilities, give focus to their work, and give visibility to the needs of a special population. We have taken this direction in the past, creating special institutes to focus on cancer, heart disease, diabetes and kidney disease, stroke, allergies, blindness, child health and human development, aging, environmental health, arthritis, dental disease, and general medically related diseases.

It is entirely consistent with our policies of the past to recognize a critical need among Americans and respond to it in this way. We face up to our present problems by relying on our past policies.

I also believe that creating a new Institute will respond to the needs of the future. It is good preventive medicine and wise policy to create a National Institute on Deafness and Other Communication Disorders.●

By Mr. LEAHY (for himself, Mr. HARKIN, Mr. FOWLER, Mr. HEFLIN, Mr. STAFFORD, Mr. PRYOR, Mr. CONRAD, Mr. DASCHLE, Mr. BURDICK, Mr. SHELBY, Mr. MATSUNAGA, Mr. ROCKEFELLER, Mr. SANFORD, and Mr. EXON):

S. 1729. A bill to promote rural development, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL ECONOMY ACT

Mr. LEAHY. Mr. President, I rise today to introduce the Rural Economy Act of 1987. This legislation is a major step toward long-term, community-based development in the distressed rural areas of our Nation.

As a Vermonter, and as chairman of the Senate Agriculture Committee, I want the committee to be the voice of rural America, to listen and learn from the farmers and small business people who must live with the results of our decisions.

Earlier this year, the committee embarked on a busy schedule of field hearings. We traveled to the Dakotas, Nebraska, Minnesota, and Iowa. We traveled south to Georgia and met with small town mayors in rural Mississippi. We traveled to New England and we held a hearing in Vermont. We saw first hand the problems of rural citizens across the country.

The advent of a new global marketplace in the 1980's closed the doors on economic growth in parts of rural America. Small manufacturing plants succumbed to foreign competition. The oil patch and the coal mine ran out. Farms and farmers disappeared.

In the last 7 years, rural America suffered an economic body blow from which it may never recover:

Rural employment is growing at only one-third the rate of urban employment.

Rural areas have much higher rates of unemployment. For example, with the national unemployment rate at 5.9 percent in July of this year, 1,000 rural counties have unemployment rates of 9 percent or higher.

Nearly half of our rural counties lost population since 1980.

In 1 year, rural areas across the country lost 632,000 people to metro areas due to migration. That's like saying that all of North Dakota migrated in 1 year!

Declining population and declining income are having a devastating ripple effect. When people can't afford to shop, shopowners can't afford to stay open. In Iowa, for example, retail sales in small towns dropped by 30 percent since 1979. Over 25 percent of all the grocery stores in these communities

closed. Over 6,500 main street Iowa businesses shut their doors since 1979.

We are witnessing the creation of a new generation of rural poor. In 1985, the poverty rate in rural areas was 18 percent, compared with 12 percent in urban areas. Low wage and low skill jobs are a common fate for those who have lost their farms or their factory jobs.

The sad fact is that this administration has abandoned rural America. From 1980 to 1986, the administration cut the Federal budget for programs important to rural communities by two-thirds.

This year the administration proposed to completely eliminate from the budget all rural water and waste disposal grants, all rural community fire protection grants, and all rural housing loans. The Department of Agriculture has even failed to submit to Congress a strategy for rural development, as required by law.

Faced with this lack of leadership from the administration, some States have begun their own rural development programs. But the States hardest hit by the rural economic downturn are the States least able to fund new development programs. I believe that the breadth and depth of the problems facing rural America require a Federal initiative for a partnership with the States and the private sector.

DOLE, GRASSLEY, and MCCONNELL have also introduced rural development legislation this year. While I am encouraged by this bipartisan concern for rural America, we need to translate that concern into real jobs and real opportunities for distressed rural areas.

Earlier this year, Senators HEFLIN, HARKIN, FOWLER, and I took an important first step by introducing S. 845, which has 22 cosponsors, Democrat and Republican. Congressman JONES from Tennessee, the chairman of the House Agriculture Subcommittee on Conservation, Credit and Rural Development, introduced the same language on the House side in H.R. 1800. Together, we held hearings here in Washington and across the country. We have taken what we learned in those hearings and have forged a more comprehensive development package.

In the hearings we held, we learned that many traditional employers of rural America may never recover their lost strength; accordingly, our hope for the future must be in programs designed to expand small rural businesses and to create new jobs and new businesses.

The Rural Economy Act of 1987 is intended to do just that. This bill calls for a financial partnership between the Federal Government, the States, and the private sector—a partnership which can get rural America back on its feet.

FIRST, THE ACT ENCOURAGES STATE RURAL DEVELOPMENT

The act authorizes $30 million annually in incentive grants to States to split the cost of State programs promoting rural development. Eligible State programs must operate exclusively in rural areas and must support the development of private business enterprises. This grant program recognizes the role of the States in identifying problems unique to their rural areas and could allow a State to extend a successful development program further into rural areas.

SECOND, THE ACT REBUILDS RURAL INFRASTRUCTURE

Title III of this bill provides community development assistance for smaller communities. A program of rural infrastructure grants authorizes $205 million annually in grants to States for distribution to local governments serving populations of less than 5,500. This program supplements the Community Development Block Grant Program currently administered by HUD, and addresses small communities' pressing need for help with wastewater and other public facilities.

Such small communities often are unable to raise sufficient funds for such facilities on their own, and currently face expensive EPA requirements. These communities must have a sufficient infrastructure base upon which young businesses can thrive, and States are required to consider the job-creation potential of such projects in allocating funds.

A program of basic community facility needs grants authorizes $25 million annually in grants to public agencies and nonprofits to provide safe drinking water and wastewater facilities to rural residents who cannot otherwise afford such basic facilities. It is clear that FmHA water and wastewater programs do not reach the neediest or most isolated rural residents. FmHA-funded research in the early 1980's found that less than 40 percent of unincorporated rural communities had a public water supply system. EPA-funded research has concluded that biological contamination of drinking water supplies is greatest in households served by the smallest systems or by individual water supplies.

Basic community facility needs grants could be used to design alternative approaches to small public water system facilities, for the construction of cluster systems to serve geographically isolated families, or to enable low-income residents to tap into existing public water lines where such a hookup would otherwise be prohibitively costly.

THIRD, THE ACT TARGETS FINANCING ASSISTANCE AT RURAL AREAS

The act establishes a new Rural Development Financing Authority within USDA to administer the Federal share of this partnership. This new authority would be headed by an Assistant Secretary and would administer all the programs under this act. The act transfers to the new authority the Business and Industry Loan Program and the Rural Development Loan Fund [RDLF] currently administered by Farmers Home Administration.

The RDLF makes loan capital available to rural businesspeople through intermediary borrowers such as public agencies and private nonprofit entities dedicated to rural development. In using such private sector groups, the act avoids expanding the Federal staff required to deliver local services and provides room for local innovation unencumbered by Federal redtape. The act authorizes the Assistant Secretary to make loans to intermediary borrowers to establish revolving loan funds to promote rural business development.

The act authorizes the Assistant Secretary to establish a Credit Support Program to reduce the cost of capital to young business ventures in rural communities. This program provides an interest subsidy on loans to rural businesses. To benefit from this program, a rural business must show a capability to generate local jobs which do not require postsecondary education. The bill authorizes $50 million for fiscal year 1988 and $200 million annually thereafter to ensure that rural America gets a new financial start.

FOURTH, THE ACT BUILDS THE CAPACITY FOR DEVELOPMENT IN RURAL AREAS TO MAKE THIS FINANCIAL ASSISTANCE WORK

Title IV establishes grant programs to follow up on this new capital and to make it work. The Local Capacity Building Grant Program authorizes $25 million for fiscal year 1988 and $50 million annually thereafter in grants to public agencies and private, nonprofit institutions to stimulate economic growth and diversification in financially stressed rural communities. These funds are being provided to support leadership and expertise for development. They are not intended to finance businesses—the Credit Support Program and RDLF address this need.

The act would also authorize $6 million for 1 year to test the efficiency of one-stop rural financing and technical assistance centers, and $10 million annually in grants to public and nonprofit institutions to operate centers for rural technology development. These technology centers would seek to improve the economic conditions of rural areas by promoting the development and commercialization of new rural products and new processes that can be used in rural production.

This is a big agenda. But rural America is facing big problems. I am proud to point to a community in northern Vermont—St. Johnsbury, which is taking action today. The Northern

Community Investment Corp. there has successfully leveraged private capital by identifying business opportunities, mobilizing capital, and providing technical assistance to local entrepreneurs. Capacity building grants would allow public agencies and private nonprofits across rural America to use Federal, State, and private financing effectively by providing this kind of support.

I wish to commend my colleagues in the Senate who have joined me in cosponsoring this bill.

I especially want to thank three members of the Agriculture Committee who have worked closely with me throughout this year to formulate this rural development initiative.

Senator HARKIN's help has been invaluable in developing provisions in this legislation addressing the needs of areas hard hit by the downturn in the agricultural economy and subsequent business closings.

Senator FOWLER has similarly worked hard for a successful Federal initiative which can meet the needs of rural Georgians who have suffered from the rural economic crisis.

Senator HEFLIN's leadership as chairman of the Senate Agriculture Subcommittee on Rural Development and Rural Electrification has been instrumental in bringing the entire range of rural development issues forward.

I wish also to commend Representative JONES from Tennessee, who today introduces this bill in the House. Mr. JONES has for many years been a leader in the fight to improve conditions and opportunities for America's rural citizens.

I am pleased that Mr. JONES and my Senate colleagues share my conviction that the talents, skills, and work ethic of rural America can and will power its own rebirth.

Mr. President, I ask unanimous consent that a section-by-section summary of the bill and the text of the bill he printed in the RECORD.

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

S. 1729

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 "Rural Economy Act of 1987".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
TITLE I—GENERAL PROVISIONS
Sec. 101. Findings and purposes.
Sec. 102. Definitions.
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TITLE II—BUSINESS DEVELOPMENT
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Sec. 211. Rural development loan fund.
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Sec. 321. Basic community facility needs grants.
TITLE IV—CAPACITY BUILDING FOR LOCAL DEVELOPMENT
Sec. 401. Local capacity building grants.
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Sec. 403. One-stop rural financial and technical assistance centers.
TITLE V—STATE INCENTIVE GRANTS
Sec. 501. State incentive grants.
TITLE VI—ADMINISTRATION
Sec. 601. Nondiscrimination in programs and activities.
Sec. 602. Remedies for noncompliance.
Sec. 603. Reporting requirements.
Sec. 604. Consultation with other Federal agencies.
Sec. 605. Historic preservation requirements.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the economic well being of smaller communities and rural areas is vital to overall national growth and prosperity;

(2) many rural areas currently suffer from decline triggered by trends in agricultural production and marketing, international developments affecting major resource industries, industrial production, and other causes.

(b) PURPOSES.—It is the purpose of this Act—

(1) to encourage locally-based development initiatives benefiting all segments of the population in small rural communities; and

(2) to ensure that certain basic needs for essential services in rural communities are met.

SEC. 102. DEFINITIONS.

Except as otherwise specifically provided, as used in this Act:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary for the Authority appointed under section 103(b)(1).

(2) AUTHORITY.—The term "Authority" means the Rural Development Financing Authority established under section 103(a).

(3) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(4) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, group, or nation (including Alaska Indians, Aleuts, and Eskimos) that is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(5) INTERMEDIARY BORROWER.—The term "intermediary borrower" means a public agency or private nonprofit organization that has as its principal mission the promotion of economic and community development in the area in which it operates.

(6) RURAL AREA.—The term "rural area" shall not include any area in any community that has a population in excess of 20,000 residents.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(8) STATE.—The term "State" means each of the 50 States.

(9) UNIT OF GENERAL LOCAL GOVERNMENT.—The term "unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 103. RURAL DEVELOPMENT FINANCING AUTHORITY.

(a) IN GENERAL.—There is established, in the Department, a Rural Development Financing Authority to carry out this Act.

(b) ASSISTANT SECRETARY.—

(1) APPOINTMENT.—The Authority shall be headed by an Assistant Secretary appointed by the President, by and with the advise and consent of the Senate.

(2) COMPENSATION.—Section 5316 of title 5, United States Code, is amended by striking out "Administrator, Farmers Home Administration" and inserting in lieu thereof the following:

"Administrator, Farmers Home Administration, Department of Agriculture.

"Assistant Secretary, Rural Development Financing Authority, Department of Agriculture.".

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) CREDIT SUPPORT.—To carry out section 201, there are authorized to be appropriated $50,000,000 for fiscal year 1988 and $200,000,000 for each subsequent fiscal year.

(b) RURAL DEVELOPMENT LOAN FUND.—To carry out subtitle B of title II, there are authorized to be appropriated for fiscal year 1988 and each subsequent fiscal year such sums as are necessary to carry out such subtitle.

(c) RURAL INFRASTRUCTURE GRANTS.—To carry out subtitle A of title III, there are authorized to be appropriated $205,000,000 for fiscal year 1988 and each subsequent fiscal year.

(d) BASIC COMMUNITY FACILITY NEEDS GRANTS.—To carry out section 321, there are authorized to be appropriated $25,000,000 for fiscal year 1988 and each subsequent fiscal year.

(e) LOCAL CAPACITY BUILDING GRANTS.—To carry out section 401, there are authorized to be appropriated $25,000,000 for fiscal year 1988 and $50,000,000 for each subsequent fiscal year.

(f) RURAL TECHNOLOGY DEVELOPMENT.—To carry out section 402, there are authorized to be appropriated $10,000,000 for fiscal year 1988 and each subsequent fiscal year.

(g) ONE-STOP RURAL FINANCIAL AND TECHNICAL ASSISTANCE CENTERS.—To carry out section 403, there is authorized to be appropriated $6,000,000 for fiscal year 1988.

(h) STATE INCENTIVE GRANTS.—To carry out section 501, there are authorized to be appropriated $30,000,000 for fiscal year 1988 and each subsequent fiscal year.

TITLE II—BUSINESS DEVELOPMENT

Subtitle A—General Provisions

SEC. 201. CREDIT SUPPORT.

(a) ESTABLISHMENT.—The Assistant Secretary shall establish a program under which

interest rate subsidies are provided to lenders for loans made to private business enterprises located in rural areas.

(b) ELIGIBILITY.—To be eligible to receive assistance under this section, a private business enterprise must—

(1) be (or become) a borrower of an existing or new loan (including a direct Federal loan, Federally insured loan, Federally guaranteed loan, or a loan made by a private commercial lender without any Federal involvement) with an interest rate of 8 percent or more;

(2) be a private business enterprise that has operated for less than 5 years or that otherwise demonstrates a capability to generate new jobs;

(3) demonstrate a capability to generate a high proportion of jobs for residents of the local rural area that do not require post-secondary education; and

(4) be located in a rural area that exhibits severe economic distress, as measured by employment, income, business activity, or other economic indicators.

(c) INTEREST SUBSIDIES.—If a borrower of a loan applies to a lender for an interest subsidy, the lender (with the approval of the Assistant Secretary) determines that the borrower meets the eligibility criteria prescribed in subsection (b), and the Secretary, lender, and borrower agree to participate in the interest subsidy program—

(1) the Assistant Secretary shall make payments to the lender equal to the amount obtained by multiplying—

(A) 50 percent of the difference between the prevailing interest rate in the area on a loan for a similar amount, maturity, and purpose (as determined by the Assistant Secretary) and 8 percent; and

(B) the principal amount outstanding on the loan; and

(2) the lender shall charge the borrower an interest rate for the loan that does not exceed the prevailing interest rate in the area described in paragraph (1)(A), less the amount provided by the Assistant Secretary under this section.

(d) CONTRACTS.—An interest subsidy shall be provided under this section for a loan made by a lender to a borrower by means of an annual, renewable contract entered into among the Assistant Secretary, lender, and borrower.

SEC. 202. RURAL INDUSTRIALIZATION ASSISTANCE.

(a) LOANS FOR PRIVATE BUSINESS ENTERPRISES.—

(1) LOANS.—The Assistant Secretary shall make and insure loans to public, private, or cooperative organizations organized for profit or nonprofit, to Indian tribes (including tribal entities recognized by the State in which the entities are located), or to individuals for the purposes of—

(A) improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural areas, including pollution abatement and control;

(B) the conservation, development, and use of water for aquaculture purposes in rural areas; and

(C) reducing the reliance on nonrenewable energy resources by encouraging the development and construction of solar energy systems, including the modification of existing systems, in rural areas.

(2) GUARANTEES.—Such loans, when originated, held, and serviced by other lenders, may be guaranteed by the Assistant Secretary under this subsection.

(3) LIMITATION.—No loan may be made, insured, or guaranteed under this subsection that exceeds a principal amount of $25,000,000.

(4) DEFINITIONS.—As used in this subsection:

(A) AQUACULTURE.—The term "aquaculture" means the culture or husbandry of aquatic animals or plants by private industry for commercial purposes including the culture and growing of fish by private industry for the purposes of creating or augmenting publicly owned and regulated stocks of fish.

(B) SOLAR ENERGY.—The term "solar energy" means energy derived from sources (other than fossil fuels) and technologies included in the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.).

(b) JOINT LOANS FOR PRIVATE BUSINESS ENTERPRISES.—

(1) IN GENERAL.—The Assistant Secretary shall participate in joint financing to facilitate development of private business enterprises in rural areas with the Economic Development Administration, the Small Business Administration, the Department of Housing and Urban Development, other Federal and State agencies, and private and quasi-public financial institutions, through joint loans to applicants eligible under subsection (a) for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural areas, including the development, construction, or acquisition of land, buildings, plants, equipment, access streets and roads, parking areas, utility extensions, necessary water supply and waste disposal facilities, refining, services, and fees.

(2) TRANSFER OF EMPLOYMENT OR BUSINESS ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no financial or other assistance shall be extended under this section or sections 304(b) and 312(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(b) or 1942(b)) that is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant.

(B) EXCEPTIONS.—Subparagraph (A) shall—

(i) not apply to cases in which such assistance does not exceed $1,000,000;

(ii) not apply to cases in which direct employment will not be increased by more than 50 employees; or

(iii) not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations unless there is reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(3) INSUFFICIENT DEMAND FOR GOODS AND SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no financial or other assistance shall be extended under this section or section 304(b) or 312(b) of the Consolidated Farm and Rural Development Act that is calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply—

(i) to cases in which such assistance does not exceed $1,000,000;

(ii) to cases in which direct employment will not be increased by more than 50 employees; or

(iii) if such financial or other assistance will not have an adverse effect on existing competitive enterprises in the area.

(4) CERTIFICATION OF NONCOMPLIANCE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), no financial or other assistance shall be extended under this section or section 304(b) or 312(b) of the Consolidated Farm and Rural Development Act if the Secretary of Labor certifies within 30 days after the matter has been submitted to the Secretary of Labor by the Assistant Secretary that paragraph (2) or (3) have not been complied with.

(B) SYSTEM.—The Secretary of Labor shall, in cooperation with the Assistant Secretary, develop a system of certification that will ensure the expeditious processing of requests for assistance under this section.

(C) EXCEPTIONS.—This paragraph shall not apply to cases in which—

(i) such assistance does not exceed $1,000,000; or

(ii) direct employment will not be increased by more than 50 employees.

(5) PRIOR STATE APPROVAL.—No loan authorized to be made under this section shall require or be subject to the prior approval of any officer, employee, or agency of any State.

(6) MAXIUMUM INVESTMENT REQUIREMENT.—No loan commitment issued under this section or section 304 or 312 of the Consolidated Farm and Rural Development Act shall be conditioned on the applicant investing in excess of 10 percent in the business or industrial enterprise for which purpose the loan is to be made unless the Assistant Secretary determines there are special circumstances that necessitate an equity investment by the applicant greater than 10 percent.

(7) CERTIFICATES OF BENEFICIAL OWNERSHIP.—

(A) ISSUANCE.—No provision of law shall prohibit issuance by the Assistant Secretary of certificates evidencing beneficial ownership in a block of notes insured or guaranteed under this section, the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), or title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

(B) SALE OF ASSETS.—Any sale by the Assistant Secretary of such certificates shall be treated as a sale of assets for the purpose of title 31, United States Code.

(C) EXEMPTION FROM SEC LAWS.—Any security representing beneficial ownership in a block of notes guaranteed or insured under this section, the Consolidated Farm and Rural Development Act, or title V of the Housing Act of 1949 issued by a private entity shall be exempt from laws administered by the Securities and Exchange Commission, except sections 17, 22, and 24 of the Securities Act of 1933 (15 U.S.C. 77q, 77v, and 77x), except that the Assistant Secretary shall require that the issuer—

(i) place such notes in the custody of an institution chartered by a Federal or State agency to act as trustee; and

(ii) provide such periodic reports of sales as the Assistant Secretary considers necessary.

(c) CONSTRUCTION OR IMPROVEMENT OF SUBTERMINAL FACILITIES.—

(1) LOANS.—

(A) IN GENERAL.—The Assistant Secretary shall insure and guarantee loans under this section to public, private, or cooperative organizations organized for profit or nonprofit, or to individuals, for the purpose of constructing or improving subterminal facilities if—

(i) the construction or improvement of such facilities is consistent with the appropriate approved State or regional plans and the recommendations of the local plan review commission established pursuant to the Agricultural Subterminal Facilities Act of 1980 (7 U.S.C. 3701 et seq.);

(ii) the Assistant Secretary determines that the ownership and operation of such subterminal facilities will result in the efficient and competitive movement of bulk agricultural commodities and will return increased benefits to the local producers served by such facilities; and

(iii) the Assistant Secretary determines that the rail carrier designated to provide service to any such facility will be able to provide adequate service.

(B) USES.—Such loans may be made available for purchase of rail rolling stock (including locomotives), motor trucks, barges, and other bulk agricultural commodities transport equipment to be used in conjunction with the operation of subterminal facilities.

(2) ELIGIBILITY.—The Assistant Secretary may only insure or guarantee loans under this subsection if the Assistant Secretary finds that an applicant is unable to obtain credit from commercial lending institutions (including specialized lending institutions established to provide credit to agricultural producers) on reasonable terms and conditions.

(3) PREFERENCE.—In order to preserve local ownership and control of agricultural transportation facilities, the Assistant Secretary shall give preference under this subsection to existing agricultural elevator operators and local producers in areas in which subterminal facilities are proposed to be located.

(4) STATE ALLOCATION.—

(A) IN GENERAL.—The total amount of loan authority made available for use for the purpose of this subsection for any fiscal year shall be allocated by the Assistant Secretary on the basis of need among those States that have approved State or regional plans as defined in the Agricultural Subterminal Facilities Act of 1980. Such allocation shall be based on such formula as the Assistant Secretary shall prescribe by regulation.

(B) REALLOCATION OF UNUSED AUTHORITY.—Any loan authority available for use in any State in any fiscal year that is not used by such State shall be reallocated, to the extent practicable, among other States eligible for the assistance provided under this section, in accordance with the same formula developed by the Assistant Secretary for the initial allocation of loan authority under this subsection.

(5) DEFINITION.—As used in this subsection, the term "subterminal facility" has the same meaning given such term in section 3(4) of the Agricultural Subterminal Facilities Act of 1980 (7 U.S.C. 3702(4)).

(6) REGULATIONS.—The Assistant Secretary shall establish such rules and regulations as may be necessary to implement this subsection.

(d) CONFORMING AMENDMENTS.—

(1) Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended—

(A) by striking out subsection (a);

(B) in subsection (b), by striking out the subsection designation; and

(C) by striking out subsections (c), (d), (e), and (f).

(2)(A) Section 306(a)(7) of such Act (7 U.S.C. 1926(a)(7)) is amended by striking out "sections 304(b), 310B, and 312 (b), (c), and (d)" and inserting in lieu thereof "sections 304(b), 310B, and 312 (b), (c), and (d) of this title and sections 202 and 402 of the Rural Economy Act of 1987".

(B) Section 307(a) of such Act (7 U.S.C. 1927(a)) is amended—

(i) in paragraph (4), by striking out "sections 304(b), 306(a)(1), and 310B of this title" and inserting in lieu thereof "sections 304(b) and 306(a)(1) of this title and section 202 of the Rural Economy Act of 1987"; and

(ii) in paragraph (6)(B), by striking out clauses (vi) and (vii) and inserting in lieu thereof the following new clauses:

"(vi) section 202(a)(1)(A) of the Rural Economy Act of 1987;

"(vii) subsections (b) and (c) of section 202 of such Act;".

(C) Section 309A of such Act (7 U.S.C. 1929a) is amended—

(i) in the second sentence of subsection (a), by striking out "sections 304(b), 306(a)(1), 306(a)(14), 310B, and 312(b)" and inserting in lieu thereof "sections 304(b), 306(a)(1), 306(a)(14), and 312(b) of this title and section 202 of the Rural Economy Act of 1987"; and

(ii) in subsection (g)(8), by striking out "sections 306(a) and 310B of this title" and inserting in lieu thereof "section 306(a) and 310B of this title and sections 202 and 402 of the Rural Economy Act of 1987".

(D) Section 333(b) of such Act (7 U.S.C. 1983(b)) is amended by striking out "310B,".

(E) The first sentence of section 344 of such Act (7 U.S.C. 1992) is amended by striking out "section 304(b), 306(a)(1), 310B, 312(b), or 312(c)" and inserting in lieu thereof "section 304(b), 306(a)(1), 312(b), or 312(c) of this title or section 202 of the Rural Economy Act of 1987".

Subtitle B—Rural Development Loan Fund

SEC. 211. RURAL DEVELOPMENT LOAN FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a revolving fund called the Rural Development Loan Fund. The capital of the revolving fund shall remain available until expended.

(b) PURPOSES.—The Rural Development Loan Fund may be used to make—

(1) rural development loans in accordance with section 212; and

(2) rural opportunity grants in accordance with section 213.

(c) TRANSFER OF EXISTING FUNDS.—Funds in, appropriated to, repaid, or transferred to the Rural Development Loan Fund under section 1323(b) of the Food Security Act of 1985 (7 U.S.C. 1932 note) (as it existed before the amendment made by subsection (e)(1)) shall be deposited in the Rural Development Loan Fund established under this section and shall continue to be available to carry out the purposes of such fund.

(d) SOURCE OF FUNDS.—The Rural Development Loan Fund shall consist of—

(1) all funds deposited in the Fund pursuant to subsection (c); and

(2) such amounts as may be deposited in such fund by the Assistant Secretary out of funds made available from appropriations for purposes of carrying out this section.

(e) ADMINISTRATION.—The Assistant Secretary shall administer the Rural Development Loan Fund.

(f) CONFORMING AMENDMENTS.—

(1) Section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note) is repealed.

(2) Section 623(c) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812(c)) is amended—

(A) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of a revolving fund called the Community Development Loan Fund. The capital of the revolving fund shall remain available until expended.";

(B) by striking out paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) Section 407 of the Human Services Reauthorization Act of 1986 (42 U.S.C. 9812a) is amended by striking out "section 623(c)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812(c)(1))" each place it appears in subsections (a) and (b)(1) and inserting in lieu thereof "section 211 of the Rural Economy Act of 1987".

(4) Section 633 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9822) is amended by striking out the first sentence.

(5) Section 681(a)(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9910(a)(2)) is amended—

(A) by striking out subparagraph (B); and

(B) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively.

(6) The amendments made by this subsection shall not apply to loans, grants, or guarantees made before October 1, 1987.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on October 1, 1987.

SEC. 212. RURAL DEVELOPMENT LOANS.

The Assistant Secretary may make loans, from the Rural Development Loan Fund established under section 211, to intermediary borrowers for the purpose of establishing revolving loan funds. Intermediary borrowers shall loan money from the revolving loan funds to profit or nonprofit local businesses to improve business, industry, and employment opportunities in rural areas.

SEC. 213. RURAL OPPORTUNITY GRANTS.

The Assistant Secretary may make grants, from the Rural Development Loan Fund established under section 211, to public or private nonprofit organizations, operating in rural areas, whose principal mission is to improve business, industrial, and employment opportunities, particularly assisting low-income rural people and economically distressed rural communities. Such assistance may be used for financing new business ventures, community improvements, capital improvements, infrastructure development, and other activities the Assistant Secretary considers consistent with the purpose of this section.

TITLE III—COMMUNITY DEVELOPMENT ASSISTANCE FOR SMALLER COMMUNITIES

SEC. 301. FINDINGS.

Congress finds that the availability of suitable infrastructure (including water and

wastewater systems and other types of public facilities) is essential to the economic growth of smaller communities and rural areas and to the well-being of the residents of such communities and areas.

Subtitle A—Rural Infrastructure Grants

SEC. 311. PROGRAM AUTHORIZATION AND ALLOCATION OF FUNDS.

(a) PROGRAM AUTHORIZATION.—The Assistant Secretary shall make grants to States and other eligible entities in accordance with this subtitle to provide funds for the development of local infrastructure in eligible communities in rural areas.

(b) INDIAN AND TERRITORY ALLOCATION.—

(1) IN GENERAL.—Not less than 3 percent of the funds made available to carry out this subtitle shall be used to provide grants to Indian tribes, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Northern Marianas Islands, and the Trust Territory of the United States.

(2) ADMINISTRATION.—The Assistant Secretary shall administer the program for eligible entities referred to in paragraph (1) through special regulations and administrative procedures that take into account the special conditions within the jurisdiction of the entities.

(c) STATE ALLOCATION.—

(1) IN GENERAL.—Funds remaining after the allocation required by subsection (b) shall be distributed among the States in accordance with this paragraph.

(2) EQUAL SHARES PORTION.—Of the funds described in paragraph (1), 25 percent of the funds shall be distributed equally among the States.

(3) NEEDS PORTION.—

(A) IN GENERAL.—Of the funds described in paragraph (1), 75 percent of the funds described in paragraph (1) shall be distributed among the States in accordance with this paragraph.

(B) STATE SHARES.—Subject to subparagraph (C), the share of each State shall be equal to the product obtained by multiplying—

(i) the average of—

(I) the State's percentage share of residents in rural areas of all States; and

(II) the State's percentage share of residents in rural areas of all States with an income that does not exceed the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)));

(ii) the quotient obtained by dividing—

(I) the average nonmetropolitan, nonfarm, per capita payroll in all States; by

(II) the average nonmetropolitan, nonfarm, per capita payroll in the State; and

(iii) the quotient obtained under clause (ii).

(C) ADJUSTMENT.—The percentage share of each State of the funds made available under subparagraph (B) shall be proportionately adjusted so that the total share of all States equals 100 percent.

(D) DEFINITION OF RURAL AREA.—For purposes of this paragraph, the term 'rural area' means an area that—

(i) has a population of less than 2,500 inhabitants; and

(ii) is outside an urbanized area.

SEC. 312. PROGRAM REQUIREMENTS.

(a) SMALL RURAL COMMUNITIES.—A State shall make available not less than 96 percent of the funds obtained under this subtitle for programs and projects serving communities within the State with a population that does not exceed 5,500 residents.

(b) DISTRIBUTION OF FUNDS FOR LOCAL PROJECTS.—

(1) DEVELOPMENT.—Each State receiving grants under this subtitle shall develop, through a planning system that provides for the involvement of the public living in rural areas, a system for distributing funds for local projects.

(2) REQUIREMENTS.—The system developed under paragraph (1) shall—

(A) take into account the job-producing potential of projects and the basic needs of communities; and

(B) provide a priority for needs in communities with concentrations of low income residents, including communities that lack facilities essential to public health and safety.

(3) DESCRIPTION.—A description of the priority system and other requirements for the distribution of funds under this subtitle shall be published by the State and widely distributed by the State among entities public and private nonprofit agencies in the communities that are eligible to obtain funds under this subtitle.

(c) PUBLIC AND PRIVATE NONPROFIT PROJECTS.—The State priority system and other requirements for the distribution of funds under this subtitle shall make the funds available to units of general local government and to other types of public bodies and private nonprofit organizations for infrastructure projects that the units, bodies, and organizations are permitted to own, manage, or otherwise operate.

(d) ANNUAL REPORT.—Each State receiving grants under this subtitle shall provide an annual report to the Assistant Secretary that contains—

(1) a description of the priority system used by the State to select projects for assistance during the preceding year;

(2) a list of projects in the State during the preceding year;

(3) a description of the anticipated benefits from each such project; and

(4) such other information as the Assistant Secretary requires.

SEC. 313. USE OF GRANTS.

(a) PERMITTED USES.—Grants provided to States under this subtitle may be used to—

(1) provide funding for projects for the development, construction, or rehabilitation of local infrastructure in eligible communities in rural areas; and

(2) provide technical and management assistance to strengthen local capacity to effectively plan and manage such projects.

(b) PROHIBITED USE.—Grants provided to States under this subtitle may not be used to provide funding for housing-related activities.

(c) ADMINISTRATIVE COSTS.—A State may not use more than 4 percent of the amount of grant provided to the State under this subtitle for administrative costs incurred by the State in carrying out this subtitle.

Subtitle B—Basic Community Facility Needs Grants

SEC. 321. BASIC COMMUNITY FACILITY NEEDS GRANTS.

(a) IN GENERAL.—The Assistant Secretary, in cooperation with the Administrator of the Farmers Home Administration, shall make grants to associations described in section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) to test cost-effective methods of meeting the basic needs of residents of rural areas who do not have and cannot afford safe drinking water and wastewater disposal.

(b) USE OF GRANTS.—Such grants may include financing for—

(1) costs associated with the development or improvement of individual or small, multiuser drinking water and wastewater facilities;

(2) costs associated with enabling such rural residents to connect to community water and wastewater systems, such as the payment of connection fees;

(3) costs associated with improving the operation, maintenance, or management of small community water and wastewater systems that currently are unable to provide safe drinking water and wastewater disposal at affordable rates to such rural residents; or

(4) costs associated with implementing other alternatives to meeting the basic drinking water and wastewater disposal needs of such rural residents.

TITLE IV—CAPACITY BUILDING FOR LOCAL DEVELOPMENT

SEC. 401. LOCAL CAPACITY BUILDING GRANTS.

(a) IN GENERAL.—The Assistant Secretary shall make grants to public and nonprofit private institutions for the purpose of stimulating economic growth and diversification in communities in rural areas affected by recent declines or chronic underdevelopment in basic economic sectors, such as agriculture. The Assistant Secretary may make grants under this section in conjunction with financial assistance made available under section 201.

(b) USE OF GRANTS.—Grants under this section may be used for activities consistent with the purposes of this section, including activities to—

(1) identify business opportunities that will use local economic and human resources;

(2) identify, train, and provide technical assistance to existing or prospective local entrepreneurs and managers;

(3) mobilize capital from within and outside local communities to stimulate the formation and expansion of local business activities; and

(4) establish support centers to provide research, training, and technical assistance to local projects through such approaches as peer-to-peer training by established development entities.

(c) MULTIYEAR GRANTS.—The Assistant Secretary may make grants under this section on a multiyear basis.

(d) ELIGIBLE PROJECTS.—Grants may be made under this section only for a project intended to provide direct benefit to a rural area. The Assistant Secretary shall give preference to projects serving areas with the most serious economic distress.

(e) INDIVIDUAL GRANT LIMITATION.—

(1) IN GENERAL.—Any grant under this section may not exceed 75 percent of the costs of implementing the project covered by the grant.

(2) WAIVER.—The Assistant Secretary may waive the limitation established in paragraph (1) in the case of any project serving a rural community in which the average income level does not exceed the greater of—

(A) 80 percent of the nonmetropolitan median household income within the State in which the project is located; or

(B) the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

SEC. 402. RURAL TECHNOLOGY DEVELOPMENT.

(a) GRANTS.—The Assistant Secretary shall make grants under this section to public and nonprofit private institutions for the purpose of enabling the institutions to

establish and operate centers of rural technology development that have, as a primary objective, the improvement of the economic condition of rural areas by promoting the development (through technological innovation and adaptation of existing technology) and commercialization of (1) new products that can be produced in rural areas, and (2) new processes that can be used in such production.

(b) AWARDS.—Grants under this section shall be made on a competitive basis. In making grants, the Assistant Secretary shall give preference to applicants that will establish centers for rural technology in areas that have—

(1) few industries and agribusinesses;

(2) high levels of unemployment;

(3) high rates of out-migration of people, business, and industries; and

(4) low levels of per capita income.

(c) REGULATIONS.—The Assistant Secretary shall issue regulations implementing this section that shall include provisions for the monitoring and evaluation of the rural technology development activities carried out by institutions that receive grants under this section.

SEC. 403. ONE-STOP RURAL FINANCIAL AND TECHNICAL ASSISTANCE CENTERS.

(a) PURPOSE.—It is the purpose of this section to demonstrate the efficiency of one-stop rural financial and technical assistance centers for promoting community and economic development and providing a portfolio of financial and technical assistance services to new and expanding rural businesses.

(b) GRANTS.—The Assistant Secretary shall make grants to public agencies and private nonprofit organizations to establish three one-stop rural financial and technical assistance centers.

(c) EXPERIENCE OF RECIPIENTS.—In selecting entities for grants under this section, the Assistant Secretary shall take into account the experience of the entity in providing loan guarantees, interest rate subsidies, grants, and technical assistance to businesses in rural areas.

(d) LOCATION OF RECIPIENTS.—In selecting entities for grants under this section, the Assistant Secretary shall take into account the economic distress of a rural area in which an entity is located.

TITLE V—STATE INCENTIVE GRANTS

SEC. 501. STATE INCENTIVE GRANTS.

(a) PURPOSE.—It is the purpose of this section to encourage State initiatives in rural community development by augmenting existing State financial assistance programs and providing a Federal incentive for States to develop new programs to strengthen the economies of rural areas.

(b) GRANTS.—The Assistant Secretary shall make grants to States for the purpose of funding the Federal matching contribution for State government programs to promote rural development.

(c) FEDERAL MATCHING CONTRIBUTION.—The Assistant Secretary shall match on a dollar-for-dollar basis State appropriated funds for State government programs to promote rural development.

(d) MAINTAINANCE OF EFFORT.—

(1) DETERMINATION OF EXISTING EFFORT.—The Assistant Secretary shall determine the level of funding for State government programs to promote rural development for the preceding fiscal year and the second preceding fiscal year.

(2) INELIGIBILITY.—A State shall not be eligible for funds under this section for a fiscal year if the level of funding for State government programs to promote rural development for the preceding fiscal year is less the level of such funding for the second preceding fiscal year.

(3) WAIVER.—The Assistant Secretary may waive, for one fiscal year only, the requirements of this paragraph (2), if the Assistant Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

(e) ELIGIBILITY.—To be eligible to receive funding under this section, a program must—

(1) provide grants or other financial assistance on subsidized terms to local projects;

(2) support the development of private business enterprises, including the development of new or expanded business enterprises, infrastructure used directly by business enterprises, or financing for business enterprises; and

(3) operate exclusively in a rural area.

(f) LIMITATION ON GRANTS TO A STATE.—The amount of Federal matching contributions provided to an individual State in any fiscal year under this section may not exceed 10 percent of the amount of Federal matching contributions provided to all States in the fiscal year under this section.

TITLE VI—ADMINISTRATION

SEC. 601. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

(a) PROHIBITED CONDUCT.—No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

(b) COMPLIANCE PROCEDURES AVAILABLE TO ASSISTANT SECRETARY.—

(1) NOTICE.—Whenever the Assistant Secretary determines that a State or unit of general local government that is a recipient of assistance under this Act has failed to comply with subsection (a) or an applicable regulation, the Assistant Secretary shall notify the Governor of such State or the chief executive officer of such unit of local government of the noncompliance and shall request the Governor or the chief executive officer to secure compliance.

(2) NONCOMPLIANCE.—If within a reasonable period of time, not to exceed 60 days, the Governor or the chief executive officer fails or refuses to secure compliance, the Assistant Secretary may—

(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(C) exercise the powers and functions provided for in section 602(a); or

(D) take such other action as may be provided by law.

(c) CIVIL ACTION BY ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subsection (b), or whenever the Assistant Secretary has reason to believe that a State government or unit of general local government is engaged in a pattern or practice in violation of this Act, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SEC. 602. REMEDIES FOR NONCOMPLIANCE.

(a) IN GENERAL.—If the Assistant Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this Act has failed to comply substantially with any provision of this Act, the Assistant Secretary, until the Assistant Secretary is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to the recipient under this Act;

(2) reduce payments to the recipient under this Act by an amount equal to the amount of such payments that were not expended in accordance with this Act; or

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

(b) CIVIL ACTIONS BY ATTORNEY GENERAL.—

(1) REFERRAL TO ATTORNEY GENERAL.—In lieu of, or in addition to, any action authorized by subsection (a), the Assistant Secretary may, if the Assistant Secretary has reason to believe that a recipient has failed to comply substantially with any provision of this Act, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

(2) INSTITUTION OF CIVIL ACTIONS.—On such a referral, the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this Act that was not expended in accordance with this Act, or for mandatory or injunctive relief.

(c) CIVIL ACTIONS.—

(1) PETITION FOR REVIEW OF ACTION OF ASSISTANT SECRETARY IN COURT OF APPEALS.—Any recipient that receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act may within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Assistant Secretary. The petitioner shall forthwith transmit copies of the petition to the Assistant Secretary and the Attorney General of the United States, who shall represent the Assistant Secretary in the litigation.

(2) FILING OF RECORD OF PROCEEDINGS IN COURT BY ASSISTANT SECRETARY.—The Assistant Secretary shall file in the court the record of the proceeding on which the Assistant Secretary based the action of the Assistant Secretary, as provided in section 2112 of title 28, United States Code. No objection to the action of the Assistant Secretary shall be considered by the court unless such objection has been urged before the Assistant Secretary.

(3) ACTION ON FINDINGS OF ASSISTANT SECRETARY.—The court shall have jurisdiction to affirm or modify the action of the Assistant Secretary or to set the action aside in whole or in part. The findings of fact by the Assistant Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Assistant Secretary, and to be made part of the record. The Assistant Secretary may modify the findings of fact of the As-

sistant Secretary, or make new findings, by reason of the new evidence so taken and filed with the court. The Assistant Secretary shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file the recommendation of the Assistant Secretary, if any, for the modification or setting aside of the original action of the Assistant Secretary.

(4) EXCLUSIVENESS OF JURISDICTION AND REVIEW BY SUPREME COURT.—On the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States on writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

SEC. 603. REPORTING REQUIREMENTS.

(a) ANNUAL REPORT REQUIRED.—Not later than 180 days after the close of each fiscal year in which assistance under this Act is furnished, the Assistant Secretary shall submit to the Congress a report that shall contain—

(1) a description of the progress made in accomplishing the objectives of this Act;

(2) a summary of the use of such funds for each individual program or activity authorized by this Act during the preceding fiscal year; and

(3) in the case of grants authorized under subtitle A of title III—

(A) a listing of each unit of general local government receiving funds;

(B) the amount of such funds;

(C) a brief summary of the projects funded for each such unit;

(D) the extent of financial participation by other public or private entities; and

(E) the impact on employment and economic activity of such projects during the previous fiscal year.

(b) INFORMATION FROM RECIPIENTS.—The Assistant Secretary may require recipients of assistance under this Act to submit to the Assistant Secretary such reports and other information as may be necessary for the Assistant Secretary to make the report required by subsection (a).

SEC. 604. CONSULTATION WITH OTHER FEDERAL AGENCIES.

In carrying out this Act (including the issuance of regulations), the Assistant Secretary shall consult with other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. 605. HISTORIC PRESERVATION REQUIREMENTS.

With respect to applications for assistance under this Act, the Secretary of the Interior, in consultation with the Assistant Secretary and the National Trust for Historic Preservation in recognition of its charter duties, shall prescribe and implement regulations concerning projects funded under this Act and their relationship with—

(1) "An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes", approved October 15, 1966 (16 U.S.C. 470 et seq.); and

(2) "An Act to provide for the preservation of historical and archaeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam", approved June 27, 1960 (16 U.S.C. 469 et seq.).

SECTION-BY-SECTION DESCRIPTION OF THE RURAL ECONOMY ACT OF 1987

TITLE I—GENERAL PROVISIONS

Sec. 101—Findings and Purposes.—Congress finds that the economic well being of smaller communities and rural areas is vital to overall national growth and prosperity and that many rural areas currently suffer from economic decline. It is the purpose of this Act to encourage locally-based development initiatives benefiting all segments of rural population and to ensure that certain basic needs for essential services in rural communities are met.

Sec. 102—Definitions.—"Authority" refers to the Rural Development Financing Authority established within USDA to administer all of the programs established under this Act.

"Assistamt Secretary" refers to the Assistant Secretary of Agriculture for the Authority.

"Rural area," unless otherwise defined herein, shall not include any area in any community that has a population in excess of 20,000 residents.

"Intermediary borrower" means a public agency or private nonprofit organization that has as its principal mission the promotion of community economic development.

Sec. 103—Rural Development Financing Authority Establishes RDFA within USDA to carry out this Act.

Sec. 104—Authorization of Appropriations.—(a) Credit Support: Authorizes $50 million for fiscal year 1988 and $200 million annually thereafter to carry out section 201.

(b) Rural Development Loan Fund: Authorizes to be appropriated such sums as are necessary to carry out such subtitle B of title II.

(c) Rural Infrastructure Grants: Authorizes $205 million annually to carry out subtitle A of title III.

(d) Basic Community Facility Needs Grants: Authorizes $25 million annually to carry out section 321.

(e) Local Capacity Building Grants: Authorizes $25 million for fiscal year 1988 and $50 million annually thereafter to carry out section 401.

(f) Rural Technology Development: Authorizes $10 million annually to carry out section 402.

(g) One Stop Rural Financial and Technical Assistance Centers: Authorizes $6 million for fiscal year 1988 to carry out section 403.

(h) State Incentive Grants: Authorizes $30 million annually to carry out section 501.

TITLE II—BUSINESS DEVELOPMENT

Subtitle A—General Provisions

Sec. 201—Credit Support.—Authorizes the Assistant Secretary to establish a program to subsidize the interest rate on loans to business ventures operating for less than five years in financially stressed rural communities. The Authority would pay *to the lender* up to ½ of the difference between the prevailing interest rate and 8 percent. Participating business ventures must show a capability to generate jobs for local residents which do not require post-secondary education. Eligible loans include direct federal loans, federally-guaranteed loans and loans made by private lenders.

Sec. 202—Rural Industrial Assistance.—Transfers to the Authority the Business and industry loan program currently administered by Farmers Home Administration, and excises from the B&I loan program the Grants for Private Enterprises and grants for Rural Technology development (currently codified at 7 U.S.C. Sec. 1932(c) and (f). [These functions of the B&I program are duplicated elsewhere in this bill.]

Subtitle B—Rural Development Loan Fund

Sec. 211—Rural Development Loan Fund ("RDLF").—Transfers the RDLF to the new Authority. All future repayments will go the RDLF and the Assistant Secretary will administer their reallocation.

Sec. 212—Rural Development Loans.—Authorizes the Assistant Secretary to lend RDLF funds to intermediary borrowers for relending to promote rural development.

Sec. 213—Rural Opportunity Grants—Authorizes the Assistant Secretary to make grants from the RDLF to public or private nonprofit organizations operating in rural areas whose principal mission is to improve business and employment opportunities, particularly assisting low-income rural people and distressed rural communities. Such assistance may be used to finance new business ventures and for capital improvements.

TITLE III—DEVELOPMENT ASSISTANCE FOR SMALLER COMMUNITIES

Sec. 301—Findings.—Congress finds that the availability of wastewater facilities and other public facilities is essential to the economic growth of smaller communities and essential to the well being of the resident of such communities.

Subtitle A—Rural Infrastructure Grants

Sec. 301—Program Authorization and Allocation of Funds.—(a) Authorizes Assistant Secretary to make such grants.

(b) Indian and Territory Allocation: Sets aside not less than 3% of funds made available under this subtitle for grants to Indian tribes and Territories to be made under special regulations and administrative procedures which take into account the special conditions within the jurisdiction of the entities.

(c) State Allocation: 25% of the funds remaining after the allocation in (b) above shall be distributed equally among the States; 75% of the funds remaining after the allocation in (b) above shall be distributed among the states on the basis of a formula for each State's share, as follows:

Each State's share shall be the product of three terms:

1. The first term is the average of:

(a) A State's percentage share of the rural residents in all fifty states; and

(b) A State's percentage share of the rural residents in all fifty states with an income which does not exceed the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. Sec. 9902(2)).

2. The second term is calculated by dividing the average nonmetropolitan nonfarm per captia payroll in the United States by a State's average nonmetropolitan, nonfarm per capita payroll.

3. The third term is the same as the second.

For this subsection, the term "rural areas" means all population not living within urbanized areas or places of 2,500 or more inhabitants outside urbanized areas.

Sec. 312—Program Requirements.—Each State will make at least 96% of the funds it receives under this subtitle available to communities within the State of less than 5,500 population.

Each State will develop and publicly distribute a priority planning system for distributing funds to local projects. Such a system must take into acccount the job-pro-

ducing potential of such projects and the basic needs of communities.

Each State receiving grants under this subtitle shall provide an annual report of the Assistant Secretary that contains a description of its priority system and a list of projects funded.

Sec. 313—Use of Grants.—States may use these funds to construct or rehabilitate infrastructure in local communities and to provide technical and management assistance to strengthen local capacity. Grants may not be used for housing-related activities.

Subtitle B—Basic Community Facility Needs Grants

Sec. 321.—Authorizes the Assistant Secretary to make grants to associations described in section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) to test methods of meeting the needs of rural residents who do not have and cannot afford safe drinking water and wastewater disposal. Grants may be used to finance the costs of: improving facilities, connecting needy residents to existing public facilities, and implementing other alternatives to meet basic water needs.

TITLE IV—CAPACITY BUILDING FOR LOCAL DEVELOPMENT

Sec. 401—Local Capacity Building Grants.—Authorizes Assistant Secretary to make grants to public and nonprofit private institutions for the purpose of stimulating economic growth and diversification in rural communities. Grant funds may be used to identify business opportunities, train and provide technical assistance to existing and prospective local entrepreneurs, and mobilize capital.

Any grant under this section may not exceed 75% of the cost of such project; however, the Assistant Secretary may waive this requirement in the case of a project which serves an extremely poor rural area.

Sec. 402—Rural Technology Development.—Authorizes the Assistant Secretary to make grants to public and private nonprofit institutions to enable such institutions to operate centers for technology development. Such centers must seek primarily to improve the economic condition of rural areas by promoting the development and commercialization of new products which can be produced in rural areas and new processes that can be used in such production. In making grants under this section, the Assistant Secretary shall give preference to applicants that will establish centers in distressed rural areas.

Sec. 403—One-Stop Financial and Technical Assistance Centers.—Authorizes the Assistant Secretary to make grants to establish three one-stop financial and technical assistance centers to demonstrate the efficiency of such an approach to rural community development. Consideration to be given to the experience of an entity in offering a portfolio of financial and other assistance services to promote rural development.

TITLE V—STATE INCENTIVE GRANTS

Sec. 501—State Incentive Grants.—The Assistant Secretary shall make grants to match on a dollar-for-dollar basis State expenditures on State programs which promote the development of private business enterprises in rural areas.

To be eligible, a State must continue its level of funding for rural development programs. The Assistant Secretary may waive this requirement in the case of uncontrollable or exceptional circumstances within a State, such as a natural disaster.

TITLE VI—ADMINISTRATION

Sec. 601—Nondiscrimination in Programs and Activities.

Sec. 602—Remedies for Noncompliance.

Sec. 603—Reporting Requirements.—Not later than 180 days after the fiscal year in which assistance under this Act is furnished, the Assistant Secretary shall submit to Congress a report on the progress made in accomplishing the objectives of this Act, detailing the use of funds.

Sec. 604—Consultation with other Federal Agencies.

Sec. 605—Historic Preservation Requirements.

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. CRANSTON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 9, a bill to amend title 38, United States Code, to increase the rate of disability compensation and dependency and indemnity compensation for veterans and survivors; to provide additional eligibility for certain educational or rehabilitation assistance to veterans and other eligible individuals with drug or alcohol abuse disabilities; to increase the maximum amount of a home loan which is guaranteed by the Veterans' Administration; to improve housing, automobile, and burial assistance programs for service-disabled veterans; and to extend and establish certain exemptions from sequestration for certain veterans' benefits; and for other purposes.

S. 27

At the request of Mr. MOYNIHAN, the names of the Senator from California [Mr. CRANSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. LEAHY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Rhode Island [Mr. PELL], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 27, a bill to establish the American Conservation Corps, and for other purposes.

S. 93

At the request of Mr. INOUYE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 93, a bill to provide that services furnished by a clinical psychologist in a rural health clinic need not be provided under the direct supervision of a physician in order to qualify for coverage under Medicare and Medicaid.

S. 1230

At the request of Mr. GRASSLEY, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Montana [Mr. MELCHER], the Senator from Arizona [Mr. MCCAIN], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 1230, a bill to amend title XVIII of the Social Security Act to permit payment for services of physician assistants outside institutional settings.

S. 1232

At the request of Mr. EXON, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1232, a bill to amend the Agricultural Act of 1949 to make Commodity Credit Corporation stocks available to promote the production of liquid fuels, and for other purposes.

S. 1353

At the request of Mr. KASTEN, the name of the Senator from Idaho [Mr. SYMMS] was added as a cosponsor of S. 1353, a bill to amend the Internal Revenue Code of 1986 to exempt certain livestock breeding from the rules requiring capitalization of preproductive expenses and to preclude farmers with gross receipts in excess of $5 million from using a cash method accounting.

S. 1464

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1464, a bill to amend title 38, United States Code, to provide eligibility to certain individuals for beneficiary travel payments in connection with travel to and from Veterans' Administration facilities.

S. 1510

At the request of Mr. KERRY, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1510, a bill to require the Administrator of Veterans' Affairs to arrange for the review by the National Academy of Sciences of scientific evidence, studies, and literature pertaining to the human health effects of exposure to agent orange and its component compounds and the issuance of a report on the Academy's conclusions as to the weight of the evidence regarding the health effects in humans of exposure to agent orange, and for other purposes.

S. 1514

At the request of Mr. HEINZ, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1514, a bill to amend the Internal Revenue Code of 1986 to treat similarly all tier 1 railroad retirement benefits for income tax purposes.

S. 1567

At the request of Mr. BUMPERS, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 1567, a bill to provide for refunds pursuant to rate decreases under the Federal Power Act.

S. 1586

At the request of Mr. KERRY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1586, a bill to provide financial assistance under the Education of the Handicapped Act to assist severely handicapped infants, chil-

dren, and youth to improve their educational opportunities through the use of assistive device resource centers, and for other purposes.

S. 1607

At the request of Mr. ROTH, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 1607, a bill to prohibit the burning and dumping of toxic and hazardous waste in certain areas off the coast of Delaware, Maryland, and Virginia.

S. 1623

At the request of Mr. DASCHLE, the name of the Senator from Iowa [Mr. GRASSLEY] 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. 1636

At the request of Mr. GRAMM, the name of the Senator from Texas [Mr. BENTSEN] was added as a cosponsor of S. 1636, a bill to authorize the acceptance of a donation of land for addition to Big Bend National Park, in the State of Texas.

S. 1645

At the request of Mr. DECONCINI, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 1645, a bill to reauthorize certain Indian educational programs, and for other purposes.

S. 1703

At the request of Mr. EVANS, the name of the Senator from Washington [Mr. ADAMS], the Senator from Montana [Mr. MELCHER], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 1703, a bill to amend the Indian Self-Determination and Education Assistance Act and for other purposes.

SENATE JOINT RESOLUTION 41

At the request of Mr. GLENN, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution to designate the period commencing on November 22, 1987, and ending on November 29, 1987, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 111

At the request of Mr. HEINZ, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of Senate Joint Resolution 111, a joint resolution to designate each of the months of November 1987, and November 1988, as "National Hospice Month."

SENATE JOINT RESOLUTION 125

At the request of Mr. ROTH, the name of the Senator from Mississippi [Mr. STENNIS] was added as a cosponsor of Senate Joint Resolution 125, a joint resolution to designate the period commencing on May 9, 1988, and ending on May 15, 1988, as "National Stuttering Awareness Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. CRANSTON, the names of the Senator from Virginia [Mr. WARNER], the Senator from Illinois [Mr. SIMON], the Senator from South Carolina [Mr. THURMOND], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 171, a joint resolution designating the week beginning November 8, 1987, as "National Women Veterans Recognition Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. MURKOWSKI, his name was withdrawn as a cosponsor of Senate Joint Resolution 184, a joint resolution designating October 15, 1987, as "National Safety Belt Use Day."

SENATE CONCURRENT RESOLUTION 79

At the request of Mr. NICKLES, the names of the Senator from Utah [Mr. GARN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Concurrent Resolution 79, a concurrent resolution expressing support for United Nations' efforts to end the Iran-Iraq war and to bring an end to human rights abuses in Iran.

SENATE RESOLUTION 284

At the request of Mr. DOLE, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Carolina [Mr. THURMOND], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 284, a resolution to express the sense of the Senate that the Secretary of Agriculture should make advance deficiency payments for the 1988 crop of wheat, feed grains, upland cotton, and rice, and for other purposes.

AMENDMENT NO. 716

At the request of Mr. MCCAIN, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from North Dakota [Mr. BURDICK], the Senator from Arizona [Mr. DECONCINI], the Senator from Colorado [Mr. WIRTH], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of amendment No. 716 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.

AMENDMENT NO. 749

At the request of Mr. MITCHELL, his name was added as a cosponsor of amendment No. 749 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 290—AUTHORIZING THE PRINTING OF A REPORT AS A SENATE DOCUMENT

Mr. BURDICK submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 290

Resolved, That the annual report of the Secretary of Transportation to the Congress of the United States in compliance with section 144(i) of title 23, United States Code, entitled "Highway Bridge Replacement and Rehabilitation Program, Eighth Annual Report to Congress" be printed as a Senate document.

SEC. 2. There shall be printed three hundred additional copies for the use of the Committee on Environment and Public Works.

REPORT ON NATIONAL FOOTBALL LEAGUE TELECASTING

Mr. SPECTER. Mr. President, I am submitting a resolution calling upon the Department of Justice's Antitrust Division to undertake a study of, and prepare for Congress a report on, the telecasting practices of the National Football League.

The Senate's interest in the status of the NFL under the antitrust laws is not new. In 1961, at the request of the NFL, Congress enacted the Sports Broadcasting Act (15 U.S.C. §§ 1291-95), which granted antitrust immunity to the NFL's pooling of revenues from sponsored television broadcasts. This permitted the NFL to enter into a series of leaguewide network television contracts. In 1985, each of the NFL's 28 teams earned $15 million from such contracts.

In 1966, 5 years after the Sports Broadcasting Act, Congress provided additional antitrust immunity to the NFL, in order to permit its merger with the AFL, the only competing professional football league at that time. More recently—in the 99th and 100th Congresses—a number of bills have been introduced which proposed additional grants of antitrust immunity to the NFL. Extensive hearings before the Commerce and Judiciary Committees considered proposals to exempt from the antitrust laws NFL agreements or rules regarding relocation of franchises, selection of owners, termination of owners, or sharing of revenues of any type.

At no time since the original grant of limited immunity 26 years ago, however, has the Department of Justice reviewed the NFL's telecasting practices to determine whether they are in

compliance with the law. Since the act's enactment, there have been dramatic changes in the nature of telecommunications and in the NFL's telecasting practices. Contrary to the expectations of both Congress and the NFL in 1961, the league has contracted with more than one major television network at a time. Indeed, for much of the period since the AFL-NFL merger was consummated, the NFL has had contracts with all three major networks at the same time. This year, the NFL has entered into its first major contract with a cable television network. Cable television, of course, was not within the contemplation of Congress in 1961, and the extent to which this new medium is implicated by the 1961 act is not clear. To complicate the matter further, ESPN—the cable network with whom the NFL has contracted—is itself owned by ABC, one of the major broadcast networks, and the Federal Trade Commission reportedly is investigating possible irregularities with respect to bidding for NFL television contracts.

The resolution I am submitting would direct the Antitrust Division to study and report to Congress: First, the implications of new technology—specifically cable television and "pay-per-view" services—on the application of existing antitrust laws to the NFL's telecasting practices; and second, the effect (on the lawfulness of the NFL's practices) of the merger of the league's cable television partner with one of the major broadcast networks. The Department of Justice would include in its report a statement of its antitrust enforcement plans with respect to NFL telecasting practices.

Mr. President, I long have been concerned about the possibility that the NFL might remove a portion of its televised games from free broadcast television, available to the public at no charge, and offer them instead only to fans who can afford to pay—whether for cable service or on a "pay-per-view" basis. My own view is that the 1961 act does not immunize the NFL's sharing of revenues from its ESPN, or any other, cable television contract.

At the time of the 1961 act, Congress already was concerned about the public interest in keeping NFL telecasts on free broadcast television. The committee reports referred specifically to "the public interest in viewing professional league sports," and the act limited its immunity grant to shared revenues from "sponsored telecasting." "Sponsored telecasting" was a term of art which, in my view, meant free network television. Cable television was not yet on the scene; the competing forms of telecasting—closed circuit and subscription television—plainly were not covered by the act, as the committee reports make clear. Had cable television and pay-per-view television been specifically considered by Congress, I believe they too would have been enumerated in the reports as illustrations of media which do not constitute "sponsored telecasting" and therefore do not fall within the act. I think we need to know the Department of Justice's view, however, and that, of course, is why I am offering this resolution. Finding that the NFL's sharing of cable revenues is not immunized by the 1961 act would not necessarily mean that it violates the antitrust laws. Rather, it simply would mean that the practices are subject to those laws, like virtually every other business practice in this country.

The NFL has emphasized to me that the ESPN contract does not limit the availability of NFL games on free television; and that the NFL has no intention of ever moving playoff games or the Superbowl to a nonfree format. Let me explain why I recommend less than complete confidence in the NFL's professions of intent. In 1961, when NFL Commissioner Rozelle was testifying before congressional committees in support of an antitrust exemption, concern was expressed about the possibility of the NFL "tying up" more than one of the major broadcast television networks with an immunized television contract. "Put your minds at ease," Commissioner Rozelle in effect assured Congress. Using more than one network would be "just what we are trying to get away from," Commissioner Rozelle told one committee. "If this legislation is passed," the commissioner testified, "there is no intention on our part of using more than one network." As we all now know, the NFL shortly thereafter contracted with all three major networks at the same time, and presently has a contract with a cable network owned by one of the major broadcast networks.

While I was not in Congress in 1961, I have personal experience with more recent hard and fast assurances by the NFL with respect to its intentions. In 1985, in the aftermath of the relocation of two NFL franchises and the threatened relocation of others, a number of my colleagues and I worked in great detail on a proposal to stabilize professional football. At that time, I had a number of exchanges, both public and private, with Commissioner Rozelle and his representatives, and I repeatedly expressed my concerns about the NFL moving some of its telecasts to cable television in the future. "Put your mind at ease," the NFL in effect assured me. Specifically, I was told that the NFL had absolutely no intention of telecasting any of its games on cable television or any other nonfree format. Earlier this year, the NFL signed its contract with ESPN, which provides for numerous games to be televised on cable.

Mr. President, no one could have less standing than the NFL to complain that inquiries like those I am proposing are inappropriate government meddling in private enterprise. Let one thing be clear—the NFL repeatedly has come to Congress for relief from the laws that govern private enterprises. In 1961 and 1966, the NFL sought and obtained the only two antitrust exemptions that Congress ever has granted in the field of professional sports. And as recently as the 99th Congress, the NFL and its lobbyists again urged Congress to exempt certain NFL practices from the laws which govern other businesses in our country. The resolution I am offering neither proposes changes in the law nor reaches conclusions about the legality of NFL telecasting practices. It merely directs the Department of Justice—which has the expertise, authority and responsibility to ensure that the antitrust laws are properly enforced and that exemptions from them are properly interpreted—to study certain issues and report back to Congress. Only then can we be fully informed as we consider whether the public interest demands additional legislation, and I hardly see how anyone can object to our soliciting the Antitrust Division's views.

Accordingly, I urge my colleagues to support this resolution.

SENATE RESOLUTION 292—AUTHORIZING THE PRODUCTION OF DOCUMENTS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 292

Whereas, in 1981 the Permanent Subcommittee on Investigations of the Committee on Govrnmental Affairs investigated and held hearings on the influence of organized crime on the International Longshoremen's Association;

Whereas, the Department of Justice has requested access to certain materials in the Subcommittee's files from that investigation for use in a current criminal investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate are needful for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, are authorized to provide to the Department of Justice records of the Subcommittee relating to its investigation of the influence of organized crime on the International Longshoremen's Association.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

METZENBAUM AMENDMENT NO. 780

Mr. METZENBAUM 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 114, between lines 13 and 14, insert the following new section:

SEC. . REPORT ON M1A1 TANK.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress a detailed report on any actual or proposed plans of the Department of Defense regarding the sale, co-production, or co-assembly of the M1 or M1A1 Abrams tank. The Secretary shall specifically include in such report the following:

(1) Whether the Secretary of Defense has entered into or proposes to enter into negotiations with any foreign country for the sale of the M1 or M1A1 Abrams tank to such foreign country.

(2) The nature and extent of any negotiations by the Secretary of Defense with any foreign country regarding the co-production or co-assembly of such tank by the United States and such country.

(3) The possible consequences of the sale of such tank to a foreign country and of an agreement for the co-production or co-assembly of such tank by the United States and a foreign country.

(4) A comparison of the effects on United States industry and labor of a direct sale of such tank to a foreign country with the production of such tank under a co-production or co-assembly arrangement with a foreign country.

(5) The impact that the sale of such tank to a foreign country or an arrangement with a foreign country for the co-production or co-assembly of such tank would have on the national security of the United States in view of the sensitive nature of the high technology involved in the production of such tank.

(b) DEADLINE FOR REPORT.—The Secretary shall submit the report required under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) NATURE OF REPORT.—The Secretary shall submit the report required under subsection (a) in both classified and unclassified form.

(d) CONDITION ON AUTHORITY OF SECRETARY.—The Secretary may not enter into any agreement with any foreign country regarding the sale, co-production, or co-assembly of the M1 or M1A1 Abrams or any variant of such tank until the report required by this section has been received by Congress.

BOSCHWITZ AMENDMENT NO. 781

Mr. BOSCHWITZ proposed an amendment to the bill (S. 1174) supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . NUCLEAR RISK REDUCTION CENTERS.

(a) Congress applauds the recent signing of an agreement between the United States and the Soviet Union on the establishment of nuclear risk reduction centers. Congress regards this agreement as an important and practical first step in reducing the threat of nuclear war due to accident, misinterpretation, or miscalculation. Congress notes that the agreement calls for centers to be established in each nation's respective capital for the routine exchange of information and advanced notification of nuclear and missile testing.

(b) It is the hope of Congress that this first step in nuclear risk reduction will increase the confidence and mutual trust by both sides and lead to expansion in functions to reduce further the chances of accidential war. Such functions may include joint discussions on crisis management and the development of strategies to deal with incidents or threats of nuclear terrorism, nuclear proliferation, or other mutually agreed upon issues of concern in reducing nuclear risk.

KASTEN (AND OTHERS) AMENDMENT NO. 782

Mr. KASTEN (for himself, Mr. DOLE, Mr. HELMS, Mr. BINGAMAN, Mr. WILSON, Mr. HEINZ, Mr. D'AMATO, Mr. GARN, Mr. KARNES, and Mr. STEVENS) proposed an amendment to the bill (S. 1174) supra; as follows:

On page 114 of the bill, between lines 13 and 14, insert the following:

SEC. . TRADE WITH VIETNAM.

(a) FINDINGS.—The Congress finds that—

(1) 140,000 Vietnamese troops invaded Cambodia in early 1978;

(2) for the past 9 years, the vast majority of Western powers have pledged to maintain embargoes or developmental aid to Vietnam until these troops are removed;

(3) Japan initially participated in this embargo, freezing some $135,000,000 in grants and concessionary loans, and reducing trade levels from $220,000,000 in 1978 to $120,000,000 the following year;

(4) despite the fact that 140,000 Vietnamese troops continue to occupy Cambodia, Japan's economic ties with Vietnam have grown steadily since 1982, reaching a present day trade level of $230,000,000, and this includes developmental trade;

(5) the Japanese government has consistently refused to discourage private investment by its private business sector which initiates this trade;

(7) Vietnam's 65 million people are a tempting lure for investors seeking low wages and for traders seeking new markets.

(b) IN GENERAL.—The Congress hereby—

(1) renews its condemnation of the continued Vietnamese occupation of the sovereign state of Cambodia, an activity which violates all standards of conduct befitting a responsible nation and contravenes all recognized principles of international law, and the Congress reconfirms its call for Vietnam to withdraw from Cambodia for only in this way can Vietnam expect to end its self induced economic isolation, and

(2) strongly urges the government of Japan to—

(A) prevent its private business sector from engaging in developmental trade with the Socialist Republic of Vietnam, and

(B) discontinue specific Japanese trading practices with Vietnam which provide long-term credits and developmental equipment, including equipment for—

(i) oil and exploration development,

(ii) forestry and fishery production,

(iii) development of commodities for light industries, and

(iv) the upgrading of production capacities for export purposes.

DOLE (AND BYRD) AMENDMENT NO. 783

Mr. DOLE (for himself, Mr. BYRD, Mr. FORD, Mr. DIXON, and Mr. MCCAIN) proposed an amendment to the bill (S. 1174) supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . FINDINGS.

The Congress finds that:

(a) The actions of Iran in continuing mine-laying activities, launching Silkworm missiles against Kuwait and refusing to accept the U.N.-proposed ceasefire in the Iran-Iraq war are totally unwarranted and increase tension and the danger of a widening war in the Persian Gulf.

(b) In recent years, the United States, on annual average, has imported approximately $500-600 million worth of products of Iran.

(c) The provision of this hard currency to Iran increases its ability to procure mines, Silkworm missiles and other armaments from foreign sources, thereby increasing its ability to sustain and escalate its war with Iraq and other irresponsible actions, such as mine-laying.

(d) A formal policy of neutrality does not require the United States to ignore, or fail to respond to, provocations from either side in the Iran-Iraq war; nor to surrender the flexibility to shape our conduct in response to the policies and conduct of the belligerents in that war.

(e) In light of Iranian policy and actions in the Iran-Iraq war and in the Persian Gulf, it is not in the best interest of the United States to practice "business as usual" with Iran.

(f) As the provisions of the Algiers Accord make clear, Iran has no legal grounds to respond to any action by the United States, including the imposition of a prohibition on the import into the United States of the product of Iran, in the claims settlement process established under the Accord.

SEC. . PROHIBITION ON THE IMPORT INTO THE UNITED STATES OF PRODUCTS OF IRAN.

(a) Effective upon the date of enactment of this Section, the import into the United States of all products of Iran is prohibited.

(b) For the purposes of this Section, the term "products of Iran" mean any article grown, mined, produced or manufactured (in whole or in part) in Iran.

(c) The President shall direct the appropriate agencies of the Federal Government to establish such regulations and procedures as are necessary to implement Subsection (a).

SEC. . WAIVER OF PROHIBITION ON THE IMPORT INTO THE UNITED STATES OR PRODUCTS OF IRAN.

(a) Should the President determine that it is not in the overall interest of the United States to prohibit the import into the United States of products of Iran, he may delay the implementation of the prohibition for up to 180 days following enactment of this Section.

(b) Should the President, under the authority of Subsection (a), delay implementation of the prohibition for any period up to the 180 day limit, he shall submit to the Congress a written report, explaining the reasons for that decision, including specifying how the national interest would be jeopardized by implementing the prohibition.

(c) Should the President decide to delay implementaton of the prohibition through the procedure outlined in Subsection (b) for the full 180 days, the prohibition shall go into effect on the 181st day following enactment of this Section, unless the Congress, by Joint Resolution, extends the 180 day period.

HELMS (AND DIXON) AMENDMENT NO. 784

Mr. HELMS (for himself and Mr. DIXON) proposed an amendment to the bill (S. 1174) supra; as follows:

Add at the end of the bill the following new section: Section (a) This section may be cited as the "United States Department of State Freedom of Expression Act of 1987."

(b) FINDING. Congress finds that the United States Department of State on September 15, 1987, declared itself to be a temporary foreign diplomatic mission for the purpose of denying free speech to American citizens who planned to protest the tyranny of the Soviet regime.

(c) PROHIBITION. It is not in the national security interest of the United States for the Department of State to declare, and it shall not declare, itself to be a foreign diplomatic mission.

GRAMM AMENDMENT NO. 785

Mr. GRAMM proposed an amendment to the bill (S. 1174) supra; as follows:

On page 216, beginning with line 7, strike out all down through line 14 on page 217 and insert in lieu thereof the following:

(a) IN GENERAL.—Section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c)(1) The President shall—

"(A) prescribe a goal for the quantity of each material to be stockpiled; and

"(B) transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the goals prescribed under paragraph (1).

"(2) Stockpile goals prescribed under paragraph (1) shall become effective upon the expiration of 45 days of continuous session of Congress following the date on which the Committees referred to in paragraph (1)(B) receive the report required by such paragraph.

"(d)(1) The President may revise a goal that is in effect under this section in the case of any material only as provided in this subsection.

"(2) The President may—

"(A) reduce a goal referred to in paragraph (1) by not more than 15 percent; or

"(B) increase such a goal.

"(3) Whenever the President revises a goal in the case of any material, the President shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a notice specifying the revised goal.

"(4) A revised goal shall become effective upon the expiration of 45 days of continuous session of Congress following the date on which the Committees referred to in paragraph (3) receive notice of the revised goal from the President.

"(e) For the purposes of subsections (c) and (d)—

"(A) the continuity of a session of Congress is broken only by an adjournment of Congress sine die; and

"(B) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.".

(b) ESTABLISHMENT OF GOALS.—(1) Not later than 60 days after the date of the enactment of this Act, the President shall carry out the requirements of section 3(c)(1) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)(1)), as amended by subsection (a).

(2) The total quantity of the strategic and critical materials specified in the goals prescribed in accordance with paragraph (1) may not be less than the equivalent of $7,200,000,000 determined on the basis of the cost of such materials at the prevailing prices of such materials, considering all sources of the materials, on May 31, 1985.

WILSON (AND CRANSTON) AMENDMENT NO. 786

Mr. WILSON (for himself and Mr. CRANSTON) 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. . LEASE OF PROPERTY, SAN FRANCISCO, CALIFORNIA

(a) IN GENERAL.—The Secretary of the Army shall lease to the County of San Francisco the facility at the Presidio in San Francisco, California, formerly operated as a hospital by the Public Health Service, for use by such County as a facility for the care and treatment of persons with acquired immune deficiency syndrome (AIDS) or acquired immune deficiency syndrome related complex (ARC).

(b) TERMS OF LEASE.—(1) The lease entered into with the County of San Francisco pursuant to subsection (a) shall be for a term of 10 years and shall be made without consideration to the United States. The term of the lease shall begin at such time as the Secretary shall prescribe after the transfer referred to in subsection (d) has been completed.

(2) The Secretary may require such other terms and conditions in connection with the lease as he considers appropriate to protect the interests of the United States.

(c) DETERMINATION BY SECRETARY OF THE ARMY; ANALYSIS BY COMPTROLLER GENERAL.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall determine the most economically feasible manner of accomplishing the transfer of activities described in subsection (d) and report such determination, together with an estimate (and underlying analysis) of the cost of accomplishing the transfer, to the Comptroller General of the United States.

(2) Not later than 30 days after receiving such determination and estimate from the Secretary of the Army, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an analysis of such determination and estimate.

(d) TRANSFER OF ACTIVITIES.—(1) The Secretary of the Army or the Secretary of Defense, as appropriate, shall complete the transfer of the Defense Language School and any other activity being carried out at the Presidio in the facility described in subsection (a) to such other location as the Secretary determines to be appropriate. The transfer shall be made as soon as practicable after the date on which the report referred to in subsection (c)(2) is received by the committees named in such subsection or the date on which the County of San Francisco provides the certification described in subsection (e) to the Secretary of the Army, whichever is later.

(e) CERTIFICATION OF FINANCIAL ABILITY.—The Secretary of the Army shall not enter into a lease under subsection (a) or initiate any action to transfer the facilities referred to in subsection (d) until the County of San Francisco has certified to the Secretary of the Army that the County is financially prepared to assume possession of and operate the facility referred to in subsection (a) as a facility for the care and treatment of persons with AIDS or ARC.

(f) RECAPTURE RIGHTS.—The Secretary shall include in the terms of the lease a condition that in the event the leased facility is not used by the County of San Francisco as a facility for the care and treatment of persons with AIDS or ARC, the Secretary shall have the right of immediate reentry and the lease shall be automatically terminated.

(g) CONSIDERATION OF COOPERATIVE USE OF FACILITY.—The Secretary of the Army, and the Administrator of Veterans' Affairs, shall immediately enter into discussions with the appropriate official of the County of San Francisco to determine the feasibility of utilizing the facility referred to in subsection (a), jointly or in conjunction with the County of San Francisco, for the care and treatment of veterans and members of the Armed Forces who have AIDS or ARC.

WILSON AMENDMENT NO. 787

Mr. WILSON proposed an amendment to the bill (S. 1174) supra; as follows:

Delete existing Section 227.

Add new Section 812, as follows:

SEC. 812. SPACE LAUNCH RECOVERY

Of the funds appropriated pursuant to authorizations contained in this Act and from funds appropriated to the Department of Defense in prior years that remain available for obligations, $316,000,000 may be transferred from any such appropriation to any appropriate Air Force appropriation to be used for activities related to Space Launch Recovery, to be merged with and to be available for the same purposes, and the same time period, as the appropriation to which transferred: *Provided further,* That the transfer authority contained in this section shall not become effective until November 1, 1987.

WARNER AMENDMENT NO. 788

Mr. WARNER proposed an amendment to the bill (S. 1174) supra; as follows:

On page 38, between lines 17 and 18, insert the following new section:

SEC. 324. AUTHORITY OF THE SECRETARY OF DEFENSE TO REPAIR AND MAINTAIN MEMORIALS AND HISTORIC SITES ON THE ISLAND OF CORREGIDOR

The Secretary of Defense is authorized to repair and maintain memorial monuments and historic sites on the Island of Corregidor in the Republic of the Philippines and may use funds appropriated pursuant to section 301, not to exceed $50,000 for operation and maintenance of the Navy for such purpose.

LEVIN (AND RIEGLE) AMENDMENT NO. 789

Mr. LEVIN (for himself and Mr. RIEGLE) proposed an amendment to the bill (S. 1174) supra; as follows:

On page 22, between lines 8 and 9, insert the following new section:

SEC. . CENTER FOR ADVANCED TECHNOLOGIES

Of the funds appropriated pursuant to section 201, not more than $31,000,000 of the amount appropriated for fiscal year 1988 and not more than $31,000,000 of the amount appropriated for fiscal year 1989 may be obligated for the purchase of high technology manufacturing equipment and the installation of such equipment in a private, nonprofit center for advanced technologies for the purpose of training, in a production facility, defense critical machine technicians to build, operate, and maintain high technology manufacturing equipment. Funds may not be obligated for such purpose until a memorandum of understanding has been entered into by the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, and the Secretary of Education concerning the participation of their respective departments in a project to demonstrate the training of machine technicians in a production facility.

Funds may not be obligated for such purpose without the approval of the Secretary of Defense.

Funds may not be obligated for such purpose until sixty days after a report has been submitted to the Armed Services Committees of the Senate and the House of Representatives.

GRAMM AMENDMENTS NOS. 790 AND 791

Mr. GRAMM proposed two amendments to the bill (S. 1174) supra; as follows:

AMENDMENT NO. 790

On page 192, between lines 11 and 12, insert the following:

SEC. 2819. COST THRESHOLD FOR THE APPLICABILITY OF THE DAVIS-BACON ACT

(a) IN GENERAL.—Subsection (a) of the first section of the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes", approved March 3, 1931 (40 U.S.C. 276a(a)), commonly known as the Davis-Bacon Act, is amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting "or, in the case of contracts awarded by the Department of Defense, every contract in excess of $250,000" after "$2,000" in the first sentence; and

(3) by adding at the end the following new paragraph:

"(2)(A) A person contracting on behalf of the Department of Defense may not divide any project for construction, alteration, or repair (including painting and decorating) into projects costing less than $250,000 for the purpose of avoiding the application of this Act to a contract for such project.

"(B) Whenever the Secretary of Labor determines that there has been a division of any project for a purpose prohibited by subparagraph (A) in the case of any contract, the Secretary may—

"(i) require that the contract be modified to incorporate retroactively all the provisions that are required under this Act and any other prevailing wage law;

"(ii) require the contractor to pay each laborer and mechanic covered by such provisions an amount, for each pay period, equal to the excess of the applicable prevailing wage rate over the wage rate actually paid such laborer or mechanic, together with interest on such amount computed at the rate established under section 6621(a)(2) of the Internal Revenue Code of 1986 from the date on which the work under the contract was performed by the laborer or mechanic; and

"(iii) require the Department of Defense to compensate the contractor for the total amount of the payments made under clause (ii).

"(C) The Secretary of Labor may make a determination for the purposes of subparagraph (B) in the case of any construction project only if the Secretary has notified the Secretary of Defense, not later than 180 days after the date on which construction on the project is completed, that an investigation will be conducted concerning an alleged violation of subparagraph (A).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to solicitations for bids or proposals made on or after the date of the enactment of this Act.

AMENDMENT NO. 791

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

SEC. . APPLICABILITY OF SERVICE CONTRACT ACT OF 1965 TO CERTAIN CONTRACTS

(a) DEPARTMENT OF DEFENSE CONTRACTS.—Section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting "or, in the case of a contract entered into by the Department of Defense, $1,000,000" after "$2,500";

(2) by striking out "Every" and inserting in lieu thereof "Subject to subsection (c), every"; and

(3) by adding at the end the following new subsection:

"(c) In the case of a contract entered into by the Department of Defense, this Act shall apply only to a contract the principal purpose of which is to furnish services and shall not apply to a contract which requires the provision of services if the principal purpose of the contract is not to furnish services.".

(b) CERTAIN MARINER SERVICE CONTRACTS.—(1) Chapter 141 of title 10, United States Code is amended by adding at the end thereof the following new section:

"§ 2410. Nonapplicability of the Service Contract Act of 1965 to certain mariner service contracts

"The Service Contract Act of 1965 (41 U.S.C. 351 et seq.) shall not apply to a contract for services to be performed on a vessel owned or chartered by an agency named in section 2303(a) of this title unless at least 20 percent of such contract is performed within the United States, as defined in section 8(d) of that Act.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new items:

"2410. Nonapplicability of the Service Contract Act of 1965 to certain mariner service contracts.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect with respect to solicitations for bids or proposals issued on or after the date of enactment of this Act.

WARNER AMENDMENT NO. 792

Mr. WARNER proposed an amendment to the bill (S. 1174) supra; as follows:

On page 25, between lines 14 and 15, insert the following new section:

SEC. 235. ESTABLISHMENT OF A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER TO SUPPORT THE STRATEGIC DEFENSE INITIATIVE PROGRAM.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Department of Defense requires technical support for system level design and integration issues related to the Strategic Defense Initiative program.

(2) The Strategic Defense Initiative Organization assessed alternative types of organizations to provide technical support to the Strategic Defense Initiative program, including Government organizations, profit and nonprofit entities (including existing federally funded research and development centers), a new division within an existing federally funded research and development center, a new federally funded research and development center, colleges and universities, and private nonprofit laboratories, and determined that a new federally funded research and development center would be the type of organization to provide technical support to the Strategic Defense Initiative program.

(3) To ensure the independence and objectivity of any such new FFRDC and to control its expense, certain conditions need to be met.

(4) Competitive selection of a contractor to establish and operate a federally funded research and development center to support the Strategic Defense Initiative program is one way to enhance the prospects for independent and objective evaluation of technological and system level Strategic Defense Initiative program issues.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds appropriated to the Department of Defense for the Strategic Defense Initiative program may be used for the purpose of awarding a contract to operate a federally funded research and development center established to support the Strategic Defense Initiative program if such center is established under competitive procedure and which emphasize the cost considerations provided further that—

(1) the Secretary of Defense has solicited proposals for such contract from existing Federally funded research and development centers, universities, commercial entities, and any new organizations, and has maximum efforts to obtain more than one proposal for such contract;

(2) the Secretary of Defense has submitted the 3 best contract proposals, together with a copy of the proposed sponsoring agreement for the new FFRDC, to peer review by 3 persons designated by the Defense Science Board from a list of six or more persons compiled by the National Academy of Sciences;

(3) the persons performing the peer review referred to in clause (3)—

(A) have evaluated the extent to which each proposal and the sponsoring agreement foster competent and objective technical advice for the Strategic Defense Initiative Program; and

(B) have reported their evaluation to the Secretary;

(4) the Secretary of Defense has issued a directive requiring that the contract referred to in clause (b) include a provision stating that no officer or employee of DOD shall have the authority to veto the employment of any person selected to serve as an officer or employee of the new FFRDC;

(5) the Secretary of Defense has issued a directive requiring that at least 5 percent of the total amount of funds available for the new FFRDC is to be set aside for independent research to be performed by the staff of the new FFRDC under the direction of the chief executive officer of the new FFRDC;

(6) the Secretary of Defense has issued a directive (A) imposing a limitation on the compensation payable to each high-level executive of the new FFRDC for services performed for the new FFRDC so that such compensation shall be comparable to the amount of compensation payable to high-level executives of comparable Federally funded research and development centers for similar services, and (B) imposing a requirement that the new FFRDC publicly disclose the salary of its chief executive officer;

(7) the Secretary of Defense has issued a directive (A) prohibiting current or former members of the Strategic Defense Initiative Advisory Committee from serving as members of the Board of Trustees if such members constitute ten or more percent of the Board of Trustees or from serving as officers of the new FFRDC, and (B) requiring that the contract referred to in clause (b) include a provision prohibiting members of such Board of Trustees from serving as officers of the new FFRDC except the President of the new FFRDC if the Board is comprised of 10 or more members.

(8) the Secretary of Defense has issued a directive requiring that the contract referred to in clause (1) include a provision prohibiting the new FFRDC from employing any person who, as a Federal employee or member of the Armed Forces, has served in the Strategic Defense Initiative Organization within 2 years before the date on which such person is to be employed by the new FFRDC;

(9) the Secretary of Defense has issued a directive providing for a separate line item within the Department of Defense budget for all funds for the new FFRDC;

(10) the Secretary of Defense has issued a directive requiring that any contract referred to in clause (b) include a provision requiring that the Board of Trustees of the new FFRDC be comprised of individuals who represent a reasonable cross-section of views on the engineering and scientific issues associated with the Strategic Defense Initiative Program;

(11) the Secretary of Defense shall not decide upon or announce the award of any contract before January 30, 1989 and, before awarding a contract for the operation of the new FFRDC, the Secretary of Defense shall submit to Congress no sooner than January 30, 1989—

(A) a copy of the proposed final contract;

(B) a copy of the proposed final sponsoring agreement relating to the operation of the new FFRDC; and

(C) shall withhold the award of such contract and approval of such sponsoring agreement for at least 30 days of continuous session of Congress beginning on the day after the date on which Congress receives such copies and report.

(c) CONTINUITY OF CONGRESSIONAL SESSION.—For purposes of subsection (a)(13), the continuity of a session of Congress is broken only by an adjournment sine die at the end of the second regular session of that Congress; however, in computing a 30-day period for such purposes, days on which either House of Congress is not in session because of an adjournment of more than five days to a day certain shall be excluded.

(d) SUNSET PROVISION.—No funds shall be available for the new FFRDC 5 years after the award of it initial contract.

NUNN (AND WARNER) AMENDMENT NO. 793

Mr. NUNN (for himself and Mr. WARNER) proposed an amendment to the bill (S. 1174) supra; as follows:

On page 4, line 11, strike out "$9,150,436,000" and insert in lieu thereof "$9,272,047,000".

On page 4, line 14, strike out "$7,164,139,000" and insert in lieu thereof "$7,164,439,000".

On page 14, line 24, strike out "$2,869,013,000" and insert in lieu thereof "$2,860,598,000".

On page 15, line 7, strike out "$8,706,452,000" and insert in lieu thereof "$8,699,452,000".

On page 15, line 14, strike out "$3,877,680,000" and insert in lieu thereof "$3,870,680,000".

On page 110, beginning with line 18, strike out all down through line 13 on page 114 and insert in lieu thereof the following:

SEC. 811. AMENDMENTS RELATED TO THE ENACTMENT OF THE GOLDWATER-NICHOLS DEPARTMENT OF DEFENSE REORGANIZATION ACT OF 1986

(a) AMENDMENTS TO PUBLIC LAW 99-433.—(1) The table contained in section 101(a)(5) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 995) is amended by striking out "chapter 3" above the right hand column and inserting in lieu thereof "chapter 144".

(2) Section 202(b)(2) of such Act (100 Stat. 1011) is amended by inserting "the first place it appears" immediately before the semicolon.

(3) Section 532(c)(1) of such Act (100 Stat. 1063) is amended by striking out "section" and inserting in lieu thereof "sections".

(4) Section 602(e)(3)(B) of such Act (100 Stat. 1067) is amended by striking out "and strength" and inserting in lieu thereof "end strength".

(b) AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1)(A) Section 152 is amended by striking out the section heading and inserting in lieu thereof the following:

"§ 152. Chairman: appointment; grade and rank".

(B) The table of sections at the beginning of chapter 5 is amended by striking out the item relating to section 152 and inserting in lieu thereof the following:

"152. Chairman: appointment; grade and rank.".

(2) Section 155 is amended—

(A) in subsection (f)(4)(B), by inserting "or Congress" after "the President"; and

(B) in subsection (g)(2), by inserting "the President or" after "declared by".

(3) Section 194(e)(2) is amended by inserting "the President or" after "declared by".

(4)(A) The heading for section 743 is amended by adding at the end "; **Commandant of the Marine Corps**".

(B) The table of sections at the beginning of chapter 43 is amended by inserting "; Commandant of the Marine Corps" after "Air Force" in the item relating to section 743.

(5) Section 1406(i) is amended—

(A) by inserting "AND VICE CHAIRMEN" after "CHAIRMEN" in the subsection heading; and

(B) by inserting "or Vice Chairman" after "Chairman" in paragraph (1).

(6) Sections 3014(f)(4), 5014(f)(4), and 8014(f)(4) are each amended by inserting "the President or" after "declared by".

(7) The table of sections at the beginning of chapter 549 is amended by striking out the item relating to section 5898 and inserting in lieu thereof the following:

"5898. Action on reports of selection boards.".

(8) Section 8062(e) is amended by striking out "section 114" and inserting in lieu thereof "section 115".

(c) AMENDMENTS TO TITLE 37.—(1) Section 413 of title 37, United States Code, is amended to read as follows:

"§ 413. Chairman and Vice Chairman of the Joint Chiefs Staff

"The Chairman and Vice Chairman of the Joint Chiefs of Staff are entitled to the allowances provided by law for the Chief of Staff of the Army.".

(2) The table of sections at the beginning of chapter 7 of such title is amended by striking out the item relating to section 413 and inserting in lieu thereof the following:

"413. Chairman and Vice Chairman of the Joint Chiefs of Staff.".

(d) MISCELLANEOUS AMENDMENTS.—Footnote 2 in the table in section 411(a) of title 38, United States Code, is amended by inserting "or Vice Chairman" after "Chairman".

(2) Section 1344(b)(4) of title 31, United States Code, is amended by inserting "the members and Vice Chairman of" before "the Joint Chiefs of Staff".

(3) Footnote 2 of the table entitled "COMMISSIONED OFFICERS" in section 101(b)(1) of the Uniformed Services Pay Act of 1981 (37 U.S.C. 1009 note) is amended by inserting "or Vice Chairman" after "Chairman".

(4) Section 1302(b)(3) of the Department of Defense Authorization Act, 1986 (37 U.S.C. 431 note), is amended by striking out "section 133(d)" and inserting in lieu thereof "section 113(d)".

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply as if included in the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

(2) The amendments made by subsections (c)(1), (d)(3), and (d)(4) shall take effect as of October 1, 1986.

SEC. 812. TECHNICAL AND CLERICAL AMENDMENTS

(a) AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 101(14) is amended by inserting "a" after "means"

(2) Section 179 is amended by realigning subsection (e) so as to appear flush to the left margin.

(3) The table of sections at the beginning of chapter 21 is amended by striking out the item relating to section 423 and inserting in lieu thereof the following:

"423. Authority to use proceeds from counterintelligence operations of the military departments.".

(4) The table of sections at the beginning of chapter 39 is amended by transferring the item relating to section 686 from the end of such table to appear immediately below the item relating to section 685.

(5) Section 1102(c)(2) is amended by striking out ", United States Code" in the second sentence.

(6) Section 2321 is amended—

(A) in subsection (d)(4)(A), by striking out "paragraph" and inserting in lieu thereof "subsection"; and

(B) in subsection (i), by inserting "or subcontractor" after "contractor".

(7) Section 2322(b) is amended by inserting a period at the end.

(8) Section 2327(d) is amended by inserting "(1)" after "APPLICABILITY.—".

(9) The heading of section 2342 is amended by inserting a hyphen between the first and second words.

(10)(A) Section 2364 is amended by striking out "milestone O, I, and II decisions" in subsection (b)(5) and inserting in lieu thereof "milestone O, milestone I, and milestone II decisions".

(B) The heading of such section is amended by revising the fifth word so that the first letter is lower case.

(C) The item relating to that section in the table of sections at the beginning of chapter 139 is amended to conform to the amendment made by subparagraph (B).

(11) Section 2366(e)(1)(B) is amended by striking out "section 2303(5)" and inserting in lieu thereof "section 2302(5)".

(12) The item relating to section 2367 in the table of sections at the beginning of chapter 139 is amended so that the initial letter of the third word is lower case.

(13) Section 2406(f)(2)(A) is amended by inserting "section" after "is defined in".

(14) Section 2436(c)(5) is amended by inserting "law," after "auditing,".

(15) Section 2801(c)(3) is amended by striking out "defense agencies" and inserting in lieu thereof "Defense Agencies".

(16) Section 3723 is amended by striking out the comma after "disease".

(17) Sections 801, 1447, 2005(e), 2101, 2147(d), 2393(c), 2687(e), and 9511 are amended—

(A) by inserting "The term" in each paragraph (other than paragraph (2) of section 801) after the paragraph designation; and

(B) by revising the first word after the first quotation marks in each paragraph (other than paragraph (2) of section 801, paragraph (1) of section 1447, and paragraphs (7) and (11) of section 9511) so that the initial letter of such word is lower case.

(18)(A) Sections 1089(g), 2002(b), 2141(c), 2143(c), and 2145(b) are amended by inserting "the term" after "In this section,".

(B) Section 2356(b) is amended by inserting ", the term" after "In this section".

(19)(A) Sections 3251 and 8251 are amended by inserting ", the term" after "In this chapter".

(B) Sections 4801, 8368(a), and 9801 are amended by inserting "the term" after "In this chapter,".

(20) Section 101(20) is amended by striking out " 'Rate" at the beginning of the second sentence and inserting in lieu thereof "The term 'rate".

(b) AMENDMENTS TO TITLE 37.—Section 303(2) of title 37, United States Code, is amended—

(1) by striking out the comma at the end of subparagraph (A) and inserting in lieu thereof a semicolon; and

(2) by striking out ", or" at the end of subparagraph (B) and inserting in lieu thereof "; or".

(c) AMENDMENTS TO PUBLIC LAW 100-26.—Public Law 100-26 is amended—

(1) in section 7(b)(3)(A), by inserting "in subsection (a)," before "by";

(2) in section 7(k)(1)(C), by inserting "(2)" after "paragraphs (1),"; and

(3) in section 8(d)(7), by striking out "Section 406" and inserting in lieu thereof "Section 406b".

(d) MISCELLANEOUS AMENDMENT.—Section 956(b)(1) of the Defense Acquisition Improvement Act of 1986 (as contained in title IX of Public Law 99-661 and in title X of section 101(c) of Public Laws 99-500 and 99-591) is amended by inserting "the first place it appears" before the semicolon.

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (c) shall apply as if included in the enactment of the Defense Technical Corrections Act of 1987 (Public Law 100-26).

(2) The amendment made by subsection (d) shall apply as if included in the enactment of Public Laws 99-500, 99-591, and 99-661.

SEC. 813. ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY AND CHAIRMAN OF NUCLEAR WEAPONS COUNCIL

(a) STATUTORY ESTABLISHMENT OF POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.—(1) Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 141. Assistant to the Secretary of Defense for Atomic Energy

"(a) There is an Assistant to the Secretary of Defense for Atomic Energy, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Assistant to the Secretary shall advise the Secretary of Defense and the Joint Nuclear Weapons Council on nuclear energy and nuclear weapons matters.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"141. Assistant to the Secretary of Defense for Atomic Energy.".

(b) EXCEPTION TO SENATE CONFIRMATION.—The person serving as Chairman of the Military Liaison Committee, Department of Defense, under section 27 of the Atomic Energy Act of 1946 (42 U.S.C. 2037) on October 16, 1986, may be appointed as the Assistant to the Secretary of Defense for Atomic Energy under section 141 of title 10, United States Code (as added by subsection (a)), without the advice and consent of the Senate.

(c) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Section 5316 of title 5, United States Code, is amended by striking out "Chairman of the Military Liaison Committee to the Atomic Energy Commission, Department of Defense" and inserting in lieu thereof "Assistant to the Secretary of Defense for Atomic Energy, Department of Defense".

On page 210, line 4, strike out "$166,500,000" and insert in lieu thereof "$270,000,000".

WARNER AMENDMENT NO. 794

Mr. WARNER proposed an amendment to the bill (S. 1174) supra; as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . MORALE, WELFARE AND RECREATION ACTIVITIES

Notwithstanding section 9102 of the Department of Defense Appropriations Act, 1987 (as contained in section 101(c) of Public Law 99-500, 100 Stat. 1783-118, and section 101(c) of Public Law 99-591, 100 Stat. 3341-118), appropriated funds may be used after September 30, 1987, to support revenue generating Morale, Welfare and Recreation activities in any location designated by the Secretary of Defense.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1988

HOLLINGS (AND OTHERS) AMENDMENT NO. 795

Mr. HOLLINGS (for himself, Mr. NUNN, and Mr. FOWLER) proposed an amendment to the bill (H.R. 2712) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1988, and for other purposes; as follows:

On page 12 delete line 18 and all that follows on line 19 through "451" and insert in lieu thereof the following: $734,106,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which $2,351,000 to remain available until expended shall be made available to the Martin Luther King, Jr. Center for the Study of Nonviolent Social Change.

REID (AND OTHERS) AMENDMENT NO. 796

Mr. REID (for himself, Mr. BYRD, Mr. FORD, Mr. DECONCINI, and Mr. ROCKEFELLER) proposed an amendment to the bill (H.R. 2712) supra; as follows:

At an appropriate place in the bill add the following:

SEC. . Section 14(d) of the Securities Exchange Act of 1934 (15 U.S.C. s 78n(d)) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9) of such subsection, and by inserting the following new paragraph:

"(2) Any person making a tender offer for or a request or invitation for tender offers or amending or extending a tender offer for, or a request or invitation for tenders of shares of any class of any such equity security shall hold such offer, request invitation,

amendment or extension open for a period of at least 35 business days from the date on which such offer, request, invitation or amendment is first published, sent or given to security holders, or such longer period as the Commission may, by rule or regulation prescribe."

(2) This amendment shall apply to tender offers or amendments or extensions of tender offers made on or after September 30, 1987 and before March 31, 1988.

PELL (AND CHAFEE) AMENDMENT NO. 797

Mr. PELL (for himself and Mr. CHAFEE) proposed an amendment to the bill (H.R. 2712) supra; as follows:

At the end of the bill, add the following:

SEC. . The Secretary of Health and Human Services shall designate the entire State of Rhode Island as a contract health service delivery area of the Indian Health Service for the purpose of providing health services to Indians in the State of Rhode Island under contracts entered into by the Indian Health Service.

INOUYE AMENDMENT NO. 798

Mr. INOUYE proposed an amendment to the bill (H.R. 2712) supra; as follows:

On page 33, line 24, insert after "of which" the following: "not less than $48,662,000 shall be available for contract support for contracts entered into under Public Law 93-638; and of which".

On page 34, line 15, insert after "expended:" the following: *"Provided further,* That no more than $141,070 of the amount appropriated under this paragraph shall be available for the Natural Resources Development Account: *Provided further,* That no more than $92,524,000 of the amount appropriated under this paragraph shall be available for the General Administration Account: *Provided further,* That no more than $56,703,000 of the amount appropriated under this paragraph shall be available for the Trust Responsibilities Account:".

At the end of the bill, add the following:

SEC. . The final rule published in the Federal Register on September 16, 1987, by the Health Resources and Services Administration of the Public Health Service of the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service, shall not take effect before September 16, 1988, and no action may be taken before such day to implement or administer such rule or to prescribe any other rule or regulation that has a similar effect. The grace period provided in section 36.33 of such published rule shall not terminate before March 16, 1989, and any other rule or regulation that has a similar effect shall provide for such a grace period which shall not expire before March 16, 1989.

DASCHLE AMENDMENT NO. 799

Mr. DASCHLE proposed an amendment to the bill (H.R. 2712) supra; as follows:

At the appropriate place, insert the following new section:

SEC. . (a) Except as provided in subsection (b), the Secretary of Agriculture shall not transfer certain National Forest System land in the Black Hills National Forest, South Dakota, described as follows:

TRACT 0043 (Hine)—

Beginning at the north quarter corner section 16, township 1, north, range 6 east; Black Hills Meridian;

thence westerly along the north line of the northwest quarter, section 16, to the east eastwest ⅛₅₆ corner;

thence southerly along the west line of the east half east half northeast quarter northwest quarter 393.00 feet;

thence due west to a point that is due south of the intersection of the north line of the northwest quarter, section 16, and line 20-21 of the Big Bend Placer (MS 1442);

thence north to the intersection of the north line of the northwest quarter, section 16, and line 20-21 of the Big Bend Placer;

thence northeasterly along line 20-21 to corner 20;

thence northwesterly along line 19-20 to a point due north of the intersection of the north line of the northwest quarter, section 16, and line 20-21, MS 1442;

thence north to a point which is due west of a point that is 850.00 feet northerly along the west line of the southeast quarter, section 9;

thence east to the west line of the southeast quarter;

thence southerly along the west line of the southeast quarter 850.00 feet to the north quarter corner section 16, point of beginning.

(b) The Secretary may transfer such portion of the Hine Tract described in subsection (a) necessary to remove the encroachment of the Hine cabin which is located on the boundary of the Hine Tract.

WALLOP (AND SIMPSON) AMENDMENT NO. 800

Mr. WALLOP (for himself and Mr. SIMPSON) proposed an amendment to the bill (H.R. 2712) supra; as follows:

On page 33, line 5, insert the following: "PROVIDED FURTHER, notwithstanding any other provision of law, the State of Wyoming may, subject to a plan approved by the Governor, expend not more than $2 million from its allocation of Fiscal Year 1987 appropriated funds under Section 402 (g) of Public Law 95-87 for direct assistance to citizens evacuated from their homes in the Rawhide and Horizon Subdivisions in Campbell County, Wyoming, due to hazards from methane and hydrogen sulfide gases."

JOHNSTON AMENDMENT NO. 801

Mr. JOHNSTON proposed an amendment to the bill (H.R. 2712) supra; as follows:

On page 11, line 11, line type the number "$350,000" and insert immediately following the number "$400,000".

On page 16, line 4, delete the word "or" and insert in lieu thereof the word "of".

On page 17, line 13, delete the word "between" and insert in lieu thereof the word "among".

On page 18, line 13, insert the word "AND" between the words "PARK" and "RECREATION".

On page 33, line 25, remove the number "$53,557,000" and insert the number "$53,057,000".

On page 37, line 13, insert a period between the parenthesis and the close quote.

On page 43, line 14, delete the first comma.

On page 43, line 23, after the word "Foundation" insert a colon; and before the number "$500,000", insert *"Provided further,* That of the total appropriation".

On page 44, line 16, line type starting with the colon and continue line type through the close quotation mark on line 19, saving the semicolon on line 19.

On page 55, line 19, delete the first comma.

On page 67, line 25, delete the period.

On page 69, line 17, delete the number "$335,824,000" and insert in lieu thereof the number "$373,957,000".

On page 69, line 23, the word "That" should be set in bill type italic.

On page 70, line 6, the word "Further," should be inserted immediately preceeding the word "That".

BUMPERS AMENDMENT NO. 802

Mr. BUMPERS proposed an amendment to the bill (H.R. 2712) supra; as follows:

On page 31, line 10, after the colon insert *"Provided,* that $250,000 of such funds available to the Rural Abandoned Mine Program, over and above the amount received by Arkansas in 1986, shall be available for the first year of a five-year project in Arkansas to improve vegetative cover on reclaimed land through research and technical assistance."

STENNIS (AND INOUYE) AMENDMENT NO. 803

Mr. JOHNSTON (for Mr. STENNIS, for himself and Mr. INOUYE) proposed an amendment to the bill (H.R. 2712) supra; as follows:

At the appropriate place in the bill, add the following: *Provided, further,* That of the sums provided under this head, $1.2 million shall be available to the Mississippi Mineral Resources Institute of the University of Mississippi and the Center of Ocean Resources Technology of the University of Hawaii for a Marine Minerals Technology Center, equally divided.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

HEINZ AMENDMENT NO. 804

Mr. HEINZ proposed an amendment to the bill (S. 1174) supra; as follows:

On Page 38, between lines 17 and 18, insert the following new section:

SEC. 324. NEW THREAT UPGRADE (NTU) PROGRAM.—

No funds appropriated pursuant to this title or otherwise made available for operations and maintenance for the Navy for FY 1988 and used for the New Threat Upgrade (NTU) overhaul program may be used for work performed on a cost plus contract basis unless the Secretary of the Navy certifies in writing to the Committees on Armed Services of the Senate and the House of Representatives that such NTU overhaul work to be performed at either a public or private shipyard can be performed at a lower cost to the government on the basis of a cost plus contract, or that there exist overriding national security considerations.

In the event of any such certification, no action pursuant thereto may be taken for a 30 day period following notification.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1988

CRANSTON (AND WILSON) AMENDMENT NO. 805

Mr. CRANSTON (for himself and Mr. WILSON) proposed an amendment to the bill (H.R. 2712) supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . The Secretary of Agriculture is directed to use funds in the inholding and composite land acquisition account to purchase the Torre Canyon Ranch, in the Los Padres National Forest, California, at a cost not to exceed fair market value.

METZENBAUM AMENDMENT NO. 806

Mr. METZENBAUM proposed an amendment to the bill (H.R. 2712) supra; as follows:

On page 56, line 15, strike "$49,313,000" and insert in lieu thereof "$51,313,000".

DOMENICI (AND OTHERS) AMENDMENT NO. 807

Mr. DOMENICI (for himself, Mr. MCCLURE, and Mr. BINGAMAN) proposed an amendment to the bill (H.R. 2712) supra; as follows:

On page 66, line 26, strike "$281,390,000," and insert in lieu thereof "$291,390,000,".

KERRY (AND KENNEDY) AMENDMENT NO. 808

Mr. KERRY (for himself and Mr. KENNEDY) proposed an amendment to the bill (H.R. 2712) supra; as follows:

On page 70, line 12, immediately before the colon insert: ": *Provided further*, That of the amount provided under this head $3,000,000 shall be available for a grant for an energy and natural resources technology development center at Brandeis University in Waltham, Massachusetts" and on page 69, line 17, strike $373,957,000 and insert in lieu thereof: "$376,957,000".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, September 29, 1987, to markup farm credit legislation.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, September 29, 1987, at 2 p.m. in closed session to receive a briefing from the administration on the United States-Soviet bilateral agreement on embassy construction.

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

SMALL BUSINESS COMMITTEE

Mr. BYRD. Mr. President, I ask unanimous consent that the Small Business Committee, be authorized to meet during the session of the Senate on Tuesday, September 29, 1987, to hold a mark-up on S. 437, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of loans made to State and local development companies.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, September 29, 1987, to resume hearings on Oversight of Federal Procurement Decisions on Wedtech.

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

COMMITTEE ON THE JUDICIARY

Mr. BYRD. 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 29, 1987, on the nomination of Robert H. Bork to be Associate Supreme Court Justice.

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

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, September 29, 1987, in open session to consider the nomination of Adm. William J. Crowe, Jr., U.S. Navy, for reappointment as Chairman of the Joint Chiefs of Staff.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Tuesday, September 29, 1987, to hold a hearing on S. 1645, amendments to the Indian Education Act, and for other purposes.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence, be authorized to meet during the session of the Senate on Tuesday, September 29, 1987, at 2 p.m. to hold a hearing on intelligence matters.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Energy and Natural Resources Committee, Subcommittee on Public Lands, National Parks and Forests be authorized to meet during the session of the Senate on Tuesday, 2:30 September 29, 1987 to receive testimony concerning H.R. 2121, a bill to authorize and direct the National Park Service to assist the State of Georgia in relocating a highway affecting the Chickamauga and Chattanooga National Military Park in Georgia; H.R. 1983, a bill authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, FL, and for other purposes; S. 858, a bill to establish the title of States in certain abandoned shipwrecks, and for other purposes.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation and the national ocean policy study, be authorized to meet during the session of the Senate on September 29, 1987, to hold hearings on S. 1412, the Coastal Zone Management Act Amendments.

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

ADDITIONAL STATEMENTS

TRI-CITY REGIONAL AIRPORT CELEBRATES 50TH ANNIVERSARY

● Mr. SASSER. Mr. President, I rise today to observe the 50th anniversary of the Tri-City Regional Airport and to extend my heartiest congratulations to all associated with the facility and staff.

Nestled in the mountains of upper east Tennessee, the Tri-City Regional Airport today serves some 1 million people in an area that includes portions of Tennessee, Virginia, Kentucky, North Carolina, and West Virginia.

The airport has been and continues to be an integral part of the community it serves and its presence has been a powerful draw for industrial development and expansion.

Further, the airport stands as a symbol of the cooperative spirit that exists between the people and governments of Bristol, TN and VA, Johnson City, and Kingsport, and Sullivan and Washington Counties.

Recognizing a need for air service to the area, a group of businessmen from the region began discussions of how to best meet that need. The year was 1934.

Pooling their resources, 323 acres of land were purchased and, in the fall of 1935, construction was begun. The Tri-City Airport was completed by the fall of 1937 and its first commercial aircraft landing was an American Airlines, Ford trimotor.

Senator Kenneth McKellar traveled to upper east Tennessee in November 1937 to officially dedicate the facility, saying that, "the welfare of the citizens of this area may be enhanced through better, speedier and safer air transportation."

Fifty years, and untold expansions later, those words continue to ring true.

The financial investment in the airport has grown from some $200,000 to millions of dollars. Nearly 400,000 passengers traveled through Tri-City Regional Airport last year alone.

Clearly, the Tri-City Regional Airport has benefited from the cooperation of the local governments and by the foresight of its various airport commissioners.

From the original commission of J. Fred Johnson, A.D. Brockman, Joseph K. Brown, R.J. Mottern, J.W. Cummings, Alan Gump, T. Floyd Dooley, Joseph E. Meredith, L. Lawrence Nave, Marion Sell, Brack R. Sames, and H.S. Keys to its current commission of Mark Hicks, James D. Bowdoin, Ewell L. Easley, Warren Vest, George E. Oldham III, Frank H. Anderson, John R. King, Hunter Wright, George Jaynes, Jim Powell, Keith Westmoreland, and H. Eugene Mills, Tri-City Regional Airport has been a facility in tune with the times and poised for the future.

And the next 50 years look as bright as the last 50.

In an area of breathtaking beauty, Tri-Cities has been discovered by so many national commercial enterprises that the area has come to be known as the mountain empire. Its quality of life has received national attention.

And we haven't seen anything yet. The next 50 years will be just as dazzling and the role Tri-City Regional Airport plays will be just as vital.

So, again, I congratulate the Tri-City Airport on this its 50th anniversary.●

GOLD STAR MOTHERS DAY

● Mr. D'AMATO. Mr. President, I am pleased to extend my most sincere congratulations to my good friend Congressman GILMAN on the passing of his Gold Star Mothers Resolution, House Joint Resolution 355, by unanimous consent in the Senate last Friday.

House Joint Resolution 355 designates September 27, 1987, as "Gold Star Mothers Day" paying tribute to the mothers whose sons and daughters died while serving in the Armed Forces of the United States or its allies. A gold star was used during World War I to represent each person in the U.S. military who had sacrificed his life for his country.

"The American Gold Star Mothers, Inc.," formed in 1928, originally consisted of 25 mothers who had lost a child in World War I. Today, there are over 5,000 members throughout the United States who volunteer their services to veterans organizations. They work in the spirit of their children to preserve freedom, promote world peace, and express a nation's gratitude.

I commend Congressman GILMAN for his efforts in gaining recognition for the Gold Star Mothers. Those mothers' sacrifice, leadership, dedication, and patriotism are an example and an inspiration.●

FREE TRADE NEGOTIATIONS WITH CANADA

● Mr. MOYNIHAN. Mr. President, I am deeply disturbed by the suspension of free trade negotiations with Canada. We seem to be on the verge of missing an opportunity of historic dimensions. A successful outcome would provide a dramatic example of the appeal of trade liberalization. If our talks with Canada fail, the legacy will be bitter.

It is still not too late. The talks held yesterday between Secretary Baker and Ambassador Yeutter and their Canadian counterparts are an encouraging sign. The administration should continue to commit whatever effort is necessary to encourage a resumption in the negotiations. I hope that our Canadian friends will return to the negotiations without any further delay. Time is short, and we cannot succeed without them.

The significance of these negotiations is clearly articulated in an article by former Special Trade Representative Robert Strauss published in the New York Times on September 27. I ask that the article be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the New York Times, Sept. 27, 1987]

KEEP TALKING WITH CANADA ON TRADE

(By Robert S. Strauss)

WASHINGTON.—Last week, the talks on a free-trade pact between the United States and Canada broke down and the Canadian delegation was called home.

The full meaning of this development is unclear, but let's consider what's at stake: a historic opportunity to join two great North American democracies in a mutually beneficial economic relationship that could virtually eliminate all artificial barriers to trade between their peoples. Consider the opportunities for increased economic growth and prosperity. This truly is history in the making.

Although a subject of intense public debate in Canada, the free-trade talks have been virtually ignored in this country. With the suspension of negotiations and the approaching deadline for the expiration of United States negotiating authority, the Administration, members of Congress and the public at large must give the subject full attention.

The Canadians cannot forget that the American negotiators must by law advise Congress of their success or failure by Oct. 4. Opportunities such as this come once in a generation. The failure of the leadership in both countries to grasp this fleeting chance is a luxury neither can afford. The Canadians' walkout may be understandable as a good domestic political act and negotiating tactic, but their immediate return to the negotiating table is critical. Quiet diplomatic activity can bring this about.

The reasons to support a comprehensive and fair free-trade pact are numerous, but neither side has made the case effectively. The original inspiration was the recognition that reduced trade barriers would mean greater economic opportunity, more jobs and more overall prosperity.

Fully consistent with our obligations under the General Agreement on Tariffs and Trade, the United States and Canada could create the largest barrier-free trading relationship in the world. It would be a dramatic demonstration of the ability of two sovereign nations to overcome political differences and domestic concerns to establish more economic opportunity for each. It would also send a signal to our trading partners that a new level of open competition has been achieved by two great trading nations.

The sheer magnitude of our economic relationship—the United States and Canada are each other's largest trading partners—makes closer trade ties a natural and advantageous development. Common sense dictates that fostering increased economic interdependence between the countries will contribute to long-term stability and security. Most of our disagreements with Canada involve trade disputes resulting from often unnecessary cross-border regulations that could be eliminated.

The negotiations are at a critical stage. It will take real leadership to bring them to a successful close. Although the President negotiates trade agreements, Congress must approve them. Thus, in the coming weeks the shared responsibility of our constitutional system means that what began as an Administration initiative will now require full and active Congressional partnership to make the difference.

The business, agricultural and labor communities on both sides, while vigorously articulating their concerns, must also support concessions that would make the deal mutually beneficial. The President must be more outspoken and join Clayton K. Yeutter, the United States Trade Representative, in explaining the benefits of the agreement to Congress and the American people.

Prime Minister Brian Mulroney's Government and other forces in Canada must take a realistic view of the possibilities of this agreement and the necessity of joining the United States in compromise as they return to the negotiating table.

Just as these negotiations offer unlimited opportunities for success, the consequences of failure would be a setback for both countries as well as for the world trading system.

It would call into question the political ability of this hemisphere to resolve problems in a constructive and positive manner. If the two great democracies of North America, who share so much in outlook, culture and heritage, cannot resolve their trade problems in open negotiations, it is difficult to know who can.●

TRIBUTE TO MINNESOTA TWINS

● Mr. DURENBERGER. Mr. President, last night, the Minnesota Twins clinched the American League's Western Division title with a dramatic 5-to-3 win over the Texas Rangers. I want to take this opportunity to extend my personal congratulations to the Twins players, coaching staff, and management for a thrilling season—and offer my confident prediction that the Twins' best play is yet to come—in the American League playoffs and World Series.

As I've traveled the State of Minnesota this summer, I've sensed an enthusiasm in the air about baseball I haven't seen since the last time the Twins won the American League West in 1970. In towns like Albany and Brewster and Elbow Lake, portable radios were brought on every picnic and family outing all summer long. And, legions of young Minnesotans—Minnesotans of all ages, for that matter—got caught up in some old fashioned hero worship—focusing on names like Puckett and Hrbek and Viola and Reardon. For long-time Twins fans, it was hard to avoid recalling an earlier era of Twins hero worship, when the names were Killebrew, Allison, Oliva, and Versailes.

As great as the enthusiasm was around the State—and all across the Upper Midwest—nowhere was fan support for the Twins more evident this year than at home games in the Hubert H. Humphrey Metrodome. More than 2 million fans passed through the Metrodome's gates this year, beating the Twins' previous home game attendance record by more than 400,000. At the final home game on September 27, a single game record of more than 53,000 fans saw the Twins beat the Kansas City Royals to clinch at least a tie for the American League Western Division title. It was the second sell-out in the final homestand against second place Kansas City.

And, the Twins rewarded their loyal hometown fans with the best homefield win-loss record in baseball, an amazing 56 victories against only 25 defeats. "Everything they—the fans—did, they did on their feet," first baseman Kent Hrbek said following Sunday's tie-clincher against Kansas City.

Hrbek, who grew up practically in the shadow of the Twins' former stadium in Bloomington, said fan support was a key factor in getting the team up against the Royals. "When we got on the field," Hrbek told a reporter, "we could just feel the atmosphere."

Twins' first-year manager Tom Kelly is known for his soft-spoken modesty and is quick to shower credit for his teams amazing season on anybody but himself. And, he's right, there are plenty of heroes to point to.

But, Kelly, who is the youngest manager in the major leagues, has to be at the top of the list. He was a clear favorite among the Twins players when selected as Twins manager and deserves a lion's share of credit for the new brand of aggressive ballplaying the Twins started as early as their first games last spring.

Time after time, the Twins' victories were made in small, calculated steps—a single followed by a stolen base or a well-executed sacrifice—getting a player into scoring position where another base hit would bring in a run. It got to be almost expected—the aggressive base running—which turned hits into runs. And it worked. Time after time, the Twins came from behind. And, the fans loved it—and came back, again and again and again—more than 150,000 alone in the final home game series against the Royals.

As much as anything, 1987 will be remembered for the Twins' exciting—often astounding defensive plays. Whether it was Kirby Puckett robbing home runs with a fence-climbing catch in center field—or Greg Gagne or Gary Gaetti robbing an opposing team batter of a sure hit with a backhanded stab and long throw from the left side of the infield—Twins fans were assured of at least one spectacular defensive play in virtually every game.

One of the great things about this year's Twins is that there got to be so many heroes—more than enough to go around. Steve Lombardozzi proved that in the division-clinching game last night. Just the day before—in the game against Kansas City, the Twins second baseman had been on the bench. But, last night, he came through with a game tying three-run homer—the go-ahead RBI—and the final out double play.

That was the story of the Twins' season. The "big bats" like Kirby Puckett, Kent Hrbek, Gary Gaetti, or Tom Brunansky seemed to trade off on being hot and running up streaks. And, if any or all of them slumped, there were a dozen or more heroes-in-waiting—heroes like Lombardozzi last night, or Al Newman, or Greg Gagne, or Tim Laudner, or Dan Gladden.

The Twins' pitching staff deserves its share of credit, as well—with top starters like Frank Viola, Bert Blyleven, and rookie Les Straker; and ace relievers like Jeff Reardon and Juan Berenguer. Joe Niekro got in his share of knuckle-ball strikes and made himself a late night television celebrity in the process, following his suspension over alleged "ball doctoring." The fans loved it all, and carried on with enthusiasm—even vengeance—seldom seen in usually reserved Minnesotans.

Despite the abundance of heroes, the Twins' management wasn't afraid to "sweeten the pot" with bold late-season trades for veterans like Steve Carlton and Don Baylor. From owner Carl Pohlad, to team president Jerry Bell to general manager Andy MacPhail to veteran coaches like Tony Oliva, Rick Rennick, Wayne Terwillinger, and Dick Such, and—again—a top notch manager like Tom Kelly, the Twins were given a clear message. And, that message was to win!

Mr. President, this Minnesota Twins team will go down in history for not only its great play, but for the way it earned the enthusiastic backing of an entire region of the country. That spirit and enthusiasm is captured in the following article by Jeff Brown of the Red Wing Republican Eagle which I would ask be printed in the RECORD.

The article follows:

[From the Red Wing Republican Eagle]

FANS ROCKIN' WITH PENNANT FEVER

(By Jeff Brown)

MINNEAPOLIS.—The Beatles have witnessed it. So has Mick Jagger and the Rolling Stones. After this weekend, so have the Minnesota Twins.

Its called hysteria. And it's thrown thousands into a tizzy that's bound to last for some time. Yes, it's the closest thing to Woodstock that Minneapolis will probably ever see.

Hysteria, Minnesota style, had a record crowd of 52,924 rockin' and rollin' to the tune of the Minnesota Twins Sunday afternoon in the Metrodome. People came from all over to hear the sound of Kir-beeeeee Puckett, not Paul McCartney or even Jagger. Legendary rock stars were not important when sports history was in the making.

RECORD CROWD

Pennant fever has hit the metro streets harder than the first snowfall. More than 2 million people, another record, have made their way through the turnstiles for 81 home games. That's 400,000 more than ever before. After all, the Twins have won just three divisional titles and one pennant in their 26-year history. The pennant happened back in 1965 when many of those cheering were barely alive.

The fever a championship creates causes rational people to scream, jump, hug friends, even strangers—identities are irrelevant.

The fever hit fans even before they entered the Dome on Sunday. People were singing, laughing, joking and enjoying the 80-degree temperature hours before the game. They sat in the grass and listened as megaphone-armed Twins officials told long lines of ticket seekers to remain calm, most would get in.

Once inside the huge bubble fans scurried to concession stands, then to their seats. The Twins would soon appear, ready and willing to make them cheer.

But they refused to wait, giving the team a three-minute standing ovation before one pinstriped uniform hit the field. When Puckett, Brunansky, Hrbek and the gang fi-

nally strutted onto the turf, the mild roar turned deafening.

"We were so excited," said Puckett, the Twins All-Star center-fielder. "It's something I'll never forget. It's something I've never seen before."

The Twins instantly added fuel to the fire when they blasted three home runs in a five-run first inning. After that the Kansas City Royals never had a chance—the crowd simply wouldn't let them.

As one fan put it, "I stood up for the introductions and never sat down."

The festive atmosphere created some humorous moments, too. After the Royals' Danny Tartabull hit a fourth-inning home run, fans jeered at one of their own until he tossed the home run ball back onto the field, a la Wrigley Field. That drew a tremendous roar of appreciation.

FANS NOT THROUGH

Two hours and 12 minutes after the first pitch, the game was through—but the fans were not. People continued to cheer as the team returned to the field for an encore.

First it was Puckett, then Gary Gactti that grabbed the microphone and thanked the frenzied fans. Then it was Manager Tom Kelly and Kent Hrbek, the homegrown hero.

They said their job wasn't done with the magic number still at one. Dan Gladden disagreed, at least on this day, as he tossed his glove into the crowd. Hrbek and Tom Brunansky kept their leather, but flung their caps instead.

It was a festive day during this, the final home game of the regular season. But as one sign read, "This isn't the final 1987 home game."

Yes it's quite grand when the Twins can make everyone stand. Now all they need to do is win one of six and they will be every Minnesotan's playoff pick.●

TRIBUTE TO VIRGIL HILL

● Mr. CONRAD. Mr. President, North Dakotans are a tough and proud breed. There is an attitude which sweeps across our plains that if you put your mind to solving a problem, it can be solved. There is a fundamental belief that if you work hard, help out your neighbor and commit yourself to a better community, there is no challenge which can't be overcome.

One simple phrase sums up a way of life; "Yes we can."

Recently, a young North Dakotan symbolized for our Nation the spirit of my State. His name is Virgil Hill and his accomplishment was securing the World Boxing Association's light heavyweight championship.

Nobody thought he could do it, but he did.

Virgil Hill can take real pride in his amazing accomplishment. But rather than grab all the glory for himself, Virgil has credited his State and his heritage as major factors in his success. He has carried our State flag to the Olympic games where he waved it proudly with the Stars and Stripes. He has talked of his accomplishments not just in personal terms, but as recognition to the State that he calls home—North Dakota.

Virgil Hill—Olympic Silver Medal winner in Los Angeles—WBA light heavyweight titleholder with a record of 19 wins, no losses and 12 knockouts—Virgil Hill who never forgot his roots and the people who helped him earn the title "Champion."

It is little wonder then, Mr. President, that Virgil Hill has now been nominated for North Dakota's most prestigious honor—the Theodore Roosevelt Rough Rider Award. This distinction is reserved for those special North Dakotans who achieve national recognition that reflects "credit and honor" upon our State and our people.

I can't think of a fitting recipient for such a distinction—Virgil Hill, the new generation of the tough and proud.●

INFORMED CONSENT: NEBRASKA

● Mr. HUMPHREY. Mr. President, there is probably no one in this body that has not heard or applied the phrase "you live and learn." Those four words describe much of the human experience; of encountering even tough or tragic situations, and learning from them.

I have received hundreds of letters from women in every State who have learned a very tough lesson—that their abortions had negative effects they were not prepared for. In many cases, they were not informed that the procedure might cause sterility. Others were not warned of the deep depression that could follow. Now they know, the lesson is learned. Unfortunately, this cycle continues. Every day, women still are consenting to abortion without first being told the possible effects.

I urge my colleagues to respond to the lessons already learned, and support my informed consent bills, S. 272. and S. 273. They would simply require medical personnel to fully inform women about abortion prior to the operaton. The evidence suggests such informed consent is both necessary and proper.

I ask unanimous consent that a letter from the State of Nebraska be entered into the RECORD.

The letter follows:

MARCH 16, 1987.

Dear SENATOR HUMPHREY: Sixteen years ago I had an abortion. It was a very traumatic experience and an experience that it took very long to get over. Today, I consider it one of the most horrible experiences of my life, maybe it is the worst.

My sister and brother-in-law drove me to Kansas City, Kansas to have the abortion. Some nurses (or aides) sat down with each girl and listen to the crying, problems and then gave a brief description of what was going to happen. I remember the actual horror of the event—the doctors and the nurses performing it. Afterwards, we were sent to a large room with beds where we slept for awhile. The clinic was in an old house and people probably wouldn't think of it as an abortion clinic. The room was very cold, impersonal and dreary. It was very depressing and I felt like there was a dark cloud hanging over me. As I look back, it was like I had experienced a death. And, actually, I had experienced a death. I was about 12 weeks along when I had the abortion. Nobody tells you, though, what the after affects will be. I didn't talk about it until about 4 years ago. I hadn't really thought about it, either. I finally opened up and talked to a few pastors, counselors and close friends about it. My parents died 2½ years ago and as I went through the grieving process for the loss of them, I also grieved for the loss of this baby. I went through strong feelings of guilt and depression.

I have finally realized that God has forgiven me and I have forgiven myself. I am able to live and like myself again. It was a very, long hard struggle to finally realize all this.

I would not advise an abortion for any teenager or older woman either. If we can do anything to prevent women from having an abortion and going through all the pain, I'm all for that. And I hope we can help those who have already had abortions. I hope that we can get across to those women that we love them and care about them and the babies and that we want to help them. We need to show them that deep concern that comes from our hearts.

I don't really approve of some of the tactics that some clinics use that we've heard about on the news. We need clinics and counseling that really state our purpose and goal. We don't want to scare or confuse these women. I hope that this is of some help to you.

Sincerely,

MARGIE GOINGS,
Nebraska.●

HEALTH CARE FOR THE ELDERLY

Mr. SASSER. Mr. President, I recently held a series of hearings across the State of Tennessee on the topic of health care for the elderly. The hearings were a part of my continuing efforts to focus attention on this important issue.

These hearings were very educational for me, Mr. President, on several critical points. Perhaps most important was the emphasis placed on the elderly's intense need for long-term care coverage. Many witnesses were pleased that the Congress is finally dealing with the issue of catastrophic health care. But they shared my concern that to truly help those who are suffering from catastrophic illness, any such legislation must include coverage for long-term care. The proposal pending before the Senate does not contain such provisions. Neither does the one that was recently passed in the House. That is a shortcoming we will have to address.

Failure to do so means we will continue to witness personal tragedies such as those I heard throughout these hearings. Witness after witness recounted their shock at discovering Medicare and Medigap policies did not cover all they thought, or in some

cases were led to believe they covered. This shortfall in coverage meant many of these senior citizens had exhausted their entire life savings trying to pay for their health care.

Adding to this tragedy, after many seniors found out that they did not have long-term care coverage, they were not able to find insurance that offered such coverage. One witness investigated over 50 different medigap policies but could only find one that had the coverage that he wanted. He was quick to point out that almost every single policy that he looked at claimed to offer the protection he was looking for.

Perhaps the most surprising testimony was that almost none of the seniors' health care payment problems would ever have come into existence if their Medicare coverage had included long-term care coverage. By extending Medicare to include long-term care coverage, we could eliminate almost all of the problems that our senior citizens have in obtaining health insurance.

These hearings also explored why it is so difficult for seniors to obtain long-term care insurance in the private sector. I heard from insurance experts that they had never heard of an insurance policy that covered comprehensive long-term care. Others testified that they had heard of policies that claimed to offer such coverage, but that they were skeptical as to the validity of this claim.

All the insurance experts who testified at these hearings agreed on one thing, Mr. President. They all agreed that senior citizens' problems of financial and emotional strain due to health care worries would be virtually eliminated if Medicare were adapted to include long-term care.

The committee also heard from a series of medical experts in the field of geriatrics. These witnesses clearly distinguished between treating elderly patients and treating acute care patients. They were very supportive of efforts to promote geriatric training such as I have proposed in my bill, S. 1112, to establish centers of excellence for geriatric research and training.

I was struck that these experts in treating the elderly all agreed that offering the elderly access to long-term care coverage was the most important thing we could do for our seniors. They testified that by offering long-term care, we could make Medicare a program focused for the elderly as it was intended to be.

Mr. President, we must change Medicare to make it a more efficient program. And that means addressing the problem of long-term care. Presently, Medicare covers less than 2 percent of our Nation's nursing home costs. Medicare does little for home, nursing home, and respite care. Clearly, we must move to address these critical shortcomings.

That was the message I heard throughout this series of hearings. Long-term care for the Nation's elderly is a problem we must address. Seniors need this coverage, they want this coverage, and it is our responsibility to provide it for them.

COOPER HOSPITAL TREATS AFGHAN FREEDOM-FIGHTER

● Mr. LAUTENBERG. Mr. President, next week, a courageous man from the resistance forces in Afghanistan will leave Cooper Hospital in Camden, NJ. His name is Abdul, and he was treated at Cooper Hospital for a severe gunshot injury he received 4 years ago while fighting valiantly against Soviet troops in Afghanistan.

Like so many brave men in Afghanistan fighting for the freedom of their country, Abdul's story is heartwrenching. During a fight with the Communist forces in the mountains of Afghanistan, Abdul received a gunshot wound in his left thigh. An Afghan doctor tried to fix Abdul's wound, but was unsuccessful. To receive additional treatment for his leg, Abdul trekked on horseback to neighboring Pakistan—a journey that took longer than 1 month. Despite the tireless attempts of physicians in Pakistan, all attempts to successfully treat Abdul's war injury failed. Having sustained this war injury for some 4 years, Abdul's fractured leg was shortened and twisted because for so long it was unproperly treated.

But, thanks to the generosity of Cooper Hospital in Camden, NJ, Abdul at long last received the quality medical treatment his injured leg required. The hospital recognized the pain and anguish Abdul suffered from his war injury, and they offered to help. At my request, Cooper Hospital graciously offered to provide Abdul with long-awaited medical care, including surgery and followup care. Even more, Cooper Hospital offered to provide these services which Abdul so desperately needed free of charge.

Abdul has been under the care of physicians at Cooper Hospital since May. With three operations and the hospital's excellent care, Abdul's health has progressed rapidly. Now, he has fully recovered and is ready to rejoin his family in Afghanistan.

Providing this treatment for Abdul was a great humanitarian gesture for Cooper Hospital to make. It was a gesture that Abdul anxiously awaited for a long time. And it is one that at long last succeeded in restoring movement to Abdul's leg.

Plaza Medical, a long-term care facility which is located near Cooper Hospital, also offered its services to Abdul. They agreed to house Abdul once he was discharged from Cooper. Their generosity helped facilitate Abdul's speedy recovery, making it relatively easy for Abdul to get to Cooper Hospital for physical therapy and other necessary treatment.

Mr. President, I asked Cooper Hospital to provide medical services for war injured Afghans such as Abdul by encouraging the hospital to participate in an Afghan relief program organized by the Intergovernmental Committee for Migration. This organization, established in 1952 to ease the refugee problem in Eastern Europe after the war, has arranged treatment for a number of injured Afghans in dire need of medical treatment that is not available in Pakistan. With the cooperation of hospitals like Cooper Hospital, the Intergovernmental Committee for Migration has succeeded in arranging treatment for hundreds of wounded Afghans worldwide. Fortunately, Abdul is among those numbers.

I commend Cooper Hospital for so swiftly working to ensure that Abdul's leg would be properly treated. Shortly after I contacted the hospital, they reviewed the medical histories of some 100 Afghan patients carefully selected for the program by a team of Afghan, Pakistani, and American doctors. The hospital selected Abdul, basing their decision on the hospital's facilities and the nature of his wound.

Six individuals at Cooper Area Hospital were particularly instrumental in arranging Abdul's treatment. I appreciate the tireless efforts of Kevin G. Halpern, president and chief executive officer; Dr. William G. De Long, head orthopedic surgery; Susan B. Rintel, administrator, medical affairs; Margaret M. Leone, director, public relations; Cynthia Thomas, R.N., nurse manager; and Annette De Fel, patient representative. These individuals were responsible for providing Abdul with quality medical care. I am honored to work with such dedicated individuals, and am glad that they welcomed Abdul to New Jersey so enthusiastically. I know that Abdul is glad, too.

Mr. President, life has been a nightmare in Afghanistan since the Soviet Union invaded that country in 1979. Some 1½ million Afghan lives have been lost since the beginning of the Soviet intervention, and another 4½ million Afghan refugees have fled to Pakistan and Iran. Those courageous individuals who remain suffer intolerable hardships—courageous individuals like Abdul.

The Soviet occupation has shattered Abdul's life. His country has been bombarded and destroyed. His brother, cousin, and nephew have died at the hands of Soviet troops. His wife and seven children live in constant fear for their lives. And so Abdul will continue to fight with the Afghan resistance forces. For freedom. For dignity. And for self-determination.

By reaching out to Abdul, Cooper Hospital has demonstrated that they care about the plight of Abdul, and of all Afghans fighting for freedom in their war-torn country. It demonstrates that they share his dream of freedom for Afghanistan. I hope that dream will soon be realized.●

DATE FOR SUBMITTING RECOMMENDATIONS TO THE SENATE COMMITTEE ON THE BUDGET

Mr. BYRD. Mr. President, I ask unanimous consent that the date for submitting recommendations to the Senate Committee on the Budget in accordance with the reconciliation instructions included in the concurrent resolution on the budget, House Concurrent Resolution 93, be changed to close of business October 19.

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

PRODUCTION OF RECORDS BY SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BYRD. Mr. President, on behalf of myself and Mr. DOLE, I send to the desk a simple resolution and ask for its immediate consideration.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 292) to authorize production of records by the Senate Permanent Subcommittee on Investigations.

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

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

Mr. BYRD. Mr. President, in 1981 the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs conducted an investigation and held hearings on the influence of organized crime on the International Longshoremen's Association. The Department of Justice has now asked the subcommittee for access to materials obtained by the subcommittee during its investigation. Senators NUNN and ROTH, the chairman and ranking minority member of the subcommittee, would like to be able to respond to authorized requests for pertinent subcommittee records.

This resolution would authorize the chairman and ranking minority member, acting jointly, to provide the requested records.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 292

Whereas, in 1981 the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs investigated and held hearings on the influence of organized crime on the International Longshoremen's Association;

Whereas, the Department of Justice has requested access to certain materials in the Subcommittee's files from the investigation for use in a current criminal investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate are needful for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate: Now therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, are authorized to provide to the Department of Justice records of the Subcommittee relating to its investigation of the influence of organized crime on the International Longshoremen's Association.

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

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

The motion to lay on the table was agreed to.

PROGRAM

Mr. BYRD. Mr. President, the Senate will come in tomorrow at 8 a.m. Following the Chaplain's prayer Mr. CRANSTON will be recognized for not to exceed 15 minutes; after which the distinguished Senator from Vermont, Mr. LEAHY, will be recognized for not to exceed 30 minutes; after which the two leaders will be recognized under the standing order for not to exceed 5 minutes each; after which there will be a brief period for morning business between that point and 9 o'clock, and Senators will be permitted to speak therein for not to exceed 1 minute each.

At the hour of 9 a.m., Mr. President, I ask unanimous concent that the Senate resume consideration of the Interior appropriation bill.

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

Mr. BYRD. Mr. President, I ask that no further debate be in order on the Interior appropriations bill.

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

ORDER FOR RECOGNITION OF SENATOR STEVENS ON TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that at 9 o'clock tomorrow, Mr. STEVENS be recognized for not to exceed 10 minutes to speak on the Interior appropriation bill.

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

ORDER FOR VOTE ON INTERIOR APPROPRIATION BILL

Mr. BYRD. Mr. President, I ask unanimous consent that at the expiration of the 10 minutes allocated to Mr. STEVENS, the Senate proceed to vote on the final passage of the Interior appropriation bill, without further debate, motion, point of order, or any other action, and that no quorum call be in order.

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

Mr. BYRD. That will be a 30-minute rollcall vote and Senators have been alerted to the fact that the call for the regular order these days is being made and that they have 30 minutes on the first rollcall vote in which to answer.

Mr. President, following that, the Senate will resume consideration of the Department of Defense authorization bill, and I would anticipate rollcall votes throughout the day tomorrow.

It is my intention, if possible, at some point tomorrow to call up any other appropriation bill that we might be able to get an agreement on and/or the Verity nomination, if we can get an agreement on it. Otherwise, the Senate will proceed with the DOD appropriation bill and amendments thereto. The pending amendment on that bill is the Byrd, et al., amendment to the Weicker-Hatfield amendment.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, does the distinguished acting Republican leader have any further statement or business he wishes to transact?

Mr. McCLURE. Mr. President, I think the arrangement that has been made with respect to the Interior bill and the other announcement of the program is perfectly satisfactory at this time, and I have no objection.

Mr. BYRD. I thank my friend, the distinguished ranking member of the Appropriations Subcommittee on the Department of the Interior.

Mr. President, I thank the Chair for his patience, cooperation, diligence, and dedication, and for the degree of efficiency, expertise, and immaculate equanimity with which he has presided over the Senate. It is so rare as a day in June.

RECESS UNTIL 8 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 8 o'clock tomorrow morning.

The motion was agreed to and at 10:41 p.m., the Senate recessed until tomorrow, Wednesday, September 30, 1987, at 8 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1987:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. WAYNE B. ADAMS, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. JACOB J. BRAIG, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. DRENNAN A. CLARK, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. ROBERT E. HARRIS, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. ERNEST C. PARK, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. THOMAS P. WEBB, III, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. DONALD E. BARNHART, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DONALD F. FERRELL, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN R. HAACK, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN M. HAFEN, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. FRANCIS D. ROGERS, JR., xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. KENNETH G. STASIEWICZ, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WILBERT T. STEWART, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. THEODORE R. VERDI, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RAYMOND D. WEBER, xxx-xx-xxxx FG, AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH HIS ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY, DESIGNATED AS SUCH BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. CHARLES W. BROWN, xxx-xx-xxxx U.S. ARMY.

THE U.S. ARMY NATIONAL GUARD OFFICER NAMED HEREIN FOR APPOINTMENT AS DEPUTY DIRECTOR, ARMY NATIONAL GUARD UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), AND 3371:

To be brigadier general

COL. WILLIAM A. NAVAS, JR., xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. HAROLD M. DAVIS, JR., xxx-xx-xxxx U.S. ARMY.

THE U.S. ARMY RESERVE OFFICER NAMED HEREIN FOR PROMOTION AS A RESERVE COMMISSIONED OFFICER OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 3371 AND 3380:

To be brigadier general

COL. JOHN RONALD CAREY, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES E. THOMPSON, xxx-xx-xxxx U.S. ARMY.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOHN A. BALDWIN, JR., xxx-xx-xxxx/1110, U.S. NAVY.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. FRED HISSONG, JR., xxx-xx-xxxx U.S. ARMY.

THE U.S. ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. RICHARD L. CHASTAIN, xxx-xx-xxxx
BRIG. GEN. PAUL G. COLLINS, xxx-xx-xxxx
BRIG. GEN. DON O. DANIEL, xxx-xx-xxxx
BRIG. GEN. ARTHUR V. EPISCOPO, xxx-xx-xxxx
BRIG. GEN. CHESTER E. GORSKI, xxx-xx-xxxx
BRIG. GEN. GERALD T. SAJER, xxx-xx-xxxx
BRIG. GEN. IVAN F. SMITH, xxx-xx-xxxx

To be brigadier general

COL. BELA J. CHAIN, JR., xxx-xx-xxxx
COL. JOHN R. D'ARAUJO, xxx-xx-xxxx
COL. ROBERT C. WATLING, xxx-xx-xxxx
COL. EUGENE M. BASS, xxx-xx-xxxx
COL. EDWARD L. GILL, xxx-xx-xxxx
COL. DANIEL J. HERNANDEZ, xxx-xx-xxxx
COL. DAVID A. HEUER, xxx-xx-xxxx
COL. FRANCIS A. HUGHES, xxx-xx-xxxx
COL. WILLIAM D. JONES, xxx-xx-xxxx
COL. JOHN H. MCDONALD, xxx-xx-xxxx
COL. DANIEL J. O'NEILL, xxx-xx-xxxx
COL. CHARLES H. PERENICK, xxx-xx-xxxx
COL. REYNALDO SANCHEZ, xxx-xx-xxxx
COL. CLARENCE R. SECRIST, xxx-xx-xxxx
COL. JAMES R. WILLIAMS, xxx-xx-xxxx
COL. DANIEL L. BRENNAN, xxx-xx-xxxx
COL. JAMES G. MARTIN, xxx-xx-xxxx
COL. BILLY L. SMOUT, xxx-xx-xxxx
COL. NED L. TURNIPSEED, xxx-xx-xxxx
COL. ROBERT W. WILSON, xxx-xx-xxxx
COL. JAMES C. BOLL, xxx-xx-xxxx
COL. JOSE A. BUITRAGO, xxx-xx-xxxx
COL. JACK C. CLARK, xxx-xx-xxxx
COL. ECHOL E. COOK, xxx-xx-xxxx
COL. DONALD E. HOWARD, xxx-xx-xxxx
COL. PETER D. TOSI, JR., xxx-xx-xxxx

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 6322:

LT. GEN. CLYDE D. DEAN, xxx-xx-xxxx U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

LT. GEN. D'WAYNE GRAY, xxx-xx-xxxx U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LOUIS H. BUEHL III, xxx-xx-xxxx U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

WILLIAM G. CARSON, JR., xxx-xx-xxxx U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

ERNEST T. COOK, JR., xxx-xx-xxxx U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

EDWIN J. GODFREY, xxx-xx-xxxx U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

JOHN I. HUDSON, xxx-xx-xxxx U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

ERNEST C. CHEATHAM, JR., xxx-xx-xxxx U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE OF LIEUTENANT GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

JOHN PHILLIPS, xxx-xx-xxxx U.S. MARINE CORPS.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. ALBERT J. HERBERGER, xxx-xx-xxxx/1110, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be admiral

ADM. JAMES A. LYONS, JR., xxx-xx-xxxx/1110 U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. DAVID E. JEREMIAH, xxx-xx-xxxx/1110, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5141, TO BE CHIEF OF NAVAL PERSONNEL, AND TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. LEON A. EDNEY, xxx-xx-xxxx/1310, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. DUDLEY L. CARLSON, xxx-xx-xxxx/1110, U.S. NAVY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5021, TO BE CHIEF OF NAVAL RESEARCH FOR A TERM OF 3 YEARS.

REAR ADM. JOHN R. WILSON, JR., xxx-xx-xxxx/1230, U.S. NAVY.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING BRENT J. ADAMS, AND ENDING DAVID H. ZUVERINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 26, 1987.

AIR FORCE NOMINATIONS BEGINNING MAJ. JEROME T. BELLEN, xxx-xx-xxxx AND ENDING MAJ. DONALD G. SMITH, JR., xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JULY 13, 1987, AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 14, 1987.

AIR FORCE NOMINATIONS BEGINNING HENRY P. FOWLER, JR., AND ENDING DAVID R. FRANCIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1987.

AIR FORCE NOMINATIONS BEGINNING MAJ. GERARD A. BRANGENBERG, xxx-xx-xxxx AND ENDING MAJ. ARNOLD E. SIRK, xxx-xx-xxxx, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1987.

AIR FORCE NOMINATION OF DAVID R. FRANCIS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1987.

AIR FORCE NOMINATIONS BEGINNING JOSEPH A. ABBOTT, AND ENDING LIANNE M. WULFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1987.

AIR FORCE NOMINATIONS BEGINNING CHARLES H. MILLER, AND ENDING HANS J. MUEH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

AIR FORCE NOMINATIONS BEGINNING HELEN L. CAPRON, AND ENDING GARY J. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

AIR FORCE NOMINATION OF ROBERT W. RITTER, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

AIR FORCE NOMINATIONS BEGINNING RONALD V. DORST, AND ENDING GLEN M. BYERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

AIR FORCE NOMINATIONS BEGINNING MAJ. LYLE E. ALLEN, xxx-xx-xxxx AND ENDING MAJ. DAVID G. SCHALL, xxx-xx-xxxx WHICH NOMINATIONS WERE RE-

CEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

AIR FORCE NOMINATIONS BEGINNING BOBBY J. ABERNATHY, AND ENDING LARRY A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

AIR FORCE NOMINATIONS BEGINNING RICHARD J. ACOSTA, AND ENDING BRIAN P. ZUROVETZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

AIR FORCE NOMINATIONS BEGINNING JAMES G. GRIZZARD, AND ENDING ANTHONY O. PATINO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 11, 1987.

IN THE ARMY

ARMY NOMINATION OF SHIRLEY O. FORD, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 23, 1987.

ARMY NOMINATIONS BEGINNING PETER R. LEVINE, AND ENDING ROBERT D. WEIR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 23, 1987.

ARMY NOMINATION OF GARY D. BARNES, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 23, 1987.

ARMY NOMINATIONS BEGINNING JOHN J. BOMBARD, AND ENDING DAVID E. RETHERFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 23, 1987.

ARMY NOMINATION OF CHARLES J. LOCKWOOD, JR., WHICH WAS RECEIVED BY THE SENATE ON JULY 6, 1987, AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 7 1987.

ARMY NOMINATIONS BEGINNING WILLIAM D. ANDERSON, AND ENDING LLOYD A. WALWYN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JULY 13, 1987, AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 14, 1987.

ARMY NOMINATIONS BEGINNING COL. DENNIS R. HUNT, AND ENDING COL. JAMES H. RAMSDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

ARMY NOMINATIONS BEGINNING JOHN T. BARBER, AND ENDING RICHARD A. REID, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

ARMY NOMINATIONS BEGINNING ALFRED E. CHILDRES, AND ENDING ROBERT E. GOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

ARMY NOMINATIONS BEGINNING JAMES R. BAKER, AND ENDING CHARLES R. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

IN THE FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING RICHARD BENSON, AND ENDING ROBERT J. WICKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JULY 27, 1987, AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 28, 1987.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF PAUL E. BACKS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 15, 1987.

MARINE CORPS NOMINATIONS BEGINNING CURTIS R. ADAIR, AND ENDING RICHARD G. YAKUBOWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1987.

IN THE NAVY

NAVY NOMINATIONS BEGINNING GERMAN S. ARCIBAL, AND ENDING MARCIA L. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 26, 1987.

NAVY NOMINATION OF WILLIAM BROWN DEAL, WHICH WAS RECEIVED BY THE SENATE ON JULY 13, 1987, AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 14, 1987.

NAVY NOMINATION OF DONALD PATRICK GREENE, WHICH WAS RECEIVED BY THE SENATE ON JULY 13, 1987, AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 14, 1987.

NAVY NOMINATIONS BEGINNING RONALD LEE AASLAND, AND ENDING WILLIAM JOHN ZUCHERO, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JULY 13, 1987, AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 14, 1987.

NAVY NOMINATIONS BEGINNING BRIAN K. BRITTON, AND ENDING DAVID B. WEIDING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1987.

NAVY NOMINATIONS BEGINNING ROBERT HAROLD ABRAMS, AND ENDING ERNESTO FELIX PANADO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 31, 1987.

NAVY NOMINATIONS BEGINNING JAMES LLOYD ABBOT III, AND ENDING PAUL D. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF AUGUST 6, 1987.

NAVY NOMINATIONS BEGINNING GERALD R. CHANDLER, AND ENDING ROBERT H. MCARTHUR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.

NAVY NOMINATIONS BEGINNING EDWARD C. EBERSOLE, AND ENDING KENNETH L. SISCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 9, 1987.